

Home to school travel assistance

Suitability assessment and appeals process

1 Types of travel assistance

It is for the Council to decide what factors are to be considered when discharging its duty in providing travel assistance. The Council is required to provide travel options, not particular types of transport. All arrangements for travel assistance, which may be made under the Home to School Travel Assistance Policy, will be at the Council's discretion, taking account of the child/young person's needs and best value principles.

These arrangements will take the form of:

- Personal Travel Budget (PTB) to help meet the cost of using own car and contribution towards additional equipment, for example. This is only available to parents/carers of children with special educational needs and/or disabilities (SEND)
- Independent Travel Training (ITT) for students with an EHCP and eligible for travel assistance. All students will be assessed for suitability for travel training
- Cash Grant, available to parents/carers of children attending a mainstream school where there are no suitable services
- bicycle allowance made at the parents/carer's request and not to be used in conjunction with other travel options
- travel pass for use on public transport (bus / rail)
- travel pass for use on school and college operated bus services
- council contracted taxi / minibus / bus services

2 Passenger assistants/travel attendants

Passenger assistants are not normally provided on vehicles. Passenger assistants will be provided on Council arranged vehicles in the following circumstances:

- the young person's medical needs, particularly where rescue medication is required
- where an individual young person's needs create a clear danger or health and safety risk to themselves and other passengers on the vehicle
- where a passenger assistant is required to help manage the journey and support all passengers on the vehicle

3 Parent/carer responsibilities

It is the parent/carer's responsibility to ensure that the child/young person is:

- ready to be picked up on arrival of the vehicle
- accompanied by a designated parent/carer to and from the vehicle or agreed pick-up point

In the event that a child/young person is not ready or at the designated pick-up point, the parent/carer is required to ensure the child/young person's attendance at school. The Council will not send an additional vehicle to collect the child.

The Council is only required to provide travel assistance from a child's home address or pick-up location to school and back. There is no duty to accommodate additional addresses. However, changes to travel arrangements, for example, alternative pick-up and drop-off points, can be made, subject to certain conditions, including:

- no resultant additional costs AND
- vehicle availability AND
- not causing inconvenience to other passengers.

Such arrangements must be made for specific days or specific periods of time, not on an 'ad hoc' basis and with 10 working days' notice. If an agreement has been made to accommodate a different pick-up or drop-off location, this will not be for the duration the child is eligible for travel assistance. Once there is a change to one of the conditions mentioned above, the offer will be withdrawn.

No travel provision will be made other than at the beginning and end of the normal school day, regardless of circumstances. That is, in cases of exclusion, illness, etc., if a child/young person has to go home during the course of the school day or during examination periods. In these instances, the parent/carer is responsible for providing any travel assistance. For more details, see the Home to School Travel Assistance policy.

4 Suitability appeal process

The Council has a duty to provide travel assistance that meets the needs of the children and young people using home to school transport. In addition, it also has a responsibility to ensure

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that they provide the travel in the most economical mode. When considering the travel arrangements for children, the Council will take the following into consideration:

- The offer of transport is sustainable, which includes ways of looking to reduce congestion on school runs as well as looking to promote more active travel; (Education Act 1996)
- Travel times do not exceed 45 minutes for a primary aged child or 75 minutes for a secondary aged child. However, it is acknowledged that although desirable that this is not always possible;
- Walking distances to and from bus stops or pick-up points;
- And that the child's journey is as stress free as possible so they can arrive to school ready to learn. (Department for Education's Travel to School Statutory Transport Guidance 2024)

Parents/carers can ask for the offer of travel assistance to be reviewed under the following circumstances:

- the length of the journey – the Department for Education recommends the maximum journey time for a primary aged child is 45 minutes and for a secondary child it is 75 minutes*
- the method of travel assistance offered or used
- the provider

*although these are recommended journey times, there may be cases where these will be exceeded.

Council officers will jointly consider providing the most economical mode of travel assistance as well as the child's needs, where there is evidence of SEND, mobility difficulties or medical conditions.

Where a parent remains dissatisfied with the offer of travel assistance, they are able to submit a suitability appeal requesting an officer to reconsider the offer. The suitability appeal process is two-fold:

- 1) a dissatisfied parent/carer may firstly apply for an internal, administrative review of the decision (stage one) by submitting a suitability appeal form
- 2) if still not satisfied following that process, the parent/carer may request an oral appeal hearing before the Suitability of Transport Appeals Panel (STAP)(stage two).

STAP is responsible for hearing and determining appeals against decisions made by the reviewing officer, in accordance with the Council's home to school travel assistance policy.

This procedure refers only to the **suitability** of the travel assistance offered. It specifically does not relate to eligibility for travel assistance for which there is a separate appeals procedure (see appendix 1).

4.1 Stage one (informal review)

Where an offer of travel assistance is made by the Council pursuant to section 508B of the Education Act 1996 and the parent/carer considers the type of assistance offered to be unsuitable, the parent/carer should submit a suitability appeals form requesting for the decision to be reviewed.

The suitability appeals form must be submitted within 21 days from the date of the original decision. The appeal should state why the parent/carer considers the travel assistance offered to be unsuitable. Pending the review, the child will either be transported by the type of travel offered by the Council or by an alternative method arranged by the parent/carer. The Council will not be responsible for any costs incurred during the review.

The reviewing officer (who will be no less senior than the original decision maker) will reconsider, on paper, the suitability of the offer of travel assistance. The reviewing officer will take into account:

- the relevant factors considered by the original decision maker
- the factors set out by the parent/carer (the appellant) in the suitability appeals form
- and any other supporting evidence which the appellant considers relevant.

The reviewing officer will either confirm the original offer of travel assistance or will make an amended offer. The reviewing officer will normally complete the review within 21 working days (where practicable) of receipt of the appeal form and communicate the decision in writing to the parent/carer.

Following the completion of the informal stage one review, should the parent/carer remain dissatisfied with the suitability of the type of travel assistance offered, the parent/carer should make a written request for their appeal to be heard by the STAP. This request should normally be made in writing to the reviewing officer within 20 working days of the reviewing officer's decision. The timetable and process set out in sections five and six below will then be followed. Pending the appeal, the child will either be transported by the type of travel assistance offered by the Council or by an alternative method arranged by the parent/carer. The Council will not be responsible for any costs incurred during the review.

Note that late appeal applications will be considered only in exceptional circumstances. The STAP will decide if exceptional circumstances apply to any late application.

Constitution of the panel

The panel will consist of three officers who will have had no prior involvement in the case and who will consider the application afresh. The panel members of the STAP will consider the information which was presented to the reviewing officer but will also consider any new evidence which has been submitted in accordance with this procedure. Any documents which are submitted late, within 7 days of the appeal date, will only be considered in exceptional circumstances, at the discretion of the chair.

The outcome of the hearing will be either to:

- a) uphold the appeal or
- b) dismiss the appeal.

If the appeal is upheld, the panel members will determine the type of travel assistance offered and reasons for the STAP's decision will be given in writing.

The STAP will be supported by a legal advisor who is independent of any legal advice previously provided. The panel will also be supported by a clerk.

Please note: when the panel makes its decision, this could be for the same type of travel assistance as that originally offered. This could be for the same reasons as given when the original offer was made or for different reasons.

5 Timetable for submission of information before the hearing

5.1 Upon receipt of notification that the appellant wishes to appeal at stage 2, the reviewing officer will notify the clerk to the STAP who will arrange a date for the STAP hearing. The date will be no less than 30 working days after the date the appellant is notified by the clerk that arrangements are being made to hear the appeal (the 'start date'), but will be as soon as reasonably practicable thereafter.

5.2 Within 15 working days from the start date the appellant should submit the following to the clerk:

- a written statement setting out the detailed grounds for the appeal - this should clearly state why the appellant considers the type of travel assistance offered to be unsuitable
- any supporting evidence the panel members should consider at the hearing

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- if a representative is to be appointed to present the appeal at the hearing, their name and contact details
- a list of any witnesses the appellant wishes to call to give evidence to the hearing and a summary of the evidence they will present.

5.3 The appellant's statement and supporting evidence will then be copied to the relevant council officer who will be presenting the case on behalf of the Council. Within 10 working days of receiving the statement and evidence the officer will prepare a final submission and gather any additional information.

5.4 All documentation, including the original report and decision, will be sent with the agenda to panel members of the STAP, the relevant council officer and the appellant at least 5 working days before the hearing.

6 Procedure at the hearing

The following procedure will be followed at the hearing, which will not be open to the public:

- appointment of a chair and confirmation that the members of the panel have not previously been involved in the decision-making
- introductions and housekeeping
- the council officer will state the case in support of the council's decision
- the council officer may then be questioned by the appellant and members of the STAP
- the appellant or their representative will have the opportunity to state their case and invite any witnesses to give evidence
- the appellant or their representative and any witnesses may be questioned by the council officer and members of the STAP
- the council officer will then be asked to sum up
- the appellant or their representative will be given the opportunity to sum up
- all parties will leave and the STAP will consider the case in private
- the STAP will announce its decision
- no later than five working days after the hearing, the STAP's decision will be confirmed to the appellant in writing, by email where possible.

The decision will be binding on both parties.

Please be aware that our peak workloads are between June and September so there is likely to be a delay in the timescales. It is important that parents/carers apply for travel assistance as early as possible in order to avoid any potential delays.

7 Terms of reference

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- 7.1 The STAP is responsible for hearing and determining appeals made against decisions taken in respect of section 508B Education Act 1996. This Act stipulates that the Council must make, in the case of an eligible child in the authority's area to whom sub-section (2) applies, such travel arrangements as it considers necessary in order to secure that suitable home to school travel arrangements, for the purpose of facilitating the child's attendance at the relevant school in relation to him/her, are made and provided free of charge in relation to the child.
- 7.2 The appeal will be made following an internal review of the decision and in accordance with the suitability of home to school travel assistance appeal procedure.
- 7.3 The panel will comprise of three senior managers representing various areas of the Council depending on the type of suitability appeal. (These terms include any role succeeding these roles following a structural reorganisation.)
- 7.4 No panel member will have been involved in the original decision against which the appeal is made or any review of that decision.
- 7.5 The panel shall hear and determine appeals in respect of the suitability of travel assistance offered under section 508B Education Act 1996 in accordance with:
- the Council's Home to School Travel Assistance policy
 - the relevant legislation
 - any guidance issued by the Secretary of State
 - the relevant appeals procedure.
- 7.6 Any requests for single occupancy vehicles needs to be agreed by the Council's finance panel. Even where an appeal is upheld by the reviewing officer or panel members, the finance panel can refuse to provide the additional funding for this where evidence is lacking.