

Home to Educational Establishment Travel Assistance Policy:

**Policy for Statutory School Age pupils aged 5 -16
years and pupils with Special Educational Needs
and/or Disabilities**

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Contents

1.0 <u>Introduction</u>	4
1.1 <u>Parental Responsibilities</u>	4
1.2 <u>Changes in Circumstances</u>	5
2.1 <u>Review</u>	6
2.2 <u>Legislation</u>	6
3.0 <u>Eligibility for Statutory Travel Free of Charge</u>	7
3.1 <u>Eligibility for Statutory Aged Children</u>	7
3.2 <u>Special Educational Needs and/or Disabilities and Mobility Difficulties</u>	9
3.3 <u>Nearest qualifying school</u>	10
3.4 <u>Suitable School</u>	10
3.5 <u>Establishing eligibility for travel assistance on distance grounds</u>	11
3.6 <u>19 year olds and over with an EHCP</u>	12
3.7 <u>Accompaniment</u>	13
4.0 <u>Eligibility for statutory travel assistance for which the council has the discretion to make a charge</u>	13
4.1 <u>16-19 year olds with an EHCP</u>	13
5.0 <u>Eligibility for discretionary (i.e. non-statutory) travel assistance free of charge</u>	14
5.1 <u>Post 16 mainstream students on hardship/low-income</u>	14
5.2 <u>0-4 year olds with an EHCP</u>	14
5.3 <u>Temporary Accommodation</u>	15
6.0 <u>Eligibility for discretionary (i.e. non-statutory) travel assistance with a charge applied</u>	15
6.1 <u>Travel assistance with a charge</u>	15
6.2 <u>Children aged 5-16 with a medical condition who are not attending their nearest qualifying school</u>	16
6.3 <u>The sale of spare seats on contracted vehicles</u>	15
7.0 <u>Provision of travel assistance</u>	16
7.1 <u>Forms of travel assistance</u>	17
8.0 <u>Timescale for processing travel applications</u>	17

1.0 Introduction

This policy sets out the framework against which all home to educational establishment travel assistance applications will be assessed.

This policy sets out the home to educational establishment travel assistance provision which Cheshire West and Chester Council 'the Council' is under a statutory duty to have regard to, and must comply with, when making home to educational establishment travel arrangements.

The appendices to this policy set out the procedures by which eligibility and suitability will be assessed and how individuals can appeal against these decisions.

Where reference is made to nearest suitable school, this is 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 special educational needs (SEN) or disability that the child may have. This does not have to be the most suitable school.

1.1 Parent/carer responsibilities

It is the responsibility of the parent/carer to ensure that their children get to and from school at the appropriate time each day. Travel arrangements are an important consideration when parent/carers are making school preferences. The parent/carer is responsible for ensuring home to school travel arrangements are in place. They remain responsible for their child until they are received on to school premises and after they leave the school premises.

Before applying for a school place parents/carers are urged to consider how they will transport their child/children to school, taking into account any potential travel costs. In making this consideration they are advised that:

- School admissions and school travel assistance policies are prescribed through different pieces of legislation. School admission applications are calculated using a straight-line distance.
- School travel assistance applications are assessed using an in-house Geographical Information System (GIS) mapping system that measures the nearest available walking route. Further information is contained in the section 'Establishing eligibility for travel assistance on distance grounds'.

1.2 Changes in Circumstances

Eligibility for travel assistance will be subject to review in the event of a change of circumstance and parents/carers should not assume that a child will remain eligible for the whole of the time that a child is at a school. Parents/carers are responsible for ensuring that they notify the Council of any change in circumstances that may change the eligibility of their child for travel assistance. Circumstances that might lead to a review of eligibility and consequent withdrawal of assistance include, but are not limited to:

- a change in the length of the walking route (e.g. as a result of a new shorter route being created or a nearer pedestrian entrance to a school being opened)
- re-classification of a hazardous route (e.g. as a result of a pedestrian crossing being installed or a road improvement which significantly lowers traffic volumes)
- an error in the calculation of distances
- a change in financial circumstances that means parents/carers no longer experience hardship
- the change to the statutory walking distance from two to three miles when a child reaches the age of eight (eligibility will automatically be reviewed at the end of year three)
- a change in the child's place of residence.

The same process of withdrawal of assistance will be followed whether a change impacts upon an individual, several children or a large group of children. Withdrawal of assistance will be subject to a period of notice. This will normally be one full term, except in the case of a change of residence, when assistance will be subject to immediate withdrawal (unless eligibility is established through receipt of an application for assistance at the new address). In considering the withdrawal of assistance, the Council will consider the potential impact upon the child and any consequential disruption to the child's education.

It is the responsibility of the parent/carer to make the necessary arrangements for attendance at an appropriate school or other setting, including submitting applications to the Council, as necessary, for admission and for travel assistance. All applications assessed under this policy assume that all children and young people will be accompanied as necessary on the routes to and from school.

2.0 Review

Councils should review travel policies, arrangements and contracts regularly to ensure best value for money is achieved. This policy is subject to review each year.

The cost of delivering free home-to-school travel has increased significantly in recent years. It is important that local authorities take travel costs into account when planning the supply of school places. Capital expenditure, revenue costs and travel costs need to be considered together to ensure financial sustainability.

2.1 The legislation

This policy seeks to comply with the following relevant legislation, and may be subject to review in the light of legislative change:

- Sections 508A, 508B, 508C, 508D, 508F, 508G and 509AD and Schedule 35B of the Education Act 1996 'the Act' which were inserted by Part 6 of the Education and Inspections Act 2006 (EIA 2006)
- Regulation 5 and Part 2 of Schedule 2 to The School Information (England) Regulations 2002, as amended.

The summary of these sections are as follows:

- Section **508A** of the Act places a duty on Councils in England to assess the school travel needs of all children and young persons of sixth form age in their area and to assess and promote the use of sustainable modes of travel.
- Section **508B** of the Act sets out the general duties placed on the Council to make such school travel arrangements as they consider necessary for 'eligible children' within their area, to facilitate their attendance at the relevant educational establishment. Such arrangements must be provided free of charge.
- Section **508C** of the Act provides the Council with discretionary powers to make school travel arrangements for other children not covered by Section 508B but the travel assistance does not have to be free.
- Section **509 AD** of the Act places a duty on the Council, when exercising its travel functions, to have regard, amongst other things, any wish of a parent for their child to be educated at a

particular school on the grounds of the parents' religion or belief. Religion or belief in this instance means any religious or philosophical belief. This duty is in addition to the duty on the Council to make travel arrangements for children from 'low-income families' who attend the nearest school preferred on grounds of religion or belief, where they live between 2 and 15 miles from home.

This duty is complemented by Section 9 of the Education Act 1996, which states that in exercising all duties and powers under the Education Acts, the Secretary of State and each Local Authority shall have regard to the general principle that pupils are to be educated in accordance with their parents' wishes, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable expenditure. However, there is **no** general statutory duty requiring the Council to provide free travel assistance to a faith school.

- Section **508F** of the Act places a duty on the Council to make any travel assistance or other arrangements that they consider necessary, or that the Secretary of State directs, for the purpose of facilitating the attendance of 'relevant young adult' learners who are aged 19 and over and at certain educational establishments, where an EHCP is maintained or for adult learners who are receiving education at an institution maintained or assisted by the Council. The travel assistance must be provided free of charge.

3.0 Eligibility for statutory travel assistance free of charge

There are different criteria that a child could meet to be eligible for free home to school travel assistance.

3.1 Eligible compulsory school aged children (aged 5-16)

Compulsory school age begins at the start of the term following a child's 5th birthday. Young people can leave school on the last Friday in June of the academic year in which they are 16.

From September 2015, the Raising of Participation Age legislation has required all young people to stay in a designated learning environment or traineeship until the age of 18. This does not raise the compulsory school age for travel assistance purposes, which remains at 16. For further details see the Post 16 travel assistance policy statement.

The Council will make such travel arrangements as it considers necessary to enable the attendance of 'eligible children' within the Cheshire West and Chester area at the nearest

'qualifying school' from their home address. Where a child lives between two addresses, the address used for school admissions will be used or where a child's school place has been consulted by the Special Educational Needs Team, parents can nominate one address. In the event that parents are unable to make the decision, the address which receives the Child Benefits will be nominated by the Council. Such travel arrangements will be free of charge.

An 'eligible child' is:

- of 'compulsory school age' (aged 5-16)
and
- attending the nearest 'qualifying school' or a place other than that 'school' whereby arrangements have been made for their attendance due to exclusion, illness or otherwise pursuant to Section 19 (1) of the Act 1996 ('the school')
and
- there is no other suitable home to educational establishment travel arrangement already in place

and fulfils **one** of the following criteria:

- 'the school' is beyond the statutory walking distance of 2 miles for children below the age of 8, and 3 miles for those aged 8 and over;
- 'the school' is within the statutory walking distance but the child cannot reasonably be expected to walk there, accompanied, 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 will be assessed on an individual basis to identify their particular travel assistance requirements. See below for further information on SEND as well as the guidance notes for SEND and mobility difficulties;
- 'the school' is within the statutory walking distance, but having regard to the nature of the route the child, accompanied as necessary, cannot be expected to walk to it. Further information on unsafe or hazardous routes can be found in Appendix Four - Guidance on Walking to School routes;
- the child has been excluded and 'the school' they are obliged to attend is outside the statutory walking distance. More information on children who have been excluded can be found in the Fair Access Protocol (FAP).

* As per Schedule 35 of the Act, 'disability' is as defined in Section 6 of the Equality Act 2010: a person has a disability if they have (a.) a physical or mental impairment, and (b.) that impairment has a substantial long term effect on their ability to carry out normal day-to-day activities. A chronic health condition may lead to eligibility under this definition.

Or the child qualifies on 'extended eligibility', which is applicable to those families on a low income and where the child receives free school meals. In these circumstances, the criteria changes slightly:

- the child is aged 8-11 and lives more than 2 miles from the nearest primary school
- the child is aged between 11-16 and 'the school' is between 2 and 6 miles from the child's home (provided there are not 3 or more nearer suitable qualifying schools)
- the child is aged between 11-16 and attending their nearest school preferred on the grounds of religion or belief, between 2 and 15 miles from home.

Maximum Working Tax Credits have been replaced by Universal Credit 5 April 2025. Free School Meals remain the only qualifying criteria for 'extended eligibility.'

3.2 Special Educational Needs and/or Disabilities and mobility difficulties

Not every child with an EHCP or who attends a special school will be eligible for free travel to school. Each assessment on the grounds of special educational needs, disability or mobility problems will be considered on a case-by-case basis. The assessment takes account of the child's physical ability to walk to school and any health and safety issues related to their special educational needs, disability or mobility problems. It will also consider whether a child could walk to school if they were accompanied by a responsible adult.

Where information is not already held by the Council, officers will request additional information. This can come from one of the following sources:

- information provided by the parent that can be corroborated by another professional;
- information provided by any professionals involved in the child's care, for example, an educational psychologist or hospital consultant;
- information provided by the child's school;
- any relevant information in the child's EHC plan if they have one;
- any relevant information in their individual healthcare plan if they have one.

When naming a school in a child's EHCP, a local authority can name this in line with parental preference on the basis that they are responsible for all travel arrangements and costs if there is a nearer school to the home address that is suitable to the child's age, ability, aptitude and any SEND they may have. In these instances, they will have considered the total cost of the educational placement and travel to both the nearest and the preferred school and found that providing travel assistance to the preferred school is incompatible with the efficient use of resources.

With exception to a school being named in line with parental preference where a nearer school is also suitable, transport will not be recorded into the child's EHCP.

3.3 Nearest Qualifying school

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

Qualifying schools are:

- community, foundation or voluntary schools
- community or foundation special schools
- non-maintained special schools
- pupil referral unit
- maintained nursery schools or
- city technology colleges (CTC), city colleges for the technology of the arts or academies, including free schools and university technical colleges
- for children with SEN, an independent school can also be a qualifying school where this is named on the child's EHCP, or it is the nearest of two or more schools named.

The School Travel (Pupils with Dual Registration) (England) Regulations 2007) 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..

A child may be eligible for free travel to a place that isn't a qualifying school where they receive education at a place other than a school by virtue of arrangements made under section 19 (1) of the Education Act 1996 (which requires local authorities to make arrangements for the provision of suitable education for children of compulsory school age who would otherwise not receive suitable education for reasons such as illness or exclusion).

A child placed in a school by means of the council's Fair Access Protocol will be deemed to be attending the 'nearest qualifying school'. For further information on this, please see the council's [Education and Learning webpages](#). Please note: the Fair Access Protocol is different to a Managed Move and travel assistance is not ordinarily provided in these circumstances.

3.4 Suitable School

A suitable school for school travel purposes is a qualifying school that is suitable for the child's age, ability, aptitude and any special educational needs and/or disabilities they may have.

'Suitable school' does not mean the most suitable school for a child. Schools are able to meet a wide range of needs. The nearest secondary school to the home of a child of secondary school age, for example, will almost always be their nearest suitable school (provided it would be able to admit them).

Where a child has an EHCP, the school named in the plan will normally be considered to be their nearest suitable school. The exception to this is where the school has been named in line with parental preference, on the understanding that parents are responsible for all travel arrangements and costs because there is a nearer school to the home address that is considered suitable.

3.5 Establishing eligibility for travel assistance on distance grounds

These notes set out the processes that will be followed when considering whether a child is eligible for assistance on the grounds that they live beyond the statutory walking distance (along a non-hazardous route) to the nearest qualifying school or that they meet extended eligibility criteria for assistance.

The measurement of the statutory walking distance to the nearest qualifying school is not necessarily the shortest distance by road. It is measured by the shortest available route, that is not classed as hazardous for a child to walk, accompanied as necessary by an appropriate adult. As such, the route measured will include footpaths, bridleways, and other pathways, in addition to recognised roads. Please note: private driveways/private roads are excluded from the measurement. And hazardous routes are only considered when a child is attending the nearest qualifying school.

The Transport Commissioning Service uses a bespoke in-house digital GIS mapping system which identifies the shortest available route. The systems measurements can include a combination of footpaths, bridleways, other pathways, in addition to recognised roads. Measurements along roads will also be considered, even if there is no continuous footpath, as long as the route has not been classed as hazardous. Private driveways/private roads are excluded from the measurement. Measurements start from the pupil's home gate or end of drive nearest to the school to the nearest gate/entrance of the school grounds. Some internet packages might show a different measurement as they may only use the road network to measure distances. The system takes into account routes that have been classified as recognised hazardous routes and would therefore not expect any accompanied child/young person to walk along a route which has been deemed unsuitable on safety grounds. Where it is considered that the route may be 'hazardous', an assessment of the route will be made. An

assessment will also be made for an eligible pupil in response to parental concerns about the safety of a walking route to a bus-stop. Further information about the calculation of distances and hazardous routes are to be found in Appendix four - Guidance on Walking to School routes. In instances where the suitability and safety of a walking route is in question, the final decision will rest with the council.

Children may sometimes live a very similar distance from more than one school. Where the schools are within the statutory walking distance, the Council will determine which is the nearest by measuring the shortest walking route. Where the schools are beyond the walking distance, the Council will continue to measure the shortest available route, and these routes may use a combination of road networks, cycleways and footpaths - whichever would result in providing the shortest route available. The method for measuring these distances will vary depending on the various routes available. The measurement does not include private driveways/private roads.

The 2-mile limit for extended rights eligibility is measured in the same way described above as the statutory walking distances. However, routes that measure beyond the 6-mile upper limit and the 15-mile upper limit to a qualifying school preferred on grounds of religion or belief are measured along routes that are passable using a suitable motorised vehicle. In short, the upper limits are measured along driving routes.

3.6 19 year olds and over with an EHCP

The Council must make such arrangements for the provision of travel assistance as they consider necessary, or as the Secretary of State may direct for:

- adult learners who are receiving education at an institution maintained or assisted by the Council and providing further education **or** within the further education sector;
- relevant young learners who are aged between 19 and 25 who have an EHCP and are receiving education or training at institutions outside both the further education and education sectors where the Council has secured the provision of education or training at the institution and the provision of boarding accommodation.

Travel assistance will be provided where a relevant young adult with an EHCP is attending the nearest educational establishment to their home address that is:

- over 3 miles away **AND**
- the relevant young learner would be unable to access existing transport opportunities, such as a college or public transport services **OR**
- there are no existing arrangements for the relevant young learner to access **OR**

- the educational establishment is within the 3 mile walking distance but due to the SEND or mobility difficulties, the relevant young learner is unable to walk the distance

For further information on travel arrangements for those young people and relevant young learners over the age of 16, please see the Post 16 Travel Assistance Policy.

3.7 Accompaniment

A child will not normally be eligible for free travel to school on the grounds of their special educational needs, disability or mobility problem, or on the grounds that the route is unsafe, if they would be able to walk to school if they were accompanied. Where it has been determined that a child would be able to walk if they were accompanied, the general expectation is that the parent/carer will accompany their child or make other suitable arrangements for their journey to and from school. A child will not normally be eligible solely because their parent or carer's work commitments or caring responsibilities.

If a parent/carer has a disability or mobility difficulty that would make it difficult for them to accompany their child to the nearest qualifying school, the Council will take this into consideration. Evidence of the disability or mobility difficulty will be required and an assessment will be carried out on the information provided.

4.0 Eligibility for statutory travel assistance for which the council has the discretion to make a charge

The Council is not required to provide this travel assistance for young people between the ages of 16 and 19 but has chosen to provide this assistance without making a charge, subject to the defined eligibility criteria.

4.1 16-19 year olds with an EHCP

Where a student aged 16 - 19 has been placed at a special school or provision by the Council, travel assistance may be provided in the same way as for children of statutory school age and will be free of charge. The eligibility criteria will apply, as detailed in section 3.1, i.e. relating specifically to a student attending the nearest qualifying educational establishment and distance.

Travel assistance will be provided where a young person with SEND or mobility difficulties is attending the nearest educational establishment to their home address that is:

- over 3 miles away AND

- the young person would be unable to access existing transport opportunities, such as a college or public transport services OR
- there are no existing arrangements for the young person to access OR
- the educational establishment is within the 3 mile walking distance but due to the SEND or mobility difficulties, the young person is unable to walk the distance

For further information on travel arrangements for those young people and relevant young learners over the age of 16, please see the Post 16 Travel Assistance Policy.

5.0 Eligibility for discretionary (i.e. non-statutory) travel assistance free of charge

The Council is not required to provide discretionary travel assistance but currently chooses to make the following provision without making a charge subject to the defined eligibility criteria:

5.1 Post 16 mainstream students on hardship/low-income

The Council will exercise its discretionary powers when considering individual cases of low-income/hardship. Where low-income/hardship can be demonstrated following an assessment of income and expenditure, the Council will consider providing support in order to remove transport as a barrier to an individual's continuation into further education. For further information see Appendix three – Post 16 Travel Assistance Hardship Assessment, and the Post 16 Travel Assistance Policy statement.

5.2 0-4 year olds with an EHCP

Where a pre-school child has been placed at a nursery, special school or provision by the Council, travel assistance may be provided in the same way as for children of statutory school age and will be free of charge. The eligibility criteria will apply, as detailed in section 3.1, i.e. relating specifically to a child attending the nearest qualifying educational establishment and distance.

Travel assistance will not be provided automatically unless it can be demonstrated that the child cannot use a walking route to the educational establishment, accompanied by a responsible adult.

5.3 Families in temporary accommodation

Requests will be considered on a case-by-case basis. For families in temporary accommodation as a result of becoming homeless, travel assistance may be provided for up to 56 days so that the children can continue to attend school. Thereafter, it is expected that a more permanent housing solution will have been found. In cases where this is proving challenging and the family has been relocated to dispersed temporary accommodation by the council, travel assistance may continue to be provided for up to 6 months. Families are expected to find a more permanent residence during this time and travel assistance will cease 6 months from the date they moved into the dispersed accommodation.

Once permanent accommodation has been found, the usual transport policy will apply. Parents/carers may want to consider school placements and how a child will travel to and from school following their move into permanent accommodation. See section 3 for further information.

6.0 Eligibility for discretionary (i.e. non-statutory) travel assistance with a charge applied

The Council is not required to provide discretionary travel assistance but currently chooses to provide the following chargeable assistance to those who meet the defined eligibility criteria.

6.1 Children aged 5-16 with a medical condition who are not attending their nearest qualifying school

Where a child of compulsory school age (5-16) attends a school which is not their nearest qualifying school and they are unable to travel there due to a short-term medical condition, travel assistance may be considered by the Council, however this will not be free of charge. A payment contribution towards the travel costs will be applied. This will be £880 for the academic year (or £440 for the academic year where hardship can be demonstrated following an assessment of income and expenditure by the Council's Benefits team). A pro-rata charge, based upon any half of a school term during which assistance is required, will be made for children experiencing short term conditions, for example, a broken leg.

It is the responsibility of the parent/carer to produce evidence of the medical condition in all cases. This is normally endorsed by the family doctor or consultant. The Council may ask the parent/carer to provide explicit further medical evidence or the Council may, with the permission of the parent/carer, approach the family doctor or consultant to seek further medical evidence. If provided, the requirement for travel assistance will be reviewed no less than termly or in the case

of long-term medical conditions, annually. Any charges incurred by the parent/carer in providing this evidence will not be met by the Council.

6.2 The sale of spare seats on contracted vehicles

Following changes to recent legislation, (Public Service Vehicle Accessibility Regulations) spare seats can only be offered on vehicles that meet these requirements.

When all eligible pupils have been allocated a seat and a spare seat exists on a vehicle that the Council has contracted to provide travel assistance from home to school, the Council will offer that seat for sale to parents/carers of children who are otherwise ineligible for travel assistance and where an existing public service is not already available. A fixed price of £880 for the academic year will be charged.

Where low-income can be demonstrated following an assessment of income and expenditure by the Council's benefits team, pupils aged either 0-4 or post 16 pupils, with an EHCP, who are otherwise ineligible for travel assistance could qualify for a reduced spare seat charge of £440 for the academic year.

7.0 The provision of travel assistance

The Council may provide travel assistance in a number of ways that reflect:

- the assessed travel needs of the children and young people
- the sustainability of the travel arrangements
- the comparative costs of different forms of travel assistance.

Councils are required to provide travel assistance for the beginning and the end of the school day. They are not required to make arrangements:

- for children to travel between institutions during the school day;
- to enable children to attend extra-curricular activities and other commitments
- outside school hours; or
- to enable children to get to and from before and after school childcare, whether formal (for example, a childminder) or informal (for example, a grandparent)
- to work experience placements
- to college placements for those aged 14-16 on roll at a school

7.1 Forms of Travel Assistance

These forms of assistance include:

- cash grants (mainstream) and personal travel budgets (SEN)
- passes for use on scheduled bus or rail services
- contracted buses/coaches
- contracted taxis/minibuses

For those children with an EHCP, travel assistance may be provided in the form of independent travel training (ITT). This may be provided in conjunction with other forms of travel assistance, for example, bus or rail pass. The Council has recently started to provide this service again.

Further information about training can be found on the Council's webpages: [Independent travel training | Cheshire West and Chester Council](#)

8.0 Timescale for processing applications for travel assistance

The Council will use its best endeavours to process applications for travel assistance and make assessment of eligibility for support within 10 working days of receipt of the application. However applicants should be advised that these timescales may be exceeded during peak times: June to September.

There will be no entitlement to assistance until eligibility has been established. However, if a child is found to be eligible and the decision has not been made within 10 working days of receipt of the application, then assistance will be backdated to the fourteenth day after the application was received and any reasonable travel costs incurred in the intervening period will be reimbursed upon receipt of evidence of expenditure.