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London Borough of Barking and Dagenham

**Special Educational Needs and Disabilities
Home to School Travel Assistance Policy**

December 2015

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1. Introduction

- 1.1 The London Borough of Barking and Dagenham Special Educational Needs and Disabilities (SEND) Home-to-School Transport Assistance Policy outlines the approach that will be taken to determine eligibility and provision of home-to-school transport assistance from the 2015/2016 academic year onwards.
- 1.2 The policy takes account of the document *“Home to school travel and transport guidance: Statutory guidance for local authorities”* published in July 2014 by the Department for Education (DfE).
- 1.3 The policy will be reviewed annually in consultation with stakeholders, and each review will account for any legislative or government policy changes.

2. Legal Framework and Statutory Duty

- 2.1 It is the responsibility of parents and carers to ensure that their children attend school and this includes the necessary travel arrangements to and from school.
- 2.2 The Local Authority has a duty and has powers to make particular travel arrangements for children with special educational needs and disabilities to facilitate their attendance at an appropriate education provision. These responsibilities are set out in the Education Act 1996, as amended by the Education and Inspections Act 2006 and are summarised in Department for Education Guidance as follows:

“To make arrangements for all children who cannot reasonably be expected to travel to school because of their mobility problems or because of associated Health and Safety issues related to their special educational needs or disability (SEND). Eligibility, for such children should be assessed on an individual basis to identify their particular transport requirements.”

- 2.3 It is important to note that the 2006 Act refers to travel rather than transport. Therefore travel assistance can consist of a range of options depending on the needs of the pupil.

3. Policy Statement

“For pupils with SEN/mobility difficulties, including temporary medical conditions) entitlement to transport will be considered on an individual basis and regularly reviewed following an assessment of the child’s ability to walk to school, having regard to their special educational needs, disability and/or mobility problems where relevant, and taking into account any exceptional circumstances. Cases are considered on an individual basis and relevant

supporting independent professional evidence is required before transport is agreed and regularly reviewed following an assessment of the child's ability to walk to school."

4. Pupils with Education, Health and Care (EHC) Plans

- 4.1 The majority of pupils and students with EHC Plans as a result of their SEND do not need and do not receive travel assistance. However, there may be some pupils and students with severe learning difficulties, physical and medical needs who may need travel assistance to assist parents in getting them to school.
- 4.2 The majority of children with EHC Plans will attend local mainstream schools and there is no need for travel assistance other than when a child has a significant medical or physical need that prevents them from walking to school or going to school on public transport.
- 4.3 Some pupils with SEND attend special schools. Attendance at a special school does not automatically make a child entitled to travel assistance. It will depend on the needs of the child, the home to school distance to the special school and the complexity of the home to school journey.

4.4 Pupils with EHC Plans at Primary School

- 3.4.1 The Local Authority will consider providing travel assistance from home to school for primary aged pupils provided:
- The nature and/or severity of the pupil's special educational needs prevent the parent/carer from taking their child to school without assistance (see eligibility criteria).

3.5 Pupils with EHC Plans at Secondary School

- 3.5.1 The Local Authority will consider providing support for travel from home to school for secondary aged pupils provided:
- The nature and/or severity of the pupil's special educational needs prevent the parent/carer from taking their child to school without assistance (see eligibility criteria); or
 - The pupil cannot travel independently to school.

3.6 Pupils with EHC Plans below statutory school age

- 3.6.1 For children below statutory school age with EHC Plans the parent/carer is required to arrange their own travel arrangements unless the child fulfils the criteria for travel assistance. In some cases the Council may consider providing an element of assistance with travel on a discretionary basis. In

order to be considered for this the following circumstance would need to apply:

- The Local Authority has placed a child with a statement or EHC Plan (or a child undergoing a statutory assessment) at a nursery school or setting, which is not the local nursery school or setting for that child.

3.7 Pupils with EHC Plans post-16

3.7.1 SEN travel assistance is discretionary at Post 16 and subject to assessment and, in exceptional circumstances; this policy may apply to learners up to the age of 25. The local authority will provide assistance with travel to post 16 education or training courses (including apprenticeships and traineeships), when it considers it necessary to facilitate a learner's participation in education.

3.8 Pupils with EHC Plans attending residential schools

3.8.1 Where a pupil is placed at a residential school by their parents/carers, the parents/carers are required to make their own travel arrangements. For school places provided by the Local Authority and named in SEN Statements or an EHC Plan, travel assistance will be provided as follows:

- Travel assistance will be provided at the start and end of each term (3 term year) and half term, other periods of closure and the beginning and end of one other weekend per half term;
- Only under exceptional circumstances will requests for additional journeys during term-time be considered. It is expected that parents/carers will be responsible for the cost of any additional journeys to and from school;
- Where children attend on weekly boarding basis, transport will be provided at the start and end of each week and for other periods of school closure only.

3.9 Pupils with disabilities and medical needs without an EHC Plan

3.9.1 Some pupils with disabilities and medical needs do not need EHC plans. However, special travel arrangements may be required. If this is the case special travel arrangements will be considered in relation to the eligibility criteria and the individual needs even though the pupil does not have a statement.

5. Eligibility

5.1 When deciding eligibility, the Local Authority will consider:

- **Age:** Is the child/young person of statutory school age?

- **Statement of SEN/EHC Plan:** home-to-school travel assistance for children and young people with special educational needs and disabilities will largely only be considered for those with an EHC Plan or Statement of SEN in place. The small number of exceptions to this are detailed throughout this document; and
- **Qualifying School:** As a general rule, if parents/carers choose to send their child to a school other than the nearest appropriate school (as determined by the local authority), then parents/carers must take full responsibility for the cost and arrangements of their child's travel to and from school.

5.2 Upon consideration of these key principles, the needs of the child/young person will be considered and the following criteria applied:

Physical/medical/severe learning difficulties

- Does the pupil have a medical condition or disability which would result in the walk to school causing the pupil undue fatigue, distress, discomfort or pain?
- Can the pupil access public transport without undue fatigue, distress, discomfort or pain? (This would include walking to the bus stop/ station and mounting/dismounting the vehicle).
- What is the age of the pupil and the distance from home to school?
- Is there any reason why the parent/carer cannot take the pupil to school?

Social, Emotional and Mental Health Needs

- Is the need of such severity that a specialist school placement is required?
- What is the age of the pupil and the distance from home to school?
- Can the pupil reasonably be expected to walk to school or travel by public transport without causing difficulties to him/her self and or to other people?
- Can the pupil travel safely without supervision, whether to school or for other purposes?
- Is there any reason why the parent/carer cannot take the pupil to school?

Sensory impairment/social and communication/general and specific learning difficulties

- What is the age of the pupil and distance from home to the school?
- Can this pupil walk to school and/or travel on public transport without supervision?
- Can this pupil walk to school and/or travel on public transport without an escort?
- Is there any reason why a parent/carer cannot take the pupil to school?

5.3 Escorts and Passenger Assistants

5.3.1 An assessment of the need for an escort or passenger assistant will be undertaken in conjunction with the assessment of travel needs. This will be based on the pupil's requirement for supervision/support and the travel arrangements.

5.3.2 It is often considered appropriate for primary age pupils to have an escort or passenger assistant in any SEN transport. If the child is travelling in the transport alone, it could be the parent or an escort that is provided. If a parent/carer is not acting as escort then they cannot travel in the vehicle.

6. Allocation of Travel Assistance

6.1 The initial application for travel assistance will be evaluated by the LBBDD Travel Commissioner. This decision will be communicated to the applicant within 4 weeks of the application being received.

6.2 Should eligibility for travel assistance be agreed, consideration will then be given as to what assistance will be offered from the range of options available. The option will be determined by the needs of the child, the distance from home to school, public transport route, whether there is already transport going to the school and the most cost effective mode of travel assistance. The most suitable form of travel assistance will be determined by the Council.

6.3 Should eligibility for travel assistance not be agreed, and the parent/carer wishes to challenge this decision there is an appeal process that should be used. This is outlined in the 'Appeals Process' section of this document.

7. Travel Assistance Options

6.1 With the aim of promoting the independence and well being of all pupils a range of travel options are explored. All pupils should be encouraged to follow a healthy lifestyle including walking a reasonable distance to school, where

possible. The following travel options will be considered in light of efficient use of resources:

- Travel pass/Oyster Card for the pupil and/or parent/carer;
- Funding payable to the parent/carer for additional costs*. This can take the form of Direct Payment toward travel assistance, or a payment toward the mileage for a parent/carer using their own vehicle;
- Walking escort/escorted travel by public transport;
- Independent Travel Training;
- Local Authority School Bus/Coach;
- In a small number of cases the use of a taxi may be considered.

**Attendance records may be required for payments being made directly to parents.*

6.2 Collection points are organised throughout the borough enabling pupils to benefit from travel assistance, whilst facilitating route planning and promoting independence skills. The local authority supports and promotes independent travel training to enable pupils to further develop their independence skills and to promote independent travel at other times. Travel training assessments can be organised by the Local Authority using one of the commissioned providers. If it is felt that this could be a suitable option it can be discussed with you by the Transport Commissioner or your EHC Co-ordinator.

6.3 *Travel assistance will not usually be provided for:*

- Hospital, medical, or dental appointments;
- Children taken ill during the school day;
- Schools where parent/carers are making their own arrangements;
- Travel to and from after-school clubs and other extra-curricular activities;
- Schools which are not the nearest school able to meet the needs of the pupil.

** unless there are exceptional reasons for doing so*

6.3.1 Transport to and from work experience is not usually authorised unless there are exceptional circumstances. Wherever possible students are expected to

travel independently to work experience, alternatively, travel assistance should be put in place by the school.

6.3.2 There are a number of circumstances in which parent/carers may be unable to accompany their children:

- The parent/carer may have a physical disability or medical condition and therefore cannot take their child with an SEND to school. In exceptional cases, where there are no other arrangements that the parent/ carer can make, the LA may provide travel assistance from Home to School.
- Parents may find difficulty in taking children with SEND to school when they have siblings to take to other schools. This difficulty is acknowledged but travel assistance cannot be provided unless the child with SEN is already eligible for travel assistance. Parents should discuss with the school whether the siblings could be taken to school earlier or check if there is a pick-up point nearer to the sibling's school. Parents are expected to explore all options before applying for travel assistance.
- Parent/carer may have to work. Although work commitments may be taken into consideration when assessing whether a parent/carer is available to accompany a child, it is normally considered a parent/carer's responsibility to balance the demands of work and child-care and make suitable arrangements.

6.3.3 In addition parent/carer preference for travel assistance (e.g. timings of collection) cannot be considered and the timings will be based on the most efficient route available. The efficient use of resources (including routings) will always take priority.

8. Review of Travel Needs (and assistance)

8.1 Entitlement to travel support is based on an assessment of each pupil's individual needs. In all cases of Local Authority travel assistance, reviews will take place to ensure that the support is still appropriate to these needs. Parents and carers will need to apply for transport assistance prior to the start of each academic year, and eligibility will be assessed accordingly each time. In addition, ongoing travel assistance will be a component of each Annual Review.

9. Parent/carer responsibilities when travel assistance is given

9.1 It is the responsibility of parents and carers to ensure that their children attend school and this includes the necessary travel arrangements to and from school. The Local Authority has a duty (and also powers) to make particular arrangements for children with special educational needs and disabilities to facilitate their attendance at school.

- 9.2 It is the responsibility of the parent/carer to ensure that their child is on time for collection and to receive their child after school at the designated pick up point.
- 9.3 Where a parent/carer is persistently late either for pick up or drop off, they will be contacted by an appropriate person for the Local Authority in an attempt to alleviate the situation. If the parent/carer continues to be late they will be referred to the Group Manager, Disabled Children to decide on appropriate action. Withdrawal of special travel assistance will be considered as a last resort. If travel assistance is withdrawn:
- Parent/carers still have a legal responsibility to ensure their child attends school;
 - It will be the responsibility of the parent/carer to arrange alternative travel arrangements for their child to and from school.
- 8.4 Parents / carers play an important role in ensuring the smooth running of their child's travel assistance by:
- Providing home and work telephone numbers and an emergency contact number and address (through the EIF);
 - Notifying the Transport Commissioning Team of any changes to normal arrangements; it is not sufficient to inform the escort and driver. Changes to address must be notified to the EHC Team and the Transport Team;
 - Recognising that travel assistance is provided for the benefit of the child; pickup and drop-off times cannot always be arranged to suit parents' convenience;
 - Making sure that their child is ready at least ten minutes before the pick-up time; transport can wait no more than three minutes after arrival;
 - Bringing the child to the vehicle and assisting with placing the child on the vehicle;
 - Always being at the set-down point to meet their child at the end of the school day, contractors must ensure the child is handed over to a responsible adult;
 - Telephoning the Transport Commissioning Team as soon as possible, if their child is sick or unable to attend school for any reason;
 - Advising the escort if there may be a particular difficulty with their child on a specific day;

- Ensuring their children behave in an acceptable manner on the vehicle so as not to detract from the comfort and safety of other passengers or distract the driver;
 - Treating all staff with courtesy.
- 8.5 If a parent or carer is not at home to meet their child, the child will not be left alone. Transport will wait five minutes after the scheduled set-down time and then continue the journey, the child will be taken to a Place of Safety and a note left for the parent. Parents may be responsible for the cost of any extra travel involved and supervision provided. If such incidents occur frequently the LA will suspend provision of transport and parents will be responsible for travel arrangements to ensure that their child attends school.
- 8.6 Parents and schools are expected to take whatever steps are necessary to ensure appropriate behaviour on home to school travel and to take necessary action when incidents of unacceptable behaviour are reported. Incidents of serious or persistent indiscipline will lead to the LA suspending transport. Parents will then be responsible for travel arrangements to ensure that their child attends school.
- 8.7 However, it is appreciated that some children with special educational needs will display behaviour which is related to their special educational need, such as Autism, in this situation we will work with the school and the parent to improve behaviour so that the child can travel to and from school safely.

10. Appeals

Appeals can be made to the following: transport.appeals@lbbd.gov.uk

Stage one: Review by a senior officer

- A parent/carers has 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision.
- The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- Within 20 working days of receipt of the parent's written request a senior officer will review the original decision and send a detailed written notification of the outcome of their review, setting out:
 - i) the nature of the decision reached;
 - ii) how the review was conducted.

- iii) information about other departments and/or agencies that were consulted as part of the process;
- iv) what factors were considered;
- v) the rationale for the decision reached; and
- vi) information about how the parent can escalate their case to stage two (if appropriate).

Stage two: Review by an independent appeal panel

- A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two.
- Within 40 working days of receipt of the parents request an independent appeal panel will consider written and verbal representations from both the parent and officers involved in the case and give a detailed written notification of the outcome (within 5 working days), setting out:
 - i) the nature of the decision reached;
 - ii) how the review was conducted (including the standard followed e.g. Road Safety GB);
 - iii) information about other departments and/or agencies that were consulted as part of the process;
 - iv) what factors were considered;
 - v) the rationale for the decision reached; and
 - vi) information about the parent's right to put the matter to the Local Government Ombudsman (see below).

The independent appeal panel members are independent of the original decision making process) and suitably experienced, to ensure a balance is achieved between meeting the needs of the parents and the local authority.

Local Government Ombudsman

There is a right of complaint to the Local Government Ombudsman, but only if 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 has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

11. Complaints

- 10.1 Should you wish to make a complaint about a service you have received please talk to the person who is providing the service or their manager in the first instance as most complaints can be sorted out 'on the spot'. However should you feel this is not possible or you do not receive a satisfactory response from the service area please contact our Complaints Team on 020

8227 2405 / 2111 or SocialCareComplaintsandInformation@lbbd.gov.uk and they will initiate a formal complaint investigation for you. You may also write to the Complaints Team at Room 115, Barking Town Hall, 1 Town Square, Barking, Essex. IG11 7LU.

12. Further Information

- 11.1 Further information can be found within the '*LBBD Transport Guide for Parents*' that can be made available upon request or accessed via the internet at the following address ([insert link here](#)). If you think you may be eligible for assistance as outlined in this document, please refer to the Council website at the following address transport.requests@lbbd.gov.uk or contact the LBBD SEND Travel Assistance Team at the following e-mail address: transport.requests@lbbd.gov.uk . Alternatively, you can discuss with your EHC Co-ordinator or Social Worker.

Key Term Glossary

Home

A child's 'home' is the place where he/she is habitually and normally resident.

Nearest Suitable School

Taken to mean the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEN that the child may have.

Parent

Reference to parent in this document should be equated to mean parent/carer/legal guardian.

Qualifying School

The relevant educational establishment in relation to an eligible child will be either a qualifying school or the place, other than a school, where they are receiving education by virtue of arrangements made under section 19(1) of the Act.

Regulations clarify the entitlement for eligible children, a small number of whom may be registered at more than one educational establishment, e.g. children of no fixed abode might be registered at more than one school, and other children may be registered at a hospital school and another school, etc.

Qualifying Schools are:

- Community, foundation or voluntary schools;
- Community or foundation special schools;
- Non-maintained special schools;
- Pupil referral units;
- Maintained nursery schools; or
- City technology colleges (CTC), city colleges for the technology of the arts (CCTA) or academies, including free schools and University Technical Colleges (UTC).

For children with SEN, an independent school can also be a qualifying school where this is named on the child's Education, Health and Care Plan (EHC Plan) or statement, or it is the nearest of two or more schools named.

Definitions

- Section 444(5) of the Act defines the statutory walking distances.
- Schedule 35B of the Act defines:
 - 'eligible children' (paragraphs 2-7 and 9-13);
 - 'qualifying school' (paragraph 15);
 - 'disabled child' (paragraph 15(4));
- Section 579 of the Act defines 'child'.
- Section 509AC of the Act defines 'compulsory school age'.
- The Children's and Families Act section 10 defines 'SEN'