

Home to educational establishment transport

Eligibility assessment and appeals process

1. Introduction

The home to educational establishment transport policy sets out the statutory duty which Cheshire West and Chester Council 'the Council' must comply with when meeting 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 specifically does not relate to 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 gets to and from school at the appropriate time each day. Travel arrangements are an important consideration when making preferences for schools. It is the responsibility of the parent/carer to ensure home to educational establishment travel arrangements are in place.

It is the responsibility of the parent/carer to make necessary arrangements for attendance at an appropriate school or other setting, including submitting applications to the Council, as necessary, for admission and for education travel assistance. All applications assessed under the home to educational establishment transport policy assume that all children will be accompanied, as necessary.

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 a disability attending specialist provision
- travel assistance for children and young people with a medical condition.

3. Applying for travel assistance

3.1 Mainstream travel assistance applications

Mainstream travel assistance eligibility will be assessed by the transport commissioning service (TCS). An application form to request travel assistance can be submitted online or you can call 0300 123 7039 to request a hard copy. The form is available on the [school and college transport webpage](#).

The TCS will assess eligibility for mainstream travel assistance on either distance grounds*, hardship grounds* or as a hazardous route.

(* see the Home to Educational Establishment Transport Policy, appendices 3 and 4 for further information).

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

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. An application form for travel assistance can be completed and [submitted online](#) on the school and college transport webpage or you can call 0300 123 7039 to request a hard copy. The eligibility of these applications will be assessed by the Special Educational Needs (SEN) team.

For children/young people with a disability, living further than the statutory walking distance to the nearest qualifying school, and the disability prevents them from accessing a standard school bus, parents/carers should complete the [online transport 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. The form is available on the school and college transport webpage – SEN application.

Relevant young learners or adult 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 eligibility. The form is available on the [school and college transport webpage](#) – SEN application.

3.3 Medical needs travel assistance applications

If a child has a 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 transport webpage](#) – Medical needs application.

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 serving the local area in which the child/young person lives 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 be provided. However, a charge may be applied – this will be £880 per year or £440 if applicants can demonstrate hardship/low income (or an apportioned amount if it is a short-term arrangement).

4 Stage one - request to review decision

In certain circumstances, parents/carers may be able to request a review of a decision made by one of the aforementioned eligibility assessment teams, or present a formal appeal to the appeals committee.

If parents/carers wish to challenge a decision about:

- a child's eligibility or
- the distance measurement or
- the safety of the route

the parent/carers have 20 working days from receipt of the Council's written decision on transport to ask for a review of that decision. Parents/carers should complete a transport eligibility appeals form, setting out why they believe the decision should be reviewed and outline any personal/family circumstances which they feel should be considered.

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

The original decision will be reviewed by the 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.

Appendix 1

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

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 receipt of the stage one decision to submit (in writing – such as by email) their intention to progress their case to stage two of the appeals process where the case will be heard by an appeals committee. The 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 be prejudicial to their appeal.

Parents/carers can appeal on one of three following grounds:

- the policy has not been properly applied
- the policy has been properly applied, however there are exceptional circumstances. Please note that a parent being unable to take their child to school due to work commitments will not be considered as exceptional circumstances
- financial hardship.

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

Further information on eligibility appeals can be found on the [school and college transport policy webpages](#).

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 and appeals on medical grounds will require supporting medical information from the child/young person’s GP, consultant or hospital. Failure to do so may mean a deferral to the appeal hearing until such evidence is supplied.

Once a request is submitted, including all relevant supporting information, the team leader will send an acknowledgement letter and contact detail to the appellant’s local councillor. Appellants may wish to liaise with their local councillor so they can provide help and advice throughout.

Appendix 1

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.

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.

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. Cash grants and mileage allowances are not normally available and can only be considered where there is no suitable travel option.

There is a separate process for considering suitability of travel assistance offered. Please refer to appendix two of the Home to Educational Establishment Transport 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 and it is important that parents/carers apply for travel assistance as early in the year as possible to avoid any delays.