

SEND Travel Policy – for children 5-years-old to 16-years-old

Guiding principles for SEND travel provision:

- We will promote travel independence to support the development of children and young peoples' life skills
- We will regularly assess transport throughout a child's school life to ensure the right travel provision is in place
- We will ensure that we deliver value for money for the council and its customers
- We will seek to deliver a sustainable and efficient transport system

Parental Responsibilities

The starting point for the policy of home to school transport is that parents/carers have the responsibility of making the necessary arrangements to get their children to school if they live within the statutory distances.

Parental working commitment will not be considered as part of the decision to award transport support, except in exceptional circumstances.

The Local Authority follows the principle that it is reasonable to expect a parent/carer to make arrangements for a pupil to attend school and that a Statement/EHCP does not give an automatic right to free home to school transport.

Under Section 444 of the Education Act 1996 parents have a legal duty and a responsibility to ensure that their children of compulsory school age, registered at a school attend regularly. However, in certain circumstances a Local Authority has a duty to provide transport to facilitate this attendance.

Accompaniment

In determining whether a child cannot reasonably be expected to walk for the purposes of 'special educational needs, a disability or mobility problems eligibility' or 'unsafe route eligibility', the local authority will need to consider whether the child could reasonably be expected to walk if accompanied and, if so, whether the child's parent can reasonably be expected to accompany the child. When considering whether a child's parent can reasonably be expected to accompany the child on the journey to school a range of factors may need to be taken into account, such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied.

The general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so.

Local authorities should, however, promote and ensure equality of opportunity for disabled parents. For example, if a parent's disability prevents them from accompanying their child along a walking route that would otherwise be considered unsafe without adult supervision, a reasonable adjustment might be to provide free home to school transport for the child in question.

Legal obligations on the Local Authority

There is a duty on the Local Authority to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. The duty is to make arrangements as the local authority considers necessary to facilitate attendance at school for eligible children.

The four categories of eligible children are found in [Home to school travel and transport guidance July 2014](#)

Statutory walking distance eligibility

- Provide transport for those children who live more than the statutory walking distance from their nearest suitable school
 - beyond 2 miles (if below the age of 8)
 - beyond 3 miles (if aged between 8 and 16)

Special educational needs, a disability or mobility problems eligibility:

- Make transport arrangements for children who cannot reasonably be expected to walk because of their mobility problems or associated health and safety issues related to their SEN or disability and parents are unable to get them to school. Eligibility, for such children will be assessed.

Unsafe route eligibility:

- Make transport arrangements for all children who cannot reasonably be expected to walk to their nearest suitable school because the nature of the route is deemed unsafe to walk.

Extended rights eligibility

- Provide transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working tax Credit if
 - The nearest suitable school is beyond 2 miles (aged 8-11)
 - The school is between 2 and 6 miles (aged 11-16 and there are not three or more suitable nearer schools)

Our Transport Officers will offer parents/carers a variety of ways in which their child/children can travel to and from school by promoting the following approaches:

- Provide a seat on existing school transport
- Personal travel budget (PTB)
- Travel passes for public transport
- Walking and cycling
- Provide travel training to enable young person to travel independently
- Offer of a spare seat on a council contract transport
- Signposting young people and their families to additional travel support that they may be able to access, either from other government schemes/benefits or from other local provision.

Escorts

Escorts will only be provided on SEND Local Authority transport with multiple passengers for the safety of both driver and travellers. Only in exceptional circumstances due to parents/carers disability, mobility or circumstance, will the council provide a 'Personal Escort'.

Lone Travellers

Lone travellers can in some instances be a high cost to the Local Authority. The Local Authority will seek in the first instance to offer parent/carers financial travel provision in the form of a Personal Travel Budget to enable them to make their own arrangements for transport. In line with statutory requirements contract vehicles will be offered when the Local Authority has explored all other options with parents.

Exceptional Circumstances

- The Local Authority will consider all cases individually. Exceptional circumstances will be deemed for the most vulnerable, when there is an overwhelming need and statutory criteria for transport has not been met. Exceptional circumstances will apply as a temporary solution and will be reviewed regularly to ensure that the Local Authority's resources are appropriately used. This principle will be applied when a child's education would otherwise be severely disrupted.

Suitability of arrangements

As a general guide, transport arrangements should not require a child to make several changes on public transport resulting in an unreasonably long journey time. Best practice suggests that the maximum each way length of journey for a child of primary school age to be 45 minutes and for secondary school age 75 minutes, but these should be regarded as the maximum. For children with SEN and/or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible.

Consideration should also be given to the walking distance required in order to access public transport. The maximum distances will depend on a range of circumstances, including the age of the child, their individual needs and the nature of the routes they are expected to walk to the pick up or set down points and should try to be combined with the transport time when considering the overall duration of a journey. With regard to pick up points, local authorities may at their discretion use appropriate pick up points when making travel arrangements. For arrangements to be suitable, they must also be safe and reasonably stress free, to enable the child to arrive at school ready for a day of study.

On writing these policies Bath & North East Somerset have taken into account the following:-

The law which applies

Education Act (EA) 1996

Section 508B, 508C, 508E

Schedule 35B of the EA 1996 defines “eligible children”

Section 444(5) – walking distances

Appeals against transport decisions

All applications for travel support are considered in line with the policy criteria. Where applications do not fulfil the policy conditions set out above, consideration will be given to the individual’s circumstances. However, students, parents/carers have a right to appeal.

Please see below for details of the appeal process.

Bath and North East Somerset Appeal Process

All appeals will be considered on an individual basis in line with this criterion. To submit an appeal the applicant should put in writing the reason for the appeal together with any supporting evidence e.g. medical report to:

Bath and North East Somerset Council

People and Communities

SSEN Service (Post 16 Transport)

Lewis House

Manvers Street

Bath BA1 1JQ

Email: SENDSchool_TravelTeam@BATHNES.GOV.UK

The appeals process has two stages:

Stage 1 – Appeal to the SEND Manager

Parents or carers have 20 working days from the receipt of our decision to make a written request for a review of the decision. This first stage involves the SEND Team Manager responsible for SEN school transport examining your evidence to see if our policy has been applied properly and fairly. If he/she finds that it has not been and that you are entitled, then transport will be provided. If he finds that our policy has been applied properly and fairly then your Stage 1 appeal will be rejected, and he will respond within 20 working days explaining why this decision has been made.

Stage 2 – Appeal to a senior officer panel

If you are unsuccessful at Stage 1 and you feel that your child is entitled due to your circumstances, then you can escalate your appeal to Stage 2. Parents or carers have 20 working days from receipt of our Stage 1 response to submit a request for a Stage 2 appeal. This request will be referred to a senior officer panel (consisting of a senior officer from both the Transport service and the Education service) who will set up an appeal hearing within 40 working days.

We aim to ensure that the appeal process is conducted in a transparent and fair manner and that parents and carers feel they have been able to put their case and have been listened to.

Approximately 10 working days before the hearing, the parent or carer will be sent an invitation to attend the hearing. They will be asked to send information and evidence in support of their appeal.

All papers will be treated as confidential, and hearings will be held in private. If the parent or carer is unable to attend, the case will be heard in their absence.

After the hearing the Panel will make their decision. They will consider the information and evidence submitted, both beforehand and at the hearing. They will consider whether providing transport for the child in question would be an effective and efficient use of Council resources or whether this consideration is outweighed by the appeal made by the parent or carer.

The Panel make their decision on the evidence and circumstances presented and concerning the individual child in question.

The Panel's decision is final and binding on both parties for the academic year in which the appeal is brought. The Panel's decision and their reasons will be contained in a letter sent to both parties within five working days of the hearing. Further appeals may only be made in subsequent years if there is a substantial change in circumstances to consider.

At both stages of the process there is a right of complaint to the Local Government Ombudsman but only if the complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal was handled. If the complainant considers the decision was flawed on public law grounds, the complainant may apply for judicial review.

Sources of impartial, information advice and support

SEND Partnership Service

Telephone: 01225 394382 (Monday to Thursday 10am to 3pm during term time)

Email: send_partnershipservice@bathnes.gov.uk

Child Law Advice

Information advice and support can be found at:

<http://childlawadvice.org.uk/information-pages/transport/> telephone: 0300 330 5485