

Home to school travel assistance

Eligibility assessment and appeals process

1. Introduction

The home to school travel assistance policy sets out how Cheshire West and Chester Council 'the Council' must provide travel assistance for eligible children in order to comply with its statutory duties. This appendix sets out the process and framework against which all travel assistance applications will be assessed for eligibility.

This procedure refers only to **eligibility** for travel assistance. It does not relate to the suitability of travel assistance offered by the Council for which there is a separate appeals procedure.

1.1 Parent/carer responsibilities

It is the responsibility of the parent/carer to ensure that their child/children get to and from school at the appropriate time each day. Travel arrangements are an important consideration when parent/carers are making preferences for school placements. Parents/carers should think about how practical it is to choose a school which is not within walking distance, unless it is designated as the nearest qualifying school. It is the responsibility of the parent/ carer to ensure home to school travel arrangements are in place.

Parents/carers are expected to accompany their children to and from school or make other suitable arrangements. A child will not normally be eligible solely because their parent or carer's work commitments or caring responsibilities mean they are unable to accompany the child themselves.

2. Categories of eligibility

There are three categories in which eligibility for travel assistance will be assessed:

- travel assistance for children and young people attending mainstream provision
- travel assistance for children and young people with an Education Health Care Plan (EHCP) or with a disability
- travel assistance for children and young people with a medical condition.

3. Applying for travel assistance

3.1 Mainstream travel assistance applications statutory school age (5-16)

Children starting secondary school in September will have their eligibility for travel assistance assessed automatically after a school place has been offered.

For children in any other year group, parents/carers will, need to submit an application form.

Mainstream travel assistance eligibility will be assessed by the Transport Commissioning Service. An application form can be submitted online via the [Council's webpages](#) or you can call 0300 123 7039 to request a hard copy.

The Transport Commissioning Service will assess eligibility for mainstream travel assistance on either distance, Extended Rights (low-income) or as a hazardous route. The team has 10 working days in which to assess the application. There may be a delay in receiving a response during peak workloads (June to September).

Please see the Home to School Travel Assistance policy or relevant appendices for further information on the eligibility criteria.

3.2 Travel assistance applications for children and young people with an EHCP or a disability

In most cases, for children/young people with an EHCP, travel assistance considerations will form part of the initial assessment, annual review or transition planning process. The SEN Caseworker should undertake an eligibility assessment for travel assistance when naming a school in Section I for statutory school aged children (5-16) and inform the parents/carers of the outcome.

For children/young people with a disability but no EHCP and where the disability prevents them from accessing a standard school or public transport, parents/carers should complete the online travel assistance application form or call 0300 123 7039 to request a hard copy and provide details of the accessibility issues. Applications for eligibility will be assessed by the SEN Team. Parents/carers will need to submit additional information regarding a child's disability as this information is not already held by the Council.

Young people with an EHCP or a disability aged 16-19 or 'relevant young learners' with an EHCP aged 19 to 25 can apply for travel assistance to their educational establishment by completing an application form and sending it to the SEN team who will assess

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eligibility. The form is available on the school and college travel assistance webpage. Travel assistance will only be provided where the young person is attending the nearest establishment offered the appropriate course, there are no other suitable transport options or the needs of the person would prevent them from accessing the existing transport options.

3.3 Medical needs travel assistance applications

If a child has a temporary medical condition that prevents them from walking the statutory distance to school, parents/carers can apply for travel assistance via a form available to download or call 0300 123 7039 to request a hard copy. The form is available on the school and college travel assistance webpage.

Eligibility will be assessed by the Council's medical needs team and will be based on the following criteria:

- the child/young person is attending their nearest suitable school and
- a report is provided by a medical professional with details of the child/young person's medical condition and its effect on their ability to walk the statutory distance between home and school when accompanied by an adult.

Where a child or young person is not attending their nearest qualifying school, travel assistance may still be provided. However, a charge may be applied – this will be £880 per year or £440 if applicants can demonstrate hardship/low income (or a proportionate amount for a short-term arrangement.) The Council accepts no responsibility for the costs incurred to gather the medical evidence required for the application.

4 Stage one - request to review decision

Parents/carers can appeal against the following:

- the policy has not been properly applied (distance, safety of route, SEND)
- the policy has been properly applied, but there are exceptional circumstances (being unable to take your child to school due to work commitments is not an exceptional circumstance)
- financial hardship if you do not believe your financial circumstances have been considered. However, this can only be considered along with one of the bullet points mentioned above.

Parent/carers have 20 working days from the date of the outcome letter to ask for a review of that decision. Parents/carers should complete an eligibility appeal form, setting

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out why they believe the decision should be reviewed and outline any personal/family circumstances which they feel should be considered. Parents/carers are also provided with the opportunity to upload additional information to the appeal for the officer to review.

The original decision will be reviewed by a reviewing officer within 20 working days (wherever practicable) of receipt of the written request. Details of the outcome of this review will be sent to the parent/carer requesting the review. This is usually via email. Please check the junk or spam folder.

If appropriate, information regarding escalating the case to stage two will be included in this correspondence.

Pending the review, it remains the parents/carers responsibility to ensure that their child attends school.

If the child is found to be eligible following a review of the appeal, travel assistance will not be awarded retrospectively. That is, reimbursements for the cost of transporting the child to and from school will not be provided, unless the reviewing officer has taken over 20 working days to respond to the appeal and this is outside of the peak months – June to September.

5 Stage two – appeal against the reviewing officer’s decision

If parents/carers wish to challenge the stage one reviewing officer’s decision, they have 20 working days from the date of the outcome letter to submit (in writing – such as by email) their intention to progress their case to stage two of the appeals process. Parents/carers will be required to provide additional information and supporting evidence as to why they remain dissatisfied with the decision. If they do not respond within this timescale, it may affect their appeal.

Stage 2 appeals are heard by an appeals committee and parents/carers will be invited to present their case to the committee. An officer from the Council will also be present to present the Council’s viewpoint. A legal representative will be present to advise upon legal matters as well as a member of the Democratic Services to ensure that process is followed.

The appeal date will be within 40 working days of receipt of the request and supporting information. Prior to the case being heard, a full copy of all correspondence will be forwarded to the appellant for information. Where appeals on the grounds of the nature of the walking route are submitted, the panel will be required to walk to proposed route as will a Road Safety Officer. This will therefore exceed the timescales for the appeal.

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It is the **responsibility of the parent/carer** who is making the appeal (the appellant) to ensure that all evidence is made available to support the case, in order for the appeals panel to make an informed decision. Supporting evidence for appeals on the ground of hardship should include a completed statement of incomings and outgoings. Appeals on medical grounds will require supporting medical information from the child/young person's GP, consultant or hospital. Failure to submit the evidence may mean a deferral to the appeal hearing until such evidence is supplied.

The Council's Democratic Services team will write to the appellant when a date and time has been set for the appeal and invite them to attend the hearing – this allows the appellant to make their case to the committee.

Members of the appeals committee meet approximately on a monthly basis (dependent on demand) and consider each case on its individual merits. When all of the evidence has been heard, the committee will decide whether travel assistance should be approved or declined and a letter outlining the panel's decision will then be sent to the appellant. If travel assistance is granted, the type of assistance offered is at the Council's discretion and usually takes the form of a bus pass or the most economical method possible. Parents/carers should expect the letter within 5 working days from the date of the committee.

Pending the review, it remains the parent/carers responsibility to ensure that their child attends school. As stated previously, reimbursements for any travel costs will not be met by the Council in the event that an appeal is upheld at stage 2. The child becomes eligible from the date the decision was made.

There is a separate process for considering suitability of travel assistance offered. Please refer to appendix two of the Home to School Travel Assistance Policy for further details.

Decisions will be time limited and reviewed accordingly

Please be aware that between August and October, there is generally a backlog of appeals waiting to be heard. In the event that the assessment is unfavourable, parent/carers are encouraged to appeal as early as possible. Appeals will be heard from the September of that year and in the order that they are received.