

Cheshire West and Chester

Guidance note to support the home to educational establishment transport policy

Travel assistance for children and young people with special educational needs, a disability and/or mobility problems

What you need to know

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Introduction

Cheshire West and Chester Council provides travel assistance for children and young people in certain circumstances. This guidance sets out details of eligibility, the application process, mode of travel offered, useful contacts and if applicable, the contributory charges for children and young people. This document supports the Cheshire West and Chester home to educational establishment transport policy.

Eligibility

1. Whose responsibility is it to get my child to school?

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 preferences. You should think about how practical it is to choose a school which is not within walking distance, unless it is designated as your nearest qualifying school. It is your responsibility as a parent/carer, to ensure home to school travel arrangements are in place.

Section 508B of the Act deals with the duty on local authorities to make such travel arrangements as considered necessary in order to facilitate attendance at school for 'eligible' children, Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (five-16) in an authority's area for whom free travel arrangements will be required.

2. Who is 'eligible' to receive free travel assistance?

The local authority is required to:

Statutory walking distances eligibility

Provide free transport for all pupils of compulsory school age (five-16) if their nearest qualifying school is:

- beyond two miles (if below the age of eight) or
- beyond three miles (if aged between eight and 16).

Special educational needs, a disability or mobility problems eligibility

Make transport arrangements for all children who cannot reasonably be expected to walk to their nearest qualifying school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability*. Eligibility for such children will be assessed on an individual basis in order to identify their particular transport requirements.

*As per Schedule 35 of The Act, disability is as defined in S.6 of EA 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 of the ability to carry out normal day-to-day activities. Therefore a chronic health condition (medical needs) may lead to eligibility under this definition.

Unsafe route eligibility

Make transport arrangements for all children who cannot reasonably be expected to walk to their nearest qualifying school because the nature of the route is deemed unsafe to walk

Extended right eligibility

Provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum working tax credit if:

- the nearest qualifying school is beyond two miles (for children over the age of eight and under 11)
- the school is between two and six miles (if aged 11-16 and there are not three or more suitable nearer schools)
- the school is between two and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).

Cheshire West and Chester's discretionary free travel assistance for learners with learning difficulties and/or disabilities

0-four year olds

The council will provide discretionary free travel assistance for 0-four year olds with an education, health and care plan (EHCP) who are attending a nursery, special school or unit placed by the council. Free travel assistance will be provided in accordance with the eligibility criteria listed within the 'statutory free travel assistance' section above.

The 16-18 transport duty relates to young people of sixth form age with learning difficulties and/or disabilities aged up to 19 (and beyond the age of 19 if they are continuing on a particular course started before the age of 19).

16-19 year olds

The Council will provide discretionary free travel assistance for 16-19 year olds with an education, health and care plan (EHCP) who are attending their nearest qualifying educational establishment and there are no other suitable transport arrangement already in place **and** who fulfil **one** of the following criteria:

- a) the educational establishment is beyond the statutory walking distances of three miles
- b) the educational establishment is within the statutory walking distance but the young person cannot reasonably be expected to walk there accompanied because of their learning difficulty and/or disability or mobility difficulties
- c) the educational establishment is within the statutory walking distance, but having regard to the nature of the route the young person cannot be expected to walk to it, accompanied as necessary.

In addition, families may wish to apply for a 16-19 bursary fund. The 16-19 bursary fund is a central government scheme set up to help 16 to 19 year olds continue in education, where they might otherwise struggle for financial reasons. It is made up of two parts –

bursaries of £1,200 a year to the most vulnerable young people and a discretionary fund for schools, colleges, academies, training providers (providers) to distribute to other students who face genuine barriers to participation, which could include transport costs.

The 16-19 bursary fund guide for providers, which sets out arrangements for the scheme, is available to download from the government's website www.education.gov.uk

19-25 year olds

The Council will provide free travel assistance for 19–25 year olds with an education, health and care plan (EHCP) who are attending an educational establishment, either maintained or assisted by the council where there is no other suitable transport arrangement already in place.

To find out which is your designated nearest qualifying school or educational establishment, contact the special educational needs (SEN) team senteam@cheshirewestandchester.gov.uk or telephone **0300 123 7039**

*As per Schedule 35 of The Act, disability is as defined in S.6 of EA 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 of the ability to carry out normal day-to-day activities. Therefore a chronic health condition (medical needs) may lead to eligibility under this definition.

3. Who is eligible for travel assistance with a charge applied?

Those pupils where it has been deemed medical needs eligibility applies who are of compulsory school age (five-16) not attending their nearest qualifying school and there is no other suitable transport arrangement already in place.

4. What is defined as a 'nearest qualifying' school?

A nearest qualifying school is taken to mean a school with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEN that the child may have.

From September 2015, for new applicants, travel assistance will only be offered to pupils attending their nearest qualifying school subject to meeting the eligibility criteria mentioned above. Please note the nearest qualifying school with places available may not necessarily be the catchment school for your home address. For pupils with an education, health and care plan (EHCP) the nearest qualifying school is taken to mean the school deemed most appropriate by the local authority to meet the pupil's needs.

5. What is compulsory school age?

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

Raising of participation age (RPA) – legislation will require all young people to stay in a designated learning environment until the age of 17 from 2013 and the age of 18 from September 2015 onwards. Please refer to Cheshire West and Chester’s post-16 statement for further details. The raising of participation age does not alter the considered compulsory school age for travel assistance eligibility purposes.

6. What else do you consider when looking at eligibility?

At the point when transport eligibility is considered, the prospect of being able to secure a place in an alternative (usually nearer) school must be a real one. For most cases this will be during the normal school admissions round when places are being finally allocated by the admissions team. The transport team will liaise with the admissions team at this point in order to determine availability of places and the prospect of being offered a place.

Route assessment

7. How do you measure the route to the nearest qualifying school?

The measurement of the statutory walking distance is not necessarily the shortest distance by road. It is measured by the shortest available route along which a child, accompanied as necessary, may walk safely. As such, the route measured will include footpaths, bridleways, and other pathways, in addition to recognised roads. Please note private driveways are excluded from the measurement.

The transport commissioning service uses a bespoke mapping system which identifies the shortest available route. The system takes into account routes that have been classified as 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.

The two mile limit for extended rights, mentioned above, is measured in the same way as the statutory walking distances. However, the six 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 road routes.

The council will promote good practice by reviewing routes, and where identified, put in place suitable new paths, pedestrian crossings and cycle lanes in order to improve safety and increase choice for pupils to walk.

8. What about straight line distance (as the crow flies)?

No. Distance measurements for transport purposes are calculated on the shortest available walking route, or driving route for the upper limits. For school admissions purposes, the council uses straight line measurements. Therefore the outcome of a measurement exercise for admissions can be different to the outcome for a measurement exercise for travel assistance.

To find out which is your designated nearest qualifying school or educational establishment, contact the special educational needs (SEN) team senteam@cheshirewestandchester.gov.uk or telephone **0300 123 7039**

Exceptional circumstances

9. Is travel assistance offered to children in temporary residential circumstances?

The council will use its discretionary powers to consider individual cases in respect of children accommodated under a temporary/emergency arrangement and travel assistance may be offered on a short term basis where exceptional circumstances can be demonstrated ie where families are forced to re-locate temporarily to alternative accommodation owing to circumstances outside their control.

10. Is travel assistance offered to children in the care of the local authority (children in social care)?

The school at which a child/young person is placed by the council will be deemed the nearest qualifying school for travel assistance purposes in order to provide continuity of educational provision for such children. The allocation of school will be reviewed as part of the child/young person's regular care plan review.

11. What if I live under the statutory walking distance but have exceptional circumstances?

Travel assistance may be provided if you are able to demonstrate sufficient evidence of exceptional circumstances. This is in accordance with the council's home to educational establishment transport policy where individual requests can be considered by a reviewing officer at stage one.

Application and appeal process

12. How do I apply for travel assistance?

Travel assistance for pupils of compulsory school age, post-16 and 0-four year olds:

The SEN team will send you a letter to let you know which school or educational establishment your child will have a place at and a travel assistance application form. You may wish to complete the paper copy sent to you. An online travel assistance application form is available on the school and college transport webpage.

Travel assistance for pupils with medical needs aged five-16:

A medical needs travel assistance application form must be completed. The form is available on the school and college transport webpage. 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.

Please note an annual application form will be required for those pupils of post-16 age.

13. If my application does not meet the eligibility criteria can I pay for a seat on the school bus?

Yes. If there is a spare seat available on an existing education contract commissioned by the council and it is considered suitable to make this offer. Please note the offer of a spare seat is for one academic year only and you will need to apply on an annual basis.

There is a charge for a spare seat which for 2015-2016 and 2016-2017 is £880. Where individual cases can demonstrate hardship the charge will be £440. This can be paid in three termly or six half-termly instalments.

For compulsory school aged children hardship will be determined using the extended rights criteria as mentioned above in section two.

For pupils of post-16 age hardship will be determined using the discretionary hardship assessment completed by the council's benefits team.

Please contact the educational establishment (school/college etc.) if the bus service is provided directly by them.

14. Can I appeal against the eligibility decision if my application for travel assistance is refused?

Yes. If you feel the policy has not been applied correctly or you have exceptional circumstances you wish to be considered you can ask for your case to be reviewed. For further details regarding the eligibility review process please visit the school and college transport webpage.

Hardship/low income

15. What if I am on low income?

For compulsory school aged children (five-16):

If your child is of compulsory school age and is in receipt of free school meals **or** the family is in receipt of the maximum level of working tax credit or the relevant qualifying benefits, free travel assistance will be provided if you meet the eligibility criteria as noted in section 'who is eligible for free travel assistance'

If your child has been deemed eligible for assistance on medical needs grounds, but is not attending their nearest qualifying school, is of compulsory school age and is in receipt of free school meals **or** the family is in receipt of the maximum level of working tax credit, a contributory hardship charge will be applied for the travel assistance offered.

For non-compulsory school aged children (aged 0-four year and post-16):

The criterion for determining low income for non-compulsory school aged pupils is not prescribed as it is for compulsory school aged children. The council has developed a discretionary hardship assessment process in which it will take into account the whole household income and expenditure. Applicants wishing to be considered for discretionary hardship will be expected to complete and submit a hardship application form to the council's benefits team in order for their financial circumstances to be assessed. Where low income/hardship is determined a contributory hardship charge will be applied for the travel assistance offered.

Types of assistance offered

16. If I meet the necessary eligibility criteria, what form of travel assistance is my child likely to be offered?

All arrangements for travel assistance which may be made under the home to educational establishment transport 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)
- cycle allowance
- independent travel training (ITT)
- travel pass for use on public bus and rail transport
- travel pass for use on school and college contract services (bus)
- alternative/accessible vehicle (minibus/taxi)
- volunteer drivers.

17. What if I disagree with the mode of assistance offered?

The council is responsible for making such travel arrangements as it considers necessary in order to facilitate a child's attendance at the relevant educational establishment. If you are dissatisfied with the offer made you can ask for the decision to be reviewed via an online appeal form which will trigger the first of a two stage suitability appeal process. For further details please see the school and college transport webpage.

18. How does a personal travel budget (PTB) work?

A personal travel budget (PTB) is available to you if your child is eligible for travel assistance. This may include children with a statement of special educational needs, an education, health and care plan (EHCP) or a learning difficulty assessment.

You can spend the PTB how you like, as long as your child travels in a way that ensures their safety, encourages their attendance and enables them to arrive at school/college on time and in a positive manner, ready to learn.

The PTB calculation is based on the distance between home and school/college for the days that your child attends. The distance is measured using the shortest route and each journey (for example the morning) is calculated from home to school to home.

Payments are made from the council directly into your designated bank account, in advance, on a termly basis. The PTB will be reviewed each year and it is unlikely that it will impact on any other benefits.

To have full flexibility and control over your child's travel, telephone 0300 123 7039 or email schoolorganisation@cheshirewestandchester.gov.uk to apply for a PTB.

19. Is training available to help my child travel independently?

Yes. We are able to offer one-to-one training to entitled children and young people to help them travel independently. Our team of specialist travel trainers develop an individual package of support to help teach skills which include: road safety, planning a journey, accessing buses and trains, learning routes and landmarks and what to do in an emergency.

For further information about this scheme please contact the SEN team via email senteam@cheshirewestandchester.gov.uk or telephone **0151 337 6433**

Questions once travel assistance is set up

20. How will I know about the travel assistance arrangements?

The transport commissioning service will inform you of the travel assistance offered. Should your child need specialist equipment to travel, a risk assessment will be undertaken. Should the council need to change your child's travel arrangements at any time, you will be provided with as much notice as possible.

21. Will my child have a passenger assistant?

A passenger assistant may be provided based on a child's individual need – you may be required to provide specific evidence and the service is reviewed at least once per year.

All passenger assistants are subject to an enhanced disclosure and barring service (DBS) check and have Cheshire West and Chester Council identification badges.

Passenger assistants are provided with information about your child. Prior to the commencement of the travel assistance, an introductory visit is arranged for the driver and passenger assistant to meet with you and your child. This is an opportunity to make sure that they are fully aware of your child's SEN/medical condition and any strategies to help make the journey as safe and pleasant as possible. This may include a list of likes and dislikes and the issue of a reading book or music.

22. How long will the journey take?

The council aims to keep the journey times as short as possible. Sometimes children have a longer journey time to reach a special school. Transport may not necessarily use the most direct route because it may pick up other children along the way.

23. Where will my child be picked up from?

You will be notified of an estimated time and pick-up point. This may involve walking to the nearest pick-up point unless a disability or medical condition prevents them walking

there. You are responsible for your child's safety between home and the pick-up point and for putting them on the vehicle. You need to make sure your child is ready to be collected five minutes before the pick-up time. If the vehicle has to leave without your child it is your responsibility to get them to school. Drivers do not sound their horns or leave their vehicles to alert you of their arrival.

24. What if the vehicle doesn't arrive?

If transport does not arrive, you should telephone the transport commissioning service on **0300 123 7039**. They will find out why there is a delay and may arrange for another vehicle to be sent. Any replacement vehicle will be staffed with drivers, and if necessary, passenger assistants with DBS clearance.

25. Where will my child be dropped off on the return journey?

You will be notified of an estimated time and drop off point. It is your responsibility to be at the drop off point five minutes before the vehicle is due. Your child will not be left on their own or in the care of anybody else without prior written permission. If you are not at the designated drop off point the driver will contact the transport commissioning service who will then arrange for a place of safety under the guidance of children's social care.

26. What if my child needs to be collected from or return to a different address?

You will need to make a request in writing to the transport commissioning service, providing at least five working days' notice. Where possible, and at no additional cost to the council, or inconvenience to other passengers, consideration will be given. Requests are to be sent to Transport Commissioning Service, Fourth Floor, HQ Building, 58 Nicholas Street, Chester, CH1 2NP

27. What if my child lives at two addresses?

The council will only provide transport to one address. This should be your child's permanent home address. If your child lives at two addresses, you must nominate one of them as the permanent address for the purposes of school transport.

28. Can my child use school transport to travel to and from short breaks/respite placements and before and after school clubs?

Travel assistance considered under the home to educational establishment policy is usually only ever offered to and from an educational establishment. Transport to short breaks/respite placements must be requested through your child's social worker and will be considered by the children and families service.

School transport is provided specifically to meet the standard school start and finish times and therefore cannot be used for before and after school clubs.

29. Can my child eat and drink on school transport?

No. Eating and drinking is not permitted on vehicles. If your child has a medical condition which means they must eat regularly you must notify the SEN team/medical needs team of this in advance of the journey.

30. Can my child take equipment on the school transport?

Additional equipment and bags will only be permitted if previously agreed with the transport commissioning service and:

- there is enough room on the vehicle
- they can be stored safely and securely
- it does not incur any additional cost
- it does not inconvenience other passengers.

Other options should be considered, for example is the equipment available at school?

Please note, if your child does take additional equipment and bags to school the driver and/or passenger assistant will not be expected to carry them.

31. What if my child needs to take medication to school?

Medication should be stored in a sealed container and placed inside your child's school bag. Should there be a requirement to administer medication during the transport journey to/from school, you must provide written consent and a risk assessment will be undertaken by the transport commissioning service prior to undertaking any administration of the medication.

Conditions of assistance

32. Are there any conditions I have to abide by when accepting travel assistance on behalf of my child?

It is the obligation of parents/carers under education law to secure their children's safe travel to and from school/college. Parents are responsible for their children until they are received onto school/college premises and after they leave.

Travel assistance is only provided on the basis of a formal application submitted by, or on behalf of, the parent/carer. If the application is successful, assistance is effective from the date of receipt of the application by the transport commissioning service – assistance will not normally be provided retrospectively ie reimbursement.

Assessments regarding the safety of a particular walking route assume in each case that children are accompanied. Where necessary, therefore, it is incumbent on parents to make the arrangements for their child to be accompanied to and from school by another responsible person, if they themselves cannot be available.

33. What happens if my child misbehaves whilst travelling?

Travel assistance is provided to and from the educational establishment for pupils who qualify under the transport policy on the basis that parents, children, schools, council and transport operators have a shared responsibility for its safe and secure operation in the interests of all the parties.

If your child causes a disruption or jeopardises the safety of passengers or road users, we can change their transport arrangements or exclude them from transport. It will then

be your responsibility to get your child to and from school. Your child's SEN will be taken into consideration before any action is taken.

If your child causes deliberate damage to a vehicle you be expected to pay for the cost of repairs.

Change of details/circumstances

34. What if my child's home address changes?

You are required to inform the SEN team who will then review transport eligibility. If your child remains eligible then alternative travel arrangements will be made and you will be advised.

You must provide at least five working days' notice for any changes.

35. What if I need to cancel my child's transport?

If your child is unable to attend school or transport is no longer required you will need to contact the transport commissioning team as soon as possible by calling 0300 123 7039 or email spedtransportrequestwest@cheshirewestandchester.gov.uk and contact the transport provider.

To recommence transport, you will need to contact the transport commissioning team (details above) providing at least one working days' notice.

Post-16

36. What happens when my child reaches 16 years old?

Students aged 16 – 19 years:

Students aged 16-19 with statements of special educational needs or an education, health and care plan (EHCP) or learning difficulty assessment (LDA) attending sixth form, college or other training provider. The travel assistance requirements of post-16 students with special educational needs will be considered during the transitional planning process undertaken during years ten and eleven.

All young people who have an education, health and care plan (EHCP) will have had their travel assistance requirements considered during the transitional planning process undertaken during years ten and eleven.

The council would expect to be consulted in the transitional planning process with regard to travel provision and parents/carers are strongly advised to contact the council to confirm that this has taken place.

You will need to complete and submit an application form for travel assistance on an annual basis once your child is over 16 (at the beginning of the academic year – 1 September). The application will be assessed by the SEN team using the eligibility criteria in section two.

Students aged 19 – 25 years:

You will need to complete and submit an application form for travel assistance on an annual basis. The application will be assessed by the SEN team using the eligibility criteria in section two.

If your child is deemed eligible for travel assistance, and there are no other suitable transport arrangements already in place, then the council will provide it free of charge.

37. How do I apply for Post 16 transport?

See section twelve

Further information

- SEN team - telephone 0151 337 6433 or email senteam@cheshirewestandchester.gov.uk
- Transport commissioning service - telephone 0300 123 7039 or email spedtransportrequestwest@cheshirewestandchester.gov.uk
- The Department for Education www.gov.uk