

Home to educational establishment transport

Post 16 transport – hardship assessment criteria and process

1 The Local Authority's statutory duty

The Local Authority, the 'Council', has a statutory duty to provide home to educational establishment travel assistance to post 16 SEN students and at its discretion has agreed to provide this free of charge.

The Council currently provides free transport for 16-19 year olds who:

- have complex special needs which prevent them from walking, accompanied by an adult, to school that is under three miles away from their home address, or
- have complex special needs and are attending their nearest suitable school which is over three miles walking distance from their home address.

The Education and Inspections Act 2006 requires local authorities to adopt criteria for assessing families that are on low income or 'disadvantaged'.

There is no statutory duty for the Council to provide post 16 travel assistance for mainstream students. The Council will, however, consider individual cases where hardship or low income can be demonstrated.

2 Criteria for assessing hardship/low income

The Council will adopt criteria for determining hardship/low income cases applying for home to educational establishment post 16 travel assistance.

A welfare check will be offered to all applicants who are suffering hardship due to low income. This will help to identify any unmet needs, and to provide early support and financial assistance. A full assessment will be completed to include details of income and expenditure. This will help to identify whether the applicant has sufficient means to pay associated travel costs. All income will be taken into account in making this assessment including income which would normally be disregarded for benefit calculation purposes. Due regard will be made to all reasonable expenses including any related to disability.

This means that those with the highest needs who consequently have increased expenditure will have this considered fully under this test rather than being capped at the level of their disability living allowance or personal independence payment (if this was to be disregarded without full consideration of need and expenditure).

3 The travel assistance application process

You can apply for travel assistance on the grounds of financial hardship on the [school and college transport page](#) – post 16 hardships application. This will be submitted to the Council's Benefits team. A full assessment will be completed by the team, considering all income and expenditure, which will help to identify whether the applicant has sufficient means to pay associated travel costs.

If an applicant wishes to challenge the decision made with regards to hardship/low income they can ask for a review of the decision which will then be considered by an officers' appeal panel. 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. Failure to do so may mean a deferral to the appeal hearing until such evidence is supplied. Supporting evidence should include (where the case is on grounds of financial hardship) a completed statement of incomings.

For further information about the appeals process, see Appendix 1, Eligibility, section 5 - Stage two appeal.