

**Report by the Local Government and Social Care  
Ombudsman**

**Investigation into a complaint against  
Birmingham City Council  
(reference number: 19 016 798 and 19 019 859)**

**7 May 2021**

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## The Ombudsman's role

For more than 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

### Key to names used

Mrs C      The first complainant

D          Her daughter

Mrs G      The second complainant

H          Her son

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## **Report summary**

### **School transport**

Mrs C and Mrs G complained about the Council's handling and consideration of their applications and subsequent appeals for home to school transport for their children.

### **Finding**

Fault found causing injustice and recommendations made.

### **Recommendations**

#### **Mrs C's case**

To remedy the injustice identified in this report, we recommend the Council:

- apologise to Mrs C and D for the faults identified in this investigation, and repay any costs incurred by Mrs C to transport D to school since 12 April 2019;
- pays Mrs C £150 for the time and trouble taken to resolve her complaint;
- pays Mrs C a further £250 to recognise the stress and inconvenience caused by the failure to provide suitable home to school transport; and
- pays Mrs C a further £500 to recognise the impact the failure to provide suitable home to school transport had on D accessing education from April 2019 to March 2020.

#### **Mrs G's case**

To remedy the injustice identified in this report, we recommend the Council:

- apologise to Mrs G, H and their family for the faults identified in this investigation;
- pay Mrs G £150 for the time and trouble taken to resolve her complaint;
- pays Mrs G a further £300 to recognise the stress and inconvenience caused by the failure to provide suitable home to school transport and the impact this had on Mrs G and H;
- review Mrs G's application and offer H an alternative means of home to school transport which does not require his parents to accompany him; and
- pay Mrs G her reasonable travel expenses from 13 March 2019 when it decided H was an eligible child.

#### **Service improvement**

To improve the service offered to other families, we recommend the Council also remind officers making decisions about home to school transport, and those involved in appeals, of the following:

- The Council cannot insist parents and carers accompany children who live beyond statutory walking distance on the journey to school. For all other children, decisions about accompaniment should be made on a case-by-case basis.
- Where the child is eligible for free transport, parents and carers should not incur costs to use home to school transport offered to their child.
- Decisions made about home to school transport must take account of the individual needs of the child and consider whether the journey is "safe and

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reasonably stress free, to enable the child to arrive at school ready for a day of study”.

- If the Council requires further evidence to decide if a child is eligible for home to school transport, it should consult relevant professionals already involved with the child.
- When making decisions about transport for children with special educational needs, the Council should show how it has considered the content of the child’s education, health and care plan.
- Reasons for decisions must be recorded.
- Decision letters following appeals must set out how the Council carried out the review, who they consulted, what they considered and how the parent can escalate their case.

We recommend the Council also:

- revise its home to school transport policy to ensure its approach to accompaniment reflects the statutory guidance;
- review all decisions to issue a travel pass made since September 2018 to ensure
  - it considered the individual needs of each child;
  - it has not required parents and carers of children living beyond statutory walking distance to accompany their child on the journey to and from school; and
  - no parent has been expected to incur costs to use the home to school transport offered by the Council where the child is eligible for free transport. Where costs have been incurred, the Council should repay these.

The Council has accepted our recommendations.

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## The complaint

### Mrs C's complaint

1. Mrs C complained the Council was at fault in refusing her application and appeal for suitable home to school transport for her daughter, D. As a result, she says her daughter missed school and when she did attend Mrs C had to pay privately for transport. She would like the Council to reimburse the costs of transport.

### Mrs G's complaint

2. Mrs G complained about the Council's handling and consideration of her application and subsequent appeals for home to school transport. In particular, she complains that the Council:
  - did not apply the correct test or legislation when assessing her son, H. It offered a bus pass with the expectation that he would be accompanied to school by a parent or carer;
  - did not sign post her to us after dismissing her stage two appeal which led to delay; and
  - caused unacceptable delay and confusion when replying to her further request for assistance after it dismissed her stage two appeal.
3. Mrs G says this caused injustice to her family. She says it caused her, H, and her family distress and caused her physical health to suffer. She says she also took time and trouble to make her complaint. She would like the Council to apologise, reconsider her application for home to school transport, pay her a small monetary contribution and capture learning from this.

## Relevant law and guidance

### The Ombudsman's role and powers

4. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
5. We may investigate matters coming to our attention during an investigation, if we consider that a member of the public who has not complained may have suffered an injustice as a result. (*Local Government Act 1974, section 26D and 34E, as amended*)
6. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)

### Our Focus Report on school transport

7. As part of our role, we periodically issue [Focus Reports](#) to highlight common or systemic issues we see. These reports share learning from complaints to help councils and care providers make improvements, contribute to public policy debates, and give elected members tools to scrutinise local services.
8. In March 2017, in response to growing numbers of complaints about school transport, we issued a Focus Report called "[All on board? Navigating school transport issues](#)".

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9. In the report, we highlighted a range of issues, including the following:
    - For children with special educational needs and disabilities, councils should ensure not just their mobility but any health and safety difficulties associated with their special educational needs or disability are considered.
    - Decision letters councils issue following applications for transport or subsequent appeals are sufficiently reasoned and detailed to enable parents to properly understand all factors considered in reaching the decision made.
  10. Under our information sharing agreement, we will share this report with the Office for Standards in Education, Children's Services and Skills (Ofsted).

## **The law and statutory guidance about school transport**

### **Suitable transport for eligible children**

11. The Education Act 1996 says councils must make arrangements to provide suitable free school transport to those "eligible" children of statutory school age who attend their nearest suitable school and:
  - live further than the statutory walking distance. This is two miles for children aged less than eight years old and three miles for children eight and above; or
  - live within statutory walking distance but cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs or disability. Eligibility for such children should be assessed on an individual basis to identify their transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to special educational needs and/or disability.  
*(Education Act 1996 section 508B and Schedule 35B)*
12. Children from low-income families may also be eligible for free school transport depending on their age and distance from their school.
13. Section 508B of Education Act says that travel arrangements for eligible children:
  - can include arrangements made by a parent only if those arrangements are voluntary; and
  - do not include arrangements which give rise to additional costs for parents.
14. The Government also issued statutory guidance on home to school transport in 2014. This says the following:
  - When determining whether a child with special educational needs, disability or mobility problems cannot reasonably be expected to walk to school, councils must consider if the child could reasonably be expected to walk to school if accompanied. If so, councils must also decide whether the child's parents can reasonably be expected to accompany the child on the journey to school, taking account of a range of factors including the child's age and whether one would normally expect a child of that age to be accompanied. *(Home to school travel and transport guidance - Statutory guidance for local authorities 2014, paragraph 17)*
  - For a council's school transport arrangements to be suitable they must also be safe and reasonably stress free, to enable the child to arrive at school ready for a day of study. *(Home to school travel and transport guidance - Statutory guidance for local authorities 2014, paragraph 35)*

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## **Appeals process**

15. The statutory guidance sets out a recommended appeals procedure for councils to follow. It says, “The intention is to ensure a consistent approach across all local authorities, and to provide an impartial second stage, for those cases that are not resolved at the first stage.” Parents may challenge decisions about the transport arrangements offered, their child’s eligibility, the distance measurement from home to school and the safety of the route.
16. The guidance recommends a two-stage procedure for school transport appeals.
  - Stage 1: review by a senior officer. A parent can ask for a review within 20 working days of receiving the council’s decision. A senior officer should respond within 20 working days and tell the parent the council’s decision.
  - Stage 2: review by an independent appeal panel. A parent can ask to escalate their appeal within 20 days of receiving the council’s response at stage one and an appeal panel should take place within 40 working days of the request. The guidance recommends that the parent should be able to make both written and oral representations to the panel.
17. At both stages of the appeals process, the decision should set out:
  - the nature of the decision reached;
  - how the review was conducted;
  - information about other departments and/or agencies consulted;
  - what factors were considered;
  - the rationale for the decision; and
  - how to escalate the appeal to the next stage, including when a parent can approach us.

## **The Council’s home to school transport policy**

18. The Council’s home to school transport policy, which was in use until June 2019, says any home to school transport provided will be “whatever the Council considers is necessary and suitable for the purpose of facilitating the child’s attendance at school”.
19. The Council says it will consider all the information given in applications for home to school transport and any evidence provided in support. It says it will take account of the child’s specific needs in deciding what assistance to offer. Its options for home to school transport include travel training, travel passes, personal budgets and taxis.
20. Before June 2019, the Council’s appeals process had two stages. At stage one a manager considered the appeal. The policy said, “further evidence may be requested to support the appeal and consultation with caseworkers and professional bodies may be required.” At stage two, a sub-committee of elected members reviewed the appeal.

## **How we considered this complaint**

21. We produced this report after considering the complaints made by Mrs C and Mrs G and the documents they provided; and the Council’s comments about the complaints and the documents it provided in response to our enquiries.

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22. We gave the complainants and the Council a confidential draft of this report and invited their comments. The comments received were considered before the report was finalised.

## **What we found**

### **What happened in Mrs C's case**

23. At the time of the events complained about Mrs C's daughter, D, was seven. She has a diagnosis of autistic spectrum disorder. She has an education, health and care plan which names a special school three miles from her home.
24. D began attending the school in September 2018. The family were living in temporary accommodation near to the school and a relative supported Mrs C to transport D to school. In February 2019, the family moved back to their own home, further from the school and without the support of the relative with transport.
25. Mrs C applied for home to school transport for D in March 2019. She said she did not have a car and her home was three miles away from the school. Mrs C said D could be challenging and refuse to walk. She said there was no direct bus route to the school and she could not afford the travel costs to bring D herself. Mrs C said D found public transport difficult, had no awareness of danger and had run into roads.
26. The Council assessed Mrs C's application in April. It decided to offer D a bus pass or cash equivalent but did not record on the assessment form the reason for its decision. It checked if the family were on a low income. The Council noted it issued the family with bus passes in November and December 2018 while they were living in temporary accommodation.
27. Mrs C appealed the Council's decision in May. She said D's learning disability was severe and her behaviour extremely challenging. The quickest route proposed by the Council required changing buses at the busiest time of day. Mrs C said D used a special needs pushchair and space on the bus would be limited which would make D more distressed. She said D could hurt herself and hit and bite others when she becomes upset. She asked the Council to provide D with a taxi or minibus to school.
28. An officer reviewed the stage one appeal. The officer acknowledged Mrs C's description of D's challenging behaviour but noted, "Travel Assist rarely receive reports regarding students attending [School] that suggest their students are unable to travel on vehicles with other passengers." The officer also noted the Council had given D a bus pass when she lived in temporary accommodation and as the pass was not returned, the officer assumed it had been used. The officer decided D could travel on public transport and dismissed the appeal.
29. In its letter to Mrs C about the outcome of the appeal, the Council said the extra information provided by Mrs C did not warrant a change in the original decision. It told her how to raise her appeal to the next stage.
30. In June, Mrs C asked for her appeal to be considered at stage two. She reiterated her previous concerns about D using public transport and said D's school was supporting the appeal. She said the Council had not provided a detailed explanation for why D could not access specialised transport to and from school.

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31. The sub-committee considered Mrs C's second stage appeal in August. It did not tell Mrs C the date of the appeal. The sub-committee noted Mrs C had not provided supporting evidence for D's challenging behaviour.
32. The Council wrote to Mrs C and said it did not uphold her appeal. It said the family had not returned the bus passes issued to them in November 2018, therefore the sub-committee assumed they had been travelling on public transport. It also said it thought the journey to school was reasonable. The Council said there was no evidence D could not use public transport. It did not direct Mrs C to us.
33. In September 2019, a clinical psychologist provided a supporting letter for D to access home to school transport. The letter said D needed full supervision and support with her every day needs and was mostly non-verbal. It stated D could be aggressive towards others and did not use public buses due to health and safety concerns.
34. In January 2020, D's school wrote a letter which was given to the Council providing evidence in support of Mrs C's request for home to school transport. The letter said D:
- had no awareness of personal danger;
  - would not be able to travel to school by public transport or walk between home and bus stops;
  - was non-verbal, placed inappropriate items from the environment in her mouth, and injured herself;
  - became distressed and could behave unpredictably;
  - would not be able to access crowded spaces such as a public bus; and
  - had similar needs to "numerous other children" who attended the school and received specialist transport.
35. In March 2020, a different clinical psychologist discussed D's case with the Council and wrote in support of the request for home to school transport. She said D's presentation meant travel to school by public transport would be too high a risk. D's parents were struggling to use strategies to manage her behaviour because they were exhausted from her frequent challenging behaviour "throughout the day and the night whilst out of school due to a lack of transport provision".
36. In April 2020, the Council overturned its decision and granted D a space on a minibus with a passenger assistant to take her to school. The Council says this was in response to the information from the psychologist.
37. Mrs C said before this she had been transporting D to school herself by taxi. She says there were times she could not afford the taxi and D had to miss school. D's attendance for 2018-19 was 69% and her attendance before schools closed because of the COVID-19 pandemic in 2019-2020, was 52%.

### **What happened in Mrs G's case**

38. Mrs G has a teenage son, H, and several other children with additional needs. H has learning difficulties and physical health problems. He has an education, health and care plan which names a special school. The school is over three miles from his home.

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39. Mrs G applied to the Council for home to school transport in March 2019. In her application she listed her reasons for asking for assistance and explained the difficulties H would have on public transport. Mrs G told the Council H was at high risk when using public transport. She said he had no social skills, needed constant supervision, could be impolite or rude to others and could become physical by throwing items or pinching people.
  40. Mrs G went on to list the reasons neither she nor her husband would be able to go with H on his journey to school. Mrs G said she had competing priorities because she had to take her other children to various schools in the area and several had additional or complex needs. Mrs G also said she had her own physical and mental health difficulties.
  41. The Council replied to Mrs G in mid-March and confirmed H was an eligible child and had been granted home to school transport. The letter explained, “we have agreed your child can be provided with a free travel pass to use on public transport...Travel Assist expects either a parent or guardian to accompany their child on the journey to and from school.”
  42. Mrs G disagreed with H being offered a bus pass and said neither she nor her husband could go with him on his home to school journey. Mrs G appealed the Council’s decision and asked it to consider her appeal at stage one. She included further details of H’s medical issues, her own mental and physical health difficulties, and her husband’s recent surgery which prevented him accompanying H.
  43. The Council refused Mrs G’s stage one appeal. The decision letter said, “the additional information you provided did not warrant a change in the original decision following the initial assessment of the Transport Application Form.”
  44. Mrs G was unhappy with the decision and asked the Council to consider her appeal at stage two.
  45. In support of her appeal, Mrs G sent a letter from H’s paediatrician who supported her application for home to school transport. The letter said, “[H] can easily wander off as he has very little understanding in view of his difficulties.” Mrs G also explained that H suffered from anxiety, had no awareness of danger and could become anxious in crowds. She said H was taking sleeping medication and would have to catch three buses to arrive at school which she said would leave him confused.
  46. In mid-May 2019, the sub-committee considered Mrs G’s appeal. Under the Council’s policy at the time, Mrs G was not invited to give verbal evidence before the sub-committee.
  47. The Council wrote to Mrs G explaining its decision. It said the sub-committee decided Mrs G’s particular circumstances “did not justify a departure from the general policy as there was no exceptional circumstances.” The Council listed the reasons for refusal as:
    - H had been awarded a bus pass or equivalent and there were no exceptional circumstances to explain why he could not use public transport accompanied by one of his parents. The sub-committee noted Mrs G’s medical issues; and
    - two of Mrs G’s younger children should be able to travel alone despite having moderate special educational needs and the three other children attended a school very close to where they lived.

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48. The letter said the sub-committee's decision was final with no right of appeal. The letter did not explain that Mrs G could approach us.
  49. In September 2019, Mrs G contacted the Council to explain she was struggling with her health and asked if she could put in another application for home to school transport. The Council told Mrs G not to complete a new application form. It said she could send supporting evidence and it might consider it at a sub-committee hearing. Mrs G says she sent supporting evidence of her family's difficulties and provided medical documentation for her husband and H's sibling. She also sent information about a college course she attended which she believed changed her circumstances.
  50. The Council wrote to Mrs G in November 2019. It said there was "no decision on the stage two appeal" and it would tell her when it had an outcome.
  51. Mrs G says she emailed the Council many times for an update but only received an automated response. Mrs G says she had not received a response from the Council up to the point she complained to us in February 2020.

## **Conclusions**

### **The Council's decision to provide home to school transport**

52. Both children were eligible for home to school transport because they lived more than the statutory walking distance from their nearest suitable school. The issue of accompaniment only applies in cases where a child lives within statutory walking distance and has a special educational need, disability or mobility problem, or the walking route is unsafe. There is no expectation in the guidance for a parent to accompany a child who is entitled to home to school transport because they live further than the statutory walking distance. The Council expected Mrs C and Mrs G to accompany their children to school, and this was fault.
53. In both cases, the Council did not adequately record its reasons for offering a bus pass when Mrs C and Mrs G applied for home to school transport. There is no evidence of how it considered travelling by public transport was "safe and reasonably stress free" for D and H or that it considered whether either child could travel on public transport unaccompanied. This was fault. If the Council believed the children needed accompaniment, it should have considered another type of transport as set out in its home to school transport policy, such as escorted public transport or a transport vehicle to assist them on their journey to and from school. Not doing so was fault.
54. For Mrs C and Mrs G to use the home to school transport offered to their children they would have had to incur additional costs buying their own ticket to accompany the children on public transport. The Council says it did not consider issuing a bus pass or equivalent to either parent. In both cases, the families incurred costs transporting their children to school either by taxi or using their own car. This was fault.

### **Appeals**

55. In both cases, the Council's response to the stage one appeal does not explain what it considered when making its decisions, nor the reasons for its decisions. In Mrs C's case, the Council's records show it based its decision in part on the behaviour of other children and did not show how it considered D's individual needs. In Mrs G's case, it did not explain how it considered H's needs or the

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- medical evidence she provided. There is no evidence the Council asked for further information from Mrs C or Mrs G about D or H's difficulties using public transport, or consulted with caseworkers or other professionals involved with the children. This was fault.
56. The Council did not invite Mrs C or Mrs G to the stage two appeals. The policy in place then did not allow parents to attend stage two panels to make oral or written representations. This did not follow the statutory guidance and was fault.
  57. In both cases, the minutes we have seen do not explain what evidence the sub-committee considered or give a rationale for how it reached its decision. This, together with the failure to invite parents to make verbal representations, casts doubt over the decision-making process. This was fault.
  58. The decision letter to both parents following the sub-committee concluded "there were no exceptional circumstances" to explain why the children could not use public transport accompanied by one of their parents. The sub-committee failed to recognise that both children were eligible due to living over the statutory walking distance from their school and so there was no legal basis to expect a parent to accompany them to school. This was fault.
  59. The stage two decision letters did not explain Mrs C and Mrs G's right to approach us if they remained dissatisfied with the outcome of the appeal process. This was fault.
  60. In Mrs C's case, the Council was not at fault for not considering the letters from D's school and first clinical psychologist, as these were not available at the time of the appeal. However, there is no evidence to suggest D's needs changed from the time her mother applied for home to school transport to the time the Council changed its mind and decided to offer specialist transport. The Council should have carried out the necessary checks with other professionals working with D at the time of Mrs C's application. Had it done so, on balance of probabilities, we are satisfied it would have decided to offer specialist transport sooner.
  61. We have found fault with other councils for putting the onus on parents to produce a high standard of evidence to support their application for home to school transport. The statutory guidance is clear the Council must assess eligibility on an individual basis to identify the transport requirements of a child. If the Council finds a parent's evidence is lacking, it should collect any further evidence it needs to assess a child's eligibility for transport. Both children were attending school and in regular contact with professionals who could have provided the Council with advice. The Council did not seek this advice, and this was fault.
  62. In Mrs G's case, the Council failed to respond adequately to her when she provided evidence to support her change of circumstances in September 2019. This was fault. The Council caused unnecessary confusion by telling Mrs G no decision had been made on her appeal when her stage two appeal had been dismissed in May 2019. This was fault.
  63. In response, the Council acknowledged Mrs G contacted the service in September and again in November 2019. The Council said Mrs G did not follow up her request. However, Mrs G sent us the Council's automated email response from February 2020 showing she had contacted the Council. On the balance of probabilities, Mrs G contacted the Council for an update between November 2019 and February 2020 but did not receive a reply. The Council said the additional information Mrs G submitted after September 2019 was not reviewed. Mrs G says she still has not received a reply to her request. The Council should have replied

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to Mrs G within the 20 days as specified in its automated email reply, and not doing so was fault.

### **Injustice**

64. Both Mrs C and Mrs G incurred costs as well as the stress and inconvenience of accompanying their children to school because of the Council's faults. The faults prevented D and H having the school transport they were entitled to.
65. In Mrs C's case, D's attendance in the past two school years was low. Given other difficulties the family experienced in this period, it is not possible to say with certainty that lack of suitable transport was the only reason for D's low attendance. However, we are satisfied the cost and difficulty of arranging alternative transport for D was one factor which prevented her attending school regularly. Consequently, D missed some education because of the Council's fault.
66. Mrs G says the lack of suitable transport contributed to her own emotional, mental and physical health issues. She says she spent a considerable amount of her time making sure her children were taken to various schools as she did not want their attendance to suffer. She says she felt mentally and physically drained and it caused her to miss or alter health care appointments for herself and children. Mrs G also says the amount of time it took to take various children to different schools affected her family and caused some of her children's behaviour to deteriorate. The Council's failure to provide suitable home to school transport for H contributed to Mrs G's stress. The Council has not resolved Mrs G's concerns about H's transport to school so the injustice is ongoing.
67. The Council's failure to invite parents to the stage two appeal deprived them of an opportunity to present their case for alternative transport provision. The Council has since updated its policy to allow verbal evidence to be given. It also ensures parents and carers are signposted to us at the end of the appeals process.
68. The Council missed opportunities through the appeals process to correct the faults in its decision making. This resulted in Mrs C and Mrs G taking time and trouble to bring their complaint to us to seek resolution.
69. We are concerned that the very similar faults which occurred in both these cases mean it is possible other families have been similarly affected. Other parents and carers may have also incurred costs to access the home to school transport their children are entitled to.

### **Recommendations**

70. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

### **Mrs C's case**

71. To remedy the injustice identified in this report, the Council has agreed to:
  - apologise to Mrs C and D for the faults identified in this investigation, and repay any costs incurred by Mrs C to transport D to school since 12 April 2019;
  - pay Mrs C £150 for the time and trouble taken to resolve her complaint;
  - pay Mrs C a further £250 to recognise the stress and inconvenience caused by the failure to provide suitable home to school transport; and

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- pay Mrs C a further £500 to recognise the impact the failure to provide suitable home to school transport had on D accessing education from April 2019 to March 2020.

### **Mrs G's case**

72. To remedy the injustice identified in this report, the Council has agreed to:
- apologise to Mrs G, H and their family for the faults identified in this investigation;
  - pay Mrs G £150 for the time and trouble taken to resolve her complaint.
  - pay Mrs G a further £300 to recognise the stress and inconvenience caused by the failure to provide suitable home to school transport and the impact this had on Mrs G and H;
  - review Mrs G's application and offer H an alternative means of home to school transport which does not require his parents to accompany him; and
  - pay Mrs G her reasonable travel expenses from 13 March 2019 when it decided H was an eligible child.

### **Service improvement**

73. To improve the service offered to other families, the Council has agreed to remind officers making decisions about home to school transport, and those involved in appeals, of the following:
- The Council cannot insist parents and carers accompany children who live beyond statutory walking distance on the journey to school. For all other children, decisions about accompaniment should be made on a case-by-case basis.
  - Where the child is eligible for free transport, parents and carers should not incur costs to use home to school transport offered to their child.
  - Decisions made about home to school transport must take account of the individual needs of the child and consider whether the journey is "safe and reasonably stress free, to enable the child to arrive at school ready for a day of study".
  - If the Council requires further evidence to decide if a child is eligible for home to school transport, it should consult relevant professionals already involved with the child.
  - When making decisions about transport for children with special educational needs, the Council should show how it has considered the content of the child's education, health and care plan.
  - Reasons for decisions must be recorded.
  - Decision letters following appeals must set out how the Council carried out the review, who they consulted, what they considered and how the parent can escalate their case.
74. The Council has also agreed to:
- revise its home to school transport policy to ensure its approach to accompaniment reflects the statutory guidance;
  - review all decisions to issue a travel pass made since September 2018 to ensure

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- it considered the individual needs of each child;
  - it has not required parents and carers of children living beyond statutory walking distance to accompany their child on the journey to and from school; and
  - no parent has been expected to incur costs to use the home to school transport offered by the Council where the child is eligible for free transport. Where costs have been incurred, the Council should repay these.

## **Decision**

75. We have completed our investigation into this complaint. There was fault by the Council which caused an injustice to Mrs C, Mrs G and their children. The Council has agreed to take the action identified in paragraph 70 to 74 to remedy that injustice.