



Home to School Transport Evidence Pack

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Terms of Reference

Home to School Transport/Travel Assistance Service

Education and Children's Social Care Overview and Scrutiny Committee

Our key question:	What are the impacts of the Home to School Transport application process, and its subsequent outcomes, on the parents/carers and child's capacity to access their education and how does that fit with the aspiration for Birmingham to become a child friendly city?
1. How is O&S adding value through this work?	Rebuilding relationships and trust with parents, carers and families involved by putting their experience and legitimate concerns at the centre of the inquiry and by using that evidence to establish the main areas of concern where the current service needs to be improved.
2. What needs to be done?	<p>Key lines of enquiry:</p> <ul style="list-style-type: none">• Ascertain the travel assistance eligibility criteria as set out in the relevant legislation for 0-25 the process, procedure and decision making practices (including EHCPs).• Examine the information requested to be provided by applicants on application forms.• Investigate the various stages of the travel assistance application and assessment process including but not limited to:- the level of and training provided to staff involved, numbers of applications and breakdown of numbers approved/declined, decision making criteria, how decisions are communicated to applicants, how routes are planned and communicated including how safe pick up points are assessed.• Establish the criteria for provision of and incidence of travel assistance training provided for service users.• Clarify the stages of the appeals process.• Ascertain the monetary costs of administering the travel assistance application, assessment and appeals process.• Establish the incidence of children who are not in education as a result of being declined and how any resulting potential harmful impact on the child involved is minimised.• Clarify the interpretation of what constitutes "exceptional circumstances."• Identify areas of and seek examples of evidence of good practice from elsewhere nationally and locally.• Identify the main areas for improvement emerging from the evidence provided to the inquiry to explore what can be done to improve the service being delivered in the future.



3. What timescale do we propose to do this in?	<ul style="list-style-type: none"> • A call for evidence with Terms of Reference will be circulated in September 2019. • An informal planning meeting of the scrutiny committee members will take place in October 2019. • An evidence gathering session will be held on 13th November 2019 with a view to taking a report to City Council setting out the findings from the Inquiry in early 2020.
4. What outcomes are we looking to achieve?	<ul style="list-style-type: none"> • A rebuilding of relationships and trust with parents and families. • Ensure that their legitimate concerns are taken into account. • Develop a report to City Council highlighting the findings from the inquiry. • Identify proposals for how the service can better meet the needs of users going forward.
5. Proposed Witnesses	<p>Birmingham City Council:-</p> <ul style="list-style-type: none"> • Cabinet Member for Education, Skills and Culture • Cabinet Member for Children's Wellbeing <p>Community Groups including Autis and West Midlands Parents United Against Autism Parent Carer Forum Parents with children attending Special Schools across the City. City of Birmingham School (COBS) Birmingham Children's Trust Travel Assistance applicants and Service Users at other schools across the city via school noticeboard. Schools. Parent & Carer Forums. PTA's.</p>

Scrutiny Inquiry of Home to School Transport Service – Call for Evidence**Conservative Group Response****Introduction**

The Home to School Transport Service has been beset with problems for a number of years and has been subject to supposedly ‘robust’ reviews before with promises of improvement, only to see mistakes and failings being repeated despite warnings from Opposition Groups, Scrutiny Committees and – more importantly – parents.

Whilst we therefore welcome this latest review, which we have been calling for, we are concerned that the limited scope set out in the terms of reference risks repeating those same mistakes by failing to fully get to grips with the deep rooted problems with the service. We are particularly concerned by comments from the Chair that some issues should not be included because we should not focussed on historical issues but on the future of the service; whilst we are entirely of the view that of course the outcome of any review should be recommendations that inform and shape a fit for purpose service going forward, ignoring what has gone on before will mean that this review, like all those that have gone before it will simply result in more of the same.

The below sets out a summary of our main concerns with the service which we believe Scrutiny needs to take fully into account when considering the specific objectives of the limited ‘review’ it has set itself as well as committing to a wider piece of work to look at all aspects of the service including governance and leadership failings that have helped create the current situation and which, if left unchecked will ensure the service can never meet the standards parents and children have a right to expect.

Context

The demand for Special School (and Resource Base) provision in the city is unprecedentedly high and so many children with Education Health & Care Plans attend schools a long way from their homes, in neighbouring Local Authority Areas, and in the independent sector. Given the statutory responsibility for the Council to make travel arrangements for eligible children, this makes costs increasingly difficult to control.

The long term solution is to ensure that each area of the city has suitable specialist provision for different types of Special Educational Needs and Disabilities and with the capacity to admit additional pupils. Whilst this is, to an extent, a national issue, opportunities have been available and missed by the council to benefit from government funding for the creation of new Free Schools, despite there being significant local interest including from local consortia of teachers.

Scrutiny Focus

The failure of the Council to adequately support a bid for a new SEND Free School meant that Birmingham missed out on the opportunity for funding, we believe that Scrutiny should understand exactly what happened with this, including why the bid was not properly supported, and look at what other opportunities are on the near horizon – including at the land acquired from South and City College – to ensure the Council is well prepared to properly support the establishment of new Free Schools for SEND provision.

2019 Policy Changes

The policy changes from earlier this year have created a number of issues since coming into force from September, leading to a further breakdown in trust with parents. It is highly concerning that these problems were not only entirely foreseeable, they were indeed, foreseen. Scrutiny, Opposition Groups, Parents and even the Department for Education all raised their concerns with the new policy at the time, only for it to be waived through by the Executive with minimal changes.

Scrutiny Focus

Time and again, the Executive has failed to listen to critical voices and continued to push ahead with plans only for warnings to come true. The call-in of the new Home to School Transport policy, with considered and informed debate at committee showed Scrutiny at its best but the failure of the Executive to take heed of these concerns shows it at its worst. Whilst it is to be hoped that any recommendation that comes out of the current review by Scrutiny are more impactful, the committee should ensure it fully understands what led to the rejection of its concerns last time (and on several occasions prior to this) including reviewing the legal advice provided to the cabinet.

“Exceptional Circumstances”

Central to these concerns that were raised at the time was the vagueness of the term ‘exceptional circumstances’ for eligibility for post-16 (and under 5s) travel support. It was argued at the time that there needed to be much more clarity around this to avoid confusion and increase transparency and fairness. Whilst it is accepted that there is a gap in legislation, this should not be used as an excuse by the council to limit access. For at least the time that education is itself mandatory up until the

age of 18, the Council should be ensuring that all young people have the means to access that education.

Personal Transport Budgets

These were introduced in the policy in 2013, but not in practise until 2016. This essentially involves giving parents petrol money to transport children to school, rather than put them on a minibus or in a taxi. However, there were enormous flaws in this approach – flagged up during consultation and by various scrutiny committees and the Appeals committee:

1. If the school is a long distance away and/or parents have other commitments, such as work or other children to drop off in different schools, a PTB does not help
2. Most special schools have the majority of children arriving on minibuses, which means drop offs and pick-ups must be carefully co-ordinated. There are huge logistical problems inherent in replacing (say) 10 minibuses with 60 cars transporting children individually
3. Replacing (say) 10 large vehicles with 60 smaller vehicles is unlikely to lead to significant (or any) savings, but will certainly increase pollution

These concerns were all ignored and the ensuing chaos brought the Travel Assist service to crisis point in 2016. Since then the PTB policy was quietly dropped and parents have been steered away from it. However, the new policy uses **exactly the same wording** as the previous one, which describes Personal Transport Budgets as the “**preferred option in most cases**”. As we asked at the time ‘what lessons have been learned from the last experience and how will the application of the new policy differ from the old one?’

We remain concerned that Personal Transport Budgets, whilst undoubtedly have their places in helping to meet needs and increase parental choice, are being forced through for budgetary reasons without a thorough understanding of when and where they may be appropriate.

Scrutiny Focus

Scrutiny should endeavour to understand the use of PTB on both a micro and macro level i.e. what is the experience of parents taking up this options and what does the data tell us about the number of children for whom PTB is genuinely the option that will best meet their needs.

Appeals –

The abolition of the Members Appeals Committee was an issue that raised alarm from across the political spectrum - this body has consistently, over a number of years with different memberships, highlighted problems with policies which have proven to be correct. There was no rationale for making this change, which replaced the committee with “officers”, other than to say that it is in line with best practise. Where, by whom and on what basis was been identified as best practise?

Government guidance simply gives options and does not recommend a particular model. How will the officers on their proposed committee be selected? In what way will they be more independent than elected members? The move gave the feeling that the reason they want to remove members from the process is because they have been too vocal in criticising and overturning decisions so this step actually reduces impartiality by seeking to install more compliant officers.

The response at Cabinet was that parents supported this move as they wanted that level of independence and expertise but this comes down to the way the consultation was presented. If you ask people ‘do you want councillors doing appeals or more independent officers’ then they will choose the ‘more independent’ option but if you asked them – do you want democratically accountable and cross party members making the decisions or a team of council paid officers who are the professional peers of those who took the original decision’ I suspect the answer would have been very different.

They didn’t really address the issue at cabinet of how independence would be assured, other than to say it would be people not involved in the original decision, but this doesn’t make them independent if they are operating in the same team, especially if they are making decisions for other children that will be subject to appeal by another group of their peers.

Scrutiny Focus

Scrutiny should examine what has happened with appeals panels since this change, both in terms of what the data says about the number of appeals upheld – and subsequently lost at tribunal – and the parental experienced of the process and what it is doing to trust between parents and the council.

Nearest Qualifying School

The new policy says the child will only be eligible if they attend the ‘nearest qualifying school’ and that a school that is further away can be named in the EHCP on the condition that parents pick up the cost. However case law (S and other vs Dudley MBC) shows that this is open to challenge if the council doesn’t undertake the proper analysis – firstly that both schools (the LA choice and the parent choice) are both suitable *and* available, secondly that if both schools are suitable then a comparison of cost should be undertaken to establish if the parents’ choice is ‘incompatible’ with an efficient use of resources. Only if the *total* cost (including transport and all other costs) of the parent’s choice is so significant as to represent an inefficient use of resources can the LA make the parents responsible for paying transport costs. Dudley lost the case because the difference in cost when taking everything into account was relatively small. This level of analysis is important to get right to avoid losing at tribunal and so we argued strongly that this really should be reflected in the document.

This was an issue that was also picked up by the DfE in their letter who say that the policy should be clear that providing transport to a parent’s preferred choice of school will be considered in individual circumstances. The legal officer at Cabinet tried to provide reassurance that the Dudley case was taken into account but at EHCP stage, but the point is that the EHCP will be guided by this policy and so this policy has to be absolutely clear, they may think it reflects it as it stands but we didn’t think it did and the DfE didn’t think it did so it isn’t explicit enough and no good reason not to make a simple change to make it explicit.

Scrutiny Focus

Scrutiny should examine any appeals based on ‘nearest qualifying school’ criteria and how ‘S and Others vs Dudley’ has been applied to judgements of eligibility. Have the reassurances provided by legal officers at the time of the call-in (that it would be taken into account at the appropriate stage) been borne out or does the policy need to be strengthened along the lines we suggested at the time?

Service Provider and contract management

The issues with Home to School Transport are not just policy based; at least as important have been failings with the service provider, in particular ATG. The poor quality of service has contributed to the breakdown in trust with parents over a number of years and – whilst a new provider has now been put in place since the collapse of ATG – it is essential that lessons are learnt from how the council managed (or failed to manage) this contract to ensure there are no repeats. This is all the more important given the very serious concerns that have emerged since the collapse of ATG, including some highly disturbing safeguarding failings.

The Council extended the contract for ATG a staggering 7 times since 2013, without proper due diligence and despite the provider failing to meet basic service standards and safeguarding requirements. Concerns with ATG were raised several times as well as concerns over the procurement process followed but nothing was done until the company itself entered administration, costing the council millions. Whilst financial mismanagement by the council is nothing new, the fact that failings here involved placing highly vulnerable children at potential risk makes it all the more serious that we understand why it was allowed to happen and what is being done to avoid it happening again in the future.

A draft Audit Report, which has been shared with the Chair of Scrutiny contains several alarming concerns that scrutiny need to be fully appraised of as it speaks to the complete lack of appropriate management of the service since 2012. Whilst their report got to Audit Committee to consider concerns around governance and risk management, Scrutiny should take an active interest in its contents and reassure itself that there can be no repeat of the serious failings it exposes. Not doing so, or dismissing concerns as merely 'historic' means we cannot fully understand a key reason why the all-important trust between parents and the council is so low. It also means that the council may -yet again- fail to pick up on valuable lessons that can help improve the service and keep our children safe.

Scrutiny Focus

We believe that it is essential that failings with ATG and contract management by the Council form a key feature of this review, in order to fully understand the frustrations and concerns of parents and in order to ensure that mistakes are not allowed to repeat themselves. With the short time allowed for this review, and the focus on policy elements, it may be that more time needs to be dedicated to carry out a fuller and more focussed review on this in the near future and given procurement failings, this could be done in partnership with the Resources Scrutiny Committee. But at the very least a copy of the Audit report, along with the Council's response should be fed into this review for scrutiny members to be brought up to speed.

Cllr Alex Yip
Shadow Cabinet Member for Children's Wellbeing
October 2019



Home to School Transport

Evidence Received (11 September – 15 October 2019)

1 Purpose

- 1.1 This paper provides information on the evidence received primarily from parents between 11th September 2019 and 15th October 2019 for the inquiry.

2 Introduction

- 2.1 The Committee agreed on the 11th September 2019 to undertake an inquiry into Home to School Transport/Travel Assist and that the voices of the parents and families would be at the centre of the inquiry. This would include having some 'face to face' meetings with parents and several who were at the committee meeting spoke to members and/or officers afterwards about wanting to provide evidence to the inquiry.

3 Call for Evidence

- 3.1 The scrutiny office e-mailed the Birmingham Parent Carer Forum for their input. Also, committee members were e-mailed, requesting they contact the scrutiny office if they knew of any parents/carers who were not part of the Parent Carer Forum and would like to attend the 'face to face' meetings.
- 3.2 The Chair had four face to face meetings with seven parents regarding five children on 23rd and 24th September 2019 (Councillor Aikhlaq was also in attendance on the 24th September 2019 for some of the meetings).
- 3.3 Also:
- An e-mail was sent to all members of the City Council on 24th September 2019.
 - Details included in the Schools Noticeboard: <https://bit.ly/2VI88b0>
 - Consultation put on BeHeard: <https://bit.ly/2OPg74q>
 - Call for evidence tweeted from the scrutiny twitter account and on the scrutiny website: https://www.birmingham.gov.uk/info/20142/overview_and_scrutiny/216/scrutiny_news/2
- 3.4 In addition, there was an article regarding the launch of the inquiry in the Birmingham Mail: <https://bit.ly/2VKkP52>



Home to School Transport

4 Responses

- 4.1 There has been a total of 37 responses (evidence provided) to the inquiry. Where a parent has duplicated the response, for instance via e-mail and via BeHeard, this has only been recorded once so they are not double counted.
- 4.2 The breakdown of the 37 responses is as follows:
- Four face to face meetings (regarding five children¹)
 - 14 provided written evidence.
 - 15 provided evidence on BeHeard.
 - Three provided evidence over the telephone.
- 4.3 Out of the 37 responses, nine were regarding 16 – 18 years old and four were regarding 19 – 25 years old. Three of the respondents were responding on behalf of a number of children. In addition, we are awaiting evidence from 12 parent/carers who contacted the scrutiny office to say they would provide evidence.
- 4.4 Two respondents did state that it had been a 'very good experience', 'application was very straight forward' and transport is 'always on time and sons current transport is very good with an extremely patient and caring driver'.
- 4.5 However, there were issues and concerns raised regarding children either being late for school, not being in education due to inappropriate or no transport and also a parent stated that she had 'to give up work due to the transport being late and needing to get the other children to school'.
- 4.6 Below is further information regarding the concerns and issues:

Contact with the Service

- 4.7 Contact details in the policy and on the council's website are: telephone: 0121 303 4955 and Email: travelassist@birmingham.gov.uk.
- 4.8 There were a lot of issues regarding problems with contacting the service, fourteen (39%) had problems contacting the service:
- The phone number being either constantly engaged or ringing out (one parent had phoned 77+ times without getting through).
 - Do not always receive responses to their emails and in some instances 'emails ignored continuously'.
 - When they do get to speak to someone, either the officer does not know about their case or incorrect information is given to them.
 - The service does not contact the parents/carers when they change the route, driver or guide etc.

¹ two parents wished to provide evidence together about their own child at the same meeting



Delays with the Applications and Appeals

- 4.9 The policy states for applications: 'each application will be processed as quickly as possible'; for stage one appeals: 'within five working days of receipt' and for stage two appeals: 'within 40 working days'.
- 4.10 19 respondents (53%) had problems with delays to applications and/or appeals and some of the comments were:
- Stress caused by the time taken for the application and appeal decisions.
 - Children being out of school.
 - Would like a system where transport is agreed at the same time as a place is offered at the resource base so that uncertainty as to whether transport will be agreed and the possibility of the need to appeal can be removed.
 - The decision has not been received in writing.
- 4.11 The other issue regarding timescales was that two respondents were awaiting reimbursement for travelling costs.

Assessment

- 4.12 There were a number of respondents who felt their child was offered the wrong type of travel assistance. One respondent was 'told that we should get an assessment every year and not had another one since 2013'. Other comments include:
- Awarded the wrong type of transport as children needed individual taxis.
 - A lot of families have been offered a bus pass or been refused transport completely and therefore are having to go through the stage 1 and stage 2 appeals.

School Transitions

- 4.13 It is not stated within the policy that you would need to re-apply if you changed schools. However, it does state 'Changes in circumstances: Parents or carers (in the case of those aged under-18) of children in receipt of travel assistance and recipients of travel assistance themselves (in the case of those aged over-18, or any person acting on their behalf) must tell the Council immediately of any change in circumstances which may affect their entitlement to travel assistance'.
- 4.14 Concerns and comments made were:
- Had to apply again when child moved from primary school to secondary school and then was informed that they would now be picked up at a bus stop and they are appealing against this.
 - Received transport and then moved to a different school and was only offered a bus pass.
 - Received transport and guide and then moved school and there were delays when re-applied.
 - When started secondary school it took around almost three months to acquire transport.



Home to School Transport

Respite / Residential Care

- 4.15 There is no mention of respite / residential care within the policy. Concerns and comments made were:
- Respite care is agreed but no thought on how the young person will be transported to and from school.
 - The Council will not provide transport to and from respite / residential care.

Transport

- 4.16 There were a number of responses stating the drivers and guides are 'nice', 'good' or 'fantastic', with one parent stating 'generally the transport is excellent. We have had the same driver and assistant for a while and that is the key to the process working'. However, 15 respondents (42%) had concerns and issues regarding transport and some of these are below:
- Child has not got to school on time as the minibus is always late. This may be because of the route or there are too many children on the minibus.
 - It is not unusual for the bus to be very late or even cancelled and there is no phone call from Travel Assist / School.
 - Children being on transport too long: 'on the minibus two hours instead of 1½ hours' and one child's journey is 75 minutes.
 - Parent informed that the minibus will only allow two minutes for the child to get on the minibus and if the child is not ready in two minutes then they will go without them.
 - Problems with taxis – they are late and had different drivers, drivers who could barely speak or understand English and drivers asking for directions, who they need to pick up and drop off and how they get to the college and home etc.
 - The 'driver and guide are fantastic', and try to get to us on time, but can be hit and miss due to extra children being put on or for other reasons out of their control.
 - Unsafe for child to get on and off the bus and there is no help from the guide or driver.
 - Children need consistency and routine and parents need to know if buses are running late or where the guide is being changed.
 - Need contingency plans in place for when the bus breaks down and emergency kits on board such as blankets and water should there be a long wait.
 - Parents should be notified when a bus breaks down and allowed to remove the child should this have a medical impact on them.
 - Parents need to know that children are in a safe environment and that guides and drivers can deal with behaviours on the buses.



Guides

- 4.17 The policy states that 'a pupil guide may be provided to accompany a child, young person or adult to their place of education whether using public transport or on Council provided transport. Pupil Guides will only be provided where they are necessary for the safe operation of vehicles and/or the care of children and young people and where parents or carers are not reasonably able to accompany them'.
- 4.18 As mentioned above, a number of respondents were pleased with their guides, however the following issues were raised:
- Unsure whether the guide on the mini bus is for their child's needs (members had previously been informed that parents/carers would be informed whether the guide on the minibus was for their child). There was also an article in the Birmingham Mail in September 2018 regarding guides being removed <https://bit.ly/2EC0Y35>.
 - There is no confirmation that guides are first aid trained.
 - The guide who was familiar with the needs of the child was moved to another route.
 - The guide was taken off the minibus, however they now have a guide back on.
 - The guides do not know the needs of the children / lack of training.

Problems when applying for a Bus Pass

- 4.19 One respondent had problems with them stating 'they seem to be treating this as transport and not a pass'.

Personal Transport Budget (PTB)

- 4.20 The policy states 'the Council encourages the use of personal transport budgets wherever appropriate as this helps individuals and families to have the most control over their travel arrangements' and 'this will be paid on a monthly basis over 11 months to the parent or carer (in the case of those under-18) or the individual or a person acting on their behalf (in the case of those over-18). The parent/carers or adult individual then assumes full responsibility for the travel arrangements and getting the child or themselves to their place of education on time and achieving good attendance. It is anticipated that the use of personal transport budgets can meet most individual and family's needs and the Council encourages their use wherever appropriate'.
- 4.21 Two respondents had concerns regarding PTB:
- You have to be set up as a Vendor. It works by the parent claiming back (somehow) the mileage allowance of £2.71 per mile. Parent has no idea why you have to be down as a Vendor to claim PTB.
 - Requested PTB instead of transport but not had a response to this request.



Home to School Transport

Parent Contribution

- 4.22 The new policy states 'where the travel assistance consists of a taxi or specialist vehicle, the young person and/or his or her parents or carers will be required to contribute towards the cost of this. The amount that will be required is £780 per academic year or £390 if the young person is from a low income family'. However, one respondent stated they were not informed a contribution would need to be paid for the last two years.

Young Persons of Sixth Form Age (16 – 18 years old)

- 4.23 The previous Transport Policy Statement for Young People of Sixth-Form Age was effective from 1st September 2013 - May 2019. Appendix 1 details the old and new policy. There is also information on the council's website providing further information and this is included in Appendix 1 (<https://bit.ly/2nMf4BO>).
- 4.24 The following issues were raised.
- Children were previously in receipt of transport and then they were refused as 'no exceptional circumstances'.
 - Parents and carers do not know what constitutes 'exceptional circumstances'.
 - The assessment is intrusive to the family.
 - Children offered inappropriate and unsafe 'pick up points'.
 - The Council provides a Personal Transport Budget (PTB), so the Council admit the child needs support) but refused other forms of travel support.
 - Refused because they have a car, however this is a company car.

Adults Aged 19+

- Parent informed the previous year that the Council will only pay for 16 – 18 years old and therefore parent paid the college to provide the transport. They have applied this year and are still awaiting the decision.
- Parent informed two years ago that assistance was not provided for post 19.
- Does not know what constitutes 'exceptional circumstances' so there is no benchmark.
- Application took too long which the Council has acknowledged.
- Refused application based on personal financial information.

Education and Health Care Plans (EHCPs)

- 4.25 Two respondents mentioned EHCPs - one parent had not received the EHCP for two years and another was unsure whether the EHCP was taken into account.



5 Complaints to the Service

- 5.1 The AD for Inclusion and SEND has been requested to provide a summary of the reasons for complaints and actions taken so this can also feed into the inquiry.

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Home to School Transport

Appendix 1: Policy Changes (Sixth Form Age)

Previous Transport Policy Statement for Young People of Sixth-Form Age	Current Travel Assistance Policy for 0–25 Year Olds in Education
<p>WHO IS ELIGIBLE FOR TRAVEL SUPPORT?</p> <p>The minimum criteria to be eligible for travel support from the Council are as follows:</p> <ol style="list-style-type: none">(1) You must be a resident of Birmingham(2) You must be attending a course at a school, further education college or institution or 16-19 Academy consisting of at least 450 guided learning hours per year(3) You must have a Statement of Special Educational Needs or a Learner Support Plan (LSP)(4) You must be aged 16-18 years, or have started the relevant course before you turned 19 and continuing to attend it. <p>An application which meets these minimum criteria will then be considered in accordance with the further criteria below. Applications which do not meet these minimum criteria will only be considered in accordance with the criteria below in exceptional circumstances.</p>	<p>... to facilitate the attendance of young persons of sixth form age receiving education or training at schools, FE colleges/institutions, 16-19 Academies, and certain other institutions maintained or funded by the Council.</p>
<p>FURTHER CRITERIA FOR TRAVEL SUPPORT</p> <p>The majority of young people who meet the minimum eligibility criteria above do not receive or require travel support from the Council and will make their own transport arrangements in the same way as their fellow students.</p> <p>The Council has discretion to determine when to provide travel support to facilitate young people's participation in education and training. This power to provide transport or financial support must be exercised reasonably and lawfully. In determining what support to provide, the Council will have regard to the following:</p> <ul style="list-style-type: none">○ The needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made;○ The need to ensure that persons in the Birmingham area have reasonable opportunities to choose between different establishments at which education or training is provided;○ The Council's general duties to ensure that enough suitable education and training is provided to meet the reasonable needs of 16-18 year olds;	<p>The vast majority of young people do not receive or require travel support from the Council and, unless the circumstances are exceptional, the only category of young persons of sixth form age the Council will consider providing travel assistance for are those with an Education Health and Care Plan, a disability or learning difficulties. In considering whether to provide travel assistance the Council will have regard to the following:</p> <ul style="list-style-type: none">○ The needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made;○ The needs of those who are vulnerable to becoming not in education, employment or training (NEET) at the age of 16 or 17, or who have already become NEET;○ The needs of young persons who are parents;○ The need to ensure that persons in the Birmingham area have reasonable opportunities to choose between different establishments at which education or training is provided;○ The Council's legal duties, including the duty to ensure that enough suitable education and training is provided to meet the reasonable needs of 16-18 year olds;○ Distance and journey time from the student's



Previous Transport Policy Statement for Young People of Sixth-Form Age	Current Travel Assistance Policy for 0-25 Year Olds in Education
<ul style="list-style-type: none"> Distance and journey time from the student's home to establishments of education and training, the cost of transport there and alternative means of facilitating attendance at establishments; The nature of the route or alternative routes which the young person could reasonably be expected to take; Any preference to attend a particular educational establishment based on religion or belief; The nature of the young person's special educational needs, disability or learning difficulty; Anything said in a statement of special educational needs or Learner Support Plan about transport; Whether there is a nearer institution which is suitable and can provide the same or similar qualification(s); The best use of the Council's resources. 	<p>home to establishments of education and training, the cost of transport there and alternative means of facilitating attendance at establishments;</p> <ul style="list-style-type: none"> The nature of the route or alternative routes which the young person could reasonably be expected to take; Any preference to attend a particular educational establishment based on religion or belief; The nature of the young person's special educational needs, disability or learning difficulty; Anything said in an EHC plan about transport; Whether there is a nearer institution which is suitable and can provide the same or similar qualification(s); The best use of the Council's resources. <p>As set out in the Key Principles above, the Council will also expect applicants first to have applied for and made use of all other sources of assistance.</p> <p>Financial assistance may be available from (or by applying through) the school or further education institution in question and Appendix 2 sets out full details of these schemes. In addition there are various concessionary travel schemes in Birmingham which may be available and these are set out in Appendix 3.</p>
	<p>It also states (page 3):</p> <p>Budgetary considerations: The Council has a limited budget for the provision of travel assistance to those in education. Any discretionary decision about the provision of travel assistance will take account of this and the number and type of competing claims that are made upon it.</p>



Home to School Transport

Travel help for 16 to 18 year-old students on Council's Website

We don't generally offer 16 to 18 year-old (post-16) students help with their travel. However, we do offer some support for post-16 students (and sometimes older) who have Statements of Special Educational Needs or Education, Health and Care Plans.

To be considered for travel help, students need to meet the following minimum criteria:

1. Be a resident of Birmingham
2. Be attending a course of at least 450 guided learning hours per year at a school, further education college or institution, or 16-19 Academy.
3. Have a Statement of Special Educational Needs, or an Education, Health and Care Plan.
4. Be 16- to 18-years-old, or have started (and continue to attend) the relevant course before turning 19-years-old.

However, the majority of students who meet the above criteria still do not receive or need travel support. When we're deciding whether to offer students help with their travel we also take into consideration the following:

1. The needs of students, where it isn't reasonable to expect them to attend a specific school or college without any help.
2. The increased choice between different education providers that additional help will give students.
3. Our duty to make sure enough suitable education and training is available to meet the reasonable needs of 16- to 18-year-olds.
4. The distance and journey time from the student's home to place of learning, the cost of transport, and any alternative means of them attending.
5. The nature of the route(s) that they could be reasonably expected to take.
6. Any preferences they may have to attend a particular educational establishment based on religion or belief.
7. The nature of the young person's special educational needs, disability or learning difficulty (including any notes relating to transport in their Statement or Plan).
8. Whether there's a nearer institution that's suitable and can provide the same or similar qualification(s).
9. The best use of the Council's resources.

If you feel you meet the criteria above, to apply for post-16 travel help you will need to complete and return a copy of our Post-16 Transport Request Form. If you don't meet the criteria, there may still be financial help or discounted travel schemes available. You can find more information in our Post-16 Transport Policy.

Summary.

This independent report has been prepared for The Education and Childrens Social Care O&S Committee inquiry into home to school transport (formerly known as Travel Assist). The report outlines the feedback from parents on their experiences of utilising the service and the barriers they have faced. The report will show how many families feel that their voices have not been heard and they have not been able to influence the move forward to a new look service. It will also evidence the negative effect this has had and continues to have.

Introduction.

2014 brought changes for children, young people with Special Education Needs and or disabilities and their families. The Children and Families Act 2014 placed duties on Local Authorities to involve children, young people with Special Education Needs and or disabilities and their families in decisions about individual provision. There was also a requirement that children, young people with Special Education Needs and or disabilities and their families should be involved in the shaping of services through, participation, engagement, consultation and co-production. The SEND Code of Practice (2015) similarly placed duties on partner agencies so they “must work together in local Health and Wellbeing Boards to assess the health needs of local people, including those with SEN or who are disabled”.

This is further supported by the United Nations Convention on the Rights of the Child (UNCRC 1989) article 12, namely that every child has the right to express their views, feelings

and wishes in all matters affecting them, and to have their views considered and taken seriously. It is against this backdrop that the following report aims to share the views families hold on the current state of home to school transport.

Parent carer views.

The importance of listening to and having regard for the views, wishes and feelings of the child and his or her parent, or the young person and their participating as fully as possible in decisions relating to them is underpinned by UK and International law. The Childrens and Families Act 2014, makes it clear that the Local Authority, in carrying out their functions under the Act, in relation to disabled children and young people and those with special educational needs (SEN), must have regard to: the views, wishes and feelings of the child or young person, and the child's parents.

Section 19 of the Childrens and Families Act (2014) identifies “the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in (those) decisions”.

Birmingham Parent Carer Forum has collated evidence from parents and here are our findings, including direct quotes from parents and families.

- Unsuitability of staff working within the service.
- Telephone calls not being answered.

‘It took me 68 consecutive calls to finally get through’

- Emails not being acknowledged or responded to.

- Staff answering calls rude, not understanding parental frustration, patronising and unhelpful.
- Drivers and guides not adequately trained.

‘My son has epilepsy and was on the bus for almost a year with neither the driver or guide knowing this’

- Guides unsuitable for the job

‘the driver has to open the van door for the guide as she is unable to open it herself. She needs a lot of help from the driver’

- Routes being changed at short notice or cancelled altogether.
- No communication between transport office, escort agency and contractors.
- Zero accountability.

‘Travel assist are a law unto themselves.’

- Little to no communication with parents.

‘We waited and waited for my child's bus but it did not turn up. We were not informed it had been cancelled.

- Disruption of service to families due to staffing issues.

‘I was told my son's route had been cancelled as the driver was off sick and there were no available drivers due to staff shortages.

- Children spending too much time travelling, including over and above the government guidelines.
- Staff (especially guides) blaming the child/yp for being disruptive on the bus. Referring to them as ‘naughty’ and ‘disruptive. Little to no understanding of their disability.
- Permanenet guides taking lengthy periods of time off.
- Transport unable to provide consistent back up guides.
- Family left to deal with inconsistencies as constant change of driver/guide/bus/route/order children are picked up and dropped off.
- Complaints about the service and staff go unaddressed.

‘Numerous complaints about the guide went unaddressed’

- Information not being shared with families in a timely manner and relevant information not being shared at all.

‘Never made me aware I could claim for mileage all the years I spent driving, especially when I was doing 100 miles a day.’

- Refusal from guides to have training.

‘Refusal from guide to have training for PDA’

- Transport arriving late at pick up and at school at the end of the school day.

‘The taxi is often late both ends or doesn’t turn up’

- Extremely slow delivery in all areas.

‘My son should have a train pass to get to school and back. Its 19/9 and Travel Asisst have yet to issue it. Both myself and

the school have repeatedly chased. The reply I get is that they are really busy. I have to take him to the station each day to help him buy the ticket.'

- Transport themselves unclear about how the service works?

'How can they give two afternoons a week transport but say you don't qualify for the rest because you live too near to the school?'

- Why are parents/families expected to pay for transport between the ages of 16-18?
- Families being offered cheapest option as opposed to the option which is best for them.
- Suitability and safety of the vehicles being used.

'My sons transport turned up this morning, not the usual minibus. All the windows had been screwed closed to the frame, no way a single one could be opened for air let alone an emergency exit.'

- Guides on their mobile phones.
- Parental input given at public meetings not taken into consideration when policies etc put together.

Recommendations.

- Complete overhaul of service.
- Input from service user (parents and families) to form a large part of this overhaul.

- Excellent communication across the board including internally within the organisations involved and externally with the families.
- Changes in staffing across the board from leaders of the service to frontline staff delivering the service.
- Constant and consistent monitoring of the service to ensure accountability and maintenance of good standards.

Sabiha Aziz (Chair of Birmingham Parent Carer Forum)

On behalf of Birmingham Parent Carer Forum.

30/10/2019

Written Evidence from Schools

- **Dame Ellen Pinsent School**
 - **Hamilton School**
- **Selly Oak Trust School**
 - **Calthorpe Academy**

Evidence from Denise Fountain, Head Teacher, Dame Ellen Pinsent School

[Dame Ellen Pinsent is located in the south of Birmingham and is a Primary Special School for cognition and learning. We have 149 pupils on roll with a range of special educational needs, including autistic spectrum condition, speech and language and moderate to severe learning difficulties – taken from their website].

I am responding to the Transport Inquiry that has been launched on behalf of Dame Ellen Pinsent School. Since September we have had a number of issues with buses running late, guide and driver absence and buses breaking down. As such I have been tracking the amount of time pupils have been missing education and the number of pupils affected:

- **37** pupils have been affected by the transport issues
- the equivalent of **8 and 1/2 days** of education have been missed since 4th September to 21st October as result

This level of disruption clearly isn't appropriate or fair on the children. We are a school with exceptional attendance levels and work hard with the parents to ensure the children come into school. It is difficult to have conversations with parents, regarding their child's poor attendance, when some of the absences are linked to transport issues.

I hope these issues can be resolved as a matter of urgency

Evidence from, Lindsay Cotton, Inclusion Manager, Hamilton School

“What are the impacts of the Home to School Transport application process and its subsequent outcomes, on the parents/carers and the child’s capacity to access their education and how does that fit with the aspiration for Birmingham to become a child friendly city”

I present my views on behalf of Hamilton Special School in Handsworth. I am the Inclusion Manager and experience day to day the impact that the issue of transport has on our families. This half term we have been inundated with travel assist appeals, stage 1 and 2, as a lot of our families have been offered a bus pass or been refused transport completely. Our students all have a diagnosis of ASD and the majority also have significant learning difficulties and complex care needs. This alone has a detrimental effect on our family’s dynamics in their homes. When been given a diagnosis such as ASD our parents have to apply for additional support from a large numbers of agencies, including transport. As a school we feel that it is vital to support them through this as much as we can, as it can be a very daunting process for a lot of our parents; as the majority also have English as an additional language. A lot of our parents have been issued a bus pass this year, and this has caused negative ramifications. Our students find it difficult to process the outside world, so trying to travel anywhere on a bus causes a lot of anxiety and detrimental consequences. They find waiting times a struggle, dealing with large crowds, not been able to sit on a particular seat, or unpredictable noises. This can result in very challenging behaviours such as crying, dropping to the floor, lashing out at others or grabbing at people around them. This not only causes the child distress, but then our parents have to cope with a child having a public meltdown. A lot of people have recently reported that they have received negative or judgmental comments and looks. Even if a child is within a short distance of school, parents may not be able to access a direct bus or cannot have access to a family car because they do not drive or their other half needs it to get to work. It causes a lot of stress in our families, which we try and support to the best of our capacity. The majority of the pastoral and SLT’s workload has been writing appeals or trying to overturn a refusal of transport. We have had to listen to a lot of distressed and upset families because they do not think they are being supported. When trying to contact travel assist we are constantly coming up against a busy tone, we send emails and wait ages for a response. This has resulted having to escalate it further in order to get the response we requires. One of my colleagues noted it down in her diary when she got through on the phones because it is very rare. We constantly feel that we are letting down our parents with regards to transport as they are coming to us in such a state of distress and upset and do not understand why they have been waiting long periods of time for a decision. One of our parents has felt let down by the transport service as she has been issued a bus pass again she became very distressed at school and expressed that we were not helping her. This makes it a difficult job to carry out as we constantly feel we are coming up against barriers, and it portrays us to our families that we have not been supporting them throughout the issue. It puts a strain on us as professionals as we are in a constant battle with transport, trying to show them that just because the student only lives 2 miles away, this is often the hardest journey they will have to take. A lot of our children have siblings who need to be at other settings, so they have time constraints in the morning. Also a large proportion suffer with sleep issues, some barely getting an hour a night at times. This makes the whole family tired, then

having to deal with a journey on public transport makes the whole situation impossible. It has an impact on parents who have to work, and need to be at their workplace at a certain time. Transport proves to be a lifeline to be able to make that possible, without it their home life is extremely difficult. We have a diverse population in the second city and should be paving the way forwards in being inclusive and 'child friendly'. As a school we have experienced far from this vision, without the amount of time put towards supporting our families with the transport appeal process. It is a daunting time in their lives, without the added pressure of having to complete an application form which they do not understand. Then having the stress of having to wait long periods of time to hear a decision, with a lot of these decision not being favourable at all. Some parents and families are able to cope with receiving a bus pass, but unfortunately the majority of students within our school could not cope with this at all. It would be way to over whelming. Some parents have struggled to bring their child in as they are the sole carer and live far away. We had a recent case where the parent is going through a travel appeal process, she fell unwell and was unable to bring her son in. The child was not accessing his education due to a transport issue, and this is unacceptable. When analysing attendance data we have had a few occasions when absences is due to transport issues, not receiving transport or waiting for an appropriate safety harness to be arranged. This has a negative impact on the child's learning, and with the nature of their autism they were unable to understand why they were not coming in to school, so proved very difficult at home. As a school we wish for a more supportive process, with less response times and more awareness surrounding decisions to issue a bus pass to a complex child.

Transport issues dating for Autumn 1 2019

Lateness:

The buses have been late multiple times this term. This is lateness at the start of the day but also at the end of the day when the children are ready to leave. We are not informed that the bus will be late and therefore have had multiple behaviours at the end of the day where students are anxious and have gone into crisis. This then has a significant knock on at home too.

Appeals process:

We have completed 6 stage 2 appeals with families this half term. We have waited for responses for many months, which is not appropriate. Families cannot get through on the phone to transport to ask for an update and we as a school have had very angry parents verbally attacking staff due to the frustrations of waiting on transport. One particular parent is awaiting a response to a stage 2 appeal. We began the travel assistance request in May this year. Mum was offered a bus pass to travel 9 miles with her child, even though she has a car. We explained the difficulties Mum has with travelling and the amount of time it would take her by bus (6 hours in total per day on a bus) and also the added cost to Mum to pay for her own travel bus pass and the upkeep of her car. We are currently financially supporting Mum with money for fuel costs and have been for quite some time due to Mum still awaiting a decision on her stage 2 appeal. Mum would not be able to afford to get her child to and from school without this financial assistance. This is a huge financial burden on

the school, but it is needed. School should not need to provide 4 months' worth of financial aid to prevent a child from not being in school. Another parent sent their form to travel assist as soon as they were given a school place (March 2019). They still hadn't had a decision when he started in September. This is unacceptable.

Guides:

There are not enough guides on some of the buses. Our students are extremely complex with challenging and aggressive behaviours. Some of the guides are getting hurt and injured by the children and they have no support on the bus. One bus has very complex children on with only one guide, it is a very stressful situation for the guide as she is having to constantly manage where the children are sitting, and when disembarking from the bus has to make sure other children are safe. One child was hitting out at children coming past them near the door, but there was nowhere else for the child to sit as he would lash out at others around him. He couldn't be seated at the back as he could reach the door handle, and for health and safety issues this cannot be locked therefore the child could open the back door. This results in the transport being an unsafe environment for both the guides and the children. The guides are not fully trained before the job starts and have to deal with a very complex working environment. There are children who display challenging behaviours who require certain safety equipment such as Houdini harnesses and buckle guards. Guides are not shown how to fit these properly. This has resulted in dangerous situations where children were getting out of their harnesses and moving around the bus when in motion. One child grabbed the driver when it was moving as he was trying to use him to elevate him over on to the front seat. The driver had to perform an emergency stop. It was very distressing for both the guides and the other children on the bus. The guides kept complaining about the situation but consistently had no response or support from Transport. It falls on us as a school to assist where we can but a lot of the decisions are out of our control or jurisdiction. We have had to escalate some appeals or concerns just to receive the appropriate response.

Reporting an incident:

Guides are unsure of how to report an incident or who to report it to. They are continuing to ask the school for help as they do not feel at all supported by Transport. We have had many circumstances where Guides have asked for help as they cannot cope with a situation or feel a bus is unsafe. When issues have been raised to Transport they have not received any response. It is virtually impossible to get through to the team on the phone as it is constantly engaged. We have asked parents to also ring Transport when awaiting for a decision, and they have raised their frustrations about not getting an answer on the phones. One child has moved out of the area and has found it a frustrating process to try and arrange transport from his new address. The child is currently not attending school as a result and this is not acceptable. We feel helpless as a school because it is a constant battle with the issue. As professionals we are coming up against barriers on a daily basis with regards to transport. As we are the first port of call that the Guides and parents come to when a problem arises. It is a daunting process for many of our families so we offer as much support as we can with transport, but our powers only go so far. We are not able to get them a decision they are waiting for without a lot of time and effort on our behalf.

Buses:

There is a big problem with safety equipment going missing from the minibuses, this includes Houdini harnesses and buckle guards. The children cannot travel without the necessary equipment. There has been an occasion where we have had to borrow a Houdini harness from another bus that wasn't being used due to a child's absence. If this wasn't possible on the day that child could not access transport to go home due to safety and the family would have had to arrange picking them up. It was not ideal and was stressful to staff coordinating between them as the children were getting on the buses. Safety for everyone on the bus is paramount, and there have been occasions where safety has been compromised. There have been times where the minibuses have broken down, either outside a child's house enroute to school or on the school premises waiting to go home. We have had to coordinate getting jump leads and another minibus to help start a bus for them to continue. When it has broken enroute to school this has resulted in a bus being late to pick up the other children on the route. The children that were already on the bus struggled to cope with the situation as waiting is a big issue for our students, which resulted in challenging behaviours. Also the minibus was very late to school, therefore having a negative impact on the children's learning.

Hamilton School Buses

Bus	Number of children on bus	Number of guides on bus	Harness	Buckle Guards	
1	7	1	1		
2	12	2	2		
3	11	1	2	3	
4	14	2			
5	13	2		1	
6	14	1	3		
7	9	1	1		
8	10	1			
9	7	1	2		

Evidence from Selly Oak Trust School

27 students this year have lost time in school due to transport in total 538 half days of education have been lost for these students this year. This compares to only 188 half days lost education for the whole of 2018/2019 by 38 students.

This year 3 students have not even set foot in the school.

Scrutiny inquiry of Home to School Transport Service-Call for Evidence

“What are the impacts of the Home to School Transport application process and its subsequent outcomes, on the parents/carers and the child’s capacity to access their education and how does that fit with the aspiration for Birmingham to become a child friendly city”.

As I am responsible for forwarding all applications to Travel Assist for the new year seven and twelve students each Summer term and I often find that there are many issues that arise.

The year seven students will complete a transport application form at the beginning of May and these applications will then be forwarded to Travel Assist, by email, to process. I have been processing these applications for the past three years and have found that Travel Assist don’t start to look at the forms until July, at the very earliest, so if they have any questions regarding what has been put on the application form it always seems to fall in the last few weeks of the Summer term when it is very busy or they approach the parents if the school has closed for the Summer.

Parents are told, when applying, that they aren’t guaranteed transport so should try to make alternative arrangements to get their child in to school but by the very nature of their child’s needs this is often the nearest, suitable school for them. This can lead to a lot of frustration on the parent’s part as a lot of them don’t have their own vehicles, have other children that they have to get to school or don’t have the funds to pay for public transport.

I often have reports from new year seven parents, when I return in September, that they didn’t get an answer from Travel Assist until the week before returning to school and, if they are turned down for transport, then struggle to make alternative arrangements to get their child in to school (they are advised to complete a stage one appeal form if they are turned down for transport in the first instance).

Parents of Post 16 students are informed that they have to make a contribution towards transport from year twelve onwards and this is highlighted when I completed the application forms with parents. These forms are also looked at in the Summer and I often find that at least a third of the students decide to travel independently when joining sixth form. I have

spoken to the Head of the Sixth form department and she has said that they “start the ball rolling” in December to see which students want to go to college and who wants to stay on at sixth form, having a definite idea by the following Easter. Would it not make more sense to receive and process the Post 16 application forms before looking at the new year seven student’s application forms?

I have also had a lot of frustration from post 16 students’ parents who are turned down when applying again in year 12. They will have had transport since year seven and have to be reassessed, which is perfectly acceptable as you would hope that they will have matured in the last four years, but can cause problems for their future choice of college.

Both the school and Parents find it very difficult to make contact with Travel Assist to get a response from them as the telephone lines are often engaged.

The appeals process that the students go through can also be long. Between the original application and a stage two appeal it can take up to 45 working days for an outcome with students often having to come in to school late and be collected early, missing days from school if Parents are unable to get them in or not being able to attend at all. This can have a serious impact on, not only their attendance, but also their education as they are missing out on vital lessons throughout the school week. In extreme cases of attendance we can supply work for the child to complete at home. When a child isn’t attending the school’s Wellbeing Manager would have to complete a “safe and well” check on the student every two weeks and this takes up valuable resource time that could be used elsewhere within the school on other students.

If our students are in a safe and secure environment when they are transported to and from school each day and parents and schools are notified of any changes in good time then this can only benefit the student and the school throughout their time here.

Evidence from Calthorpe Academy on 28 November 2019 (Julia Reynolds, Project/Transport Manager)

Up until the end of the summer term, I have had a close working relationship with ATG (as they were known then) and we would often find a solution other than cancelling a route. For example we would perform a second run, use spaces from pupils that were on long term sick etc.

On very rare occasions did we find the need to cancel a route

However, since we returned in September the cancelling of routes and routes arriving late, has become more and more frequent. The main reason for the cancellation of routes is due to driver absence. However, on occasions a pupil guide could not be sourced. During the first couple of weeks approximately six to ten buses were late every day

For example, this week three routes were cancelled yesterday. Two to driver absence and one to no guide available until too late to run the route. I have also been informed that the two cancelled routes with no drivers will be off all week

We try and inform parents the evening before if we know a route is to be cancelled but this is not always possible. I may receive a phone call at 6.30 a.m. informing me that the route will not run.

This then becomes a great problem to the parents. Not all our parents can get their youngsters into school for various reasons. It then becomes a problem for the Transport Office at Calthorpe to try and get in touch with as many parents as possible and explain the reason for the cancelled route

Calthorpe Academy runs five of it's own routes for Travel Assist. We have contingency plans in place for any absence etc from either guide or driver. The parents are able to contact the allocated guide at any time during the journey to see why the bus is running late or any other reason. Parents have responded positively to these five routes, knowing they have a form of communication at all times

More and more time is being spent on liaising with parents and explaining cancellations and lateness on behalf of NEAT

Further Evidence from Calthorpe Academy on 6 December 2019 (Richard Chapman, Principal)

Impact Summary – Bus transport

Multiple students have been impacted by delays and cancellations of accessible school transport

Some families were able to make alternative provisions to ensure that their child can attend school every day however many were not

8 students were absent long term missing most if not all of September

Several students were being dropped off late and collected early so that parents were able to collect other children in the family. Parents were inconvenienced and students in many cases were missing up to 2.5 hours of education daily.

160 days equivalent in total were lost in the first month due to absence (both authorised/ unauthorised) due to transport

On average, attendance is around 91% throughout the year with around 9% absence. Attendance for September was 88.6% which is lower than average.

Almost all declined transport applications were approved on appeal.

One student is still not attending as family have submitted a stage one appeal (Oct) and are still awaiting a response – in the meantime the student is not attending

Busses are regularly cancelled or late with the impact being that often the student doesn't come into school. These absences are authorised if the distance is far or students are in wheelchairs. All absence (authorised or unauthorised) impacts attendance overall and impacts the student's education.

2017/18 Autumn 1

2018/19 Autumn 1

No of pupils > 90% attendance	239		No of students > 90% attendance	215
Persistent absentees (<90%)	59		Persistent absentees (<90%)	79
Complex	81.02%		Complex	75.03%
Lower Autism	96.22%		Lower Autism	94.57%
Primary	93.76%		Primary	93.11%
Secondary	93.67%		Secondary	91.11%
Upper Autism	95.62%		Upper Autism	94.68%
Waverley	97.37%		Waverley	90.70%
Male	93.80%		Male	89.66%

Evidence from Barry Bowles, Member of the Management Board, SENDIASS and Chair of the Management Board of City of Birmingham School, 20th October 2019

Submission to Education and Children's Social Care O&S Committee
Inquiry on Home to School Transport

I am making this submission as someone who has personal experience and a great deal of knowledge regarding home to school transport and SEND within the city.

My own late daughter had severe learning disabilities and attended Fox Hollies School and accessed home to school transport.

I was a Councillor from 2012 and a member of the Education and Vulnerable Children O&S Committee and Deputy Chair of the Schools, Children and Families O&S Committee until I left last year.

I now sit on the Management Board of SENDIASS and I am Chair of the Management Board of City of Birmingham School, the largest PRU in the country.

It is my view that the budget allocated to home to school transport is insufficient for the cohort of young people that need the service. The Council's aim appears to be to cut down the usage rather than increase the budget.

I first took up a few cases on behalf of parents in Hall Green in the early years of my tenure as a Councillor. I acquired a profile to be able to help people and therefore more parents came to see me so I could take up their cases.

Unfortunately, the problems the Council has are many. The decision-making process at the front end is appalling. In the early summer of 2016 I made contact with Simpson Miller, the education lawyers, over the city's refusal of virtually every child attending Uffculme School, and a few other schools, for home to school transport. Simpson Miller went to court for a judicial review, at which point the Council capitulated and changed the decision.

In 2017 I became the Chair of the Education Appeals Committee. In that summer we had a large number of cases where transport had been refused and in all but two we reversed the decision of the City Council in favour of the parents' application. This was done completely and utterly legally as, nearly every meeting we had, the education lawyer was in attendance and we took advice on the law and regulations on every single decision we made. It would suggest to me that for that number of decisions to be overturned so readily upon challenge means that the decision-making process is massively flawed.

I would seriously question motive for changing the make-up of that committee, which was cross-party and completely independent. The guidance around appeal committees state that those sitting must be independent of the original decision-making process, with the necessary skills and abilities to make judgements. It is my view that officers within the service would have a bias in terms of the budget even if they were not part of the original decision. I feel that the original make-up, ie cross-party members, is being changed because of the decisions they made rather than looking for an improvement in the service.

Whilst I am not prepared to mention cases by name, over the years there has been a constant stream of decisions made of which these are some of the examples:

- A young person in a wheelchair was told they could not have transport and would need to get three buses;
- People being turned down because of close proximity to the school they are attending when in reality if your mobility is restricted the distance is irrelevant.
- Many situations where parents would have been forced to give up work to take their child to school, which is not, in my view, a right and proper way of applying the home to school transport policy;
- Slowness to interact, for example, in cases of domestic violence where families get moved and home to school transport seems unable to react within a timescale that is reasonable.

It is unfortunate that these are not isolated cases, but a constant thread through the decision-making process.

The last point I would make on this issue is that under the Government's draft guidance for 2019, the Local Authority is allowed to ask for medical evidence, information from teachers and special education needs professionals or information from the child's EHC plan. But under Section 50 it quite clearly states they are not allowed to ask about the receipt of additional benefits or allowances such as disability living allowance, motability vehicle or foster carer allowance. None of these affects the child's eligibility for home to school transport. I have constantly over the last five or six years had to challenge the Council on this matter. Thankfully this has been removed from the application forms. Although, the Council still ask if they have a car and still ask how the young people travel at weekends. I am not sure what this has to do with the child's need for home to school transport. My concern is what follow up questions might be asked as a follow up to the original request for this information.

I have had a case recently as the Chair of City of Birmingham School (COBS) where eligibility for transport was on consideration of whether the child was getting free school meals, which is obviously a benefit that the Council has no right to ask about.

Another point I would make is about personalised transport budgets. When they were first mooted I was opposed to them for a number of reasons, the most important being logistics. For example, if every parent in Fox Hollies School decided they wanted a personalised transport budget and were going to take their own children to school, the system would completely break down.

Whilst I was Chair of the Education Appeals Committee, we had a case where a parent had asked for a personalised transport budget and had been refused, even though it was in the guidance and the Council's policy that they could have one. The committee overturned the decision. When challenging the head of service as to why it had been refused, I was told it was because the Council did not think personalised transport budgets were the way forward. There seems now to have been a complete reversal of that decision.

In my role at COBS I am also the governor with responsibility for safeguarding and in July 2019 the staff were told that if they got all their applications in by 12th July they would be assessed and acted upon by the start of the new school year. This was not the case. At the start of the new school year there were at least 24 pupils whose assessments had not been progressed. I made written representations to SENAR via the AD on 15th September, copying in the Director of Education, the Leader of the Council and the Cabinet Member for Children's Wellbeing, regarding the number of pupils who were still without transport and that this was a safeguarding problem at COBS.

The AD wrote back informing me that an officer would ring me so that I could go through the details of the individual children. I have heard nothing since and so wrote again to the AD on 14th October about another 14 pupils awaiting decisions. Four of those pupils are attending flexible learning centres on a very limited programme; eight are attending Marywood Centre, but some of them are very sporadic attendees and this will continue until transport is in place due to the difficulties their parents and carers have getting them to attend. Lastly, two pupils are not attending any provision as their carers are unable to get them to the centre. I also requested in my email of 14th October if the figures given at the Education and Children's Social Care O&S Committee in October about children missing education includes those from COBS. I am still awaiting a reply.

In conclusion, often we hear reference to Leeds being the exemplar of all things good regarding children's services and home to school transport. I made a visit to Leeds with the O&S Committee and viewed their provision and whilst a lot of what

they do is good, it seems to me that the Council just want to cherry pick bits of it, such as changing the second stage appeal panel. An example of this is they approach parents and carers at the beginning of year 6 about the child's transition and transport need so that parents know in July what is happening. In Birmingham often at the start of the new school year in September people still have no transport or know what is happening. The level of trust in Birmingham between parents/carers and the City Council appears to be virtually non-existent. I make this statement as someone who has personal contact with a great number of parents/carers.

I hope this submission gives an overview of what I believe the problems are. I am prepared to expand in private or at the scrutiny committee meeting in November when this will be discussed.

Further Evidence received on 4th November 2019

RESPONSE to the proposed Travel Assist Policy

Context

It is clear that Travel Assist (Home to School Transport – HST) costs are extremely high, and that this causes concerns at times of budgetary restraint. The size of the HST budget alone does not necessarily mean that it can easily be reduced.

In designing any new HST Policy, it is essential that consideration is taken of the statutory responsibilities in the area, as well as of the specific circumstances that relate to Birmingham.

The Education Act 1996 contains the legal provisions for HST, and the DfE has published Guidance documents that refer to the range of pupils and students who may require assistance.

This response to the Travel Assist Policy will focus solely on the provision that is required for children and young people with SEND. The first principle, therefore, is that the Policy itself should be split into two distinct areas:

- firstly, for pupils who are eligible to HST on the grounds of distance and/or low income;
- secondly, for those children and young people who have SEND. ⁱ¹

¹ While there are over 9000 CYP in the city with EHCPs, it has to be noted that eligibility for HST is not restricted to those with EHCPs

Unless these two parts of the Travel Assist Policy are clearly separated, there will continue to be confusion over eligibility in the eyes of policy makers, decision makers and service users.

SEND

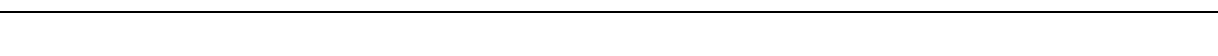
Guidance on home to school transport for those of compulsory school age refers to the LA duty to:

- make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their SEND
- usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEND.²

It is self-evident, therefore, that the criterion of distance to school does not apply in the same way for those with SEND, and therefore the policy must be clearly separated.

Nearest Available School

Page 10 of the Policy refers to entitlement for pupils of compulsory school age if they are *attending the nearest qualifying school to their home which is suitable for their needs*.



This situation is extremely limited in its scope. What a LA cannot do is to have a blanket policy of refusing HST on the grounds of distance from home to school.

School placements for pupils with EHCPs are decided by SENAR, and transport decisions are made subsequently to the placement being named in Section I of the EHCP. Unless there is such a caveat as in the above example, the Travel Assist cannot refer to other possible schools in their decision making process; if SENAR name a placement, that is all that can be considered.

This procedure is clearly described in an Upper Tribunal decision of 2010 ³

When SENAR consider a placement preference, the only reasons that can permit the preferred placement to be refused are that it:

- is unsuitable
- would be incompatible with the efficient education of other pupils
- would be incompatible with the efficient use of resources

² <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

³ <https://www.casemine.com/judgement/uk/5a8ff83c60d03e7f57ebce4c>

Distance from the family home is not an acceptable criterion.

It may be that the additional cost of transport to a more distant school means that an efficient use of resources argument could be used. In SEND case law, it should be noted that this is not a matter of simply higher cost.

In practical terms it would have to be SENAR and not Travel Assist who made such a decision on the relative costs of transport. This would mean that any challenge on placement would be dealt via an appeal to a SEND Tribunal, rather than the LA review process.

An important factor is the calculation of costs. For a Tribunal it would be the net additional cost incurred; for example, any additional cost due to adding an additional pupil to an existing minibus route. This is not the same as simply dividing the overall cost by the number of pupils.

Apart from these procedural difficulties that such a blanket interpretation would present, there have been incidences in the past of parents being asked to sign 'transport waivers' in order to get their school named, without any reference to cost - there are also practical difficulties.

The demand for Special School (and Resource Base) provision in the city is unprecedentedly high. There are insufficient places for pupils with EHCPs, and so the LA is sourcing provision in wider areas of the city, in neighbouring LAs, and from the independent sector. This situation inevitably means that higher transport costs are incurred.

The idea that parents would have local specialist options across the city is not a reality. While demand outstrips supply in Birmingham – and in other LAs – transport costs will always be difficult to control.

The long term solution is to ensure that each area of the city has suitable specialist provision for different types of SEND and with the capacity to admit additional pupils.

Pre-school pupils

The proposed Policy is confusing in this area. It states that the Council's policy *is not to provide travel assistance to pre-schoolers except where the pre-schooler has an EHCP and the circumstances can be said to be exceptional.*

This issue is one where the eligibility criteria are conflated and confused. This section ignores the fact that - unlike most pre-schoolers – if a 3 year old has an EHCP then there is a legal entitlement to attend that school. Furthermore, it is difficult to imagine a situation where such a pupil with an EHCP does not have 'exceptional circumstances (see section later in this document).

Young persons aged 16-18

In relation to student of sixth-form age, the Council is entitled to, and does, charge for any travel assistance. It is apparent that the recent changes to national education policy – the 'duty to participate in education' – has not been reflected in guidance on HST.

Some clear distinction between young people in sixth form or FE Colleges, and those young people with EHCPs, is required.

It should be noted that around half of all young people with EHCPs will be attending special schools, and it is generally anticipated that they will continue to attend school until the end of term following their 19th birthday. While it is possible to make a charge in such circumstances, it is difficult to rationalise why such a charge should be imposed for young people with EHCPs.

Adult learners over 19

The Policy proposals for this group are also confusing.

The Council does not deem it necessary to make any general arrangements for free transportunder section 508F of the Education Act 1966 and will only consider doing so for individuals if they have an EHCP or the circumstances are exceptional.

Why this sentence includes the word OR rather than AND, as applies to the pre-school group, is not explained. It is worth reading an article⁴ written by the Barrister Steve Broach on his Rights in Reality website to understand the implications of such an interpretation.

It is important also to realise that once a YP reaches adulthood, then their parent has no responsibility to ensure their attendance at any educational placements. A recent Local Government Ombudsman addresses this and other related issues.⁵

Exceptional Circumstances

As already noted, in both the sections dealing with pre-school pupils and those aged over 19, there is a reference to exceptional circumstances.

While this may appear to be allowing some discretion, it is essential that policy makers and decision makers have some clarity over how this is to be interpreted.

If a person's circumstances are to be deemed to be exceptional. Then there needs to be some clarity as to comparators.

Maryam is a 20 year old; she has an EHCP and attends a specialist College 8 miles from her home. When considering 'exceptional circumstances' are the LA comparing her situation to

- all 20 year olds?
- 20 year olds in education?
- 20 year olds in specialist placements?
- 20 year olds with similar SEND to Maryam's?

In practice, decisions on eligibility for this age group considered by Travel Assist in recent months have involved questions being asked about exceptional circumstances. Issues like those referred to on page 14 of the Policy document are referred to; these cannot and do not define exceptionality; they are simple issues about basic eligibility.

⁴ <https://rightsinreality.wordpress.com/2014/09/19/school-transport-no-right-to-education-if-you-cant-get-there/>

⁵ <https://www.lgo.org.uk/decisions/education/special-educational-needs/16-012-609>

Personal Transport Budgets (PTBs)

It is a concern that the issue of PTBs has resurfaced. 2 years ago there was a similar 'encouragement' of PTBs which resulted in many unhappy families, a large number of appeals – all of which were, it is understood, successful – and a lot of disruption. Many of the awards of PTBs were later reversed as it was acknowledged that anticipated savings were not being realised.

There are situations when PTBs are suitable and are requested by a small number of families. However, to encourage a wider take up will cause confusion and possible greater expense.

Special schools often have the majority of pupils arriving by minibus or taxi and have carefully managed procedures for loading and unloading pupils. Replacing some of these arrangements with PTBs will mean that *some* children arrive in family cars. The arrangements for ensuring orderly arrival and departure will be disrupted, with no organisational advantage to the school.

There is no rationale as to how PTBs will bring forward any cost savings and recent experience indicates the opposite. A minibus with 12 pupils on is unlikely to cost as much as 12 separate PTBs (assuming that all pupils' families chose PTBs).

It is worth noting that DfE Guidance refers to providing sustainable travel and transport to and from school and suggest reducing congestion. Increasing the number of car journeys cannot possibly achieve these goals.

In managing routes and agreeing mileage costs for PTBs, Consideration will also need to be given to costs incurred as a result of the Clean Air Zone in the city centre. For routes which cross this area, will PTBs include the extra cost, or will additional mileage be agreed to circumvent the Clean Air Zone?

There does not seem to be any rationale – financial or organisational – for the encouragement of PTBs.

DLA/Motability

It has long been an assumption that if families receive DLA or have a Motability car, then there should not be any entitlement to HST. Indeed, in some LAs, it is part of the HST policy. DfE Guidance has not been particularly helpful in this area. The previously mentioned LGO Report does address this matter, and notes that a Council *cannot assume that all or most of the mobility component is available to use towards College transport*. [There may be] *other transport needs which the Council would need to take into account*.

Parental involvement

There is a reference on page 4 of the Policy to an expectation that *parents are expected to accompany their children to school or college where necessary until they turn 18 unless there is a good reason why this is not possible*. It is not acceptable to make such a sweeping statement without any clarification as to terms such as *where necessary* and *good reason*.

As previously stated, this document only addresses those cases of pupils with SEND, and there is a difference between walking a young child to a local mainstream school and accompanying a child to a more distant specialist placement. In many cases this can involve children in a family going to different schools. There needs to be some clarity given to decision makers as to what circumstances may constitute a good reason.

Appeals and reviews

The Policy includes a proposal to change the appeals procedures so that independent Council Officers deal with appeals, rather than the current panel of elected members. There is no rationale provided for this change, and so questions naturally arise as to the clarification of independence.

The introduction of oral as well as written representations for appellants is to be welcomed.

Travel assistance policy for 0-25 year olds in education**Contents**

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Appendix 1: Application forms for travel assistance

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Appendix 3: Travel concessions which may be available for young persons of sixth form age

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Appendix 5: Travel Concessions and Other Sources of Support for adults aged 19+

Introduction, Key Principles and Types of Travel Assistance

1. This document sets out the policy of Birmingham City Council (“the Council”) in relation to the provision of travel assistance for 0-25 year olds in education who are resident within the City of Birmingham. It is available on the Council’s website at www.birmingham.gov.uk/travelassist. It is intended to provide clarity for children, young persons, adults, parents and carers facing a wide range of circumstances. We are always looking to improve the information we make available and will use any feedback provided to us to develop this statement. If you wish to provide any feedback on the policy please contact Travel Assist (travelassist@birmingham.gov.uk).
2. This policy is divided up by the following age groups as the relevant legal provisions in the Education Act 1996 are grouped this way:

Part 1: Pre-compulsory school age (0-4 year olds) – someone in this category is referred to in this policy as a pre-schooler.

Part 2: Compulsory school age (5-16 year olds) – someone in this category is referred to in this policy as a child. Children become of compulsory school age at one of three points during the school year in which they turn 5, depending on when exactly their birthday is. Children cease to be of compulsory school age on the last Friday in June of the school year in which they turn 16.

Part 3: Young persons of sixth form age (16-18 year olds) – someone in this category is referred to in this policy as a young person. The legal definition is a person over compulsory school age but under the age of 19, but this definition also includes a person who began a particular course of education or training at a school or college before turning 19 and continues to attend that course.

Part 4: Adult learners (19+) – someone in this category is referred to in this policy as an adult.

3. Part 5 then sets out how to apply for travel assistance and how to appeal against decisions about travel assistance.

Key Principles

4. The following key principles apply across all age ranges covered in this policy:

Admission does not confer automatic entitlement to travel assistance:

Admissions and travel assistance are separate matters and acceptance at a particular school or other institution, or the naming of a school/institution in an EHC plan, does not automatically entitle the child or young person to travel assistance.

Budgetary considerations: The Council has a limited budget for the provision of travel assistance to those in education. Any discretionary decision about the provision of travel assistance will take account of this and the number and type of competing claims that are made upon it.

Changes in circumstances: Parents or carers (in the case of those aged under-18) of children in receipt of travel assistance and recipients of travel assistance themselves (in the case of those aged over-18, or any person acting on their behalf) must tell the Council immediately of any change in circumstances which may affect their entitlement to travel assistance.

Independent travel training: Applicants for travel assistance will be assessed for independent travel training (ITT) and recipients of travel assistance will be expected to undertake suitable ITT as part of their education to help them develop their independence.

Other means of travel: When taking discretionary decisions about the provision of travel assistance, the Council will consider all other ways and means for the applicant to get to the school or institution in question.

Personal Transport Budgets: The Council encourages the use of personal

transport budgets wherever appropriate as this helps individuals and families to have the most control over their travel arrangements.

Parental involvement: Parents are expected to accompany their children to school or college where necessary until they turn 18 unless there is a good reason why it is not reasonable to expect them to do so.

Reviews of travel assistance: All grants of travel assistance will be reviewed at least once per year and in all cases where there is, or may be, a significant change in circumstances affecting eligibility for travel assistance (e.g. change in school or home address, change in personal or family circumstances, change in recipient's needs). Where the recipient of travel assistance has an EHC plan then this review will be undertaken at or following the annual review of the plan. Any changes to travel assistance following a review will be implemented from the beginning of the next academic term, or sooner by mutual agreement.

Travel concessions, bursaries, state benefits etc: The Council expects young persons of sixth form age and young adults who apply for travel assistance to have applied for and/or made use of all travel concessions, bursaries, state benefits (including mobility cars) etc. for which they are eligible.

Travel for other purposes: When taking discretionary decisions about the provision of travel assistance the Council may take into account how the applicant travels (or is able to travel) for non-educational purposes, e.g. recreation, shopping, family visits etc.

Types of Travel Assistance

5. The Education Act 1996 and this policy use the phrase 'travel assistance' because the form this takes will vary and often does not involve the Council providing any transport at all. The Council will determine what is appropriate in each case, taking account of its legal obligations, the needs of the applicant, safety considerations, the best use of the Council's resources, any expressed preference and any other relevant matter. As a guide, the

following are the types of provision made in most cases:

- **Travel pass** – This is a free pass for the use on public transport and is the most common form of travel assistance provided.
- **Personal Transport Budget** – This will be paid on a monthly basis over 11 months to the parent or carer (in the case of those under-18) or the individual or a person acting on their behalf (in the case of those over-18). The parent/carers or adult individual then assumes full responsibility for the travel arrangements and getting the child or themselves to their place of education on time and achieving good attendance. It is anticipated that the use of personal transport budgets can meet most individual and family's needs and the Council encourages their use wherever appropriate.
- **Transport vehicles** – The provision of a vehicle to transport a child, young person or adult to and from their place of education. Vehicles and drivers are provided by a suitably qualified, registered, commercial provider working to contractual standards set by the Council. Whenever possible, individuals will travel together in a suitable vehicle, specially adapted as necessary to meet their needs. Each route will be planned on the basis of the start and finish times of the place of education and the shortest possible route for all passengers on a particular vehicle. Passengers will be picked up and dropped off at a convenient location, within a reasonable distance from their home, in many cases from recognised bus stops. A home pick up and drop off will only be made where it is deemed essential due to the individual's significant needs.
- **Provision of a Guide** – A pupil guide may be provided to accompany a child, young person or adult to their place of education whether using public transport or on Council provided transport. Pupil Guides will only be provided where they are necessary for the safe operation of vehicles and/or the care of children and young people

and where parents or carers are not reasonably able to accompany them.

- **Other** – The Council may provide any other form of travel assistance which is considered suitable and will consider any suggestions from applicants about any particular type of travel assistance

Part 1: Pre-schoolers aged 0-4 (pre-compulsory school age)

6. The Council's policy is not to provide travel assistance to pre-schoolers except where the pre-schooler has an EHC plan and the circumstances can be said to be exceptional. Even where the Council does provide travel assistance to a pre-schooler it will make a charge for this, which will be calculated in the same way as the charge for the provision of travel to young persons as set out in Part 3.
7. The Council will consider whatever is said in any application but will have particular regard to the following:
 - Distance and journey time from the pre-schooler's home to their place of education and the cost of providing travel assistance to there
 - What alternative means of facilitating attendance there may be
 - What alternative placements or options there may be
 - The contents of any EHC plan (including anything about transport)
 - The best use of the Council's resources and the competing claims upon them

Part 2: Children aged 5-16 (compulsory school age)

8. The Education Act 1996 sets out the categories of children and young persons of compulsory school age who are eligible for free travel assistance. The Council's policy is to provide travel assistance to these categories of eligible children in accordance with its legal obligations, but not otherwise unless there are exceptional circumstances.
9. Where travel assistance is provided it will be whatever the Council considers is necessary and suitable for the purpose of facilitating the child's or young person's attendance at school for the normal school day. A list of the most usual types of travel assistance is set out at page 4 above.
10. There are 4 categories of eligible children to whom the Council is obliged to provide travel assistance free of charge as set out below. Where they refer to a "qualifying school" this means a school (or nursery) maintained by the Council ("state schools"), a pupil referral unit, a non-maintained special school, Academy or a place where a child is receiving education arranged by the Council otherwise than at school. A "home address" is considered to be a place where the child is habitually and normally resident. Parents may be requested to supply documentary evidence to satisfy the authority that the child lives at the address put forward by the parents.
11. The 4 categories of eligible children are as follows.

Category 1: Distance

12. Travel assistance will be provided for children who attend their nearest qualifying school and the distance between their home address and school is over the statutory walking distance. The statutory walking distances are:
 - 2 miles for children under 8 years of age
 - 3 miles for children or young people aged 8 or over.
13. Below these distances the responsibility for the journey to school rests with the parents or carers. The statutory walking distance is measured along a

route that a child might reasonably be expected to walk to school accompanied where necessary by a parent or carer.

14. Where a parent or carer chooses a school for the child but there is a qualifying school nearer to home which he or she could attend then travel assistance is not available under this heading. In the case of children with an EHC plan there may be cases where a school that is not the nearest qualifying school is named on the basis that the parents will be responsible for transporting them. Where this happens the EHC plan will be worded accordingly and make the position clear.

Category 2: Low income families

15. "Low income family" means one where the child or young person is entitled to free school meals or where one or both parents are in receipt of the maximum level of working tax credit. Children or young people in such families who do not qualify for travel assistance in category 1 (distance) above are nonetheless entitled to travel assistance if they satisfy the following criteria:

- **Primary Aged Children:** Children aged between 8 and 11 years of age from low income families are entitled to free travel assistance where they are attending their nearest qualifying school and that school is more than 2 miles from their home.
- **Secondary Aged Children and Young People:** Children and young people aged 11-16 (in year groups 7 to 11) from low income families are entitled to free travel assistance if they are attending a school more than 2 miles but not more than 6 miles from the home address and it is one of the three nearest suitable qualifying schools from their home. This distance is extended from 6 to 15 miles if the parents or carers have selected the nearest qualifying school based on their religion or belief and, having regard to the religion or belief in question, there is no suitable qualifying school nearer to home.

Category 3: Unsafe walking route

16. Travel assistance will be provided for all children and young people who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk.
17. The safety of a particular route will normally be assessed by an officer from Travel Assist in conjunction with an officer from the Council's Transport Department.

Category 4: Special Educational needs or disability

18. Children and young people who do not qualify for travel assistance under category 1 (distance), category 2 (low income) or category 3 (unsafe route) above are nonetheless entitled to travel assistance if they are attending the nearest qualifying school to their home which is suitable for their needs but have special educational needs, a disability or mobility problem and for this reason cannot reasonably be expected to walk to that school, even if accompanied.
19. As noted above in relation to category 1, in the case of children with an EHC plan there may be cases where a school that is not the nearest qualifying school is named on the basis that the parents will be responsible for transporting them. Where this happens the EHC plan will be worded accordingly and make the position clear.

Part 3: Young persons aged 16-18 (sixth form age)

20. This part of the policy includes the Council's Transport Policy Statement which the Education Act 1996 requires it to publish each year, setting out what travel assistance is available, from the Council and other bodies, to facilitate the attendance of young persons of sixth form age receiving education or training at schools, FE colleges/institutions, 16-19 Academies, and certain other institutions maintained or funded by the Council.
21. The vast majority of young people do not receive or require travel support from the Council and, unless the circumstances are exceptional, the only category of young persons of sixth form age the Council will consider providing travel assistance for are those with an Education Health and Care Plan, a disability or learning difficulties. In considering whether to provide travel assistance the Council will have regard to the following:
- The needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made;
 - The needs of those who are vulnerable to becoming not in education, employment or training (NEET) at the age of 16 or 17, or who have already become NEET;
 - The needs of young persons who are parents;
 - The need to ensure that persons in the Birmingham area have reasonable opportunities to choose between different establishments at which education or training is provided;
 - The Council's legal duties, including the duty to ensure that enough suitable education and training is provided to meet the reasonable needs of 16-18 year olds;
 - Distance and journey time from the student's home to establishments of education and training, the cost of transport there and alternative means of facilitating attendance at establishments;
 - The nature of the route or alternative routes which the young person could reasonably be expected to take;

- Any preference to attend a particular educational establishment based on religion or belief;
- The nature of the young person's special educational needs, disability or learning difficulty;
- Anything said in an EHC plan about transport;
- Whether there is a nearer institution which is suitable and can provide the same or similar qualification(s);
- The best use of the Council's resources.

22. As set out in the Key Principles above, the Council will also expect applicants first to have applied for and made use of all other sources of assistance. Financial assistance may be available from (or by applying through) the school or further education institution in question and Appendix 2 sets out full details of these schemes. In addition there are various concessionary travel schemes in Birmingham which may be available and these are set out in Appendix 3.

23. If the Council agrees to provide travel assistance it will usually take one of the forms set out at page 4 above.

24. Where the travel assistance consists of a taxi or specialist vehicle, the young person and/or his or her parents or carers will be required to contribute towards the cost of this. The amount that will be required is £780 per academic year or £390 if the young person is from a low income family. The Council will consider a young person to be from a low income family if he or she falls into any of the categories below:

- Families in receipt of Income Support.
- Families in receipt of Income Based Jobseekers Allowance (IB JSA).
- Families who receive Child Tax Credit and have an annual income below the relevant threshold.
- Families who receive Employment and Support Allowance (Income related).
- Families who receive The Guarantee Element of State Pension Credit.

- Families who receive support under Part VI of the Immigration and Asylum Act 1999.
- Families in receipt of the maximum level of Working Tax Credit.
- Families in receipt of benefits that supersede those listed above.

25. Young persons who receive Income Support or income based Job Seekers Allowance in their own right will also be considered to be from a low income family.

26. The payment is a contribution towards the cost of providing the transport and the Council will fund the balance. This contribution is required due to the high cost of such transport and the Council's limited resources. It enables the Council to provide transport and travel assistance to a greater number of young people with special educational needs or disability or learning difficulties than would otherwise be the case.

27. The amount of contribution will be reviewed annually and will take account of any change in the relevant Council budget. Any changes will be notified to the affected young persons and their parents or carers. This transport policy statement will be amended and re-published where any costs are changed.

28. Appendix 2 is a list of sources of travel support available to young persons through schools and further education institutions. Enquiries and applications in respect of these should be made through the young person's school or institution.

29. Appendix 3 is a list of travel concessions which may be available to young persons.

30. Appendix 4 is a list (in alphabetical order) of schools, Academies and Free Schools with sixth forms in the Council's area.

Part 4: Adults aged 19+

31. This part sets out the Council's transport policy statement as required by section 508G of the Education Act 1996 in respect of academic year 2019/20 for adults, that is to say persons who are not of compulsory school age or sixth form age. Section 508G of the Education Act 1996 requires the Council to specify in this document:

- a. any transport or other arrangements, and any payment of travelling expenses, made or to be made in relation to the academic year under section 508F in relation to adults (Post-19) with an EHC plan; and
- b. any travel concessions which are to be provided to adults (Post-19) with an EHC plan receiving education or training at certain institutions.

32. This policy statement also sets out the Council's arrangements under section 508F in relation to adults without an EHC plan.

33. The Council does not make any general arrangements for free transport or the payment of any travelling expenses under section 508F of the Education Act 1996 as it considers that these are unnecessary for the vast majority of adults. It will consider making arrangements for individuals if they have an EHC plan or their circumstances are exceptional. The Council will consider whatever is said in any application but will have particular regard to the following:

- The age of the applicant;
- The nature of the route or alternative routes the applicant could reasonably be expected to take;
- Distance and journey time from the applicant's home to their place of education and the cost of providing travel assistance to there;
- What alternative means of facilitating attendance there may be;
- What alternative institutions or options there may be;
- The contents of any EHC plan (including anything about transport);
- Any relevant legal duties upon the Council;
- The best use of the Council's resources and the competing claims upon them.

34. The Council is required by law to provide any travel assistance considered necessary under section 508F free of charge. The Council may also, in certain circumstances, pay all or part of travelling expenses.
35. Appendix 5 is a list of travel concessions and other sources of support for adults aged 19+.

Part 5: How to apply for travel assistance and appeals against decisions about travel assistance

36. A formal application must be made to the Council's Travel Assist Service for all travel assistance in this policy, and all applications must be made on the prescribed form. The forms are at Appendix 1 and are also available on the internet at www.birmingham.gov.uk/travelassist
37. For pre-schoolers and children the application should be made by a parent or carer. For young persons with an EHC plan attending a special school or college applications should be submitted by the learning establishment the young person attends direct to the Council's Travel Assist Service. For other young persons and adults, the application should be made by the young person or adult, or by a person acting on their behalf.
38. Each application will be processed as quickly as possible but during the application process parents of a child of compulsory school age remain under their legal duty to ensure the child attends school regularly, and all other applicants for travel assistance remain responsible for their attendance.
39. Consideration will be given to everything said in applications and all evidence provided in support as well as all matters to which the Council is required by law to have regard, in order to determine whether to provide travel assistance and if so, what form that

assistance should take and (where applicable) whether any charge will be made.

40. If an application for travel assistance is not approved by the Council, or the applicant disagrees with the type of travel assistance offered, there is a right of appeal as set out below. During the appeal stages, travel assistance will not normally be provided and changes to existing travel assistance will not normally be made.

41. Appeals should be made within 20 working days of the decision being received by the parents or carers and on the appropriate form which can be obtained by contacting Travel Assist as follows:

- Telephone: 0121 303 4955
- Email: travelassist@birmingham.gov.uk
- Website: www.birmingham.gov.uk/travelassist

42. The appeal will need to set out the exact nature and grounds of the appeal. The appeals process has two stages:

Stage 1 – A Council officer will consider the appeal within 5 working days of the receipt of the appeal form and the applicant will receive confirmation that the appeal is under review. Further evidence may be requested to support the appeal and consultation with caseworkers and professional bodies may be required. A decision and notification will be made within 20 working days from receipt of the appeals form. If the applicant remains dissatisfied with the outcome, they should notify the Council in writing within 20 working days of receiving the appeal decision and the appeal moves to stage 2.

Stage 2 – Stage 2 is a review by a panel of 3 Council officers independent of the original decision-making process which will take place within 40 working days. The panel will consider written and verbal representations from (or on behalf) of the applicant as well as from a

Council officer involved in the case and provide the applicant with written notification of its decision within 5 working days.

43. If the applicant remains dissatisfied, the further options are to complain to the Council using its complaints procedure, a complaint to the Local Government Ombudsman, a complaint to the Secretary of State for Education and legal proceedings but it is for applicants to decide which of these, if any, they wish to pursue.

Appendices

Appendix 1: Application forms for travel assistance

Appendix 2: Travel support available from schools and further education institutions for young persons of sixth form age

Appendix 3: Travel concessions which may be available for young persons of sixth form age

Appendix 4: Birmingham Schools, Academies and Free Schools with Sixth Forms

Appendix 5: Travel Concessions and Other Sources of Support for adults aged 19+

Travel Assist**Application for Travel Assistance
Pupils Below Compulsory School Age (Aged 0-4)**Notes for Guidance

Please read the relevant part of the Council's "Travel assistance policy for 0-25 year olds in education" (available at <https://www.birmingham.gov.uk/downloads/file/12830/0-25-travel-assistance-policy-201920>) before completing this form. As that document makes clear, the Council's policy is not to provide travel assistance to pre-schoolers except where the pre-schooler has an Education Health and Care (EHC) plan and the circumstances can be said to be exceptional. Even where the Council does provide travel assistance to a pre-schooler it will make a charge for this, which is payable by the parent/carer(s). Please complete this form carefully, ensuring all information provided is accurate and that you include everything you want to say in support of your application.

All applicable sections must be completed or the form will be returned and there will be a delay in processing your application.

Please email this form to: travelassist@birmingham.gov.uk or return it to the following address: Travel Assist, PO Box 16541, Birmingham, B2 2DD

Travel Assist, PO Box 16541, Birmingham, B2 2DD

Telephone: 0121 303 4955

Email: travelassist@birmingham.gov.uk

Website: www.birmingham.gov.uk/travelassist

Application for Travel Assistance Pupils Below Compulsory School Age (0-4)

All fields are mandatory and must be completed, or marked N/A if they do not apply.

Section 1 – Pupil Personal details:			
Surname		Date of birth	
First Name		Gender	
Home Address i.e. the pupil's only or main residence		Post Code	
Name of both Parents or Carers	Mother:	Father:	
Telephone Numbers:			
Email Address:			
Are you residing at the same address?	If no, please confirm address:	If no, please confirm address	
Is the pupil a Looked After Child?			Yes No
If Yes, please confirm which Local Authority is responsible:			
Name of Social Worker, Contact Number and if applicable, Foster Agency Name:			
Does your child have an Education Health and Care Plan			Yes No

Section 2 - Other Information					
Tell us about your child's special educational and/or medical needs and/or disability. Does your child have: (please tick or circle)					
Social, Emotional and Mental Health needs	Yes	No		Hearing impairment	Yes No
Cognition and Learning difficulties	Yes	No		Visual impairment	Yes No
Speech, Language and Communication difficulties (including ASD)				Yes	No
Physical difficulties				Yes	No
Please state any other special educational or medical needs or disabilities:					

Tell us about your child's behaviour. Does your child: (please tick or circle)				
Have any difficulty walking or using public transport due to their behaviour?			Yes	No
Challenge Authority?			Yes	No
Exhibit violent or aggressive behaviour?			Yes	No
Pose any risk to other passengers (children/driver/pupil guide)?			Yes	No
If you have answered yes to any of these questions please describe these behaviours, tell us about anything that prompts your child to behave in this way?				
Full name of all other children in your family under 16 years of age	Date of birth	Which school do they go to (including postcode)	School start and finish times	
Has your child received transport assistance before?			Yes	No
If yes, please tell us below what assistance was provided:				
Do you have a vehicle?			Yes	No
If Yes, please provide the make and model of your car and details of any adaptations which have been made to the vehicle:				
Make & Model		Adaptations to the car		
If applicable, please provide the reason why the vehicle cannot be used to take your child to and from nursery/pre-school:				
How does your child travel the rest of the time, i.e. when they are not travelling to nursery/pre-school, or accessing the community?				
Please use this space to tell us anything else that you would like taken into consideration which would prevent you accompanying your child to and from nursery/pre-school:				
Your application should include any documents that you would like us to consider, including your child's EHCP or statement of special educational needs. or where appropriate Joint Epilepsy Care Plan (dated within the last 2 years). Please list the documents that you have included with your application:				

Section 3 - Wheelchair Users:			
If your child is not a wheelchair user please move to next section (please tick or circle the appropriate answer)			
Can your child walk at all?	Yes	No	
Can your child transfer to a seat on a vehicle?	Yes	No	
If yes, does your child require assistance to do this?	Yes	No	
Please state what assistance is required?			
Does your child need to travel in a wheelchair on the vehicle?	Yes	No	
What is the make and model of the wheelchair?			
Is the Wheelchair:	Folding	Non-folding	Electric
What is the dimension (in centimetres) of the wheelchair when in use?	Length	Width	Height

Section 4 - Parent Employment, Study, Training or Work Placement Details						
Are you attending work, college, university, a training programme or work placement:	Mother:	Yes	No	Father:	Yes	No
Name & Address of Employer/College/University/ Training Provider/Work Placement attended (including postcode):						
Please indicate the days that you attend employment, college/university/training programme/work placement plus start and finish times of seminars/lectures/training/ placement undertaken each day. Please include the start and end times of shifts.		Start	Finish		Start	Finish
	Mon			Mon		
	Tue			Tue		
	Wed			Wed		
	Thu			Thu		
	Fri			Fri		

Section 5 - Income						
Are you receiving any income related benefits?	Mother:	Yes	No	Father:	Yes	No
If yes , please list the benefits that you receive below and provide documentary evidence of your entitlement.						

Section 6 - Nursery / Pre-School Details			
Name of nursery/ pre-school		Telephone number	
Address		Postcode	
Has your child started attending this nursery/pre-school?			<div>Yes</div> <div>No</div>
Date Started/Date due to start			
Is this nursery/pre-school named in your child's statement of special educational needs or EHCP because it was the school that you preferred?			<div>Yes</div> <div>No</div>
Which nursery/pre school did your child most recently attend?			

What type of Travel Assistance do you believe that your child may need?		
Travel Pass	Yes	No
Personal Transport Budget (please refer to the policy)	Yes	No
Guided Public Transport	Yes	No
A Transport Vehicle ¹	Yes	No
Other	Yes	No
Please give your reasons for the type(s) of travel assistance requested:		

Contributions to cost of transport - *To be completed by parent(s)*

If you are unable to get your child to nursery / Pre -school and would like to request for specialised transport to be considered, you will need to make a contribution towards these costs in line with the policy. Please select and tick one of the following:	
I/we agree to pay a contribution of £780 towards the cost of the specialised transport for this academic year.	
I/we agree to pay a contribution of £390 towards the cost of the specialised transport for this academic year because I/we or our son/daughter are in receipt of: <ul style="list-style-type: none"> Income Support Income based Job Seekers' Allowance. Income related Employment and Support Allowance. Support under Part VI of the Immigration and Asylum Act 1999. The Guaranteed element of State Pension Credit. Child Tax Credit provided they are not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190. Maximum Working Tax Credit (no reduction for income) Working Tax Credit Run-on – paid for 4 weeks after you stop qualifying for Working Tax Credit. 	

¹ If the Council decides it is necessary to provide travel assistance, you will be asked to supply Travel Assist with additional information which will be used to complete a risk assessment of the child's needs when travelling. This is to ensure each child can travel by the safest and most suitable form of transport.

<ul style="list-style-type: none"> • The young person receives income support or income based job seekers allowance in their own right. • Universal Credit <p><i>You must provide <u>recent</u> evidence of the benefits you receive. In the case of Tax Credit notifications, <u>all pages</u> must be provided</i></p>	
How do you want to pay?	
I/we wish to pay the whole amount prior to the start of the Academic year, or prior to starting on transport if applying during the academic year. You can make a payment by debit or credit card. You will be advised how to do this accordingly if assistance is agreed.	
I/we wish to pay on a monthly basis by direct debit. Arrangements will be made for you to be charged upon receipt of the signed direct debit mandate over an 8 month period starting from October to May. Payment of either £97.50 per month, or £48.75 per month if your family is on a low income, will be taken on the 1 st of each month and you will be advised how to do this accordingly if assistance is agreed. N.B. If your son/daughter start on transport is during the academic year then you will make fewer payments but for higher monthly amounts as full payment has to be received by 31 May.	

PARENTAL/CARERS DECLARATION

<p>Please read the following declaration. We will not process your application for travel assistance if you do not sign and date the declaration.</p> <p>The information I have given on this form is complete and accurate. I will inform you immediately of any change in circumstances which might affect any entitlement to travel assistance. I understand that if I give you false information or fail to give complete information the Council may take action against me and travel assistance may be varied or removed. I will write and tell you immediately if the child leaves or transfers to a different educational setting.</p> <p>If financial assistance is provided to me or on my behalf, and if, for whatever reason, I receive an amount which is more than I am entitled to, I will pay back any amount in excess of my entitlement.</p> <p>I do/do not (delete as applicable) consent to the Travel Assist Service reviewing a copy of my child's EHCP and any assessment reports.</p> <p>Please note a minimum of 15 working days is required from receipt of this form to make an assessment of this application. If a Pupil Guide is required or it is necessary to request specialised information concerning a pupil, extra time may be necessary for arrangements to be made.</p> <p>Pupils will be transported by the most efficient and cost-effective transport option available in consideration of their individual needs and information obtained from their EHCP.</p>	
Parent/Carer 1 signature:	Date:
Parent/Carer 2 signature:	Date:

Privacy notice under the General Data Protection Regulation (GDPR) (EU) 2016/679

The information you have provided on this form will be used by Birmingham City Council in accordance with the General Data Protection Regulation and any successor legislation to the GDPR or the Data Protection Act 1998.

The information will be used in accordance with the Education Transport Policy and for the purpose of processing applications for pupils travel assistance as required to fulfil the Council's duties under legislation, statutory or contractual requirement or obligation.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with external organisations whose business it is to assist in the service delivery of transport solutions to eligible students and with the Department of Education for statistical purposes only. The personal data is not shared with anyone else and will never be disclosed for marketing purposes.

The information contained on this application form will be retained until your child no longer requires travel assistance provided by the Council and then for a further 90 days from the date that travel assistance ceases and shall be processed in adherence to your legal rights, which are set out in our privacy notice which can be found at: www.birmingham.gov.uk/privacy. Your personal data will be stored and used in accordance with this Policy. Should you require a hard copy of our privacy statement then please contact our Data Protection Officer on 0121 303 4955.

Application for Travel Assistance Pupils of Compulsory School Age (Reception to Year 11)

Notes for Guidance

Please read the relevant part of the Council's "Travel assistance policy for 0-25 year olds in education" (available at https://www.birmingham.gov.uk/downloads/file/12830/0-25_travel_assistance_policy_201920) before completing this form.

Please note in particular that as that document makes clear, the Council's policy is to provide free travel assistance to the categories of eligible children in the Education Act 1996 but not otherwise unless there are exceptional circumstances.

Please complete this form carefully, ensuring all information provided is accurate and that you include everything you want to say in support of your application.

All applicable sections must be completed or the form will be returned and there will be a delay in processing your application.

Please email this form to: travelassist@birmingham.gov.uk or return it to the following address: Travel Assist, PO Box 16541, Birmingham, B2 2DD

Travel Assist, PO Box 16541, Birmingham, B2 2DD

Telephone: 0121 303 4955

Email: travelassist@birmingham.gov.uk

Website: www.birmingham.gov.uk/travelassist

Application for Travel Assistance

Pupils of Compulsory School Age (Reception to Year 11)

All fields are mandatory and must be completed, or marked N/A if they do not apply.

Section 1 – Pupil Personal details:			
Surname		Date of birth	
First Name		Gender	
Home Address i.e. the pupil's only or main residence		Post Code	
Name of both Parents or Carers	Mother:	Father:	
Telephone Numbers:			
Email Address:			
Are you residing at the same address?	If no, please confirm address:	If no, please confirm address	
Is the pupil a Looked After Child?			Yes No
If Yes, please confirm which Local Authority is responsible:			
Name of Social Worker, Contact Number and if applicable, Foster Agency Name:			
Does your child have an Education Health and Care Plan			Yes No

Section 2 - Categories of Eligible Children	
Please tell us which of these categories of eligible children you believe that your child falls into? The categories are detailed in the Council's policy. https://www.birmingham.gov.uk/downloads/file/12830/0-25_travel_assistance_policy_201920	
Category 1: Distance – complete 'Category 1' below.	
Category 2: Low income – complete 'Category 2' below	
Category 3: Special educational needs or disability – complete 'Category 3' below	

Category 1 Distance				
Approximate distance from your home address and school	miles			
Approximate journey time to travel directly by car between your home address and school	AM		PM	

Category 2 Low Income		
Is your child entitled to free school meals?	Yes	No
Are one or both parents in receipt of the maximum level of working tax credit?	Yes	No
Which of the following applies? (please tick)		
a) My child is aged between 8 and 11 years and their school is more than 2 miles from home		
b) My child is aged between 11 and 16 years and their school is between 2 and 6 miles from home		
c) My child is aged between 11 and 16 years, their school is between 6 and 15 miles from home and that school was chosen on the basis of our religion or belief		

Category 3 Special Educational Needs and Disability						
Tell us about your child's special educational and/or medical needs and/or disability. Does your child have: (please tick or circle)						
Social, Emotional and Mental Health needs	Yes	No		Hearing impairment	Yes	No
Cognition and Learning difficulties	Yes	No		Visual impairment	Yes	No
Speech, Language and Communication difficulties (including ASD)					Yes	No
Physical difficulties					Yes	No
Please state any other special educational or medical needs or disabilities:						
Tell us about your child's behaviour. Does your child: (please tick or circle)						
Have any difficulty walking or using public transport due to their behaviour?					Yes	No
Challenge Authority?					Yes	No
Exhibit violent or aggressive behaviour?					Yes	No
Pose any risk to other passengers (children/driver/pupil guide)?					Yes	No
If you have answered yes to any of these questions please describe these behaviours, tell us about anything that prompts your child to behave in this way?						
Full name of all other children in your family under 16 years of age	Date of birth	Which school do they go to (including postcode)		School start time	School finish time	
Has your child received transport assistance before? <i>If yes, please tell us below what assistance was provided</i>				Yes		No
Do you have a vehicle?				Yes		No

Category 3 Special Educational Needs and Disability
If applicable, please provide the reason why the vehicle cannot be used to take your child to and from school:
How does your child travel the rest of the time, i.e. when they are not travelling to school?
Moved to later section
Please use this space to tell us anything else that you would like taken into consideration which would prevent you accompanying your child to and from school:
Your application should include any documents that you would like us to consider, including your child's EHCP or statement of special educational needs. or where appropriate Joint Epilepsy Care Plan (dated within the last 2 years). Please list the documents that you have included with your application (supplying these documents could help to speed up the process):

Section 3 - Wheelchair Users: If your child is not a wheelchair user please move to next section (please tick or circle the appropriate answer)			
Can your child walk at all?	Yes	No	
Can your child transfer to a seat on a vehicle?	Yes	No	
If yes, does your child require assistance to do this?	Yes	No	
Please state what assistance is required?			
Does your child need to travel in a wheelchair on the vehicle?	Yes	No	
What is the make and model of the wheelchair?			
Is the Wheelchair:	Folding	Non-folding	Electric
What is the dimension (in centimetres) of the wheelchair when in use?	Length	Width	Height

Section 4 - Employment, Study, Training or Work Placement Details						
Are you attending work, college, university, a training programme or work placement:	Mother:	Yes	No	Father:	Yes	No
Name & Address of Employer/College/University/ Training Provider/Work Placement attended (including postcode):						
Please indicate the days that you attend employment, college/university/training programme/work placement plus		Start	Finish		Start	Finish
	Mon			Mon		

start and finish times of seminars/lectures/training/ placement undertaken each day. Please include the start and end times of shifts.	Tue			Tue		
	Wed			Wed		
	Thu			Thu		
	Fri			Fri		

Section 5 - School Details					
Name of school			Telephone No.		
Address			Postcode		
Has your child started attending this school?				Yes	No
Date Started/Date due to start					
Is this school named in your child's statement of special educational needs or EHCP because it was the school that you preferred?				Yes	No
Which school did your child most recently attend?					

What type of Travel Assistance do you believe that your child needs?		
Travel Pass	Yes	No
Personal Transport Budget* please refer to the policy	Yes	No
Guided Public Transport	Yes	No
A Transport Vehicle ¹	Yes	No
Other	Yes	No
Please give your reasons for the type(s) of travel assistance requested:		

¹ If the Council decides it is necessary to provide travel assistance, you will be asked to supply Travel Assist with additional information which will be used to complete a risk assessment of the child's needs when travelling. This is to ensure each child can travel by the safest and most suitable form of transport.

PARENTAL/CARERS DECLARATION

Please read the following declaration. We will not process your application for travel assistance if you do not sign and date the declaration.

The information I have given on this form is complete and accurate. I will inform you immediately of any change in circumstances which might affect any entitlement to travel assistance. I understand that if I give you false information, or fail to give complete information the Council may take action against me and travel assistance may be varied or removed. I will write and tell you immediately if the child leaves or transfers to a different educational setting.

If financial assistance is provided to me or on my behalf, and if, for whatever reason, I receive an amount which is more than I am entitled to, I will pay back any amount in excess of my entitlement.

I do/do not (**delete as applicable**) consent to the Travel Assist Service reviewing a copy of my child's EHCP and any assessment reports.

Please note a **minimum of 15 working days** is required from receipt of this form to make an assessment of this application. If a Pupil Guide is required or it is necessary to request specialised information concerning a pupil, extra time may be necessary for arrangements to be made.

Pupils who are awarded transport will be transported by the most efficient and cost effective transport option available in consideration of their individual needs and information obtained from their EHCP.

Parent/Carer 1 signature:

Date:

Parent/Carer 2 signature:

Date:

Privacy notice under the General Data Protection Regulation (GDPR) (EU) 2016/679

The information you have provided on this form will be used by Birmingham City Council in accordance with the General Data Protection Regulation and any successor legislation to the GDPR or the Data Protection Act 1998.

The information will be used in accordance with the Education Transport Policy and for the purpose of processing applications for pupils travel assistance as required to fulfil the Council's duties under legislation, statutory or contractual requirement or obligation.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with external organisations whose business it is to assist in the service delivery of transport solutions to eligible students and with the Department of Education for statistical purposes only. The personal data is not shared with anyone else and will never be disclosed for marketing purposes.

The information contained on this application form will be retained until your child no longer requires travel assistance provided by the Council and then for a further 90 days from the date that travel assistance ceases and shall be processed in adherence to your legal rights, which are set out in our privacy notice which can be found at: www.birmingham.gov.uk/privacy. Your personal data will be stored and used in accordance with this Policy. Should you require a hard copy of our privacy statement then please contact our Data Protection Officer on 0121 303 4955.

Application for Travel Assistance Young Persons of Sixth Form Age (16-18)

Notes for Guidance

Please read the relevant part of the Council's "Travel assistance policy for 0-25 year olds in education" (available at https://www.birmingham.gov.uk/downloads/file/12830/0-25_travel_assistance_policy_201920) before completing this form. Please note in particular, that as that document makes clear, the Council's policy is that unless the circumstances are exceptional, the Council will only consider providing travel assistance for young persons of sixth form age who have an Education Health and Care (EHC) Plan, a disability or learning difficulties. Even where the Council does provide travel assistance to a young person of sixth form age it will make a charge for this. Please complete this form carefully, ensuring all information provided is accurate and that you include everything you want to say in support of your application.

All sections must be completed or the form will be returned and there will be a delay in processing your application.

Please email this form to: travelassist@birmingham.gov.uk or return it to the following address: Travel Assist, PO Box 16541, Birmingham, B2 2DD

Travel Assist, PO Box 16541, Birmingham, B2 2DD

Telephone: 0121 303 4955

Email: travelassist@birmingham.gov.uk

Website: www.birmingham.gov.uk/travelassist

Application for Travel Assistance Young Persons of Sixth Form Age (16-18)

All fields are mandatory and must be completed, or marked N/A if they do not apply.

Section 1 – Young Person's Personal details:			
Surname		Date of birth	
First Name		Gender	
Home Address i.e. the pupil's only or main residence		Post Code	
Name of both Parents or Carers	Mother:	Father:	
Telephone Numbers:			
Email Address:			
Are you residing at the same address?	If no, please confirm address:	If no, please confirm address	
Are you a Looked After Child?			Yes No
If Yes, please confirm which Local Authority is responsible:			
Name of Social Worker, Contact Number and if applicable, Foster Agency Name:			
Do you have an Education Health and Care Plan			Yes No

Section 2 - Other Information						
Tell us about your special educational and/or medical needs and/or disability. Do you have: (please tick or circle)						
Social, Emotional and Mental Health needs	Yes	No		Hearing impairment	Yes	No
Cognition and Learning difficulties	Yes	No		Visual impairment	Yes	No
Speech, Language and Communication difficulties (including ASD)					Yes	No
Physical difficulties					Yes	No
Please state any other special educational or medical needs or disabilities:						

Tell us about your behaviour. Do you have any of the below: (please tick or circle)				
Have any difficulty walking or using public transport due to your behaviour?			Yes	No
Challenge Authority?			Yes	No
Exhibit violent or aggressive behaviour?			Yes	No
Pose any risk to other passengers (pupil/driver/pupil guide)?			Yes	No
If you have answered yes to any of these questions please describe these behaviours, tell us about anything that prompts you to behave in this way?				
Full name of all other children in your family under 16 years of age	Date of birth	Which school do they go to (including postcode)	School start and finish times	
Have you received transport assistance before? <i>If yes, please tell us below what assistance was provided</i>			Yes	No
Do your parents have a vehicle?			Yes	No
If Yes, please provide the make and model of your car and details of any adaptations which have been made to the vehicle:				
Make & Model		Adaptations to the car		
If applicable, please provide the reason why the vehicle cannot be used to take you to and from School / college				
How do you travel the rest of the time, i.e. when you are not travelling to school /college?				
Please use this space to tell us anything else that you would like taken into consideration which would prevent you being accompanied to and from School / college:				
Your application should include any documents that you would like us to consider, including your EHCP or statement of special educational needs. or where appropriate Joint Epilepsy Care Plan (dated within the last 2 years) Please list the documents that you have included with your application:				

Section 3 - Wheelchair Users:			
If you are not a wheelchair user please move to next section (please tick or circle the appropriate answer)			
Can you walk at all?	Yes	No	
Can you transfer to a seat on a vehicle?	Yes	No	
If yes, do you require assistance to do this?	Yes	No	
Please state what assistance is required?			
Do you need to travel in a wheelchair on the vehicle?	Yes	No	
What is the make and model of the wheelchair?			
Is the Wheelchair:	Folding	Non-folding	Electric
What is the dimension (in centimetres) of the wheelchair when in use?	Length	Width	Height

Section 4 - Employment, Study, Training or Work Placement Details						
Are your parents attending work, college, university, a training programme or work placement:	Mother:	Yes	No	Father:	Yes	No
Name & Address of Employer/College/University/ Training Provider/Work Placement attended (including postcode):						
Please indicate the days that they attend employment, college/university/training programme/work placement plus start and finish times of seminars/lectures/training/ placement undertaken each day. Please include the start and end times of shifts.		Start	Finish		Start	Finish
	Mon			Mon		
	Tue			Tue		
	Wed			Wed		
	Thu			Thu		
	Fri			Fri		

Section 5 - Income						
Are your parents receiving any income related benefits?	Mother:	Yes	No	Father:	Yes	No
If yes , please list the benefits that they receive below and provide documentary evidence of your entitlement.						

Section 6 - School/College/sixth form/other educational institution					
Name of School/College/Sixth Form/other				Telephone number	
Address				Postcode	
Do you already attend this school / college?				Yes	No
Date started/date due to start					
Title of course studied/due to be studied					
Is the course full time? (The Course must be a minimum of 450 guided hours of study, approximately 12 guided hours per week)				Yes	No
Which days will you attend School / college?					
	Monday	Tuesday	Wednesday	Thursday	Friday
AM					
PM					

What type of Travel Assistance do you believe that you need?		
Travel Pass	Yes	No
Personal Transport Budget (Please refer to policy)	Yes	No
Guided Public Transport	Yes	No
A Transport Vehicle ¹	Yes	No
Other	Yes	No
Please give your reasons for the type(s) of travel assistance requested:		
Are you eligible for a Post 16 Bursary?		Yes No
Are you eligible for help from the Discretionary Learner Support Fund?		Yes No
Do you have a Concessionary Pass to use on public transport?		Yes No
Are you <u>only</u> applying for a Bus/Train pass?		Yes No
If yes, you do <u>not</u> need to complete Contributions to cost of transport		
Please give your reasons for the type(s) of travel assistance requested:		

¹ If the Council decides it is necessary to provide travel assistance, you will be used asked to supply Travel Assist with additional information which will be used to complete a risk assessment of the child's needs when travelling. This is to ensure each child can travel by the safest and most suitable form of transport.

Contributions to cost of transport

You do not need to complete this section if you are only requesting a bus / train pass.

To be completed by parent(s)

If you are unable to get to school/sixth form/college and would like to request for specialised transport to be considered, your parent(s) will need to make a contribution towards these costs. Please select and tick one of the following:	
I/we agree to pay a contribution of £780 towards the cost of the specialised transport for this academic year.	
I/we agree to pay a contribution of £390 towards the cost of the specialised transport for this academic year because I/we or our son/daughter are in receipt of: <ul style="list-style-type: none">• Income Support• Income based Job Seekers' Allowance.• Income related Employment and Support Allowance.• Support under Part VI of the Immigration and Asylum Act 1999.• The Guaranteed element of State Pension Credit.• Child Tax Credit provided they are not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190.• Maximum Working Tax Credit (no reduction for income)• Working Tax Credit Run-on – paid for 4 weeks after you stop qualifying for Working Tax Credit.• The young person receives income support or income based job seekers allowance in their own right.• Universal Credit <i>You must provide <u>recent</u> evidence of the benefits you receive. In the case of Tax Credit notifications, <u>all pages</u> must be provided</i>	
How do you want to pay?	
I/we wish to pay the whole amount prior to the start of the Academic year, or prior to starting on transport if applying during the academic year. You can make a payment by debit or credit card. You will be advised how to do this accordingly if assistance is agreed.	
I/we wish to pay on a monthly basis by direct debit. Arrangements will be made for you to be charged upon receipt of the signed direct debit mandate over an 8 month period starting from October to May. Payment of either £97.50 per month, or £48.75 per month if your family is on a low income, will be taken on the 1 st of each month and you will be advised how to do this accordingly if assistance is agreed. N.B. If your son/daughter start on transport is during the academic year then you will make fewer payments but for higher monthly amounts as full payment has to be received by 31 May.	

DECLARATION

Please read the following declaration. We will not process your application for support if you do not sign and date the declaration.

The information I have given on this form is complete and accurate. I will inform you immediately of any change in circumstances which might affect any entitlement to travel assistance. I understand that if I give you false information, or fail to give complete information the Council may take action against me. I will write and tell you immediately if I/the young person leaves or transfers to a different educational setting.

I do/do not (**delete as applicable**) consent to the Travel Assist Service reviewing a copy of my child's EHCP and any assessment reports.

If financial assistance is provided to me or on my behalf, and if, for whatever reason, an amount which is more than I am entitled to, I will pay back any amount in excess of my entitlement.

Your signature:	Date:
Parent/Carer 1 signature:	Date:
Parent/Carer 2 signature:	Date:

Privacy Notice under the General Data Protection Regulation (GDPR) (EU) 2016/679

The information you have provided on this form will be used by Birmingham City Council in accordance with the General Data Protection Regulation and any successor legislation to the GDPR or the Data Protection Act 1998.

The information will be used in accordance with the Education Transport Policy and for the purpose of processing applications for pupils travel assistance as required to fulfil the Council's duties under legislation, statutory or contractual requirement or obligation.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with external organisations whose business it is to assist in the service delivery of transport solutions to eligible students and with the Department of Education for statistical purposes only. The personal data is not shared with anyone else and will never be disclosed for marketing purposes.

The information contained on this application form will be retained until you no longer require travel assistance provided by the Council and then for a further 90 days from the date that travel assistance ceases and shall be processed in adherence to your legal rights, which are set out in our privacy notice which can be found at: www.birmingham.gov.uk/privacy. Your personal data will be stored and used in accordance with this Policy. Should you require a hard copy of our privacy statement then please contact our Data Protection Officer on 0121 303 4955.

Application for Travel Assistance Adults 19+

Notes for Guidance

Please read the relevant part of the Council's "Travel assistance policy for 0-25 year olds in education" (available at <https://www.birmingham.gov.uk/downloads/file/12830/0-25-travel-assistance-policy-201920>) before completing this form. Please note in particular, that as that document makes clear, the Council's policy is that unless the circumstances are exceptional, the Council will only consider providing travel assistance for adults who have an Education Health and Care (EHC) Plan. Please complete this form carefully, ensuring all information provided is accurate and that you include everything you want to say in support of your application.

Please note that this application form only applies to travel assistance applications to and from an adult's educational institution.

All sections must be completed or the form will be returned and there will be a delay in processing your application.

Please email this form to: travelassist@birmingham.gov.uk or return it to the following address: Travel Assist, PO Box 16541, Birmingham, B2 2DD

Travel Assist, PO Box 16541, Birmingham, B2 2DD

Telephone: 0121 303 4955

Email: travelassist@birmingham.gov.uk

Website: www.birmingham.gov.uk/travelassist

Application for Travel Assistance Adults 19+

All fields are mandatory and must be completed, or marked N/A if they do not apply.

Section 1 – Adult Learner Personal details:						
Surname				Date of birth		
First Name				Gender		
Home Address i.e. the pupil's only or main residence				Post Code		
Name of both Parents or Carers	Mother / Carer:			Father / Carer:		
Telephone Numbers:						
Email Address:						
Are you residing at the same address?	If no, please confirm address:			If no, please confirm address		
Were you previously in care?					Yes	No
If Yes, please confirm which Local Authority is responsible:						
Name of Social Worker, Contact Number and if applicable, Foster Agency Name:						
Do you have an Education Health and Care Plan					Yes	No
Section 2 - Other Information						
Tell us about your special educational and/or medical needs and/or disability. Do you have: (please tick or circle)						
Social, Emotional and Mental Health needs	Yes	No		Hearing impairment	Yes	No
Cognition and Learning difficulties	Yes	No		Visual impairment	Yes	No
Speech, Language and Communication difficulties (including ASD)					Yes	No
Physical difficulties					Yes	No
Please state any other special educational or medical needs or disabilities:						

Tell us about your behaviour. Do you: (please tick or circle)				
Have any difficulty walking or using public transport due to behaviour?			Yes	No
Challenge Authority?			Yes	No
Exhibit violent or aggressive behaviour?			Yes	No
Pose any risk to other passengers (pupil/driver/pupil guide)?			Yes	No
If you have answered yes to any of these questions please describe these behaviours, tell us about anything that prompts you to behave in this way?				
Full name of all other children in your family under 16 years of age	Date of birth	Which school do they go to (including postcode)	School start and finish times	
Have you received transport assistance before? <i>If yes, please tell us below what assistance was provided</i>			Yes	No
Do your parents / Carer have a vehicle?			Yes	No
If Yes, please provide the make and model of your car and details of any adaptations which have been made to the vehicle:				
Make & Model		Adaptations to the car		
If applicable, please provide the reason why the vehicle cannot be used to take you to and from college				
How do you travel the rest of the time, i.e. when you are not travelling to college?				
Please use this space to tell us anything else that you would like taken into consideration which would prevent you being accompanied to and from college:				

Section 3 - Wheelchair Users:			
If you are not a wheelchair user please move to next section (please tick or circle the appropriate answer)			
Can you walk at all?	Yes	No	
Can you transfer to a seat on a vehicle?	Yes	No	
If yes, do you require assistance to do this?	Yes	No	
Please state what assistance is required?			
Does you need to travel in a wheelchair on the vehicle?	Yes	No	
What is the make and model of the wheelchair?			
Is the Wheelchair:	Folding	Non-folding	Electric
What is the dimension (in centimetres) of the wheelchair when in use?	Length	Width	Height

Section 4 - Employment, Study, Training or Work Placement Details						
Are your parents/carers attending work, college, university, a training programme or work placement:	Mother/Carer:	Yes	No	Father/Carer:	Yes	No
Name & Address of Employer/College/University/ Training Provider/Work Placement attended (including postcode):						
Please indicate the days that they attend employment, college/university/training programme/work placement plus start and finish times of seminars/lectures/training/ placement undertaken each day. Please include the start and end times of shifts.		Start	Finish		Start	Finish
	Mon			Mon		
	Tue			Tue		
	Wed			Wed		
	Thu			Thu		
	Fri			Fri		

Section 5 - College/other educational institution			
Name of College/other		Telephone number	
Address		Postcode	
Do you already attend this college?		Yes	No

Date started/date due to start					
Title of course studied/due to be studied					
Is the course full time? (The Course must be a minimum of 450 guided hours of study, approximately 12 guided hours per week)		Yes		No	
Which days will you attend college?					
	Monday	Tuesday	Wednesday	Thursday	Friday
AM					
PM					

What type of Travel Assistance do you believe you need?		
Travel Pass	Yes	No
Personal Transport Budget (Please refer to the policy)	Yes	No
Guided Public Transport	Yes	No
A Transport Vehicle ¹	Yes	No
Other	Yes	No
Please give your reasons for the type(s) of travel assistance requested:		
Are you eligible for help from the Discretionary Learner Support Fund?	Yes	No
Do you have a Concessionary Pass to use on public transport?	Yes	No

¹ If the Council decides it is necessary to provide travel assistance, you will be used asked to supply Travel Assist with additional information which will be used to complete a risk assessment of the Persons needs when travelling. This is to ensure each person can travel by the safest and most suitable form of transport.

DECLARATION

<p>Please read the following declaration. We will not process your application for support if you do not sign and date the declaration.</p> <p>The information I have given on this form is complete and accurate. I will inform you immediately of any change in circumstances which might affect any entitlement to travel assistance. I understand that if I give you false information, or fail to give complete information the Council may take action against me. I will write and tell you immediately if I/the young person leaves or transfers to a different educational setting.</p> <p>I do/do not (delete as applicable) consent to the Travel Assist Service reviewing a copy of my EHCP and any assessment reports.</p> <p>If financial assistance is provided to me or on my behalf, and if, for whatever reason, an amount which is more than I am entitled to, I will pay back any amount in excess of my entitlement.</p>	
Your signature:	Date:
Parent/Carer 1 signature:	Date:
Parent/Carer 2 signature:	Date:

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The information will be used in accordance with the Education Transport Policy and for the purpose of processing applications for pupils travel assistance as required to fulfil the Council's duties under legislation, statutory or contractual requirement or obligation.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with external organisations whose business it is to assist in the service delivery of transport solutions to eligible students and with the Department of Education for statistical purposes only. The personal data is not shared with anyone else and will never be disclosed for marketing purposes.

The information contained on this application form will be retained until you no longer require travel assistance provided by the Council and then for a further 90 days from the date that travel assistance ceases and shall be processed in adherence to your legal rights, which are set out in our privacy notice which can be found at: www.birmingham.gov.uk/privacy. Your personal data will be stored and used in accordance with this Policy. Should you require a hard copy of our privacy statement then please contact our Data Protection Officer on 0121 303 4955.



Department
for Education

Home to school travel and transport for children of compulsory school age

Statutory guidance for local authorities
Consultation draft

July 2019

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Summary

About this guidance

This is statutory guidance from the Department for Education. Local authorities are under a duty to have regard to it when carrying out their duties in relation to home to school travel, transport and sustainable travel for children of compulsory school age.

Where the words 'must' or 'must not' are used, these represent a mandatory requirement. Where the word 'should' is used, this represents something you ought to do or something that is considered good practice but is not a mandatory requirement. A full explanation of words formatted in ***bold italics*** can be found in the definitions section of this document.

It is issued under the duties placed on the Secretary of State by Sections 508A (7) and 508D (1) of the Education Act 1996.

It replaces Home to School Travel and Transport Guidance 2014 (reference DFE-00501-2014).

Review date

This guidance will be kept under review and will be updated when necessary.

What legislation does this guidance refer to?

This guidance refers to the legislation governing home to school travel and transport for children of compulsory school age, in particular:

- section 508A of the Education Act 1996 – local authorities' duty to promote sustainable modes of travel
- section 508B and schedule 35B of the Education Act 1996 – travel arrangements for eligible children
- section 508C of the Education Act 1996 – travel arrangements for other children
- the School Information (England) Regulations 2008

More information about legislation that relates to home to school transport and travel can be found in annexes 2 and 3.

Who is this guidance for?

This guidance is for:

- local authorities

It may also be of interest to:

- schools
- parents
- organisations involved in advising parents
- transport providers.

Main points

- There has been no change to the legislation governing home to school travel and transport.
- This is statutory guidance for local authorities on fulfilling their duties in relation to home to school travel and transport for children of compulsory school age.
- It provides local authorities with guidance on:
 - making home to school travel arrangements, free of charge, for all eligible children (part 1)
 - their discretionary power to provide home to school travel (part 2)
 - ensuring the suitability of travel and transport arrangements (part 3)
 - putting in place a local home to school transport policy (part 4)
 - school transport appeals (part 5)
 - their duties in relation to sustainable school travel (part 6)
- The main changes from the Home to School Travel and Transport Guidance 2014 are:
 - revised drafting and structure, and the inclusion of examples, to aid the reader's understanding
 - new guidance on putting in place local school transport policies, including a checklist in annex 1
 - additional guidance on the provision of home to school transport for children with special educational needs
 - new guidance on the suitability of travel arrangements for children with medical needs (see paragraphs 71 and 72).
- The policy for transport to post-16 education and training is different from that for children of compulsory school age. Separate guidance is available on the [GOV.uk website](https://www.gov.uk).

Part 1: local authorities' statutory duty in relation to eligible children

1. Local authorities must provide such free home to school travel arrangements they consider necessary to facilitate the attendance at school of eligible children resident in their area¹.
2. They must make arrangements to enable a child to travel to school for the beginning of the school day, and to return **home** at the end of the school day. They are not required to make arrangements for travel between institutions during the school day, or to enable children to attend extra-curricular activities and other commitments outside of school hours².
3. The home to school travel arrangements must be free of charge to the parent of an eligible child.
4. A local authority is not required to make home to school travel arrangements for an eligible child where:
 - suitable home to school travel is provided by someone else e.g. travel provision made available to children by Transport for London³.
 - a child is eligible for free home to school travel but a parent nevertheless chooses to make their own arrangements for the child's travel to and from school⁴.
5. Parents are responsible for ensuring their children of compulsory school age receive a suitable full-time education⁵. If a child of compulsory school age is registered at school but fails to attend school regularly, their parents may be guilty of an offence and can be prosecuted by the local authority⁶. However, parents will have a defence in law⁷ against such prosecution if the child is an eligible child and the local authority has failed to make home to school travel arrangements for them.

¹ Section 508B of the Education Act 1996 (as inserted by the Education and Inspections Act 2006)

² P v East Sussex County Council [2014] EWHC 4634

³ See the Transport for London website for further information.

⁴ However this should not be a barrier for a parent of an eligible child requesting school transport at a later time should they require it.

⁵ Section 7 and 8 of the Education Act 1996

⁶ See School attendance parental responsibility measures: statutory guidance for local authorities, school leaders, school staff, governing bodies and the policy (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/581539/School_attendance_parental_responsibility_measures_statutory_guidance.pdf) for further information.

⁷ Section 444 (3B) of the Education Act 1996.

Categories of eligible children⁸

6. There are four categories of eligible children:

- statutory walking distances (paragraphs 8 to 10 below);
- special educational needs, disability or mobility problems (paragraphs 11 to 12);
- unsafe walking route (paragraphs 13 to 14); or
- extended rights (paragraphs 15 to 19).

7. A child is an eligible child if they are of **compulsory school age** and fall within one of these four categories.

Statutory walking distances⁹

8. A child under the age of 8 is eligible for free home to school travel to their **nearest suitable school**¹⁰ if it is more than 2 miles from their home.

9. A child aged 8 years or over is eligible for free home to school travel to their nearest suitable school if it is more than 3 miles from their home.

10. See paragraph 41 and 42 for information about measuring the statutory walking distances.

Child A is six years old and attends her nearest suitable school. It is 2.3 miles from her home. Child A is eligible for free home to school transport.

Child B is seven years old and attends a primary school that is 2.6 miles from her home. However, there is another suitable primary school just 1.2 miles from her home which has places available. Child B is not eligible for free home to school transport, as she is not attending her nearest suitable school.

Child C is eleven years old and attends his nearest suitable school. It is 2.6 miles from his home. Child C is not eligible for free home to school transport because his school is not beyond the statutory walking distance for a child of his age.

⁸ The categories of eligible children are set out in schedule 35B to the Education Act 1996 (as inserted by the Education and Inspections Act 2006).

⁹ Section 444(5) of the Education Act 1996

¹⁰ Information about nearest suitable schools is set out in paragraphs 27-29

Special educational needs, a disability or mobility problems

11. A child is eligible for free home to school travel if:
- they attend their nearest suitable school; and
 - it is within the statutory walking distance of their home; and
 - they cannot reasonably be expected to walk there because of their **special educational needs, disability** or mobility problems.
12. See paragraphs 43-45 for information about assessing the eligibility of children with special educational needs, a disability or mobility problems.

Child D is fourteen years old and has cerebral palsy. She attends her nearest suitable school. It is 1 mile from her home. The nature of her condition requires her to use crutches to walk, and she needs to take her time to ensure she is balanced. The local authority decides that she could not reasonably be expected to walk to school. Child D is eligible for free home to school transport.

Unsafe walking route

13. A child is eligible for free home to school travel if:
- they attend their nearest suitable school; and
 - it is within the statutory walking distance of their home; and
 - they cannot reasonably be expected to walk there because the nature of the route means it would be unsafe for them to do so; and
 - there is no reasonable alternative route, within the statutory walking distance, that it would be safe for them to walk.
14. See paragraph 46 and 47 for information about assessing route safety.

Child E is twelve years old. He attends his nearest suitable secondary school. It is 2 miles from his home. The only walking route to his school is along a busy country lane. The local authority carries out an assessment of the route and decides it would not be safe for him to walk to school along this road. Child E is eligible for free home to school transport.

Extended rights

15. A child is eligible for free home to school travel if they are eligible for free school meals **or** if a parent with whom they live receives maximum Working Tax Credit **and**:

- they are aged 8 to 10 years, attend their nearest suitable school and it is more than 2 miles from their home; or
- they are aged 11 to 16 years, and attend one of their three nearest suitable schools which is between 2 and 6 miles from their home; or
- they are aged 11 to 16 years, attend a school that is between 2 and 15 miles from their home that their parents have chosen on the grounds of their religion or belief and, having regard to that religion or belief, there is no suitable school nearer to their home.

Child F is eleven years old and eligible for free school meals. His nearest suitable school is 2.5 miles from his home. His second nearest suitable school is 3 miles away. His third nearest is 5 miles away. Child F would be eligible for free home to school travel to any of these schools.

Child G is eleven years old and eligible for free school meals. Her three nearest schools are School X, School Y and School Z. School X is 1.5 miles from her home, School Y is 2.2 miles from her home, and School Z is 5.5 miles from her home. Child G would be eligible for free home to school travel to School Y or School Z, but not to School X.

Child H is thirteen years old, and is eligible for free school meals. He and his parents are members of the Church of England. Because of this, he attends a Church of England school that is 8 miles from their home. There are other schools which are nearer to their home, but none of these is a Church of England school. Child H is eligible for free home to school travel.

16. Where, during the course of a school year, a child ceases to be eligible for free school meals, or a parent ceases to receive maximum Working Tax Credit, the local authority should continue to provide free home to school travel for the remainder of that school year.

17. See paragraph 42 for information about measuring distances for the purposes of assessing eligibility for extended rights.

18. The introduction of Universal Credit **has not** changed the way eligibility for extended rights to home to school transport is determined. It will remain the case that

children will be eligible for extended rights if they meet the criteria set out in paragraph 15 above.

19. Working Tax Credit will gradually be phased out as claimants are transferred onto Universal Credit. Claimants currently eligible for extended rights via maximum working tax credit, will become eligible for free school meals under new criteria¹¹ for determining eligibility for free school meals introduced in April 2018, and therefore retain their eligibility to extended rights.

Ways in which free home to school travel may be provided¹²

20. It is for local authorities to decide how to provide free home to school travel to eligible children. They might, for example, provide a child with a seat on a dedicated school bus or minibus, or with a pass for free travel on a bus where there are appropriate pick up and set down points available. They may also provide a seat in a taxi.

21. There are a range of alternative ways in which LAs can meet their duties, provided they have parental consent. With the agreement of a parent, the local authority might provide a personal transport budget or pay a mileage allowance to the parent to transport their child to school, pay a cycling allowance to enable a child to cycle to school, or provide independent travel training to a child where it is appropriate to do so.

Personal Transport Budgets and Mileage Allowances

22. Where a parent has agreed to receive a personal transport budget or mileage allowance, it is for the local authority to determine how to administer this. Local authorities may require parents to provide copies of receipts and other supporting documentation.

23. Monthly payments made by the local authority, to reimburse the cost incurred by a parent in providing a child's home to school transport on behalf of the local authority, will not be taken into account in a Universal Credit (UC) assessment.

24. Any additional payments, e.g. to cover unexpected expenses relating to a child's home to school transport, may also be reimbursed, by the local authority. Such ad hoc payments to cover additional expenditure would be treated as capital in the UC assessment and the usual UC capital rules would apply.

¹¹ For more information, see *Free School Meals: guidance for local authorities, maintained schools, academies and free schools* at www.gov.uk/government/publications/free-school-meals-guidance-for-schools-and-local-authorities.

¹² Sub-sections 508B (1) and 508B (4) of the Education Act 1996 (as inserted by the Education and Inspections Act 2006)

25. Payments provided in this way should not give rise to tax liability, but it is the responsibility of individuals to satisfy themselves that they meet HMRC's requirements. Guidance on tax liability can be found in the Employment Income Manual, EIM71100, on the government website www.gov.uk.

26. Local authorities must ensure that the travel arrangements they make take account of the needs of the child concerned. For example, it would not be appropriate to provide a pass for free travel on a service bus to a child whose special needs meant they would be unable to travel on a service bus. More information on suitability of transport can be found in part 3.

Local authority Z has introduced a transport scheme it believes will promote consistency and routine for pupils of a local special school. Local authority Z has agreed to pay for the lease of a minibus and give the special school the costs for the driver and petrol rather than paying a contractor. The local authority retains responsibility for vehicle maintenance, and the school is able to use the bus during the school day as long as they provide the home to school transport. Local authority Z has made some savings, as well as an improvement in the service provided because the school staff know the children well and are better placed to make travel arrangements that meet their needs

Local authority Y has received an application for home to school transport for a child with special educational needs. This child is an eligible child. The parent would prefer to take the child to school himself, because the child gets distressed when travelling with anyone else, but is unable to because he must take their other child to school. The other child is not an eligible child. Local authority Y suggests to the parent that they provide travel arrangements for the non-eligible child to allow the parent to take the eligible child to school. The parent is happy with this arrangement, and the local authority is able to make a saving whilst delivering their statutory duty.

What is a suitable school?

27. When we use the term 'suitable school' in this guidance we mean a qualifying school (see paragraphs 30 and 31 for the definition of a qualifying school) that is suitable for the child's age, ability, aptitude, and any special educational needs they may have¹³, as well as for the child's gender.

¹³ Section 7 of the Education Act 1996

Child I attends a boys' secondary school that is 5.3 miles from his home. His nearest school is a co-educational secondary school 3.4 miles away. The co-educational school is Child I's nearest suitable school.

28. For a school to be suitable it must be possible for the child to secure a place there at the time transport eligibility is considered. For most cases, this will be during the **normal admissions round**, but some cases will need to be considered during the course of a school year, for example, as a result of families moving into the area.

29. For a local authority to refuse free home to school travel for a child on the grounds they are not attending their nearest suitable school, the prospect of them being able to secure a place the nearest suitable school must have been a realistic one at the time the application for a school place was made.

Child J is eleven years old, and attends a secondary school 4.2 miles away from her home. Her parents applied for this school as their first preference. The nearest secondary school is 3.7 miles from their home. They chose not to apply for this school. The nearest school is undersubscribed and Child J would have been offered a place there had her parents applied. Child J is not eligible for home to school travel as she is not attending her nearest suitable school with available places.

Child K is eleven years old and attends the second nearest secondary school to his home. It is 4.2 miles away. His nearest secondary school is 3.7 miles from his home. His parents applied for the nearest school, but it was oversubscribed and he was not offered a place. Child K is eligible for free home to school travel as he is attending his nearest suitable school with available places.

Child L attends a school 3.4 miles away from her home. It is her second nearest school. Her parents applied for her nearest suitable school but it was oversubscribed and she could not be offered a place. She is eligible for free home to school travel. Mid way through the school year, a place becomes available at the nearest suitable school. The local authority enables Child L to retain her transport entitlement

Qualifying schools

30. To be eligible for free home to school travel, a child must attend a qualifying school. Qualifying schools are:

- community schools, foundation schools or voluntary aided and voluntary controlled schools

- academies or alternative provision academies
- community or foundation special schools
- non-maintained special schools
- pupil referral units
- maintained nursery schools
- city technology colleges and city colleges for the technology of the arts.

31. For children with special educational needs, an independent school is a qualifying school if it is named in their Education, Health and Care plan (EHC plan), or is the nearest of two or more schools named in their EHC plan.

Further information about children with EHC Plans

32. Parents have the right to ask for a particular school to be named in their child's EHC plan. The local authority must name that school in the plan unless it would be unsuitable for the child's age, ability, aptitude or special educational needs, or the child's attendance would be incompatible with the efficient education of others or the efficient use of resources¹⁴.

33. Where the parent's preferred school is further away from their home than the nearest school that can meet the child's special educational needs, the local authority can name the nearer school if it considers it to be appropriate for meeting the child's special educational needs. Alternatively, they may agree to name the preferred school but are able to ask the parent to provide some or all of the transport funding¹⁵

34. In deciding whether to name the nearest or preferred school in the plan, the local authority should consider whether transporting the child to the preferred school would be compatible with the efficient use of resources. This is known as 'the Dudley test'¹⁶.

35. It should first determine the cost of providing the child with free travel to each of the two schools. It should then decide whether the additional cost of providing travel to the parents' preferred school is compatible with the efficient use of resources. In doing so, it should have regard to the educational benefits and other advantages that the school will provide for the child.

¹⁴ See paragraphs 9.78 to 9.80 of the Special Educational Needs and Disability Code of Practice: 0 to 25 - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf.

¹⁵ See paragraph 9.214 of the Special Educational Needs and Disability Code of Practice: 0 to 25.

¹⁶ Dudley v Shurvington [2012] EWCA

36. If it decides it would be compatible with the efficient use of resources to provide free home to school travel to the parents' preferred school, it should name only that school in the child's EHC plan. If it decides the additional cost is incompatible with the efficient use of resources, it may name both schools in the EHC plan on the condition that the parents pay the cost of transport to their preferred school.

Free home to school travel to schools which are not qualifying schools

37. A child may also be eligible for free home to school travel where they receive education at a place other than a school by virtue of arrangements made under section 19 (1) of the Education Act 1996¹⁷. (Section 19 (1) requires local authorities to make arrangements for the provision of suitable education, at a school or otherwise, for children of compulsory school age who, by reason of illness, exclusion, or otherwise, may not receive suitable education unless such arrangements are made for them).

38. Where, as a result of being excluded from school, a child remains on the register of that school but attends an educational establishment that is not a qualifying school, that educational establishment must be treated as if it were a qualifying school and the child were a registered pupil at that school.

Children registered at more than one qualifying school¹⁸

39. Some children are registered at more than one school. Where a child is registered at two qualifying schools (which are not pupil referral units) the local authority's duty to provide free home to school travel applies to whichever of the schools the child is attending on any school day on which home to school travel is required.

40. Where a child is of no fixed abode, and is registered at two or more qualifying schools (which are not pupil referral units), the local authority must, so far as is reasonably practicable, provide free home to school travel to the nearest qualifying school at which they are registered on the days that they attend there.

¹⁷ Paragraphs 3, 5, 7 and 10 of schedule 35B of the Education Act 1996 (as inserted by the Education and Inspections Act 2006)

¹⁸ The School Travel (Pupils with Dual Registration) (England) Regulations 2007 (S.I.2007/1367) clarify the entitlement for a small number of eligible children that may be registered at more than one educational establishment.

Assessing eligibility

Measurement of routes

41. When a local authority assesses whether the distance between a child's home and their school is further than the statutory walking distance, the route they measure must be the shortest route along which a child, accompanied as necessary, may walk safely. This is not necessarily the shortest distance by road. The route may also include footpaths, bridleways, other pathways and alternative entrances to the school.

42. When a local authority assesses, for the purposes of extended rights, whether a child lives more than 2 miles from a school, the route should be measured in the way described in paragraph 41 above. But, when assessing whether a child lives within 6 to 15 miles from their school, the local authority should measure road routes only.

Children with special educational needs, a disability or mobility problems

43. Transport does not have to be specified in a child's EHC plan for them to be eligible for free home to school transport¹⁹. Local authorities should assess the eligibility of children with special educational needs, a disability or mobility problems on a case by case basis.

44. In order to be able to assess whether a child with special educational needs, a disability or mobility problems can reasonably be expected to walk to school, a local authority may ask a parent (or other person requesting free travel for the child) to provide them with information about the child and why they could not reasonably be expected to walk to school. The local authority should be clear about what information they require. It might include medical evidence, information from teachers and special educational needs professionals, or information from the child's EHC plan.

45. As part of its assessment, the local authority should have regard to any health and safety issues related to their special educational needs, disability or mobility problems.

Route safety

46. When assessing route safety, local authorities should consider a range of risks such as canals, rivers, ditches, speed of traffic and fields of vision for the pedestrian and

¹⁹ Transport should be recorded in the EHC plan only in exceptional cases. See paragraph 9.215 of the Special Educational Needs and Disability Code of Practice: 0 to 25.

motorist. They should also consider whether it is reasonable to expect a parent to accompany their child along a route which would otherwise be considered unsafe.

47. Modern technology is valuable in identifying, measuring and assessing routes. However, where the safety of a route is challenged, the local authority should arrange for an assessment of that route to be carried out, walking it at the times of day and on the days of the week that the child would travel.

Accompaniment

48. When assessing route safety and when assessing whether a child with special educational needs, a disability or mobility problems can reasonably be expected to walk to school, local authorities should consider whether the child could reasonably be expected to walk if accompanied and, if so, whether a parent can reasonably be expected to accompany their child. This will involve taking account of the child's age and any special educational needs that are relevant to their ability to walk to school safely.

49. Where a child does need to be accompanied, the general expectation is that they will be accompanied by a parent unless there is a good reason why it would not be reasonable to expect a parent to do so. For example, a parent's disability may prevent them from accompanying their child along a walking route that would be considered unsafe without adult supervision²⁰.

Child L is 9 years old and has an autistic spectrum disorder. He attends his nearest suitable school which is 2.5 miles from his home. He is unaware of danger and has to be accompanied even on very short journeys. He also becomes distressed and can act unpredictably in noisy environments. His walk to school would be along busy roads. From the information provided, the local authority assess that his parents would not be able to keep him safe on this journey. Child L is eligible for free home to school travel.

Other benefits or allowances

50. Local authorities should provide free home to school travel for all eligible children, regardless of whether they or their parents receive further benefits or allowances. Being in receipt of additional benefits or allowances such as Disability Living Allowance, a

²⁰ Local authorities must be aware of their duties under the Equality Act 2010.

Motability vehicle or Foster Care Allowance²¹ does not affect a child's eligibility for free home to school travel.

²¹ This is except where the local authority has specifically included expenses for school transport in the fostering allowance because the child is an eligible child. This can only be done with the foster carer's agreement – see section 508B(4)(b) of the Education Act 1996 (as inserted by the Education and Inspections Act 2006).

Part 2: local authorities' discretionary power

54. Local authorities have a discretionary power to provide home to school travel for children resident in their area who are not eligible children²².

52. Their discretionary power relates to travel in either direction between the child's home and their school, or in both directions.

53. They may, for example, use their discretionary power to:

- provide free home to school travel to children who are not eligible children
- provide home to school travel for children who are not eligible children for which parents are charged a reduced rate.

54. With parents' consent, they may also:

- pay all or part of the reasonable travel expenses for children who are not eligible
- make arrangements for the payment of travel allowances for children who are not eligible
- provide an escort for children who are not eligible when travelling to and/or from school.

55. Any charges made should be reasonable. Where charges are made, local authorities should consider waiving or reducing them for children who are from low-income families.

56. It is for each local authority to decide whether and how to exercise their discretionary power. They are best placed to determine local needs and to balance these against their budget priorities. They should make clear in their home to school travel policy the discretionary travel that they provide.

Examples of ways in which local authorities might use their discretionary power

57. Some parents choose to send their children to a school with a designated religious character. The Secretary of State continues to attach importance to the availability of such choice within the school system. A local authority might use their discretionary power to provide free travel to schools with a religious character for children who are not eligible children.

58. Some such arrangements are associated with long-standing local agreements about the siting of schools. Whilst recognising the budgetary constraints local authorities

²² Section 508C of the Education Act 1996 (as inserted by the Education and Inspections Act 2006).

currently face, the Secretary of State expects local authorities to consider all possible options before disturbing well established arrangements, paying particular attention to the potential impact of any changes on children from low income families.

59. A local authority might also use their discretionary power to provide free home to school travel to support other local arrangements, for example where the operation of local school catchment areas for admissions purposes mean children are unlikely to be offered a place in their nearest school for transport purposes.

60. A local authority may also provide free home to school travel in exceptional circumstances. They should make decisions on a case-by-case basis. This may require them to request that parents provide them with supporting evidence.

61. Local authorities should set out in their home to school travel policy, what types of circumstances they would consider to be exceptional, how parents should apply for free travel, and the supporting evidence parents should provide.

62. Examples of exceptional circumstances may include where:

- a child has been forced to move into temporary accommodation or a refuge – to provide them with continuity by enabling them to continue attending their current school
- a child's parent is unable to take their child to school because they are suffering from serious illness

Part 3: suitability of transport arrangements

Journey times

63. Local authorities should ensure that the transport arrangements they make for eligible children are suitable, safe and reasonably stress free²³ to enable the children to arrive at school ready for a day of study.

64. As a general guide, the maximum journey time should be 45 minutes for a child of primary school age, and 75 minutes for a child of secondary school age, including any time taken to walk to a pick up point, bus stop or train station. It is, however, recognised that this may not always be possible, particularly in rural areas.

65. Wherever possible, a child should not be expected to make several changes on public transport.

66. Journeys for children with special educational needs, disability or mobility problems may sometimes need to be longer and more complex than for other children. Local authorities should, however, avoid extending routes for such children unnecessarily, and ensure that any issues arising from lengthier journeys are appropriately addressed.

Children with special educational needs, a disability or mobility problems

67. When making transport arrangements for children with special educational needs, a disability or mobility problems, local authorities will need to identify and take account of their particular needs and ensure that the transport they provide meets those needs. For example, children with a high level of need might require the support of a passenger assistant on their journey, or if a child uses a wheelchair, walking frame or other mobility aid, it may need to be transported with them.

68. A child's needs may need to be reassessed from time to time, for example, as the child's needs change or if any changes are made to the travel arrangements. Some children with special educational needs can find change distressing. Local authorities should therefore provide parents with as much notice as possible of any changes in a child's travel arrangements.

²³ R v Hereford and Worcester County Council, ex parte P 2 [1992] 2 FCR 732

Independent Travel Training

69. Preparing for adulthood is a key part of the SEND reforms of 2014²⁴, and focuses on four outcomes: employment/education; independent living; community participation; and good adult health.

70. Independent travel training can provide long term benefits to individuals in terms of a skill for life that may lead to greater social inclusion and improved employment prospects. Local authorities should offer independent travel training for all pupils with SEND that they believe will be able to complete the programme. They should discuss the benefits of travel training with parents and provide assurances that their child will not lose any transport entitlements until they are confidently able to travel independently.

Children with medical needs

71. When a local authority makes transport arrangements for a child with medical needs, they should conduct a risk assessment to consider how those needs might affect the child during their home to school journey and put in place proportionate arrangements to manage those needs. This is likely to involve consulting the parent and may also involve consulting the child and their school, and considering any information in an EHC plan.

72. It should ensure the driver of a vehicle providing dedicated home to school transport, and any passenger assistant involved in providing the child's transport, are aware of the needs and how to respond to them²⁵, and have received any training necessary to enable them to do so. See also paragraphs 75 and 76 below on training.

Safeguarding

73. Local authorities must ensure that the required safeguarding and suitability checks on the drivers of vehicles providing dedicated home to school transport²⁶, and any passenger assistants involved in providing home to school transport have been undertaken. In these circumstances both roles are considered to be regulated activity, which means some people are barred from doing it. Therefore, if the LA are responsible

²⁴ <https://www.gov.uk/government/news/reforms-for-children-with-sen-and-disabilities-come-into-effect>

²⁵ The Department has published statutory guidance for schools on supporting children with medical conditions (www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions-3). This suggests schools share children's individual health care plans with the local authority responsible for that child's home to school transport.

²⁶ SI2009 no. 1548 – The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Regulations 2009

for arranging transport for a child, they must ensure the relevant checks have been done²⁷.

74. The Department for Transport has issued new statutory guidance²⁸ for taxi and private hire vehicle licensing authorities on how to use their licensing powers to protect children and vulnerable adults. Where the local authority is the licensing authority, they must have regard to this guidance.

Training

75. Local authorities should ensure that drivers of vehicles providing dedicated home to school transport, and any passenger assistants involved in providing home to school transport, have undertaken appropriate training and that this is kept up to date. It is also considered good practice for those responsible for planning and managing school transport to have undertaken appropriate equality training.

76. This training should include (but is not restricted to):

- the handling of emergency situations, including when to contact the emergency services
- an awareness of different types of disability, including hidden disabilities
- an awareness of what constitutes discrimination
- training in recognising, supporting and managing children with different types of disabilities, including hidden disabilities, and behaviour that may be associated with such disabilities
- communicating appropriately with pupils with different types of disabilities, including hidden disabilities.

Child M is an eligible child, and has a number of complex special educational needs, some of which affect her continence. She travels to school in a dedicated taxi and has a passenger assistant to support her journey. Child M's needs have been discussed between the parent, the school, the local authority and the transport provider and it has been agreed that the passenger assistant should be trained in intimate care to ensure Child M's transport is suitable for her needs.

²⁷ The Disclosure and Barring Service (DBS) maintains lists of individuals who are unsuitable to work with children and vulnerable adults. Information about DBS checks is available here: www.gov.uk/government/organisations/disclosure-and-barring-service

²⁸ At time of consultation, this guidance is yet to be published. Additional information and a link to this will be added following consultation.

Poor behaviour on school transport

77. The department expects each school to promote appropriate standards of behaviour by pupils on their journey to and from school through rewarding positive behaviour and using sanctions to address poor behaviour. The Education and Inspections Act 2006 empowers headteachers to take action to address unacceptable behaviour even when this takes place outside the school premises and when pupils are not under the legal control of the school, but when it is reasonable to do so. In the department's view, this would include behaviour on school buses, or otherwise on the route to and from school, whether or not the pupils are in school uniform.

78. A number of local authorities have adopted a policy of withdrawing transport, either for a temporary period, or permanently for more serious or repeated cases of misbehaviour. Equally, the behaviour of pupils outside school can be considered as grounds for exclusion. This will be a matter of judgment for the headteacher²⁹. Local authorities might also consider that escorts are necessary to ensure safety of pupils on buses and can stipulate the provision of suitable escorts in their tender documents.

Vehicle safety

79. Buses and coaches used to take children to and from school are public service vehicles. This means they are subject to specific legislation on safety standards. Local authorities should satisfy themselves that the vehicles used are appropriate for the types of journeys planned. They may, if they wish, specify within their contracts with school transport providers that they will only accept vehicles fitted with seat belts.

80. Regulations³⁰ provide that three children under the age of 14 may count as two passengers when travelling on a service bus and occupying seats which do not have seatbelts fitted (i.e. on a service bus they may occupy a bench seat designed for two adults on a service bus). Local authorities should only make use of this concession on an exceptional basis.

²⁹ <https://www.gov.uk/government/publications/school-exclusion>

³⁰ The [Public Service Vehicles \(Carrying Capacity\) Regulations 1984](#)

Part 4: local home to school travel policies

81. Local authorities must publish their policy on home to school travel for children of compulsory school age³¹. Parents may wish to take account of the provisions of the policy when deciding which schools to apply for. The policy must, therefore, be published by 19th September³² each year.

82. The policy should enable parents to understand easily whether their child is eligible for free home to school travel, or any other help with home to school travel the local authority provides using its discretionary power.

83. It must tell parents how and when they should apply for home to school travel, and how they may appeal against the local authority's decision in relation to home to school travel for their child.

84. It should tell parents how they may find out which school is their nearest suitable school, and explain how parents may wish to take travel considerations into account when deciding which schools to apply for. Local authorities may find it useful to explain within their policies that the nearest suitable school for transport purposes may not be the same as the nearest school for admissions purposes.

Elements of an effective travel policy

85. An effective home to school travel policy will clearly explain:

- the four categories of eligible children³³;
- any other help with home to school travel the local authority provides using its discretionary power³⁴;
- how and when parents should apply for free home to school travel (or other help with home to school travel);
- how children's eligibility will be assessed;
- how the local authority measures distances for the purposes of assessing eligibility, and how it assesses route safety;

³¹ Regulation 8 and 9 of the School Information (England) Regulations 2008, and paragraphs 10 and 11 of schedule 3 to those regulations. In addition, regulation 5 and paragraphs 5 and 6 of schedule 2 to these regulations require local authorities to include information about their home to school travel policy in their composite prospectus for school admissions.

³² Regulation 8(2) of S.I. 2008/3093 School Information (England) Regulations 2008

³³ The categories of eligible children are set out in schedule 35B to the Education Act 1996 (as inserted by the Education and Inspections Act 2006) and summarised in paragraphs 6-19 of this guidance.

³⁴ Local authorities discretionary powers are set out in part 2 of this guidance.

- in instances of dual living arrangements, such as equal shared custody for separated parents, how the local authority determines the child's home.
- the ways in which free or discretionary home to school travel will be provided; for example, dedicated school bus, bus pass for use on public service buses, dedicated taxi; and
- any charges made for discretionary transport³⁵
- how parents may appeal against the local authority's decision in relation to home to school travel for their child.

86. A checklist of the necessary components of a school transport policy can be found in annex 1. Local authorities may find this helpful in ensuring their policies are lawful.

87. Local authorities should pay careful attention to the wording, layout and length of their home to school travel policies, so that they are as easy as possible for parents to understand. They should ensure that they are easy for parents to find on their website.

88. Local authorities may, if they wish, set their home to school travel policy out in more than one document. For example, they might set out the part of their policy that relates to home to school travel for children with special educational needs, disabilities and mobility problems in one document, and the remainder of their policy in another document. Where this is the case, both (or all) policies should be located in the same place on the local authority's website, and the local authority should ensure that a reader of any of the documents is able to understand easily the basic provisions of the whole home to school travel policy.

89. Local authorities should ensure that information about home to school travel for children with special educational needs and disabilities is included in their Local Offer³⁶.

90. Home to school travel policies may signpost parents of children who are not eligible for home to school travel support to other sources of information about travel to school; for example, the websites of local transport providers.

Policy changes

91. There is no requirement for a local authority to annually conduct a formal review of their home to school policy. They should nonetheless keep it under regular review to ensure it continues to meet local needs and comply with statutory requirements.

³⁵ Section 508C (5) of the Education Act 1996 (as inserted by the Education and Inspections Act 2006).

³⁶ The Children and Families Act 2014 requires local authorities to publish a local offer, setting out in one place information about provision they expect to be available for children and young people in their area who have special educational needs.

92. Local authorities should consult locally on proposed changes to their home to school travel policy. As a minimum this should include consulting:

- schools whose pupils will be affected by the proposed changes, including those located in other local authority areas; and
- parents whose children will (or may) be affected by the proposed changes, including those whose children attend school in a neighbouring authority, and those whose children may be affected in the future; for example, because they live in the catchment area of, or attend the feeder school of, a school affected by the proposed changes. This could include consulting the local authority Parent Carer Forum.

93. Local authorities should give careful consideration to the impact proposed changes to their home to school travel policy will have on parents' school choices, and on the financial impact they will have on affected families. Wherever possible, local authorities should phase in changes so that children who begin attending a school under one set of travel arrangements continue to benefit from those arrangements until they leave that school.

94. Consultation should last for at least 28 working days during term time.

Part 5: appeals

95. Local authorities should have in place a clear and transparent two stage process to enable parents to appeal against the local authority's decision in relation to home to school travel for their child. They should publish their appeals process alongside their home to school travel policy (or with each policy if a local authority has multiple policy documents) and make paper copies available on request.

96. Parents should be able to appeal against the local authority's decision about:

- their child's eligibility for home to school travel under any of the statutory categories, or the local authority's discretionary power
- the suitability of the travel arrangements offered
- the distance measurement in relation to statutory walking distance or extended rights
- the safety of the route.

97. Parents wishing to complain about the service provided by the local authority should use the local authority's complaints procedure

98. It is for local authorities to determine how their appeals process will operate but, in the interests of consistency, we recommend they adopt the process and timescales set out below.

Stage one: review by a senior officer

99. The process should allow a parent 20³⁷ working days from the day they received the local authority's home to school travel decision to submit a written request asking for a review of that decision. The parent should explain why they believe the local authority should review its decision and should include any information they would like to be considered as part of the review.

100. A senior officer within the local authority's home to school travel team (or within the team's line management chain), should review the decision in light of the information provided by the parents. Local authorities may consider it good practice for the review to be conducted by a panel of senior officers, rather than an individual

³⁷ As with the whole appeals process the timings are recommended and not compulsory. We envisage many appeals will be dealt with much sooner than these timings, particularly those which have a time pressure, whilst complex cases may take longer.

101. Within 20 working days of receiving a parent's request for a review, the senior officer(s) should notify the parent in writing of the outcome of the review. They should clearly explain:

- whether they have upheld the local authority's original home to school travel decision; and
- why they reached that decision; and
- the factors they took into account in reaching that decision.

102. Where they have upheld the original decision, they should also explain how the parent may escalate their appeal to stage two of the process.

Stage two: review by an independent appeal panel

103. Stage two is intended to provide for impartial re-consideration of the case. The process should allow a parent 20 working days from the day they received the outcome of stage one to notify the local authority in writing that they wish to escalate the matter to stage two, and to provide any additional information that they wish to be considered in light of the stage one decision.

104. The local authority should make arrangements for an independent panel to review the case. The panel members should be independent of the original decision making process, but need not be independent of the local authority. They should have the knowledge, skills and experience to ensure that the local authority complies with its statutory duties, that a balance is achieved between meeting the needs of parents and of the local authority, and that no child is placed at unnecessary risk.

105. This review should take place within 40 working days of the local authority's receipt of a parent's request. It may include consideration of oral, as well as written, representations from the parent. It may also include written and oral representations from the officer who made the local authority's original decision and those who conducted the stage one review.

106. Within 5 working days of completing its considerations, the appeal panel should notify the parent in writing of the outcome of their review. They should clearly explain:

- whether or not they have upheld the local authority's original decision; and
- why they reached that decision; and
- the factors they took into account in reaching that decision.

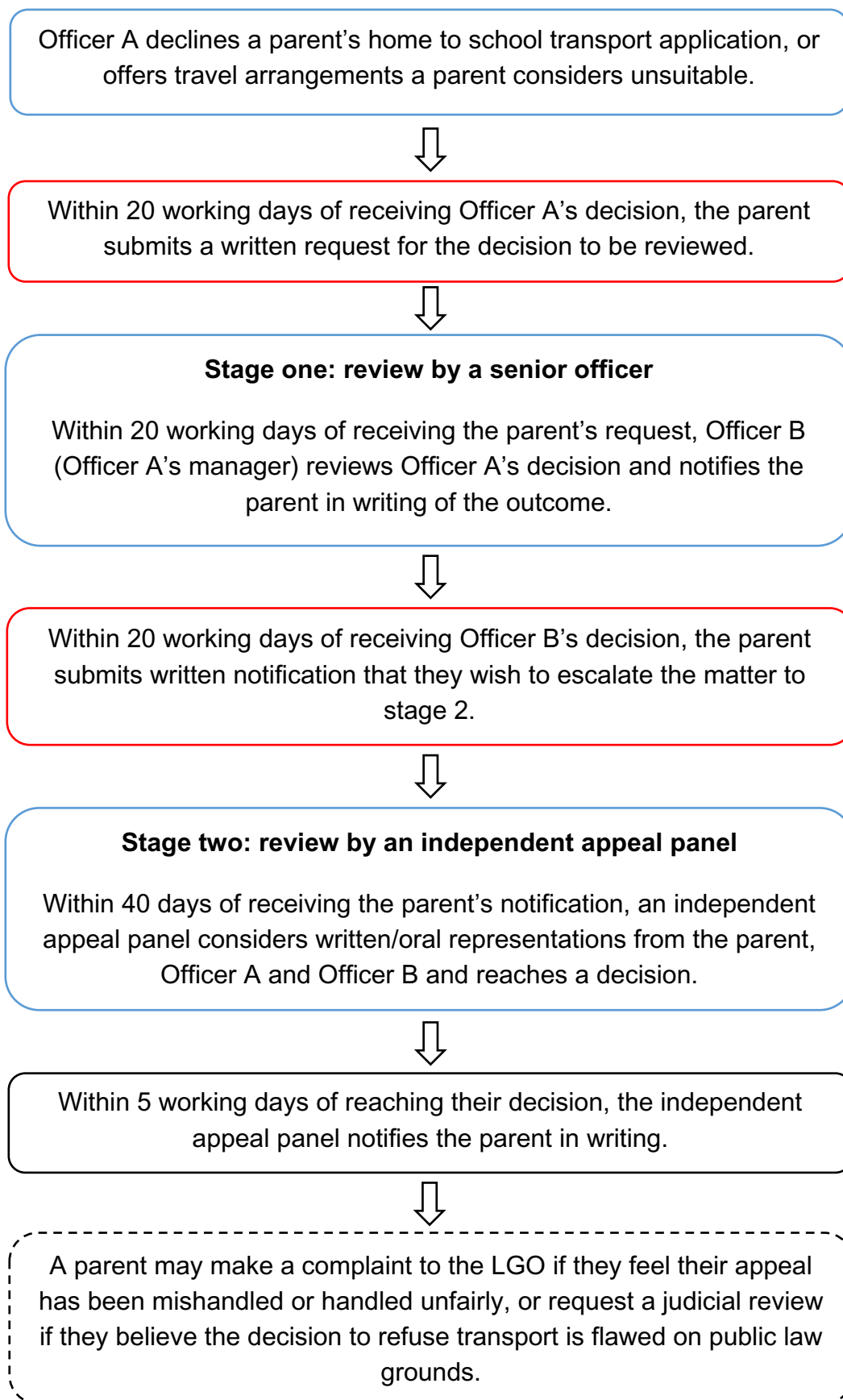
107. Where they have upheld the home to school travel decision, they should also explain that the parent may complain to the Local Government and Social Care

Ombudsman if they believe the local authority has refused help unfairly, made a mistake or not handled their application or appeal for home to school transport correctly³⁸.

108. If an appellant considers the decision of the independent appeals panel to be flawed on public law grounds, they may apply for a judicial review.

³⁸ For more information visit: <https://www.lgo.org.uk/>

Flowchart of the suggested appeals process



Part 6: sustainable school travel

109. Local authorities have a duty to promote the use of sustainable modes of travel on journeys to and from schools in their area³⁹.

110. Sustainable modes of travel are those which the local authority considers may either improve the physical well-being of those who use them, or the environmental well-being of all or part of the local authority's area, or both⁴⁰.

Sustainable Modes of Travel Strategy

111. Each **academic year**, local authorities must prepare a document which sets out their strategy to promote the use of sustainable modes of travel to meet the school travel needs of their area⁴¹. This document must be published⁴² by 19th September⁴³ each year.

112. Before preparing their strategy, a local authority must carry out:

- an assessment of the school travel needs of children and persons of sixth form age resident in their areas
- an audit of the sustainable travel infrastructure within their area⁴⁴

113. The local authority must also publish a summary of the Sustainable Modes of Travel Strategy within their composite prospectus⁴⁵.

Assessing school travel needs

114. The school travel needs of a local authority's area relate to journeys to and from school (or other place of education) undertaken by children who are resident in the local authority's area, or who travel to school (or other place of education) in the local authority's area⁴⁶.

115. Local authorities will need to base their assessment of school travel needs on information provided by schools and colleges. Schools may have school travel plans and these may include information that will be useful to the local authority in conducting their assessment.

³⁹ Section 508A (1) (c) of the Education Act 1996.

⁴⁰ Section 508A (3) of the Education Act 1996.

⁴¹ Section 508A (1) (a) of the Education Act 1996.

⁴² Schedule 3 of S.I. 2008/3093 School Information (England) Regulations 2008.

⁴³ Regulation 8(2) of S.I. 2008/3093 School Information (England) Regulations 2008.

⁴⁴ Section 508A (2) of the Education Act 1996.

⁴⁵ Schedule 2 of the School Information (England) Regulations 2008.

⁴⁶ Section 508A (4), (5) and (6) of the Education Act 1996.

Audit of infrastructure to support sustainable school travel

116. The audit should include a mapping exercise showing how schools are served by:
- bus and other public transport routes, including school transport provided by the local authority or schools
 - footpaths, cycle ways, roads and associated features such as crossing points and patrols, traffic calming measures and speed limits
 - other arrangements such as cycle training, road safety training, and independent travel training; walking promotion schemes, barrier removal schemes, car sharing schemes and park and stride/ride schemes, and cycle parking.
117. It should take account of:
- other factors that may influence travel choices, such as personal safety, and poor behaviour on school buses. School travel plans can help local authorities understand any specific local issues, the views of schools and the perceptions of pupils and parents
 - the travel needs of children with special educational needs or disabilities and whether some might benefit from independent travel training which can result in a skill for life.

Developing the Sustainable Modes of Travel Strategy

118. A Sustainable Modes of Travel Strategy should:
- be a statement of the local authority's vision, objectives and work programme for improving the sustainable travel infrastructure and for promoting sustainable school travel
 - aim to provide health benefits for children and their families through active journeys, and environmental improvements through reduced congestion and improvements in air quality.
119. Local authorities should monitor the implementation of their strategy and revise it as they feel necessary.
120. Links to sources of further information about sustainable travel are available in the further information section.

Further information

Special educational needs and disability

The special educational needs and disability code of practice for children and young people aged 0 to 25 is available on [the GOV.UK website](#)

Preparing for Adulthood is a programme providing expertise to support local authorities and their partners to embed preparing for adulthood from the earliest years. More information can be found on their [website](#).

Post-16 Travel

Guidance for local authorities on post-16 transport is available on the [GOV.UK website](#).

Sustainable transport

British Cycling is the national governing body for cycling and can provide advice on cycling to school and cycle training. More information is available at www.britishcycling.org.uk

The Department for Transport released the **Cycling and Walking Investment Strategy** in April 2017 confirming its commitment to making the country a walking and cycling nation. More information is available at <https://www.gov.uk/government/publications/cycling-and-walking-investment-strategy>

Department for Transport funding is available to Local Highway Authorities and Schools Games Organiser Host Schools for the provision of **Bikeability cycle training** for school children in England. This will teach children to cycle safely, confidently and competently on the roads. More information is available at www.dft.gov.uk/bikeability/schools

Modeshift STARS is the National School Travel Awards scheme and is supported by the Department for Transport. Modeshift STARS has been established to recognise schools that have demonstrated excellence in supporting cycling, walking and other forms of sustainable travel. At the time of publication, 69 local authorities and over 3,500 schools are currently using the online system which provides a tool for local authorities to monitor the implementation of school travel plans, audit the sustainable travel and transport infrastructure for schools in their areas and assess the school travel needs of pupils. More information is available on their website www.modeshiftstars.org

Sustrans is the leading sustainable transport charity that provides practical advice that can be passed onto parents to increase confidence in walking and cycling. More information is available on their website www.sustrans.org.uk

Route safety

Road Safety GB have produced 'Assessment of Walked Routes to Schools Guidelines'. More information on **Road Safety GB** can be found on their website www.roadsafetygb.org.uk.

The **Department for Transport** has published a Walking Route Audit Tool that local authorities may find useful in identifying actions to improve route safety. It can be found on GOV.UK.

Licensing

Guidance on who can drive a school mini bus can be found on GOV.UK

To drive a bus requires a professional driving qualification called the Driver Certificate of Professional Competence (CPC). A **licencing guide**, produced by the Traffic Commissioners for Great Britain can be found on GOV.UK

DBS employee suitability checks

Further information about **DBS checks** (and who requires them or is eligible) can be found on GOV.UK

Behaviour

Departmental guidance on behaviour and discipline in schools can be found on GOV.UK

Definitions

- **‘academic year’** is defined by The School Information (England) Regulations 2008 as a period commencing with 1st August and ending with the next 31st July.
- **‘compulsory school age’** is set out in section 8 of the Education Act 1996 and The Education (Start of Compulsory School Age) Order 1998.

A child reaches compulsory school age on the prescribed day following their fifth birthday, or on their fifth birthday if it falls on a prescribed day. The prescribed days are 31 December, 31 March and 31 August.

A child ceases to be of compulsory school age on the last Friday in June in the school year in which a child reaches age 16⁴⁷.

- a school with a **‘designated religious character’** is a school which has received a designation order under Section 69(3) of the School Standards and Framework Act 1998 stating that it has a religious character. Schools that have a designated religious character can deliver religious education and collective worship in accordance with the tenets of their faith. They can also prioritise admissions for pupils of their faith and recruit staff on the basis of their faith.
- **‘disability’** is defined in section 6 of the Equality Act 2010. A person has a disability if they have (a) a physical impairment, and (b) that impairment has a substantial and long-term effect on their ability to carry out normal day-to-day activities. A chronic health condition may constitute a disability.
- **‘eligible children’**, **‘qualifying schools’**, **‘disabled child’** and **‘low income family’** are defined in Schedule 35B of the Education Act 1996 (as inserted by the Education and Inspections Act 2006 (see annex 3)).
- A child’s **‘home’** is the place where they are habitually and normally resident.
- **‘normal admissions round’** refers to the period during which parents apply for and offers are made of places in a school’s normal year of entry. This is usually reception in primary school and year 7 in secondary school.
- References to **‘parent’** in this document include birth parents, adoptive parents, foster parents, carer or legal guardians with parental responsibility.
- **‘religion’** means any religion, **‘belief’** means any religious or philosophical belief, a reference to religion includes a reference to lack of religion, and a reference to belief includes a reference to lack of belief. This is set out section 509AD(3) of the Education Act 1996 and also in section 10 of the Equality Act 2010.

⁴⁷ Section 8(3) of the Education Act 1996

- **'road route'** means a route passable by a motor vehicle, but could include distance covered on additional transport e.g. a ferry.
- **'special educational needs'** is defined in section 20 of the Children and Families Act 2014. A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her.

Annex 1: home to school travel policy checklist

A local authority home to school travel policy must contain a number of elements to be considered lawful. There are also a number of elements that a local authority home to school travel policy should include to ensure it is clear and easy for parents to understand. A list of the main elements is below, however, it is not an exhaustive list and authorities are free to add elements they consider necessary, provided they are lawful.

Local authorities may wish to use the list to help ensure their current policy is lawful, to support a review of their current policy, or to support the drafting of a revised policy.

- ☐ The policy includes a clear introduction explaining what the reader can expect to learn from the document.
- ☐ The policy clearly explains all four categories of eligible children (*statutory walking distances; special educational needs, disability and mobility problems; unsafe walking routes and extended rights*).
- ☐ Where a local authority has a separate policy document for a category of eligibility (for example, special educational needs) they should refer to this within the main policy document so parents may easily understand all the categories of eligibility.
- ☐ The policy includes information on how a parent can apply for home to school travel support.
- ☐ The policy clearly explains the terms that will enable a parent to understand whether their child is eligible for home to school travel support. This includes terms such as 'home address' and 'nearest suitable school'.
- ☐ The policy clearly explains how a child's eligibility will be assessed. This includes how distances will be measured and how route safety is assessed.
- ☐ The policy clearly explains that the eligibility of children with special educational needs, a disability or mobility problems will be **assessed on an individual basis**.
- ☐ The policy clearly explains the ways in which travel assistance is provided, for example, passes for public service buses, dedicated school buses, taxis.
- ☐ The policy clearly explains the circumstances in which it will consider providing home to school travel support on a discretionary basis. Where an authority has an automatic entitlement to discretionary travel for groups of children (such as long standing arrangements for catchment areas), this is clear in their policy.
- ☐ The policy clearly explains any other arrangements that are in place for children who are not eligible for free home to school travel, such as concessionary schemes. It

may also be helpful to include information about any other sources of support or services a child may benefit from in terms of travel, such as relevant services offered by local bus service operators.

☐ The policy clearly explains how a parent may appeal the local authority's decision in response to their application for home to school travel support.

Annex 2: equalities legislation and home to school transport

Local authorities must comply with the Equality Act 2010 and the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act 1998, when exercising their home to school transport functions.

This section is intended to highlight the most relevant provisions.

The Equality Act 2010

The Equality Act prohibits a local authority from discriminating against someone on the grounds of a 'protected characteristic'. The relevant protected characteristics for the purposes of home to school transport are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

However, through an exemption in Part 2 of Schedule 3 of the Act, the discrimination provisions on age and religion or belief do not extend to a local authority's home to school transport arrangements. So, for example, a local authority would not be unlawfully discriminating on religion or belief grounds if it arranged a school bus to a faith school but not to another school in the area.

The Act also places a legal obligation on the local authorities to comply with the public sector equality duty. This means they must consider how their home to school transport decisions and policies affect people with protected characteristics, and must have due regard to the need to:

- eliminate discrimination against people with protected characteristics
- promote equality of opportunity between people who have a protected characteristic and those who do not; and
- foster good relations between people who have a protected characteristic and those who do not.

The European Convention on Human Rights (ECHR)

Article 2 of Protocol 1 of the ECHR gives parents the right to have their children educated in accordance with their religious and other views.

In addition, section 509AD of the Education Act 1996 requires local authorities to have regard to any wish of a parent to have their child educated at a school based on their religion or belief when exercising their home to school transport duties.

This does not, however, mean that parents have a specific right to have their children educated at such a school, or to have transport arrangements made by their local authority to and from any such school.

Local authorities should, nonetheless, have regard to the provisions of the ECHR and section 509AD when considering any request made by a parent for travel assistance to a school they have selected on the grounds of their religion or belief.

They should not, for example, have a blanket policy that they never provide travel assistance to schools with a designated religious character. Should they receive a request from a parent for transport to such a school, they should consider whether it would be appropriate to exercise their discretionary power.

Annex 3: relevant legislation

This annex sets out the relevant statutory provisions, referred to throughout this guidance, in relation to local authorities' responsibilities for the provision of home to school travel for pupils of compulsory school age.

Education Act 1996

Section 7 - Duty of parents to secure education of children of compulsory school age

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

- (a) to his age, ability and aptitude, and
- (b) to any special educational needs he may have,

Section 19 (1) Provision of education in pupil referral units

Each local education authority shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

Section 444 (3)⁴⁸ Offence: failure to secure regular attendance at school of registered pupil

(3A) Subsections (3B) and (3D) apply where the child's home is in England.

(3B) The child shall not be taken to have failed to attend regularly at the school if the parent proves that—

- (a) the local authority have a duty to make travel arrangements in relation to the child under section 508B(1) for the purpose of facilitating the child's attendance at the school and have failed to discharge that duty, or;
- (b) the local authority have a duty to make travel arrangements in relation to the child by virtue of subsection (2)(c) of section 508E (school travel schemes) for the purpose of facilitating the child's attendance at the school and have failed to discharge that duty.

⁴⁸ As inserted by Part 7 of the Education and Inspections Act 2006.

(3C) For the purposes of subsection (3B)—

- (a) the reference to “travel arrangements” in paragraph (a) has the same meaning as in section 508B, and;
- (b) the reference to “travel arrangements” in paragraph (b) has the same meaning as in paragraph 3 of Schedule 35C.

(3D) Where the school is an independent school which is not a qualifying school, the child shall not be taken to have failed to attend regularly at the school if the parent proves—

- (a) that the school is not within walking distance of the child's home,
- (b) that no suitable arrangements have been made by the local authority for boarding accommodation for him at or near the school, and
- (c) that no suitable arrangements have been made by the local authority for enabling him to become a registered pupil at a qualifying school nearer to his home.

(3E) For the purposes of subsection (3D), “qualifying school” has the same meaning as it has for the purposes of Schedule 35B (meaning of “eligible child” for the purposes of section 508B).

Section 508A⁴⁹ Duty to promote sustainable modes of travel

(1) A local education authority in England must—

- (a) prepare for each academic year a document containing their strategy to promote the use of sustainable modes of travel to meet the school travel needs of their area (“a sustainable modes of travel strategy”),
- (b) publish the strategy in such manner and by such time as may be prescribed, and
- (c) promote the use of sustainable modes of travel to meet the school travel needs of their area.

(2) Before preparing a sustainable modes of travel strategy, an authority must in particular—

⁴⁹ As inserted by Part 6 of the Education and Inspections Act 2006

(a) assess the school travel needs of their area, and

(b) assess the facilities and services for sustainable modes of travel to, from and within their area.

(3) “Sustainable modes of travel” are modes of travel which the authority consider may improve either or both of the following—

(a) the physical well-being of those who use them;

(b) the environmental well-being of the whole or a part of their area.

(4) The “school travel needs” of a local education authority's area are—

(a) the needs of children and persons of sixth form age in the authority's area as regards travel mentioned in subsection (5), and

(b) the needs of other children and persons of sixth form age as regards travel mentioned in subsection (6)

(5) The needs of children and persons of sixth form age in the authority's area as regards travel referred to in subsection (4)(a) are their needs as regards travel to and from—

(a) schools at which they receive or are to receive education or training,

(b) institutions within the further education sector at which they receive or are to receive education or training, or

(c) any other places where they receive or are to receive education by virtue of arrangements made in pursuance of section 19(1).

(6) The needs of other children and persons of sixth form age as regards travel referred to in subsection (4)(b) are their needs as regards travel to and from—

(a) schools at which they receive or are to receive education or training,

(b) institutions within the further education sector at which they receive or are to receive education or training, or

(c) any other places where they receive or are to receive education by virtue of arrangements made in pursuance of section 19(1),

in so far as that travel relates to travel within the authority's area.

(7) The Secretary of State must issue, and may from time to time revise, guidance in relation to the discharge by a local education authority of their duties under this section.

Section 508B⁵⁰ - Travel arrangements for eligible children

(1) A local education authority in England must make, in the case of an eligible child in the authority's area to whom subsection (2) applies, such travel arrangements as they consider necessary in order to secure that suitable home to school travel arrangements, for the purpose of facilitating the child's attendance at the relevant educational establishment in relation to him, are made and provided free of charge in relation to the child.

(2) This subsection applies to an eligible child if—

(a) no travel arrangements relating to travel in either direction between his home and the relevant educational establishment in relation to him, or in both directions, are provided free of charge in relation to him by any person who is not the authority, or

(b) such travel arrangements are provided free of charge in relation to him by any person who is not the authority but those arrangements, taken together with any other such travel arrangements which are so provided, do not provide suitable home to school travel arrangements for the purpose of facilitating his attendance at the relevant educational establishment in relation to him.

(3) “Home to school travel arrangements”, in relation to an eligible child, are travel arrangements relating to travel in both directions between the child's home and the relevant educational establishment in question in relation to that child.

(4) “Travel arrangements”, in relation to an eligible child, are travel arrangements of any description and include—

(a) arrangements for the provision of transport, and

(b) any of the following arrangements only if they are made with the consent of a parent of the child—

⁵⁰ As inserted by Part 6 of the Education and Inspections Act 2006

- (i) arrangements for the provision of one or more persons to escort the child (whether alone or together with other children) when travelling to or from the relevant educational establishment in relation to the child;
- (ii) arrangements for the payment of the whole or any part of a person's reasonable travelling expenses;
- (iii) arrangements for the payment of allowances in respect of the use of particular modes of travel.

(5) “Travel arrangements”, in relation to an eligible child, include travel arrangements of any description made by any parent of the child only if those arrangements are made by the parent voluntarily.

(6) “Travel arrangements”, in relation to an eligible child, do not comprise or include travel arrangements which give rise to additional costs and do not include appropriate protection against those costs.

(7) For the purposes of subsection (6)—

(a) travel arrangements give rise to additional costs only if they give rise to any need to incur expenditure in order for the child to take advantage of anything provided for him in pursuance of the arrangements, and

(b) travel arrangements include appropriate protection against those costs only if they include provision for any expenditure that needs to be incurred for the purpose mentioned in paragraph (a) in the case of the child to be met by the person by whom the arrangements are made.

(8) Travel arrangements are provided free of charge if there is no charge for anything provided in pursuance of the arrangements.

(9) Schedule 35B has effect for the purposes of defining “eligible child” for the purposes of this section.

(10) References to a “relevant educational establishment”, in relation to an eligible child, are references to—

(a) in the case of a child who is an eligible child by virtue of falling within any of paragraphs 2, 4, 6, 9, 11 and 12 of Schedule 35B, the qualifying school (within the

meaning of that Schedule) at which the child is a registered pupil referred to in the paragraph in question, and

(b) in the case of a child who is an eligible child by virtue of falling within any of paragraphs 3, 5, 7, 10 and 13 of Schedule 35B, the place other than a school, where the child is receiving education by virtue of arrangements made in pursuance of section 19(1), referred to in the paragraph in question.

(11) Regulations may modify subsections (1) and (2) to provide for their application in cases where there is more than one relevant educational establishment in relation to a child.

Section 508C⁵¹ - Travel arrangements for other children

(1) A local education authority in England may make such school travel arrangements as they consider necessary, in relation to any child in the authority's area to whom this section applies, for the purpose of facilitating the child's attendance at any relevant educational establishment in relation to the child.

(2) This section applies to a child who is not an eligible child for the purposes of section 508B.

(3) "School travel arrangements", in relation to such a child, are travel arrangements relating to travel in either direction between his home and any relevant educational establishment in relation to the child, or in both directions.

(4) "Travel arrangements", in relation to such a child, are travel arrangements of any description and include—

(a) arrangements for the provision of transport, and

(b) any of the following arrangements only if they are made with the consent of a parent of the child—

(i) arrangements for the provision of one or more persons to escort the child (whether alone or together with other children) when travelling to or from any relevant educational establishment in relation to the child;

⁵¹ As inserted by Part 6 of the Education and Inspections Act 2006

(ii) arrangements for the payment of the whole or any part of a person's reasonable travelling expenses;

(iii) arrangements for the payment of allowances in respect of the use of particular modes of travel.

(5) A local education authority in England may pay, in the case of a child in the authority's area to whom this section applies and in relation to whom no arrangements are made by the authority under subsection (1), the whole or any part, as they think fit, of a person's reasonable travelling expenses in relation to that child's travel in either direction between his home and any relevant educational establishment in relation to the child, or in both directions.

(6) References to a “relevant educational establishment”, in relation to a child to whom this section applies, are references to—

(a) any school at which he is a registered pupil,

(b) any institution within the further education sector at which he is receiving education, or

(c) any place other than a school where he is receiving education by virtue of arrangements made in pursuance of section 19(1).

Section 508D - Guidance in relations to sections 508B and 508C

(1) The Secretary of State must issue, and may from time to time revise, guidance in relation to the discharge by a local education authority of their functions under sections 508B and 508C.

Section 509AD⁵² - Duty to have regard to religion or belief in exercise of travel functions

(1) A local authority in England must have regard, amongst other things in exercising any of their travel functions in relation to or in connection with the travel of a person or persons to or from school, institution or other place,

⁵² As inserted by the Education and Inspections Act 2006

(a) to any wish of a parent of such a person for him to be provided with education or training at a particular school, institution or other place where that wish is based on the parent's religion or belief, and

(b) in a case where the person in question (or any of the persons in question) is of sixth form age (within the meaning given in section 509AC(1)), to any wish of that person to be provided with education and training at a particular school, institution or other place where that wish is based on the person's religion or belief.

(2) The “travel functions” of a local authority in England are their functions under any of the following provisions –

section 508A (duty to promote sustainable modes of travel etc);

section 508B (travel arrangements for eligible children);

section 508C (travel arrangements for other children);

section 508E and Schedule 35C (school travel schemes);

section 508F (local authorities in England: provision of transport etc for adult learners);

section 509AA (transport etc for persons of sixth form age).

(3) For the purposes of this section –

(a) “religion” means any religion,

(b) “belief” means any religious or philosophical belief,

(c) a reference to religion includes a reference to lack of religion, and

(d) a reference to belief includes a reference to lack of belief.

Schedule 35B⁵³ - Meaning of “eligible child”

(1) For the purposes of section 508B (travel arrangements for eligible children) an “eligible child” means a child who falls within any of paragraphs 2 to 7 or 9 to 13.

(2) A child falls within this paragraph if—

⁵³ As inserted by the Education and Inspections Act 2006

- (a) he is of compulsory school age and is any of the following— a child with special educational needs; a disabled child; a child with mobility problems,
- (b) he is a registered pupil at a qualifying school which is within walking distance of his home,
- (c) no suitable arrangements have been made by the local education authority for enabling him to become a registered pupil at a qualifying school nearer to his home, and
- (d) having regard to whichever of the following are relevant— his special educational needs; his disability; his mobility problems, he cannot reasonably be expected to walk to the school mentioned in paragraph (b).

(3) A child falls within this paragraph if—

- (a) he is of compulsory school age and is any of the following— a child with special educational needs; a disabled child; a child with mobility problems,
- (b) he is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1), and
- (c) having regard to whichever of the following are relevant— his special educational needs; his disability; his mobility problems, he cannot reasonably be expected to walk to that place.

(4) A child falls within this paragraph if—

- (a) he is of compulsory school age and is a registered pupil at a qualifying school which is within walking distance of his home,
- (b) no suitable arrangements have been made by the local education authority for enabling him to become a registered pupil at a qualifying school nearer to his home, and
- (c) having regard to the nature of the routes which he could reasonably be expected to take, he cannot reasonably be expected to walk to the school mentioned in paragraph (a).

(5) A child falls within this paragraph if—

(a) he is of compulsory school age and is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1), and

(b) having regard to the nature of the routes which he could reasonably be expected to take, he cannot reasonably be expected to walk to that place.

(6) A child falls within this paragraph if—

(a) he is of compulsory school age and is a registered pupil at a qualifying school which is not within walking distance of his home,

(b) no suitable arrangements have been made by the local education authority for boarding accommodation for him at or near the school, and

(c) no suitable arrangements have been made by the local education authority for enabling him to become a registered pupil at a qualifying school nearer to his home.

(7) A child falls within this paragraph if—

(a) he is of compulsory school age and is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1),

(b) that place is not within walking distance of his home,

(c) no suitable arrangements have been made by the local education authority for boarding accommodation for him at or near that place, and

(d) no suitable arrangements have been made by the local education authority for enabling him to become a registered pupil at a qualifying school nearer to his home.

(8) (1) Where—

(a) a child of compulsory school age has been excluded from a relevant school,

(b) he remains for the time being a registered pupil at the school, and

(c) he is required by the appropriate authority for the school to attend at a place outside the school premises for the purpose of receiving any instruction or training,

paragraph 6 has effect as if the place at which the child is required to attend were a qualifying school and the child were a registered pupil at that school (and not at the school mentioned in paragraph (b)).

(8) (2) For the purposes of sub-paragraph (1)—

- (a) “relevant school” and “appropriate authority” have the same meaning as in section 444ZA (application of section 444 to alternative educational provision), and
- (b) subsection (3) of that section applies in relation to that sub-paragraph as it applies in relation to subsection (2) of that section.

“Low Income Families”

Paragraphs 9 to 13 provide that certain children who meet the requirements of those paragraphs and the ‘appropriate condition’ contained in paragraph 14 are also ‘eligible children’.

(9) A child falls within this paragraph if—

- (a) he has attained the age of 8 but not the age of 11,
- (b) he is a registered pupil at a qualifying school which is more than two miles from his home,
- (c) no suitable arrangements have been made by the local education authority for enabling him to become a registered pupil at a qualifying school nearer to his home, and
- (d) the appropriate condition is met in relation to him.

(10) A child falls within this paragraph if—

- (a) he has attained the age of 8 but not the age of 11,
- (b) he is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1),
- (c) that place is more than two miles from his home, and
- (d) the appropriate condition is met in relation to him.

(11) A child falls within this paragraph if—

- (a) he has attained the age of 11,
- (b) he is a registered pupil at a qualifying school which is more than two miles, but not more than six miles, from his home,
- (c) there are not three or more suitable qualifying schools which are nearer to his home, and
- (d) the appropriate condition is met in relation to him.

(12) A child falls within this paragraph if—

- (a) he has attained the age of 11,
- (b) he is a registered pupil at a qualifying school which is more than two miles, but not more than fifteen miles, from his home,
- (c) his parent has expressed a wish, based on the parent's religion or belief, for him to be provided with education at that school,
- (d) having regard to the religion or belief on which the parent's wish is based, there is no suitable qualifying school which is nearer to the child's home, and
- (e) the appropriate condition is met in relation to him.

(13) A child falls within this paragraph if—

- (a) he has attained the age of 11,
- (b) he is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1),
- (c) that place is more than two miles, but not more than six miles, from his home, and
- (d) the appropriate condition is met in relation to him.

(14) (1) For the purposes of paragraphs 9 to 13, the appropriate condition is met in relation to a child if condition A or condition B is met.

(2) Condition A is met if the child is within section 512ZB(4) (provision of free school lunches and milk).

(3) Condition B is met if—

(a) a parent of the child, with whom the child is ordinarily resident, is a person to whom working tax credit is awarded, and

(b) the award is at the rate which is the maximum rate for the parent's case or, in the case of an award to him jointly with another, at the rate which is the maximum rate for their case.

(15) (1) The definitions in sub-paragraphs (2) to (5) apply for the purposes of this Schedule.

(2) “Qualifying school” in relation to a child means—

(a) a community, foundation or voluntary school,

(b) a community or foundation special school,

(c) a school approved under section 342 (non-maintained special schools),

(d) a pupil referral unit,

(e) a maintained nursery school, or

(f) a city technology college, a city college for the technology of the arts or an Academy.

(3) In relation to a child with special educational needs, an independent school, other than a college or Academy falling within sub-paragraph (2)(f), is also a “qualifying school” if—

(a) it is the only school named in the statement maintained for the child under section 324, or

(b) it is one of two or more schools named in that statement and of those schools it is the nearer or nearest to the child's home.

(4) “Disabled child” means a child who has a disability for the purposes of the Disability Discrimination Act 1995, and “disability” is to be construed accordingly.

(5) “Walking distance” has the meaning given by section 444(5).

(6) “Religion” and “belief” are to be read in accordance with section 509AD(3).

(7) In the case of a child who is a registered pupil at both a pupil referral unit and at a school other than a unit, references in this Schedule to the school at which he is a registered pupil are to be read as references to the unit.

The Public Service Vehicles (Carrying Capacity) Regulations 1984, section 5

(1) Save as provided in paragraph 2, no person shall drive, or cause or permit to be driven, on a road and a vehicle if the number of seated passengers exceeds the number of seats available for passengers.

(2) For the purposes of paragraph 1 (b) (ii), on and after 1 September 1985 three seated children each of whom is under 14 years of age shall count as two passengers.

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

(1) This regulation modifies the application of section 508B (1) and (2) of, and paragraph 3(1) and (2) of Schedule 35C to, the Education Act 1996 in respect of children who are registered pupils at more than one educational establishment.

(2) Where a child is registered at—

(a) two qualifying schools other than pupil referral units, or

(b) in the case of a child who has no fixed abode, two or more qualifying schools other than pupil referral units, the relevant educational establishment in relation to him is whichever of the schools he is attending at the relevant time.

(3) Where a child has no fixed abode “home to school travel arrangements” means travel from wherever the child is residing at the relevant time to the nearest qualifying school at which he is registered, so far as is reasonably practicable.

(4) For the purposes of paragraphs (2) and (3)—

(a) “qualifying school” has the meaning given in paragraph 15(2) and (3) of Schedule 35B to the Education Act 1996,

(b) the “relevant time” means any school day on which travel arrangements are required, and

(c) a child has no fixed abode if he falls within regulation 9(1)(a) of the Education (Pupil Registration) Regulations 2006.

School Information (England) Regulations 2008

(8) (1) A local authority must publish the information in Schedule 3 in accordance with paragraph (2) and regulation 9.

(2) Such information must be published during the offer year and, except in so far as it relates exclusively to primary education, or special educational provision, or provision to which section 19 of EA 1996(1) applies (*exceptional provision of education in pupil referral units or elsewhere*), must be published no later than six weeks before the date up to which parents may express a preference for a school in respect of the admission year.

(3) Where changes in respect of any of the matters required to be published under this regulation have been decided upon by the local authority but not yet implemented, the local authority must also publish information about those changes.

(9) (1) A local authority must publish the information in Part 1 of Schedule 3⁵⁴

(a) by placing it on their website;

(b) by copies being made available for distribution without charge to parents on request, and for reference by parents and other persons—

(i) at the office of the local authority, and

(ii) at every school maintained by the local authority, other than a nursery school, a special school or a pupil referral unit, and at every Academy, city technology college, and city college for the technology of the arts in composite prospectus area;

(c) by copies being distributed without charge to parents of pupils at schools maintained by the local authority, other than nursery schools, special schools or pupil referral units, who, in the offer year, are in the final year at such schools and who might transfer to other schools so maintained; and

(d) by copies being made available for reference by parents and other persons at the public libraries in the area of the local authority.

⁵⁴ Set out on the following page

(2) In the case of the information in paragraph 9 of Schedule 3 (*the local authority's sustainable modes of travel strategy*) the local authority need not comply with sub-paragraphs (1)(b) - (d).

Schedule 3 – Information to be published by local authorities

(10) In relation to travel arrangements——

(a) the local authority's general arrangements and policies in respect of the making of travel arrangements in accordance with the discharge of their functions under sections 508B and 508C of EA 1996; or

(b) where a school travel scheme made by the authority has effect in relation to an admission year, the arrangements made under the scheme.

(11) The information in paragraph 10 must include, in particular—

(a) the provision of free transport;

(b) the carriage on school buses of pupils for whom free transport is not provided;

(c) the payment in whole or in part of reasonable travelling expenses;

(d) the provision of other travel arrangements including escorts;

(e) the arrangements for children with special educational needs; and

(f) the arrangements in respect of transport for pupils to schools for which a pupil's parent has expressed a preference on the grounds of the parent's religion or belief.



Department
for Education

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Department
for Education

Post-16 transport and travel support to education and training

Statutory guidance for local authorities

January 2019

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Summary

About this guidance

This is statutory guidance from the Department for Education¹. This means that local authorities must have regard to it when carrying out their duties in developing their transport policy and publishing their transport policy statements for young people of sixth form age² and adults aged 19 and over (including those with an Education, Health and Care (EHC) plan) in education and training³.

We use the term ‘must’ when the local authority is required to do something in law. When setting out the department’s expectations we have highlighted areas where the local authority should also take reasonable account of the circumstances of learners.

Local authorities should take their own legal advice when preparing the policy statement and devising a local response to transport needs, to ensure that they are exercising their duties and powers in a manner which complies with the legislation and public law.

Expiry or review date

This guidance will be kept under review and updated versions will be published if necessary.

What legislation does this guidance refer to?

The guidance refers to legislation⁴ regarding the provision of transport to post-16 education and training for young people of sixth form age and legislation regarding the provision of transport to post-19 education and training for those aged 19 to 25 and for whom an EHC plan is maintained. Relevant legislation is set out in [‘Appendix A – statutory provisions’](#).

Who is this guidance for?

This guidance is for local authorities in England. It may also be of interest to:

- schools;
- parents;
- organisations involved in advising parents; and
- transport providers.

¹ Section 508H and Section 509AB(5).

² Section 509AC(1) of the Education Act 1996 defines persons of sixth form age for the purposes of the sixth form transport duty.

³ Sections 508F and 508G of the Education Act 1996.

⁴ Education Act 1996.

Main changes from 2017 guidance

There have been no changes to existing policy in this guidance update but changes have been made to:

- Further clarify the sixth form age and adult duties, including clearer explanation of when each applies;
- Include good practice suggestions;
- provide additional annexes containing an example Local Authority Transport policy template, information on compliance checks conducted by the department and Frequently Asked Questions (FAQs).

Key points

1. We are striving for world class education, training and care for everyone – whatever their background. This will create a more productive economy, fit for the future and ensure that everyone has a chance to reach their potential to live a more fulfilled life. Local authority transport policies play an important role in supporting young people's participation in education and training. By publishing their transport policies each year, local authorities enable young people (and their parents) to take reasonable account of the arrangements available when choosing between different options.
2. Local authorities must act reasonably, taking into account all relevant matters, such as the needs of their population, the local transport infrastructure and the resources available.
3. The planning of transport provision at a local level should take the following into account:
 - young people are now required to stay in education or training until their 18th birthday⁵. Local authorities are responsible for promoting the effective participation in education and training of young people who are subject to the duty to participate⁶; and
 - under the September Guarantee, every young person aged 16 or 17 should be offered a suitable place in education or training - further details are available at www.gov.uk/government/publications/september-guarantee-offers-of-education-or-training-for-16-to-17-year-olds.

⁵ Education and Skills Act 2008.

⁶ Participation of young people: education, employment and training - <https://www.gov.uk/government/publications/participation-of-young-people-education-employment-and-training>

Local authority responsibility

4. The statutory responsibility for transport for 16-19 year olds (who have started a course before their 19th birthday) rests with local authorities. Local authorities have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport, or otherwise that the authority considers necessary, to make to facilitate the attendance of all persons of sixth form age receiving education or training⁷.
5. The sixth form age duty applies to young people of sixth form age and young people with EHC plans up to age 25 where they are continuing on a course started **before** their 19th birthday.
6. The overall intention of the sixth form age transport duty is to ensure that:
 - learners of sixth form age are able to access the education and training of their choice; and
 - if support for access is requested, this will be assessed and provided where necessary.
7. Additionally local authorities have a duty under sections 508F and 508G of the Education Act 1996, as inserted by section 57 of the Apprenticeships, Skills, Children and Learning Act 2009. Under section 508F, the local authority is required to make such arrangements for the provision of transport as they consider necessary in respect of:
 - (a) adults (i.e. those who are aged 19 or over) for the purpose of facilitating their attendance at local authority maintained or assisted further or higher education institutions or institutions within the further education sector; and
 - (b) relevant young adults with an EHC plan (which can only be maintained up until the age of 25) for the purpose of facilitating their attendance at institutions where they are receiving education or training outside the further and higher education sectors. For those young adults, the local authority's duty only applies where the local authority has secured the provision of education or training at that institution and the provision of boarding accommodation in connection with that education or training.
8. The adult duty applies only to young people who are attending a course which they started **after** their 19th birthday, including those with EHC plans.
9. Where the local authority makes such arrangements, any transport provided must be free of charge. Where the local authority decides not to provide transport arrangements in a particular case, they still have discretion to pay all or part of the reasonable travelling expenses for the student.

⁷ Section 509AA of the Education Act 1996.

10. The local authority also has a duty under section 508G to prepare a transport policy statement setting out any transport or other arrangements that it proposes to make for that academic year in respect of adults aged under 25 with EHC plans.

11. The overall intention of the adult transport duty is to ensure that:

- Those with the most severe disabilities with no other means of transportation are able to undertake further education and training after their 19th birthday to help them move towards more independent living.

Sustainable transport

12. Section 508A of the Education Act places a general duty on local authorities to promote the use of sustainable travel and transport. The duty applies to young people of sixth form age who travel to receive education or training in a local authority's area. The duty relates to journeys to and from institutions where education or training is received.

13. There are five main elements to the duty which local authorities must undertake:

- an assessment of the travel and transport needs of children, and young people within the authority's area;
- an audit of the sustainable travel and transport infrastructure within the authority's area that may be used when travelling to and from, or between schools/institutions;
- a strategy to develop the sustainable travel and transport infrastructure within the authority so that the travel and transport needs of young people are best catered for;
- the promotion of sustainable travel and transport modes on the journey to, from, and between schools and other institutions; and
- the publication of Sustainable Modes of Travel Strategy.

14. The Education Act 1996 defines sustainable modes of travel as those that the local authority considers may either improve the physical well-being of those who use them, the environmental well-being of all or part of the local authority's area, or both.

Extent and coverage of the duties

15. The Education Act 1996 section 509AA duty applies to all local authorities in England in respect of arrangements for young people (over compulsory school age) aged 16-18 and those continuing learners up to age 25 with EHC plans who started their programme of learning **before** their 19th birthday.

16. The legislation recognises that a local response to transport arrangements is important in enabling young people's participation in education and training and as such the flexibility of the extent of an individual policy lies with individual local authorities. A local approach allows local circumstances to be taken into account. The legislation therefore gives local authorities the discretion to determine what transport and financial support

are necessary to facilitate young people's attendance. The local authority must exercise its power to provide transport or financial support reasonably, taking into account all relevant matters.

17. The local authority must publish a transport policy statement on or before 31 May each year. The statement must include the details of the transport arrangements and the details of the financial support in respect of reasonable travelling expenses that the local authority considers it necessary to make to facilitate access to education or training for learners of sixth form age⁸ for the following academic year. These arrangements could include but are not limited to:

- The availability of a concessionary fares scheme
- A bus pass or cash equivalent of a bus pass
- A bus pass or cash equivalent plus a companion pass or cash equivalent
- Independent travel training
- A fixed mileage allowance
- Provision of actual transport

18. The section 509F and 508G duties apply to all local authorities in England in respect of arrangements for adults aged 19 and over, who started their programme of learning **after** their 19th birthday.

19. The legislation recognises that it is important that decisions on whether local authority arranged transport for this age group is necessary, sits at a local level and, as with the previous duty, the flexibility of the extent of an individual policy lies with individual local authorities. Where local authorities do decide that it is necessary for them to provide transport, this must be provided free of charge, however, the legislation also gives local authorities the flexibility to contribute to, fund or charge for other transport solutions where it wishes.

20. Local authorities must prepare a transport policy statement by the end of May each year setting out any transport or other arrangements that it proposes to make for that academic year in respect of adults aged under 25 with EHC plans under the 508F duty.

Transport policy statement audience and content

21. The transport policy statement is intended to inform young people, in years 11, 12 and 13, and their parents about what transport arrangements and support are available locally. The statement should be a single point of reference providing information about transport arrangements to all types of provision, including arrangements made by bodies other than the local authority, including local transport providers. The statement must set out what the local authority's overall transport policy is in regard to young people and should include the rationale behind the policy. It is important that the local authority does not differentiate between providers or institutions in its arrangements.

⁸ See section 509AA(2), (3) and (7)(a) of the Education Act 1996.

The arrangements must be set out for learners of sixth form age who are receiving education or training at:

- a school;
- a further education institution;
- a local authority maintained or assisted institution providing higher or further education;
- a 16 to 19 Academy; or
- at any establishment (not falling within the above categories) at which the authority secures the provision of education or training under section 15ZA of the Education Act 1996.

22. Arrangements to support learners undertaking apprenticeships and traineeships should also be set out in the transport policy statement. These may include the costs of travelling to or from the place of learning or work placement. Employers and learning providers will want to take account of young people's likely transport arrangements when planning off-the-job training, particularly outside normal working hours.

23. The transport policy statement must also specify the arrangements proposed to be made by the governing bodies of schools maintained by the local authority and further education institutions in the local authority's area which may include support with transport costs or transport provision⁹. The local authority should only include arrangements that are actually going to be made and not make assumptions about what arrangements it thinks schools and colleges should make. Governing bodies are under a duty to co-operate in giving the local authority any information and other support that is reasonably required by the authority to enable them to prepare their statement¹⁰.

24. The transport policy statement should be clear and provide sufficient detail about the transport arrangements and support provided to inform young people in making their post-16 choices. Young people should be provided with information through the transport policy statement about who is eligible for transport support and how and when they should apply for support. Details of any concessionary fares, discounts, subsidies or travel cards should be included alongside the eligibility criteria for this support and how eligibility will be assessed¹¹. Clear signposting from the statement should point young people to sources of further information, for example local authority, college or transport provider websites or contact details.

25. Additionally the policy statement must include full details of how a young person or parent can appeal if they disagree with a local authority's decision and further avenues of complaint open to them if they remain dissatisfied following completion of the local procedure. Further details about complaints and appeals can be found at para 38 onwards.

⁹ Section 509AA(4) of the Education Act 1996.

¹⁰ Section 509AA(5) of the Education Act 1996.

¹¹ Section 509AA(2) of the Education Act 1996.

26. A template of a post 16 transport policy is included at Appendix B.
27. The DfE will undertake annual compliance checks on local authority statements in June each year, further details of these can be found at Appendix C.

Funding

28. Local authorities fund their responsibilities through the grants they receive from national government, which are not ring-fenced, and through generated income, such as council tax.

Assessment of what arrangements are needed

29. In assessing what transport arrangements or financial support may be required, the local authority has flexibility over the decisions it makes but must have regard to the following:

- a. **The needs of those for whom it would not be reasonably practicable to access education or training provision if no arrangements were made**¹²

Local authorities should satisfy themselves that they have made the transport arrangements or arrangements for financial support necessary to facilitate young people's participation in education or training. In doing so, they should consider the needs of the most vulnerable or socially excluded. The needs of young people with special educational needs and disabilities should be specifically considered and the arrangements in place for each group must be documented in the transport policy statement (see section '[Specific consideration of learners with special educational needs and disabilities.](#)'

Local authorities should also consider the needs of:

- those who are vulnerable to becoming not in education, employment or training (NEET) at the age of 16 or 17 or who have already become NEET. These young people should be offered a suitable course of education or training and provided with any transport support that is necessary to enable them to participate¹³;
- young parents – Care to Learn (C2L) can help pay for childcare and travel costs for learners aged 19 and under at the start of their course¹⁴. Learning providers should be encouraged to support young people to apply for C2L – further details are available at www.gov.uk/care-to-learn; and

¹² Section 509AB(3)(a) of the Education Act 1996.

¹³ Local authorities are reminded that all 16 and 17 year olds (i.e. those completing compulsory education in the current year, or who completed in the previous year) are entitled to an offer of a place in post-16 learning under the September Guarantee.

¹⁴ The additional costs of taking a child to and from childcare may be claimed, within a set weekly limit. C2L does not support the costs of travel to the learning provider.

- those who live in particularly rural areas where the transport infrastructure can be more limited.

b. The need to ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided¹⁵

Young people should have a reasonable opportunity to choose between the courses available to them at 16 and be supported to access their choices. Local authority transport policies must be supportive of reasonable choice. In defining what is 'reasonable', local authorities will want to take into account any complaints received in previous years in respect of local transport policy statements.

We would expect reasonable choice to include enabling young people to choose courses outside their home local authority boundaries if it makes sense for them to do so. Local authorities will want to be mindful of neighbouring transport policies and consider how their own transport policy can support movement across boundaries. The transport policy statement should set out the local authority's policy for travel to neighbouring local authority areas.

Reasonable choice should also include enabling young people to choose an establishment of education or training that is not the closest to where they live if it makes sense to do so.

When developing their transport policy, local authorities are required to consider their responsibilities to secure suitable education and training to meet the reasonable needs of young people of sixth form age and those aged 19 or over [and for whom an EHC plan is maintained].¹⁶ Transport arrangements will need to support commissioning arrangements to ensure that young people have access to the education and training provision that has been commissioned.

c. The distance from the learner's home to establishments of education and training¹⁷

Local authorities must consider distance in determining eligibility for support with transport. Young people in rural areas should not be worse off financially because they may need to travel further to access education and training provision than their peers in urban areas.

The statutory walking distance of 3 miles to school (along the nearest available route) for those of compulsory school aged 8 and over is set out under section 444(5) of the Education Act 1996. This can be taken into account by local authorities in defining the distance a young person might reasonably be expected to walk to access education or training.

¹⁵ Section 509AB(3)(b) of the Education Act 1996.

¹⁶ Section 15ZA(1) of the Education Act 1996.

¹⁷ Section 509AB(3)(c) of the Education Act 1996.

In determining whether transport arrangements are necessary, local authorities should take into account other factors, such as the impact a learning difficulty or disability may have on a young person's ability to walk this distance, and the nature (including safety) of the route, or alternative routes, which a young person could be expected to take.

d. The journey time to access different establishments¹⁸

Journey time also needs to be taken into account. Young people should be able to reach their education or training without incurring such stress, strain, or difficulty that they would be prevented from benefiting from the education provided.

For example, a young person should not have to make several changes of public service bus to get to their education or training, if that would result in an unreasonably long journey time. In this context, local authorities should consider which mode of transport will best meet the need to ensure a reasonable journey time.

Good practice suggests that a child of secondary school age may reasonably be expected to travel up to 75 minutes each way to access learning. Local authorities should apply similar expectations to young people of sixth form age.

e. The cost of transport to the establishments in question¹⁹

Local authorities are expected to target any support on those young people – and their families – who need it most, particularly those with a low income. The transport policy statement should set out clearly the criteria used to establish a learner's eligibility to receive transport/financial support.

Local authorities may ask learners and their parents for a contribution to transport costs and in exercising their discretion they should:

- ensure that any contribution is affordable for learners and their parents;
- ensure that there are arrangements in place to support those families on low income; and
- take into account the likely duration of learning and ensure that transport policies do not adversely impact particular groups. For example, as young people with special educational needs and disabilities are more likely to remain in education or training longer than their peers, any contribution sought from these families would need to allow for the fact they may have to contribute for longer.

Local authorities can take receipt of 16-19 bursary funding into account in assessing an individual's need for financial help with transport.

To aid transparency, it is good practice for local authorities to set out the average cost per young person of post-16 transport in their area before any subsidies are

¹⁸ Section 509AB(3)(c) as amended by the Education and Skills Act, section 83.

¹⁹ Section 509AB(3)(d) of the Education Act 1996.

deducted. Clearly setting out average costs will enable learners and parents to understand the extent of the local authority subsidy.

f. **Alternative means of facilitating attendance at establishments**²⁰

Local authorities must consider alternative, safe means of facilitating attendance at establishments of education or training. Suitable and appropriate alternatives may include transport solutions, for example:

- cycle schemes – which can support independence and also offer a sustainable form of transport provision.
- moped schemes – which can support individual learners (over the age of 17) to travel to education and training from rural areas where public transport may not be available.
- independent travel training to enable young people (often with special educational needs and disabilities) to travel on public transport independently. See section '[Specific consideration of learners with special educational needs and disabilities](#)' for further details.

g. **Preferences based on religion**

Local authorities must have regard to any preference the individual may have for a particular institution based on their religion or belief.

For the purposes of section 509AD²¹ “religion” means any religion and “belief” means any religious or belief.²² References to “religion” or “belief” include references to a lack of religion or belief.

h. **Non-transport solutions to facilitate learner access**

Local authorities should consider whether non-transport solutions could facilitate learner access to education or training: for example peripatetic teachers, mobile provision and e-learning options.

Specific consideration of learners with special educational needs and disabilities

30. The 16-19 transport duty applies to young people of sixth form age with special educational needs and 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).

²⁰ Section 509AB(3)(d) of the Education Act 1996.

²¹ Section 509AD(3) of the Education Act 1996 (as inserted by section 84 of the Education and Inspections Act 2006).

²² The Department's position is that Belief includes philosophical belief

31. Local authorities also have a duty under the Education and Skills Act 2008 to encourage, enable and assist the participation of young people with special educational needs and disabilities up to the age of 25 in education and training. It therefore follows that local authorities should include information on what transport arrangements are available and whether they are adequate to enable these young people to participate.
32. Section 509AB(1) of the Education Act 1996 requires local authorities to set out the extent to which the arrangements they have put in place pursuant to the transport statement prepared under section 509AA facilitate the attendance of young people with special educational needs and disabilities.
33. The transport needs of young people with special educational needs and disabilities must be reassessed when a young person moves from compulsory schooling to post-16 education, even if the young person is remaining at the same educational setting. Arrangements cannot be limited to those young people who had been assessed as having particular transport needs prior to the age of 16. The Children and Families Act 2014 places a duty on local authorities to publish a 'local offer' setting out their services for children and young people with special educational needs and disabilities, and this must include information on the arrangements for travel to and from post-16 institutions.
34. Young people with an EHC plan will have an institution named in their plan at Section I. There is no entitlement to transport to and from this named provider and transport should only be named in an EHC plan in exceptional circumstances. Local authorities should ensure during EHC plan discussions that parents are made aware that transport support will be considered in accordance with the local authority's own post-16 transport policy.
35. A learner with special educational needs and disabilities may take longer to complete a programme of learning or training, and therefore it will be good practice for the local authority to extend the arrangements for the provision of transport until a learner has completed their programme even if that is after they have reached the age of 19.
36. If the local authority and/or providers operate an independent travel training scheme it is good practice to include such initiatives in the transport policy statement.
37. Local authorities should be aware of the adult transport duty in carrying out their responsibilities for this group, and it would be good practice not to charge a contribution for transport for a young person assessed under the sixth form age duty if it likely that they will be eligible for free transport under the adult transport duty.

Local complaints process

38. Local authorities should publish as part of the transport policy statement the process which will be followed should a complaint or an appeal against a local authority decision be made on behalf of, or by, a young person. Complaints and appeals must first be taken up with the local authority²³. Good practice suggests using a similar 2 stage

²³ Section 509AE(4) of the Education Act 1996.

complaints process as that used for pre 16 appeals and once an application has exhausted the complaints process advising that no further applications can be made within the academic year unless there has been a material change in circumstances or further supporting evidence has been obtained. If these do not result in a satisfactory outcome, it may be appropriate for young people or their families to consider contacting the Local Government Ombudsmen (LGO) or complaining to the Secretary of State for Education. The LGO is an independent organisation that looks into complaints against councils. This is a free service and information can be found online at www.lgo.org.uk.

Complaints to the Secretary of State for Education

39. To complain to the Secretary of State, young people or their families should use the contact form on gov.uk - www.education.gov.uk/help/contactus. Any complaint should outline the case, set out the decision taken by the local authority and include any other relevant documentation, for example any advice or decisions from the LGO where appropriate.
40. Under section 509AA (9), of the Education Act 1996, the Secretary of State may direct a local authority to make transport arrangements to facilitate the attendance of those of sixth form age receiving education or training, or provide reasonable travelling expenses. This only applies where particular transport arrangements or financial support have not been included in, or are not covered by, the local authority's transport policy statement. The Secretary of State can make a direction where he/she considers it expedient to do so, having regard to the particular circumstances of the case.
41. Under section 508I of the Education Act 1996, the Secretary of State may choose to use his/her powers under sections 496 and 497 of the same Act to direct a local authority where they have exercised (or are proposing to exercise) their functions unreasonably or where they have failed to discharge a duty in relation to the adult transport duty. If the Secretary of State is satisfied that an authority has acted (or is proposing to act) unreasonably, he/she may give such directions as to the exercise of the power or performance of the duty as appear to him/her to be appropriate.
42. The Secretary of State may exercise his/her section 496 and 497 powers following a complaint, or if the matter is brought to the department's attention by other means. When a complaint is submitted to the department, officials will consider the evidence received and where appropriate, seek further information. If the department finds that it is not appropriate for the Secretary of State to intervene by making a direction, they will communicate this decision to the correspondent and, where appropriate, the local authority.
43. If the complainant is dissatisfied with the way in which the department has handled the case they can log a [service complaint](#). Further information on the department's complaints process can be found on gov.uk at www.gov.uk/government/organisations/department-for-education/about/complaints-procedure. A service complaint will prompt consideration of how the case has been

managed but there will not be a review of the substance of the decision made. The substance of the decision would only be considered if the complainant provided additional information relevant to the decision not to intervene.

44. If the complainant remains dissatisfied, they can ask their local MP to refer their case to the Parliamentary and Health Service Ombudsman (PHSO). If the PHSO accept a complaint for further consideration they could normally look at the department's handling of the case. The PHSO's role is not to reverse decision-making, but where it upholds a complaint, it can make recommendations to the department to put things right. Information on the PHSO can be found online at: www.ombudsman.org.uk.

Consulting key partners on the transport policy statement

45. The transport policy statement is the responsibility of the local authority. However, the local authority should try to achieve a consensus and work with other partners and stakeholders to develop a collaborative approach to transport solutions and the production of the transport policy statement. It is good practice for the different 41
46. departments within each local authority to take a joined up approach. For example, the transport department might need to speak to the social services department if the social services department also procures transport.
47. The local authority must consult with the following stakeholders in developing the statement to ensure that it provides a full picture of the available transport and support:
- any other local authorities it considers appropriate (including neighbouring local authorities that are in Wales or Scotland)²⁴. There will be occasions where learners will travel across local authority boundaries and this should not be a barrier for the learner. There are also clear benefits for local authorities to collaborate where similar challenges exist or to share good practice;
 - the governing bodies of schools and further education institutions²⁵. It is important to note that the power of schools and colleges to make arrangements is in addition to, and not instead of, the power of the local authority to make arrangements;
 - the appropriate transport administration body for your area²⁶;
 - Transport for London, if the local authority is a London borough council or the Common Council of the City of London²⁷; and
 - persons who will be of sixth form age at the time of the transport policy statement and their parents²⁸. Local authorities should set out in their transport policy statements how and when they propose to consult young people and their parents to inform the development of their transport policy statements in the following year.

²⁴ Section 509 AB(6)(a) of the Education Act 1996.

²⁵ Sections 509AB(6)(b) and 509AA(4).

²⁶ Section 509AB(7)(a).

²⁷ Section 509AB(7)(b).

²⁸ Section 54 of the Apprenticeships, Skills, Children and Learning Act 2009 inserts new subsection (ca) in s509AB(6.) This was commenced in April 2010, to apply for the academic year 2011/12.

48. Other bodies including education and training providers; higher education institutions; transport companies and authorities operating in the locality; public sector bodies; community groups; voluntary organisations and groups/organisations with an interest in disability issues (including independent specialist providers) should also be consulted where appropriate.

Publication of the transport policy statement

49. The transport policy statement must be published by the local authority by 31st May each year and must be clearly dated showing the academic year to which it applies.
50. The transport policy statement should be made available on the local authority's own website each year to inform young people's²⁹ choice of post-16 provision for the following academic year.
51. Local authorities are also responsible for ensuring that a link is made from their transport policy statement to the [GOV.UK](#). To facilitate this process the local authority's web team should complete the following actions:
- load the transport policy statement on to the council website; and
 - ensure a working link is available from GOV.UK page www.gov.uk/subsidised-college-transport-16-19.
52. To update the link or report broken links either raise a request via the Government Digital Service helpdesk which can be found at <https://govuk.zendesk.com> or email: local-direct-admin@digital.cabinet-office.gov.uk.

In-year changes

53. Local authorities should consider their approach to implementing what is set out in its transport policy statement and continue to monitor its progress throughout the year.
54. Local authorities may amend and republish their transport policy statements in-year in response to complaints. Local authorities must revise and republish their transport policy statements as soon as practicable if, as a result of a complaint, the Secretary of State has directed them to do so³⁰.

²⁹ Section 509AA (7)(a) of the Education Act 1996.

³⁰ Section 509AE (2) (3) of the Education Act 1996.

Glossary

In this guidance —

“adult” means a person who is neither a child nor a young person of sixth form age;

“young person of sixth form age” is a young person over compulsory school age but under 19 or a young person aged under 25, who has a current EHC plan and is on a course that started before their 19th birthday; and

“relevant young adult” means an adult who is aged under 25, started their current course after their 19th birthday and for whom an EHC plan is maintained.

Appendix A – statutory provisions

This appendix sets out the relevant statutory provisions in the Education Act 1996 (as amended) in relation to local authorities' responsibilities for the provision of transport for relevant young adults and persons of sixth form age³¹.

508F Local authorities in England: provision of transport etc. for adult learners

(1) A local authority in England must make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purposes mentioned in subsections (2) and (3).

(2) The first purpose is to facilitate the attendance of adults receiving education at institutions—

- (a) maintained or assisted by the authority and providing further or higher education (or both), or
- (b) within the further education sector.

(3) The second purpose is to facilitate the attendance of relevant young adults receiving education or training at institutions outside both the further and higher education sectors, but only in cases where the local authority have secured for the adults in question —

- (a) the provision of education or training at the institution in question, and
- (b) the provision of boarding accommodation under section 514A.

(4) Any transport provided under subsection (1) must be provided free of charge.

(5) In considering what arrangements it is necessary to make under subsection (1) in relation to relevant young adults, a local authority must have regard to what they are required to do under section 15ZA(1)³² in relation to those persons.

(6) In considering whether they are required by subsection (1) to make arrangements in relation to a particular adult, a local authority must have regard (among other things) to the age of the adult and the nature of the route, or alternative routes, which the adult could reasonably be expected to take.

³¹ If a section number is followed by ... this denotes previous text in legislation has been repealed.

³² 15ZA Duty in respect of education and training for persons over compulsory school age: England

(1) A [local authority] in England must secure that enough suitable education and training is provided to meet the reasonable needs of—

- (a) persons in their area who are over compulsory school age but under 19, and
- (b) persons in their area who are aged 19 or over but under 25 and are subject to special educational needs and disabilities learning difficulty assessment.

(7) Arrangements made under subsection (1) by virtue of subsection (3) to facilitate full-time education or training at an institution outside both the further and higher education sectors must be no less favourable than the arrangements made for relevant young adults of the same age for whom the authority secure the provision of education at another institution.

(8) A local authority in England may pay all or part of the reasonable travelling expenses of an adult —

- (a) receiving education or training at an institution mentioned in subsection (2) or (3), and
- (b) for whose transport no arrangements are made under subsection (1)

(9) In this section —

“adult” means a person who is neither a child nor a person of sixth form age,

“sixth form age” is to be construed in accordance with section 509AC(1), and

“relevant young adult” means an adult who is aged [for whom an EHC plan is maintained]

508G Local authorities in England: transport policy statements etc. for young adults subject to learning difficulty assessment

(1) A local authority in England making arrangements, or proposing to pay travelling expenses, under section 508F in relation to relevant young adults must consult —

- (a) any other local authority that they consider it appropriate to consult;
- (b) governing bodies of institutions within the further education sector in the authority's area;
- (ba) proprietors of 16 to 19 Academies in the authority's area;
- (c) persons in the local authority's area who will be relevant young adults when the arrangements or payments have effect, and their parents;
- (d) the Secretary of State; and
- (e) any other person specified by the Secretary of State.

(2) The authority must prepare for each academic year a transport policy statement complying with the following requirements.

(3) The statement must specify any transport or other arrangements, and any payment of travelling expenses, made or to be made in relation to the year under section 508F in relation to relevant young adults.

(4) The statement must also specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985)³³ which are to be provided under any scheme established under section 93 of that Act to relevant young adults receiving education or training at an institution mentioned in subsection (2) or (3) of section 508F.

(5) The authority must publish the statement by the end of May in the year in which the relevant academic year begins.

(6) In preparing and publishing the statement, the authority must have regard (among other things) to the need to —

- (a) include in the statement sufficient information about the matters that the statement must specify; and
- (b) publish the statement in time to enable relevant young adults and their parents to take reasonable account of those matters when choosing between different institutions at which education or training is provided.

(7) The publication of a statement under this section in relation to an academic year does not prevent an authority from —

- (a) making additional arrangements or payments under section 508F in relation to the academic year, or
- (b) providing additional travel concessions in relation to the academic year.

(8) The Secretary of State may amend subsection (5) by order to change the time by which the statement must be published.

(9) In this section —

“academic year” has the meaning given in section 509AC;

“governing body” has the meaning given in section 509AC; and

“relevant young adult” has the meaning given in section 508F.

508H Guidance: sections 508F and 508G

In making arrangements under section 508F(1) and preparing and publishing a statement under section 508G, a local authority must have regard to any guidance issued by the Secretary of State under this section.

³³ [The Transport Act 1985](http://www.legislation.gov.uk) can be viewed on www.legislation.gov.uk.

508I Complaints about transport arrangements etc. for young adult for whom EHC plan is maintained

(1) A local authority may revise a statement prepared under section 508G to change any matter specified under subsection (3) of that section if, as a result of a relevant young adult transport complaint, they have come to consider the change necessary for a purpose mentioned in section 508F(2) or (3).

(2) A local authority must revise a statement prepared under section 508G to change any matter specified in subsection (3) of that section if, as a result of a relevant young adult transport complaint, the Secretary of State has directed them to do so.

(3) An authority that revise a statement under subsection (1) or (2) must publish the revised statement and a description of the revision as soon as practicable.

(4) The Secretary of State need not consider whether to exercise any power under sections 496 to 497A (powers to prevent unreasonable exercise of functions, etc.) or subsection (2) of this section in response to a matter that is, or could have been, the subject of a relevant young adult transport complaint made to him or her unless satisfied that —

(a) the matter has been brought to the notice of the local authority concerned; and

(b) the authority have had a reasonable opportunity to investigate the matter and respond.

(5) In this section “relevant young adult transport complaint” means a complaint that is —

(a) about a local authority's exercise of, or failure to exercise, a function under section 508F or 508G in relation to relevant young adults; and

(b) made by a person who is, or will be, a relevant young adult when the matter complained of has effect, or by a parent of such a person

and “relevant young adult” has the meaning given in section 508F.

(6) For the purposes of sections 508G(7) and 508H, the revision of a statement under this section is to be treated as the preparation of a statement under section 508G.

(7) Where a local authority have published in a single document a statement prepared under section 509AA and a statement prepared under 508G, the requirement to publish a revised statement under subsection (3) is to be treated as a requirement to publish a version of the document that includes the revised statement.

509AA Local authorities in England: provision of transport etc. for persons of sixth form age

(1) A local authority in England shall prepare for each academic year a transport policy statement complying with the requirements of this section.

(2) The statement shall specify the arrangements for the provision of transport or otherwise that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training —

(a) at schools;

(b) at any institution maintained or assisted by the authority which provides further education or higher education (or both);

(c) at any institution within the further education sector;

(ca) at any 16 to 19 Academy; or

(d) at any establishment (not falling within paragraph (b), (c) or (ca)) at which the authority secures the provision of education or training under section 15ZA(1).

(3) The statement shall specify the arrangements that the authority consider it necessary to make for the provision of financial support in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training at any establishment such as is mentioned in subsection (2).

(4) The statement shall specify the arrangements proposed to be made by the governing bodies of —

(a) schools maintained by the authority at which education suitable to the requirements of persons over compulsory school age is provided; and

(b) institutions within the further education sector in the authority's area

for the provision of transport for facilitating the attendance of persons of sixth form age receiving education or training at the schools and institutions and for the provision of financial support in respect of the travelling expenses of such persons.

(5) Those governing bodies shall co-operate in giving the local authority any information and other support that is reasonably required by the authority for the performance of their functions under this section and section 509AB.

(6) The statement shall specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985 (c. 67)) which are to be provided under any scheme established under section 93 of that Act to persons of sixth form age receiving education at any establishment such as is mentioned in subsection (2) above in the authority's area.

(7) The authority shall —

(a) publish the statement, in a manner which they consider appropriate, on or before 31st May in the year in which the academic year in question begins; and

(b) make, and secure that effect is given to, any arrangements specified under subsections (2) and (3).

(8) Nothing in this section prevents a local authority from making, at any time in an academic year, arrangements —

(a) which are not specified in the transport policy statement published by the authority for that year; but

(b) which they have come to consider necessary for the purposes mentioned in subsections (2) and (3).

(9) The Secretary of State may, if he considers it expedient to do so, direct a local authority to make for any academic year —

(a) arrangements for the provision of transport or otherwise for facilitating the attendance of persons of sixth form age receiving education or training at establishments such as are mentioned in subsection (2); or

(b) arrangements for providing financial support in respect of the reasonable travelling expenses of such persons

which have not been specified in the transport policy statement published by the authority for that academic year.

(10) The Secretary of State may by order amend subsection (7)(a) to change the time by which the statement must be published.

(11) Subsection (9) is subject to section 509AE (complaints about transport arrangements etc. for persons of sixth form age in England).

509AB Local authorities in England: further provision about transport policy statements for persons of sixth form age

(1) A statement prepared under section 509AA shall state to what extent arrangements specified in accordance with subsection (2) of that section include arrangements for facilitating the attendance at establishments such as are mentioned in that subsection of disabled persons and persons with learning difficulties.

(2) A statement prepared under that section shall —

(a) specify arrangements for persons receiving full-time education or training at establishments other than schools maintained by the local authority which are no less favourable than the arrangements specified for pupils of the same age attending such schools; and

- (b) specify arrangements for persons with learning difficulties [or disabilities] receiving education or training at establishments other than schools maintained by the authority which are no less favourable than the arrangements specified for pupils of the same age with learning difficulties [or disabilities] attending such schools.

(3) In considering what arrangements it is necessary to make for the purposes mentioned in subsections (2) and (3) of section 509AA the local authority shall have regard (amongst other things) to —

- (a) the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made;
- (b) the need to secure that persons in their area have reasonable opportunities to choose between different establishments at which education or training is provided;
- (ba) what they are required to do under section 15ZA(1) in relation to persons of sixth form age;
- (c) the distances, and journey times, between the homes of persons of sixth form age in their area and establishments such as are mentioned in section 509AA(2) at which education or training suitable to their needs is provided; and
- (d) the cost of transport to the establishments in question and of any alternative means of facilitating the attendance of persons receiving education or training there.

(3A) In considering whether or not it is necessary to make arrangements for those purposes in relation to a particular person, a local authority in England shall have regard (amongst other things) to the nature of the route, or alternative routes, which he could reasonably be expected to take.

(4) ...

(5) In preparing a statement under section 509AA a local authority shall have regard to any guidance issued under this section by the Secretary of State.

(6) In preparing a statement under that section a local authority shall consult—

- (a) any other local authority that they consider it appropriate to consult,
- (b) the governing bodies mentioned in subsection (4) of that section,
- (c) ...
- (ca) persons in the local authority's area who will be of sixth form age when the statement has effect, and their parents, and
- (d) any other person specified for the purposes of this section by the Secretary of State.

(7) In preparing a statement under that section a local authority shall also consult —

- (a) where they are a district council for an area in a metropolitan county, the Integrated Transport Authority for that county; and
- (b) where they are a London borough council or the Common Council of the City of London, Transport for London.

(7A) In preparing and publishing a statement under section 509AA, a local authority must have regard (among other things) to the need to —

- (a) include in the statement sufficient information about the matters that the statement must specify; and
- (b) publish the statement in time

to enable persons who will be of sixth form age when the statement has effect and their parents to take reasonable account of those matters when choosing between different establishments at which education or training is provided.

(8)...

509AC Interpretation of sections 509AA and 509AB

(1) For the purposes of sections 509AA and 509AB a person receiving education or training at an establishment is of sixth form age if he is over compulsory school age but —

- (a) is under the age of 19; or
- (b) has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.

(2) ...

(3) ...

(4) References in section 509AB to persons with learning difficulties [or disabilities] are to be construed in accordance with section 15ZA(6) and (7).

(5) In sections 509AA and 509AB and this section —

“academic year” means any period commencing with 1st August and ending with the next 31st July;

“disabled person” has the same meaning as in the Equality Act 2010;

“establishment” means an establishment of any kind, including a school or institution; and

“governing body”, in relation to an institution within the further education sector, has the same meaning as in the Further and Higher Education Act 1992.

(6) The Secretary of State may by order amend the definition of “academic year” in subsection (5).

509AD Local authorities in England: duty to have regard to religion or belief in exercise of travel functions

(1) A local authority in England must have regard, amongst other things, in exercising any of their travel functions in relation to or in connection with the travel of a person or persons to or from a school, institution or other place —

- (a) to any wish of a parent of such a person for him to be provided with education or training at a particular school, institution or other place where that wish is based on the parent's religion or belief; and
- (b) in a case where the person in question (or any of the persons in question) is of sixth form age (within the meaning given in section 509AC(1)), to any wish of that person to be provided with education or training at a particular school, institution or other place where that wish is based on the person's religion or belief.

(2) The “travel functions” of a local authority in England are their functions under any of the following provisions—

- section 508A (duty to promote sustainable modes of travel etc.);
- section 508B (travel arrangements for eligible children);
- section 508C (travel arrangements etc. for other children);
- section 508E and Schedule 35C (school travel schemes);
- section 508F (local authorities in England: provision of transport etc. for adult learners); and
- section 509AA (transport etc. for persons of sixth form age).

(3) For the purposes of this section—

- (a) “religion” means any religion;
- (b) “belief” means any religious or philosophical belief;
- (c) a reference to religion includes a reference to lack of religion; and
- (d) a reference to belief includes a reference to lack of belief.

509AE Complaints about transport arrangements etc. for persons of sixth form age in England

(1) A local authority may revise a statement prepared under section 509AA to change the arrangements specified under subsection (2) or (3) of that section if, as a result of a sixth form transport complaint, they have come to consider the change necessary for the purpose of the arrangements specified under the subsection in question.

(2) A local authority must revise a statement prepared under section 509AA to change the arrangements specified under subsection (2) or (3) of that section if, as a result of a sixth form transport complaint, the Secretary of State has directed them to do so.

(3) An authority that revise a statement under subsection (1) or (2) must publish the revised statement and a description of the revision as soon as practicable.

(4) The Secretary of State need not consider whether to exercise any power under sections 496 to 497A (powers to prevent unreasonable exercise of functions, etc.), section 509AA(9) (power to require local authority to make additional transport arrangements), or subsection (2) of this section in response to a matter that is, or could have been, the subject of a sixth form transport complaint made to him or her unless satisfied that —

(a) the matter has been brought to the notice of the local authority concerned; and

(b) the authority have had a reasonable opportunity to investigate the matter and respond.

(5) In this section “sixth form transport complaint” means a complaint that is—

(a) about a local authority's exercise of, or failure to exercise, a function under sections 509AA to 509AD in relation to persons of sixth form age; and

(b) made by a person who is, or will be, a person of sixth form age when the matter complained of has effect, or by a parent of such a person;

and “sixth form age” is to be construed in accordance with section 509AC(1).

(6) For the purposes of sections 509AA(8) and (9), 509AB(1) to (5), 509AC and 509AD, the revision of a statement under this section is to be treated as the preparation of a statement under section 509AA.

(7) Where a local authority have published in a single document a statement prepared under section 508G and a statement prepared under 509AA, the requirement to publish a revised statement under subsection (3) is to be treated as a requirement to publish a version of the document that includes the revised statement.

Appendix B – Model policy template

XXXX Council

Post-16 Transport Policy Statement 20xx – 20xx

Post-16 Transport Policy Statement - Academic Year 20xx – 20xx

Transport policy statement for young people aged 16-18 in further education, continuing learners aged 19 and those young people aged 19 – 24 (inclusive) with learning difficulties and/or disabilities

Department Responsible: xxxxx

Contact details: xxxxx

Document first release: xxxxx

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Introduction

Local authorities do not have to provide free or subsidised post 16 travel support but do have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or other support that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training.

All young people carrying on their education post 16 must reapply for travel support.

‘Sixth form age’ refers to those young people who are over 16 years of age but under 19 or continuing learners who started their programme of learning before their 19th birthday (years 12,13,14).

Local authorities also have a duty to encourage, enable and assist young people with learning difficulties / disabilities to participate in education and training, up to the age of 25.

This policy uses the term ‘Post 16’ to include both learners of sixth form age and those with learning difficulties / disabilities up to the age of 25.

This policy document specifies the support that **xxxxx** Council (the council) considers necessary to facilitate the attendance of Post 16 learners receiving education or training.

Education or training refers to learning or training at a school, further education institution, a council maintained or assisted institution providing higher or further education, an establishment funded directly by the Education Skills Funding Agency, learning providers delivering accredited programmes of learning which lead to positive outcomes and are funded by the council, for example, colleges, charities and private learning providers.

Aims and Objectives

The council has the following aims and objectives when assessing transport / travel support:

To include the council's high level objectives

Transport and travel support

Concessionary tickets for young people 16 – 25 from public transport providers

Overview of Concessionary schemes available from Public transport providers

- Page 12 onwards provides examples of other concessionary schemes that are available from bus companies and those provided by schools and colleges.

Travel support from schools and colleges

Details of any transport or support available from specific institutions

The 16-19 Bursary Fund

The 16 to 19 Bursary Fund provides financial support to help young people overcome specific barriers to participation so they can remain in education.

There are 2 types of 16 to 19 bursaries:

1. A vulnerable bursary of up to £1,200 a year for young people in one of the defined vulnerable groups below:
 - in care
 - care leavers
 - in receipt of Income Support, or Universal Credit in place of Income Support, in their own right
 - in receipt of Employment and Support Allowance or Universal Credit and Disability Living or Personal Independence Payments in their own right
 - discretionary bursaries which institutions award to meet individual needs, for example, help with the cost of transport, meals, books and equipment
2. Discretionary bursaries which institutions award to meet individual needs, for example, help with the cost of transport, meals, books and equipment

To be eligible for the discretionary bursary young people must:

- be aged 16 or over but under 19 at 31 August 20xx or
- be aged 19 or over at 31 August 20xx and have an Education, Health and Care Plan (EHCP)
- be aged 19 or over at 31 August 20xx and continuing on a study programme they began aged 16 to 18 ('19+ continuers')
- be studying a programme that is subject to inspection by a public body which assures quality (such as Ofsted), the provision must also be funded by either a Government funding agency or the local authority

Schools and colleges are responsible for managing both types of bursary. Young people who want to apply for support from the bursary fund should contact their chosen school or college to make an application.

Further information can be found at www.gov.uk/ search for post 16 bursaries.

Young parents / Care to Learn

If you are a young parent under 20, Care to Learn can help pay for your childcare and related

travel costs, up to £160 per child per week, while you're learning.

Care to Learn can help with the cost of:

- childcare, including deposit and registration fees
- a childcare 'taster' session (up to 5 days)
- keeping your childcare place over the summer holidays
- taking your child to the childcare provider

Types of child care

The childcare provider must be Ofsted registered and can be a:

- childminder
- pre-school playgroup
- day nursery
- out of school club

If your child needs specialist childcare, the provider must also be on the Care Quality Commission's register for specialist provision.

If you want a relative to get Care to Learn for looking after your child they need to be both:

- providing registered childcare for children they're not related to
- living apart from you and your child

Payments

Childcare payments go directly to your childcare provider. Before your childcare provider can be paid:

- your childcare provider needs to confirm your child's attendance
- your school or college needs to confirm that you're attending your course

Payments for travel costs go to your school or college - they'll either pay you or arrange travel for you.

Attendance

Payments will stop if:

- you stop attending your course
- you finish your course
- your child stops attending childcare

Eligibility

You can get Care to Learn if:

- you're a parent under 20 at the start of your course
- you're the main carer for your child
- you live in England
- you're either a British citizen or a national of a [European Economic Area \(EEA\) country](#)
- your course is publicly funded (check with your school or college)
- your childcare provider is registered with Ofsted or the Care Quality Commission

Type of course

Care to Learn is only available for courses in England that have some public funding.

This includes courses that take place in:

- schools
- school sixth forms
- sixth form colleges
- other colleges and learning providers, including Foundation Learning
- your community at Children's Centres

Young parents are also entitled to apply for an Under 19 Bus Only Ticket or for those aged 19 and over can apply for the 19 – 25 card.

For more information please visit <https://www.gov.uk/care-to-learn/how-to-claim>

LA support

LA support for young people without special educational needs or disabilities

Details of support available from the council for young people on their area including any criteria used to decide eligibility.

Contribution required **(delete if N/A)**

Details of any charging policy for young people without special educational needs or disabilities including details of any concessions for low income families. (It may also be useful to detail how much the transport costs the council)

LA support for Learners with special educational needs or a disability

Details of support available from the council for young people with SEND including age ranges considered, criteria for eligibility, review information, types of transport available etc.

Contribution required **(delete if N/A)**

Details of any charging policy for SEND young people including details of any concessions for low income families. (It may also be useful to detail how much the transport costs the council)

Refunds

Details of the council's refund policy

Travel training

Details of the council's travel training policy.

Apprenticeships

Details of any specific provision in place for apprentices

Those not in education, employment or training (NEET)

Details of any specific provision in place for those NEET or at risk of becoming so.

LA support in other circumstances

Details of any help available the LA has decided to provide in specific circumstances for example where an LA has placed a student outside of the LA area or a student is in a residential setting.

Additional eligibility criteria

Details related to the categories below and of other considerations the LA wishes to include such as rules on residence or where young people are travelling outside the LA boundary.

Applying for LA transport support

Details of how to apply including contact details of the department responsible and dates of when applications can be accepted.

Appeals

Details of the LAs appeals procedure.

Details of concessionary fares, discounts, subsidies, passes or travel cards including any charges available for Post 16 young people.

This should include contact details for more information

May 20xx

Concessionary Fares (Commercial and Concessionary Passes available to young people in the **XXXX Area for use on Public Transport). Charges may change without notice.**

Scheme	User group	Concession	Times available	Registration cost	Journey cost/concession
The information contained below details how some schools and colleges provide extra transport help. If your school or college is not listed below please contact them directly for information.					

Appendix C – DfE annual compliance checks

The DfE will conduct compliance checks from June onwards on all local authority post 16 transport statements. In order for a statement to be deemed compliant it must:

- Be available on the local authorities website;
- Be clearly dated with the forthcoming academic year;
- Have a working link to the web page housing it from the gov.uk postcode search;
- Set out any arrangements available from educational institutions, including the 16-19 bursary fund;
- Set out any concessionary fares available from transport providers and other providers; and
- Detail the complaints process that a parent or young person should follow if they are not happy with the local authority's decision.

DfE will contact all local authorities with non-compliant statements and request that changes be made.

Appendix D – Frequently Asked Questions

Q: Why isn't post 16 transport free for everyone, in the same way as it is for school age pupils?

A: We expect local authorities to make reasonable decisions about what support should be available based on the needs of their population, local transport infrastructure and the resources they have available. It is, however, recognised that the cost of transport can be an issue for some young people and to help with this there is further support available. Information about what support is available locally is available from the local authority in their post-16 transport policy statement. The statement can be accessed on the LA website or through the postcode search at [gov.uk](https://www.gov.uk)

The Bursary Fund for 16-19 year olds has the flexibility to help meet transport costs for those young people who need this support most. You can find out more about the 16-19 Bursary Fund [here](#).

In addition, most transport companies also give some kind of discount for young people such as discounted fares or subsidised travel passes.

Some education and training providers also provide subsidised or free transport for example college buses, and travel subsidies from private training providers.

Q: What support is available for young people with special educational needs?

A: The post-16 transport duty also applies to young people with special educational needs aged up to age 25 (who have an EHC plan and started a course before their 19th birthday). Local Authorities' post-16 transport policy statements must include specific arrangements for these young people to ensure they have the necessary support. The transport needs of young people with special educational needs should also be reassessed by their local authority when a young person moves from compulsory schooling to post-16 education so that the appropriate support is put in place in accordance with the LA's post-16 transport policy.

Q: How do the duties apply for people with Special Educational Needs and Disabilities (SEND) as they turn age 19?

A: The duty a young person is assessed under is dependent on when they started their current course. If a young person with SEND started the course before their 19th birthday then they are assessed under the 16-18 duty. If they have started a new course after their 19th birthday then they are assessed under the adult duty.

Young people will qualify for free transport under the adult duty where the local authority assesses that in order to attend education or training they require transport arranged by the local authority, such as a specialised vehicle or minibus. If the young person's

requirements are a personal travel budget, mileage allowance or public transport pass then this does not need to be provided free by the local authority as they have not put the travel arrangements in place. However, in these circumstances the local authority has discretion to pay some or all of the travel expenses.

Young people can also receive free transport if they are attending institutions outside of the HE and FE sector and started after their 19th birthday in residential provision if the provision, boarding accommodation and transport were all arranged by the local authority. Again, in these circumstances the local authority has discretion to pay some or all of the travel expenses.

Q: What support is available to young people who live in rural areas to get to college or another type of education provider?

A: It is the responsibility of local authorities to put in place transport arrangements to help young people aged 16 to 18 to access education or training, using funds they have available locally.

The transport provided by local authorities varies in accordance with local needs, for example it sometimes involves giving 16-18 year olds access to school transport or to bus travel for payment of a flat fee.

Most young people in rural areas have access to a discount or concession on local bus or train travel, either from their local authority or local transport providers. The government also supports local bus travel, including in rural areas, through the Bus Service Operators Grant.

Guidance makes it clear that local authorities need to look at the transport needs of those who live in particularly rural areas where the transport infrastructure can be limited.

Appendix E – Further sources of information

Associated resources (external links)

- **Sustainable transport**

[Sustrans](#) is the leading sustainable transport charity that provides practical advice that can be passed on to parents and young people to increase confidence in walking and cycling.

Other departmental advice and guidance you may be interested in

- [Home to school travel and transport statutory guidance](#) (for children of compulsory school age)

Guidance relating to home to school travel and transport for pupils up to the age of 16 and of compulsory school age is available from the Department for Education's website.

- [Participation of young people statutory guidance](#)

The purpose of this guidance is to identify the key responsibilities of local authorities in relation to raising the participation age and promoting the participation of 16- and 17-year-olds. It is available from the GOV.UK website.



Department
for Education

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Home to School Transport

Core Cities Policies and Ombudsman Decisions

1 Purpose

- 1.1 To provide information on the core cities' policies and the Local Government and Social Care Ombudsman decisions, so members can compare and discuss best practice and lessons that can be learned from other local authorities regarding home to school transport.
- 1.2 This paper provides the following information:
 - Core Cities home to school transport policies in relation to children and young people with Special Educational Needs and Disability (SEND).
 - The core cities policies and Post 16 policy statements are listed.
 - Under 5 year olds with SEND.
 - 5 – 16 year olds with SEND.
 - Post 16 year olds with SEND.
 - Local Government and Social Care Ombudsman decisions.
 - Role and Powers.
 - Birmingham City Council's Ombudsman decisions.
 - Ombudsman decisions from May 2019 – October 2019.
 - Potential best practice and lessons that can be learned.
 - Exceptional circumstances.
 - Appeal Process.

2 Core Cities Home to School Transport Policies

The Policies

- 2.1 The home to school transport for children and young people with SEND has been the focus for this paper and the core cities home to school transport policies and post 16 statements are listed below (these can also be provided on request):



Home to School Transport

Table 1: Core Cities Home to School Transport Policies

Core City	No. of Policies	Title
Birmingham	1	Travel Assistance Policy for 0-25 Year Olds in Education, May 2019 + Travel Help for 16 to 18 year-old students webpage. ¹
Bristol	1	Home to School Travel Policy + Travel Policy Statement 2019-2020 for Students attending further education, with SEND who live in Bath and North East Somerset, Bristol and North Somerset.
Leeds	1	Leeds Children's Services Transport Policy, November 2015 + Post 16 Transport Policy Statement for 2019 to 2020.
Liverpool	2	<ul style="list-style-type: none"> Home to School Transport Policy for Compulsory School Age Pupils Academic Year 2019/20. Post-16 Transport Statement 2019-20 for Learners aged 16 – 18 and for students 19-25 with learning difficulties and/or disabilities.
Manchester	1 specifically for SEND	Travel Support for Access Education for Children and Young People with SEND, July 2015 + Manchester City Council Post 16 Transport Policy Statement - 2018-19
Newcastle	1 on website	Mainstream Home to School Travel Policy on the website that states 'this sets out our policy on home to school travel arrangements for children and young people aged 5 to 16 who attend mainstream Newcastle schools. Separate policies are available for children and young people with additional needs, and for post-16 students'. Although these policies are not on the website, there is a webpage and SEND Home to School Transport Parent and Carer's Handbook.
Nottingham	2	<ul style="list-style-type: none"> Nottinghamshire County Council has the Under 16 Home to School Transport Policy for those living in the county of Nottinghamshire. Nottingham City Council has a Post 16 Transport Policy Statement for 2019/20 Academic Year on their website.
Sheffield	2	<ul style="list-style-type: none"> Home to School Travel and Transport Policy, September 2019 Post 16 Travel and Transport Policy 2019-20.

Under 5 year olds with SEND

2.2 The table below provides information on the core cities policies for children under 5 years old with SEND.

Table 2: Core Cities Home to School Transport Policies for Children under 5 Year Olds with SEND

Core City	Under 5 Year Olds with SEND
Birmingham	<p>The Council's policy is not to provide travel assistance to pre-schoolers except where the pre-schooler has an EHC plan and the circumstances can be said to be exceptional. Even where the Council does provide travel assistance to a pre-schooler it will make a charge for this, which will be calculated in the same way as the charge for the provision of travel to young persons as set out in Part 3.</p> <p>The Council will consider whatever is said in any application but will have particular regard to the following:</p> <ul style="list-style-type: none"> Distance and journey time from the pre-schooler's home to their place of education and the cost of providing travel assistance to there. What alternative means of facilitating attendance there may be.

¹ <https://bit.ly/2rIkkgW>



Core City	Under 5 Year Olds with SEND
	<ul style="list-style-type: none"> What alternative placements or options there may be. The contents of any EHC plan (including anything about transport). The best use of the Council's resources and the competing claims upon them.
Bristol	Not specifically mentioned.
Leeds	Not specifically mentioned.
Liverpool	Not specifically mentioned.
Manchester	Not specifically mentioned.
Newcastle	Provide discretionary travel support for children under 5 with SEND travelling to nurseries or primary schools. ²
Nottingham	<p>Some pupils under five may receive help with travel costs if they have significant special educational needs.³</p> <p>Travel assistance may be provided for a pre-school age child who has an EHCP. In such cases, assistance may be provided to nursery schools, nursery classes or units and pre-school Playgroups.⁴</p>
Sheffield	The Council has no statutory duty to provide transport for children under the compulsory school age. Parents are expected to accompany them to their Early Years provider. However, travel support may be provided for Foundation Stage 2 pupils (Reception) if they meet the SEND eligibility criteria, at the discretion of the Travel Assessment and Training Team.

5 – 16 year olds with SEND

2.3 Section 508B of the Education Act 1996 says councils must provide free home to school transport for eligible children of statutory school age to qualifying schools. The table below provides information on the core cities policies for children 5 - 16 years old with SEND.

Table 3: Core Cities Home to School Transport Policies for 5 – 16 Year Olds with SEND

Core City	5 – 16 Years Old with SEND
Birmingham	<p>Children and young people who do not qualify for travel assistance under category 1 (distance), category 2 (low income) or category 3 (unsafe route) above are nonetheless entitled to travel assistance if they are attending the nearest qualifying school to their home which is suitable for their needs but have special educational needs, a disability or mobility problem and for this reason cannot reasonably be expected to walk to that school, even if accompanied.</p> <p>As noted above in relation to category 1, in the case of children with an EHC plan there may be cases where a school that is not the nearest qualifying school is named on the basis that the parents will be responsible for transporting them. Where this happens the EHC plan will be worded accordingly and make the position clear.</p>
Bristol	If the pupil cannot reasonably be expected to walk to school (accompanied by a parent/carer as necessary and considering the age of the child, as well as whether one would normally expect a

² Parent and Carer's handbook

³ Nottingham City Council Website

⁴ Nottinghamshire County Council policy



Home to School Transport

Core City	5 – 16 Years Old with SEND
	<p>child of that age to be accompanied) because of mobility problems or because of associated health and safety issues related to their SEN or Disability.</p> <p>Eligibility for children with SEND is assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) are not considered when assessing the transport needs of children eligible due to SEN and/or disability.</p> <p>The pupil must be attending the nearest suitable school or a setting named on his or her EHC Plan, following formal consultation by the SEN Team, rather than a setting named due to parental preference.</p>
Leeds	<p>Eligible children includes learning difficulty or disability – children or young people up to the age of 24 who have a significantly greater difficulty in learning than the majority of children of the same age or who have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools or colleges.</p> <p>Assistance with transport will be provided to children who live less than the statutory walking distance from school if:</p> <ul style="list-style-type: none"> (a) he or she is the subject of a statement of SEN or an EHC plan; (b) the need for support is apparent from their statement or EHC plan; and (c) the child is attending the nearest qualifying school as named in the statement or EHCP. <p>Where a parent requests that a child should attend a school other than the nearest qualifying school named in the statement or EHC plan, assistance will be provided on the express condition that the parent agrees to pay any additional costs incurred by the Council as a consequence of that request.</p> <p>Those additional costs will be calculated on the basis of the additional mileage incurred.</p>
Liverpool	<p>Parents and carers are responsible for ensuring children and young people get safely to school on time. As a general rule Liverpool City Council expects parents/carers of children and young people with SEN to make arrangements for their child to attend school in the same way as for parents without SEN as this is an important factor in developing the child or young person's independence, social and life skills. The Council has a duty to make the most efficient and effective use of the resources it has available to it.</p> <p>An Education, Health and Care (EHC) Plan or placement within a Local authority specialist resourced provision does not guarantee travel or transport support.</p> <p>Only nominated officers from the Fleet Transport Services Team may agree this provision.</p> <p>Applications are considered on an individual basis. We will take into account whether your child is able to walk, accompanied if necessary please refer to section 6.1 for further information. Whether they are able to use public transport or whether due to the nature of their special needs your child requires assistance. Transport assistance will only be considered between home and school.</p> <p>Your child must be attending the nearest available school which meets their needs, please refer to section 11.5 if your child is attending a mainstream school. If you chose to send them to a school further away from your home then you will have to pay the cost of the transport.</p>



Core City	5 – 16 Years Old with SEND
	<p>Eligibility, for such children will be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements such as the statutory walking distances will not be considered when assessing the transport needs of children eligible due to SEN.</p> <p>Officers will base their decision on information detailed in the pupil's most recent assessment received from the local authority SEN team and other outside professionals that may be involved with the pupil. Although consultation will be undertaken with the pupil's current school, officers will be unable to base their decision on an individual letter of support from the school SENCO.</p>
Manchester	<p>Travel support to access education will be agreed for children and young people with a Statement of SEN, or EHC plan where a parent/carer is not getting the higher rate Mobility and Disability Living Allowance and:</p> <ul style="list-style-type: none"> • The child/young person lives further than the statutory walking distance between home and school, which is over two miles for children under eight years of age or over three miles for children aged eight years old and over and the child has a Statement of SEN or an EHC plan and • The child/young person attends the named school the Council has determined in the Statement of SEN/EHC plan as being the nearest available school that is able to meet the needs of the child or young person. <p>OR</p> <ul style="list-style-type: none"> • The child/young person lives within the statutory walking distance but is unable to walk relatively short distances to school owing to disability or mobility difficulties (these may include temporary medical conditions) and family circumstances make it not reasonable to expect the parent/carer to take their child/young person to school.
Newcastle	<p>Whilst parents have ultimate responsibility to ensure that their children attend school, we have a statutory duty to assist with travel arrangements to support them where children and young people aged 5 to 16 have:</p> <ul style="list-style-type: none"> • a Special Educational Need (SEND) Statement or an EHC Plan, a disability or mobility problem (including temporary conditions) if this means that they could not reasonably be expected to walk to school • a medical condition that may be short or longer term, but which makes it difficult for parents to discharge their duties without support.
Nottingham (Notts County Council policy applies)	<p>Special Transport Needs: The pupil has a special transport need that requires the provision of transport for them to access and attend school. The special transport need is assessed by the County Council, drawing upon medical and other professional advice, as required. A special transport need may arise where the pupil:</p> <ul style="list-style-type: none"> • Lives within the walking distance but is unable to walk or travel safely to school accompanied by a parent/carer. • Is unable to use public transport when accompanied by a parent/carer.
Sheffield	<p>All applications will be assessed on an individual basis of need and in accordance with this policy and DfE guidance. Please note that having an EHCP or Statement of Special Educational Needs does not in itself guarantee travel support or the type of support to be provided.</p> <ul style="list-style-type: none"> • The type of travel support the child or young person with SEND will receive from the Council will be determined by the Travel Panel following a comprehensive assessment of their needs and abilities, including age, mobility and how their needs affect their ability to travel. This assessment will consider information in the EHC Plan as well as that contained in the application for travel support.



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Core City	5 – 16 Years Old with SEND
	<ul style="list-style-type: none">• The assessment process will give consideration to whether or not the child can be reasonably expected to walk to school and if so, whether the parent/carer can reasonably be expected to accompany the child.• Travel support to alternative provision (AP) will be considered where this provision is named in an EHC Plan. Parent/carer/school will be responsible for travel arrangements to any other locations.• Social reasons or work commitments of parents/carers will not be recognised as valid reasons for determining eligibility or the types of support provided.• If Independent Travel Training, with a Zero Fare Pass or Disability Pass, is identified by the Travel Panel as the most appropriate mode of travel support, a full risk assessment and training will be provided free of charge. Where parent/carers choose a school other than the one which the Local Authority has classed as the nearest qualifying school, this is considered to be parental preference and travel support is unlikely to be provided. Parent/carers would be responsible for home to school travel. The Local Authority may provide transport if the parent/carer agrees to pay part/full associated costs; requests will be considered on an individual basis.• Travel support will be reviewed on a regular basis, and this may be part of the Annual Review process.

Post 16 year olds with SEND

2.4 The statutory responsibility for transport for 16-19 year olds (who have started a course before their 19th birthday) rests with local authorities. Local authorities have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport, or otherwise that the authority considers necessary, to make to facilitate the attendance of all persons of sixth form age receiving education or training (Section 509AA of the Education Act 1996).⁵

2.5 The section 509F and 508G duties apply to all local authorities in England in respect of arrangements for adults aged 19 and over, who started their programme of learning after their 19th birthday. The legislation recognises that it is important that decisions on whether local authority arranged transport for this age group is necessary, sits at a local level and, as with the previous duty, the flexibility of the extent of an individual policy lies with individual local authorities. Where local authorities do decide that it is necessary for them to provide transport, this must be provided free of charge, however, the legislation also gives local authorities the flexibility to contribute to, fund or charge for other transport solutions where it wishes.

2.6 The Upper Tribunal (Administrative Appeal Chamber) has considered transport for post 19 learners with an EHCP (section 508F). The Tribunal commented that:

“The local authority has a duty to make transport arrangements for [a post 19 learner] if they consider that to be ‘necessary’ having regard to all the relevant circumstances. This is not a pure discretion. Although the question of what is necessary is a matter for them, in deciding that question they must exercise

⁵ Post-16 transport and travel support to education and training, Statutory guidance for local authorities, January 2019



their judgment judiciously and in good faith. If they come to the conclusion that it is necessary, they must make the necessary arrangement and the transportation must be free of charge” (Staffordshire County Council v JM, 2016)

2.7 **Local authorities must prepare a transport policy statement by the end of May each year** setting out any transport or other arrangements that it proposes to make for that academic year in respect of adults aged under 25 with EHC plans under the 508F duty.

2.8 The table below provides information on the core cities policies and statements for post 16 year olds with SEND.

Table 4: Core Cities Home to School Transport Policies for Post 16 Year Old with SEND

Core City	Post 16 Year Olds
Birmingham	<p>Part 3: Young persons aged 16-18 (sixth form age) – contained in the policy</p> <p>The vast majority of young people do not receive or require travel support from the Council and, unless the circumstances are exceptional, the only category of young persons of sixth form age the Council will consider providing travel assistance for are those with an Education Health and Care Plan, a disability or learning difficulties. In considering whether to provide travel assistance the Council will have regard to the following:</p> <ul style="list-style-type: none"> • The needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made; • The needs of those who are vulnerable to becoming not in education, employment or training (NEET) at the age of 16 or 17, or who have already become NEET; • The needs of young persons who are parents; • The need to ensure that persons in the Birmingham area have reasonable opportunities to choose between different establishments at which education or training is provided; • The Council’s legal duties, including the duty to ensure that enough suitable education and training is provided to meet the reasonable needs of 16-18 year olds; • Distance and journey time from the student’s home to establishments of education and training, the cost of transport there and alternative means of facilitating attendance at establishments; • The nature of the route or alternative routes which the young person could reasonably be expected to take; • Any preference to attend a particular educational establishment based on religion or belief; • The nature of the young person’s special educational needs, disability or learning difficulty; • Anything said in an EHC plan about transport; • Whether there is a nearer institution which is suitable and can provide the same or similar qualification(s); • The best use of the Council’s resources. <p>As set out in the Key Principles above, the Council will also expect applicants first to have applied for and made use of all other sources of assistance. Financial assistance may be available from (or by applying through) the school or further education institution in question and Appendix 2 sets out full details of these schemes. In addition there are various concessionary travel schemes in Birmingham which may be available and these are set out in Appendix 3.</p> <p>Where the travel assistance consists of a taxi or specialist vehicle, the young person and/or his or her parents or carers will be required to contribute towards the cost of this. [Costs are detailed in the policy].</p>



Home to School Transport

Core City	Post 16 Year Olds
	<p>Contained in the 16-18 Year Old Students webpage:</p> <p>We don't generally offer 16 to 18 year-old (post-16) students help with their travel. However, we do offer some support for post-16 students (and sometimes older) who have Statements of Special Educational Needs or Education, Health and Care Plans. To be considered for travel help, students need to meet the following minimum criteria:</p> <ol style="list-style-type: none"> 1. Be a resident of Birmingham 2. Be attending a course of at least 450 guided learning hours per year at a school, further education college or institution, or 16-19 Academy. 3. Have a Statement of Special Educational Needs, or an Education, Health and Care Plan. 4. Be 16- to 18-years-old, or have started (and continue to attend) the relevant course before turning 19-years-old. <p>However, the majority of students who meet the above criteria still do not receive or need travel support.</p> <p>When we're deciding whether to offer students help with their travel we also take into consideration the following:</p> <ol style="list-style-type: none"> 1. The needs of students, where it isn't reasonable to expect them to attend a specific school or college without any help. 2. The increased choice between different education providers that additional help will give students. 3. Our duty to make sure enough suitable education and training is available to meet the reasonable needs of 16- to 18-year-olds. 4. The distance and journey time from the student's home to place of learning, the cost of transport, and any alternative means of them attending. 5. The nature of the route(s) that they could be reasonably expected to take. 6. Any preferences they may have to attend a particular educational establishment based on religion or belief. 7. The nature of the young person's special educational needs, disability or learning difficulty (including any notes relating to transport in their Statement or Plan). 8. Whether there's a nearer institution that's suitable and can provide the same or similar qualification(s). 9. The best use of the Council's resources. <p>If you feel you meet the criteria above, to apply for post-16 travel help you will need to complete and return a copy of our Post-16 Transport Request Form.</p> <p>If you don't meet the criteria, there may still be financial help or discounted travel schemes available. You can find more information in our Post-16 Transport Policy.</p> <p>Part 4: Adults aged 19+ (contained in the policy)</p> <p>This part sets out the Council's transport policy statement as required by section 508G of the Education Act 1996 in respect of academic year 2019/20 for adults, that is to say persons who are not of compulsory school age or sixth form age. Section 508G of the Education Act 1996 requires the Council to specify in this document:</p> <ol style="list-style-type: none"> a. any transport or other arrangements, and any payment of travelling expenses, made or to be made in relation to the academic year under section 508F in relation to adults (Post-19) with an EHC plan; and b. any travel concessions which are to be provided to adults (Post-19) with an EHC plan receiving education or training at certain institutions.



Core City	Post 16 Year Olds
	<p>This policy statement also sets out the Council's arrangements under section 508F in relation to adults without an EHC plan.</p> <p>The Council does not make any general arrangements for free transport or the payment of any travelling expenses under section 508F of the Education Act 1996 as it considers that these are unnecessary for the vast majority of adults. It will consider making arrangements for individuals if they have an EHC plan or their circumstances are exceptional. The Council will consider whatever is said in any application but will have particular regard to the following:</p> <ul style="list-style-type: none">• The age of the applicant;• The nature of the route or alternative routes the applicant could reasonably be expected to take;• Distance and journey time from the applicant's home to their place of education and the cost of providing travel assistance to there;• What alternative means of facilitating attendance there may be;• What alternative institutions or options there may be;• The contents of any EHC plan (including anything about transport);• Any relevant legal duties upon the Council;• The best use of the Council's resources and the competing claims upon them. <p>The Council is required by law to provide any travel assistance considered necessary under section 508F free of charge. The Council may also, in certain circumstances, pay all or part of travelling expenses.</p>
Bristol ⁶	<p>Travel Policy Statement 2019-2020 for Students attending further education, with SEND who live in Bath and North East Somerset, Bristol and North Somerset:</p> <p>Transport will be provided only where there is no appropriate alternative.</p> <p>The desired outcome of this approach is actively to encourage young people to travel as independently and inclusively as possible and to develop confidence and vital travel and social skills to support options for post 16 training and employment thereafter. Support with travel for students with SEND will be considered up to the end of the academic year in which the student becomes 19. Consideration will be given to support beyond the age of 19.</p> <p>Each Local Authority will consider travel arrangements for students who are attending the nearest appropriate further education provision and:</p> <ul style="list-style-type: none">• Have had a statement of Special Educational Needs or an Education, Health & Care Plan (EHCP), or medical or physical difficulties, which means they are unable to walk the distance of 3 miles (accompanied as necessary) and• Are studying a full time course Students under Bath & North East Somerset who meet the criteria for support will be required to undertake two weeks independent travel training. Their ability to travel independently will be assessed by personnel from the Wiltshire Independent Travel Support (WITS) service.
Leeds	Post 16 Transport Policy Statement for 2019 - 2020:

⁶ <https://www.bristol.gov.uk/schools-learning-early-years/school-travel>



Home to School Transport

Core City	Post 16 Year Olds
	<p>Subject to an individual assessment of the learner's needs and ability to travel safely between home and the place of learning, all post-16 learners with special educational needs and/or disabilities are expected to participate in Independent Travel Training (ITT) wherever possible.</p> <p>Assisted transport (e.g. taxis, specially adapted vehicles) will only be provided when a learner is assessed as eligible under s7 of the Leeds Children's Transport Policy or in exceptional circumstances.</p> <p>One of the aims of that policy is that all children and young people with an EHC Plan should lead lives that are as independent and as free from restriction as possible. The general principle is that all learners should be helped to take part in full-time education or training (involving at least 12 hours of guided learning per week). Local authority assistance may be offered up to the end of the academic year in which they reach the age of 25.</p> <p>Leeds SEND Transport Assessment Officers will consider the eligibility of:</p> <ul style="list-style-type: none"> • All year 11 learners with SEND currently in receipt of travel assistance who will remain at the same setting; • Learners submitting new applications for travel assistance to post-16 learning settings: Learners currently in receipt of travel assistance to a post-16 learning setting who experience a change in circumstances, for example a move of home address or learning setting. <p>Upon receipt of a fully-completed application, or following a reassessment of travel needs for Year 11 learners currently in receipt of travel assistance, the local authority's SENSAP Officers will base their assessment on factors including:</p> <ul style="list-style-type: none"> • the age of the learner – they must be over the age of 16 but not yet 25; • whether they are attending school or college on a full-time basis – their course must involve at least 12 hours guided learning each week of the appropriate academic year; • the distance between their permanent home address and the school or college of further education; • the content of an EHC Plan or information provided by a qualified medical practitioner. • any available evidence or knowledge of the learner's history of travelling on transport provided by Leeds City Council.
Liverpool	<p>Post 16 Transport Statement 2019-20 document:</p> <p>Liverpool City Council has strict criteria which determine a pupil's eligibility for home to school transport. Such assistance is discretionary and is determined on an individual basis in accordance with the criteria set out below.</p> <p>The minimum criteria to be eligible for travel support from the Council are as follows:</p> <ol style="list-style-type: none"> 1. You must be a Liverpool resident 2. You must be attending a course at a school, further education college or institution or 16-19 Academy consisting of at least 450 guided learning hours per year 3. You must have an EHC Plan. Travel support will only be given where the parents or carers have requested that a school be named in the EHC Plan, which is not the nearest available school able to meet the pupil's needs, when the local authority deems this to be the most efficient use of resources. Please refer to further criteria. 4. You must be aged 16-18 years, or have started the relevant course before you turned 19 and are continuing to attend it. <p>An application which meets these minimum criteria will then be considered in accordance with the further criteria below. Applications which do not meet these minimum criteria will only be considered in accordance with the criteria below in exceptional circumstances.</p>



Core City	Post 16 Year Olds
	<p>Further Criteria for Travel Support: The Council has discretion to determine when to provide travel support to facilitate young people's participation in education and training and all referrals will be considered on an individual basis. This power to provide transport or financial support must be exercised reasonably and lawfully. In determining what support to provide, the Council will have regard to the following:</p> <ol style="list-style-type: none"> 1. The needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made; 2. The need to ensure that persons in the Liverpool area have reasonable opportunities to choose between different establishments at which education or training is provided; 3. The Council's general duties to ensure that enough suitable education and training is provided to meet the reasonable needs of 16-18 year olds; 4. Distance and journey time from the young person's home to establishments of education and training, the cost of transport there and alternative means of facilitating attendance at establishments; 5. The nature of the route or alternative routes which the young person could reasonably be expected to take; 6. The nature of the young person's special educational needs, disability or learning difficulty; 7. Anything set out in an Education Health and Care Plan about transport requirements; 8. Whether there is a nearer institution which is suitable and can provide the same or similar qualification(s); 9. Where a parent/carer has requested that a school be named in the EHC Plan that is not their nearest school that can meet the pupil's needs, the local authority will assess the costs of both the provision and transport needs. If this is not deemed to be the most efficient use of public resources, the nearest school will also be named in the EHC Plan and the parent/carer will be responsible for all transport costs. <p>Providing assisted transport will only be given for learners with special educational needs who have had their needs assessed against the set criteria above and the effect of their complex needs on their ability to travel. This may include:</p> <ul style="list-style-type: none"> • Complex communication difficulties • Severe and complex learning difficulties • Complex learning and behavioural difficulties • Physical and medical difficulties • Dual sensory impairment <p>Learners with special educational needs who have received transport assistance and are moving from statutory education (Y11) to further education will have their transport needs reassessed when they apply for transport provision. This is to ensure that any assistance offered is suitable to meet those needs. Continuing post 16 learners will also have their transport needs reviewed on an annual basis.</p> <p>Transport arrangements for eligible students aged 19-25 are made through Adult Services and will be discussed either at the Transition Review held as the student moves to Adult Services, or through a Social Work Assessment.</p>
Manchester	<p>Post 16 Transport Policy Statement - 2018-19</p> <p>The Council itself does not generally provide any transport or travel assistance for post-16 education. However, it does make some provision for young people aged 16-18 (and older in some cases) who have a Statement of Special Educational Needs/Education Health and Care Plan or have a disability or have</p>



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Core City	Post 16 Year Olds
	<p>learning difficulties. Such assistance is discretionary and is determined in accordance with the criteria set out below.</p> <p>The Council has a discretionary power to provide travel support to those over compulsory school age. A travel solution for attending their designated/qualifying school/college which provides the desired courses will reflect individual needs. The desired outcome of this approach is to actively encourage young people to travel as independently as possible and to develop confidence and vital travel and social skills to support options for continuing education, training and employment thereafter.</p> <p>A contribution towards the cost of a travel solution involving a vehicle will be sought from the parent/carer and if over 18 years, the individual themselves. Contributions will not exceed the cost of a bus pass for students age 17 to 25. The duration and frequency of the learning will also be taken into account.</p>
Newcastle	Newcastle Post 16 Transport Statement 2019/20 on website 'it must be noted that this Statement is currently under review by the People Directorate and is subject to change'. ⁷
Nottingham	<p>Post-16 Transport Policy Statement 2019/20 Academic Year.⁸</p> <p>Nottingham City Council has a discretion which it can use to offer financial assistance towards a person's reasonable travel expenses. The Council considers any application for transport assistance for a person of sixth form age SEND against this policy. Assistance will only be provided where the following circumstances apply, and the student is attending the nearest appropriate establishment offering the majority of the chosen course(s), and that establishment is more than 3 miles by the shortest walking route from the home address:</p> <ol style="list-style-type: none"> 1. Students with an Education, Health and Care Plan (EHC plan) Where a post 16 student has an EHC plan and is attending the school named within their EHC plan, as the nearest appropriate school/college for their post 16 education – public transport will be promoted for this group and travel training referrals will be made for all students with the expectation that they will be assessed for suitability for training by the end of the first term of post 16 education. A charge for transport will be made on a sliding scale based on the income of the family at the time of application. Low income families, will be required to contribute £250 towards the cost of transport. All other applicants will be required to make a contribution of £500 towards the cost of transport. 2. Students with SEND without an EHC plan For students with complex SEND without an EHC plan, assistance will only be provided where the student is attending the nearest appropriate establishment offering the majority of the chosen course(s), and that establishment is more than 3 miles by the shortest walking route from the home address. Low income families, will be required to contribute £250 towards the cost of transport. All other applicants will be required to make a contribution of £500 towards the cost of transport. All applications will be considered based on the evidence provided to support the claim at the time of application. <p>Application of the policy (general terms of provision)</p>

⁷ <https://bit.ly/2qWOsF8>

⁸ <https://bit.ly/35Nrv6p>



Core City	Post 16 Year Olds
	<ol style="list-style-type: none"> 1. Whilst the Council is not required, by law, to provide financial support for the transport of Post 16 students, it continues to provide assistance in this area. Eligibility will be conditional upon the student attending, on a full time basis, the nearest establishment offering the majority of the course. 2. The transport provided to eligible students should be the most cost effective to Nottingham City Council and will take the form of a travel pass to use on public transport. 3. Taxis will not be provided. The only exceptions to this will be for those students with severe physical or learning difficulties where, upon receipt of sufficient evidence, taxi provision will be considered alongside other options such as Independent Travel Training, a mileage allowance or a Personal Transport Budget. 4. Connecting transport will not be provided to a pick-up/muster point. Nottingham City Council will not procure new vehicles in the absence of existing transport routes. Where there is no existing transport in place students/parents will be responsible for travel arrangements to the nearest pick-up/muster point. 5. The legal requirement to provide education transport where the route is deemed unavailable to be walked, accompanied as necessary, only applies to students of statutory school age. Therefore, such circumstances will not confer an entitlement to transport assistance for post 16 students. 6. Transport services will not be tailored to meet individual timetables but consideration will be given whenever possible to minimise inconvenience to students. Specific transport will not be provided if the public or contract school bus timetables are not in line with that of the student. In such circumstances students are expected to make suitable adjustments to their travel arrangements. 7. In situations where, as a result of the course chosen by the student, the journey time is lengthy, whilst transport assistance will still be provided, the student/parent will be responsible for managing that journey. 8. Transport assistance is not provided to learners undertaking work placements, apprenticeships or traineeships. In these circumstances learners are advised to contact their employer or learner provider. <p>To be eligible for assistance a student must be under 19 years of age at the beginning of the first year of their course. For courses starting in the autumn term the academic year starts on 1 September. For the avoidance of doubt, a student who has already attained or will attain the age of 19 on or before 31 August before starting their course will not be eligible for support from the scheme. Any student aged 19 or over on 31 August in the calendar year of their application, will only be eligible to apply for support if they can demonstrate explicitly that their course is a continuation of one on which they have already successfully completed the first year of study, having started the course prior to attaining the age of 19. The onus will be on the student to prove continuous study.</p> <p>If a student with SEND attends a course which they started after their 19th birthday, the duty to provide transport only applies where the local authority needs to provide specialist transport to enable them to attend their education placement. This will be provided free of charge. Any other transport arrangements will be subject to the financial contribution identified in this statement.</p> <p>If a student is 19 or over and is attending a course as part of a formal or informal care plan, and is not eligible for support from the Post 16 transport scheme, they will need to seek support from an alternative funder/provider for the transport necessary to enable them to access that course.</p>
Sheffield	<p>Post 16 Travel & Transport Policy 2019-10</p> <p>Students aged 16-19 (Years 12-14)</p>



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Core City	Post 16 Year Olds
	<p>Students in Year 11 with an EHC plan transferring into Post 16 education and requesting travel support due to their Special Educational Needs/Disabilities must apply by submitting a 'Request for Travel Support form' to Sheffield City Council. This is in accordance with the Post 16 Transport to Education and Training statutory guidance for Local Authorities: www.gov.uk/government/publications/post-16-transport-to-education-and-training</p> <p>Completion of the Request for Travel Support form does not mean that learners will receive travel support - it is an application.</p> <p>A Travel Panel will consider all applications and determine:</p> <ul style="list-style-type: none"> • Whether the applicant qualifies for travel support; and • What form this travel support should take <p>Post 16 education entitlements to travel support will be subject to review and reassessment of needs. To fully understand their needs, Travel Assessment & Training Officers may need to meet with students and their parents/carers.</p> <p>Based upon the individual assessment of the young person's needs and ability to travel safely between home and the place of learning, Post 16 learners with Special Educational Needs/Disabilities are expected to participate in Independent Travel Training (ITT) wherever appropriate (see Section 6). This is something the council and learning providers are working together to promote and support.</p> <p>If students qualify for travel support to a school / college setting, Sheffield City Council will offer the most appropriate and cost effective form of support possible – this might not be transport.</p> <p>Charges for SEN Transport - Students aged 16-19 (Years 12 - 14) only: All students aged 16-19 (Years 12-14) who are eligible and access the Council's SEN transport to travel from home to school or college will be required to pay a contribution towards the total cost of travel. This applies regardless of whether the young person is living in the parental home.</p> <p>Learners/parents/carers will be notified of the cost of contribution in advance of their student attending Post 16 provision, along with a schedule of payment options and dates. This will be done once a request for travel support has been approved.</p> <p>Payments can be made annually, termly or monthly. Payments must be made on time so that we can continue to provide transport. If a family is struggling to make the necessary payment they should contact Sheffield City Council. Students who are eligible for either the Post 16 vulnerable or discretionary bursary will be expected to apply for and use this fund towards the contribution to transport costs.</p> <p>For students who accessed SEND Transport in the previous academic year - if the contribution was not paid in full for 2018/19 (excluding successful applications for the 16-19 Bursary Fund or Hardship Fund), then any request for transport for 2019/20 will only be considered if the outstanding amount is paid in full. Please note that payment of the contribution for 2019-20 would also apply.</p> <p>Travel/Transport for learners with a learning difficulty and/or disability aged 19-25: Where a young adult has a named education / training provider in their EHC Plan, and if taking into account their personal circumstances, transport is necessary to enable them to access this provision, then transport to/from the place of learning/training will be arranged on an individual basis without charge.</p>



3 Local Government and Social Care Ombudsman

Role and Powers

- 3.1 The Local Government and Social Care Ombudsman's role and powers are to investigate complaints about 'maladministration' and 'service failure' and can use the word 'fault' to refer to these. They also consider whether any fault has had an adverse impact on the person making the complaint. They refer to this as 'injustice'.
- 3.2 The Ombudsman cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. They are not an appeal body and cannot criticise a decision which is properly made or intervene to substitute an alternative view. It is not their role to decide whether a council should provide home-to-school transport to a child. However, they can consider whether a council has complied with law and statutory guidance, has considered an applicant's circumstances fully and has properly considered the use of its discretionary powers.

Birmingham City Council's Ombudsman Decisions

- 3.3 The Council's Ombudsman Liaison Team was contacted for information as to the number of decisions made by the Local Government and Social Care Ombudsman regarding SEND.
- 3.4 There were seven determinations from April 2016 to March 2017. Three: Premature complaints; one: outside jurisdiction; one: Ombudsman did not find in their favour and two: determinations of Maladministration with Injustice. All were about poor handling of the EHCP process, mainly how slow it was.
- 3.5 There were three determinations of maladministration with injustice from April 2017 to March 2018. Two were for home to school transport (incorrect information was given to the first panel and the second was for transport being late). The third case was for being slow in dealing with the EHCP.
- 3.6 There were five decisions from April 2018 to March 2019. One: no maladministration; three: premature complaints and one: Maladministration with Injustice (out of school without provision for a year and the EHCP had not been reviewed).
- 3.7 For 2019/2020 there have been seven determinations up to mid December 2019.
- One: On 18th June 2019 the Ombudsman report⁹ concerning a complaint about post 19 was presented to the Audit Committee as the Ombudsman had found that there was Maladministration with Injustice (Appendix A).
 - Five: Maladministration with Injustice (failure to provide education following an exclusion; delay in the EHCP process; incorrect post-19 transport decision; delay in dealing with education transport appeal and regarding SENAR).
 - Three: Premature complaints.

⁹ The Ombudsman issues a report in exceptional circumstances such as a systemic failure in a service.



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- One: No maladministration (Appendix B).
- One: No further action for an initial enquiry regarding SENAR.
- One: Outside jurisdiction regarding SENAR.

Ombudsman Decisions from May 2019 – October 2019

- 3.8 Appendix C provides details of the Ombudsman decisions from May 2019 – October 2019¹⁰ for school transport. In summary, where fault was found this was due to decisions not being in line with the council's own policy, government guidance, or where the decision making is unclear. This largely applies to improper appeal procedures or processes and this is discussed in chapter 4.

4 Potential Best Practice and Lessons that can be Learned

- 4.1 On the 2nd May 2019 the Children's Social Care O&S Committee called-in the Cabinet's decision to adopt the 0-25 Policy for Home to School Transport due to a number of concerns. Although, Cabinet reconsidered the decision and agreed to adopt the policy on the 22nd May 2019.
- 4.2 The previous committee members raised the concern that:
'there was a lack of clarity around the policy currently and that the current format of the policy is too long and not very user friendly or easy for parents to understand'.
- 4.3 Birmingham has one policy for all 0-25 year olds. Bristol and Leeds also have one policy, although they do not specifically mention children under 5 years old. Manchester has one policy specifically for children and young people with SEND. Newcastle City Council's website refers to three policies, although only one is on the website and the others are under review. Liverpool; Nottingham / Nottinghamshire and Sheffield have two policies (one for under 16 year olds and one for post 16 year olds).
- 4.4 Councils do not have a statutory duty to provide support for home to school transport for children with SEND who are under 5 years old. However, four of the core cities specifically mention that they may provide discretionary travel support. Birmingham's policy states that 'it will make a charge for this'.

Exceptional Circumstances

- 4.5 The previous committee members stated that the Council's
'policy still does not include examples or definitions to clarify what is meant by 'exceptional circumstances', 'discretionary' or 'unsafe routes'.

¹⁰ <https://www.lgo.org.uk/Decisions>



- 4.6 Of the core cities policies Manchester City Council's policy provides further information on exceptional circumstances and this is in the box below.

Manchester City Council's Policy

In addition to those outlined above, there are some additional, exceptional circumstances in which travel support to access education may be given. Specific consideration **will be** given to:

- Child/young person who has a temporary disability or illness.
- Child/young person with parents/carers who have medical needs or learning difficulties who are unable to represent themselves.

It is important to bear in mind the decision to provide travel support to access education is based on the child and young person's needs. When determining whether to offer travel support those factors to which consideration will not normally be given are listed below.

Consideration **will not** normally be given to:

- Parents work or other commitments.
- Personal circumstances when considering drop off/collection points and times.
- If a parent chooses to send their child to a school that is not the nearest suitable qualifying school to the home address.
- A journey from one educational establishment to another, including for off site training.
- Induction days, taster days, open days or interviews.
- Work experience.
- School trips (for journeys of this nature the organising school or institution will be responsible for travel arrangements).
- Dental, medical or hospital appointments, or other non-educational appointments.
- Children taken ill during the day.
- Children who are excluded during the day.
- Examination timetables – travel will not be tailored to examination timetables; it will only be provided at the standard school start and finish times.
- Out of hours clubs (breakfast club, after school activities); for journeys of this nature parents/carers will be responsible for travel arrangements.
- Where the child is staying in Short Break (respite) care - requests for support to and from Short Break or Residential Care should be directed to Social Care within the Council's Children and Family Service.

In these instances, a travel solution will be the sole responsibility of the child or young person's parent/carer.



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- 4.7 Also, Thurrock Council was found not at fault in its consideration of an appeal against its refusal to provide home to school transport, as it correctly applied the law and fully considered its discretionary powers. As a result, the Ombudsman could not question its decision. Please refer to Appendix D for Thurrock Council's exceptional circumstances guidance notes and application form.

Appeal Process

- 4.8 The previous committee members had serious concerns regarding the proposal to change the Stage 2 Appeal Panel from a Members Panel to an Officers Panel. As of the 21st November 2019 the Council still had the Education Awards (Review) Sub-Committee of elected members in operation.
- 4.9 Government guidance recommends councils have a two stage appeal process, first a review by a senior officer and then an appeal to an independent appeal panel that can consider written and verbal representations. Decision letters must set out the rationale for the decision reached.
- 4.10 Of the core cities: Bristol and Liverpool mention that their stage 2 appeal panel is comprised of elected members. Newcastle, Nottingham and Sheffield mention independent panel members but do not clarify whether these are elected members or officers.

Journey times

- 4.11 Concerns have been raised regarding transport problems: children being on the mini bus too long; the mini bus being late and / or cancelled etc. The following statements in the draft statutory guidance may assist members when discussing this:

Local authorities should ensure that the transport arrangements they make for eligible children are suitable, safe and reasonably stress free to enable the children to arrive at school ready for a day of study.

As a general guide, the maximum journey time should be 45 minutes for a child of primary school age, and 75 minutes for a child of secondary school age, including any time taken to walk to a pick up point, bus stop or train station. It is, however, recognised that this may not always be possible, particularly in rural areas.

Journeys for children with special educational needs, disability or mobility problems may sometimes need to be longer and more complex than for other children. Local authorities should, however, avoid extending routes for such children unnecessarily, and ensure that any issues arising from lengthier journeys are appropriately addressed.

Contact Officer:

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Appendix A: Ombudsman Report Presented to Audit Committee

On 18th June 2019 the Ombudsman report (April 2019 - reference number: 17 017 296) concerning a complaint about post 19 was presented to the Audit Committee as the Ombudsman had found that there was Maladministration with Injustice

The Ombudsman's Recommendations	The Council's view
<p>The Ombudsman recommended that the Council should write to Mr and Ms X to apologise for the distress and anxiety its actions had caused them.</p> <p>It should also pay compensation of £2100 to Ms X and £1500 to Mr X for the maladministration and injustice caused to them for the way it had handled the post-19 transport process.</p> <p>The Council should also implement the findings of its consultation on transport policy, ensure that applicants are clearly signposted towards the revised policy, keep proper records of its decisions and communicate the reasons for their decisions clearly and promptly.</p> <p>The Ombudsman found that all the transitional cases, such as Mr X's, should be reviewed by the Council and any retrospective applications should be considered and the decision recorded. The Council must report the results of this to the Ombudsman.</p> <p>The Council should also review its policy and procedure about the provision of guides so that risk assessments are conducted in a timely fashion.</p> <p>The Council should review its policy and procedure in relation to carer's assessments to ensure that staff are alert to the need for support.</p>	<p>The Council accepted the Ombudsman's recommendations at the draft report stage.</p> <p>The Council has made the payments requested by the Ombudsman and apologised to Mr and Ms X.</p> <p>Cabinet has recently approved a new 0-25 policy for transport assistance to educational provision. This includes Post 19. The Ombudsman recognised and welcomed the introduction of a new policy by the Council.</p> <p>The new policy was subject to comprehensive consultation and provided the Council with an opportunity to discuss not only the policy itself but also matters related to practice. This included how the policy was communicated to parents and young adults; how we can improve the clarity of the application process and how easy the process is to navigate. Subsequently, the Council has committed to working with parents to change the application forms for transport assistance and to introduce a new application process for Post 19. The website pages relating to transport support will be changed to make them easier to understand and case studies will be provided to help give parents a better understanding of the different types of transport support available.</p> <p>The decision making process for Post 19 applications is being changed. In the future, under the new policy, decisions will be made by an Independent Panel of professionals, including colleagues from Health, Safeguarding and Education, to ensure that the decision making process is transparent and consistent. Applicants will be able to attend Stage 2 Panel meetings to present their case. A new Quality Assurance Framework is also being introduced, which will include random 'deep dives' of decisions to ensure that the new process is working well. This framework will also ensure that decisions are communicated clearly and in a timely manner to applicants.</p> <p>All transitional cases are being reviewed. This exercise is almost complete. We are required to report back to the Ombudsman about this exercise by 28 June 2019 at the latest.</p> <p>With regard to the provision of Guides, in such new cases in the future, a new risk assessment will be undertaken to assess whether the requirements of the individual requesting transport has changed. In this case, there was some confusion about whether a male guide</p>



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The Ombudsman's Recommendations	The Council's view
	<p>was still required (as had been the case previously). A new risk assessment, undertaken in a timely manner, would have addressed this issue.</p> <p>This case has highlighted the need for improved communication between Children's and Adult's teams, where a parent may need a carer's assessment. Staff in Travel Assist have been informed that in such cases, they should ask the parent/guardian whether they would like/do not have a carer's assessment, and make the necessary referral to the Adult's Directorate as required.</p>



Appendix B: Birmingham City Council (18 012 900 – 7 August 2019)

Main Events

Complaint	Council's Response
In August 2018 the Council's Travel Assist team wrote to Mrs X. It advised they were removing the pupil guide allocated to Y's transport route from the start of the new academic term in September 2018. This was following a review of the transport and the Council considered it could run safely without a pupil guide.	The Council reversed the decision following Mrs Y's complaint and apologised for any distress caused.
Mrs X complained to Travel Assist in September 2018 about the length of time Y was travelling to and from school on the new transport route . Mrs X said Y's school was just over two miles away, but the route added hours to the child's day. Mrs X said it caused Y fatigue which impacted on the medical conditions. The Council found the journey time fell within the 75 minutes or less suggested by current government guidelines. But it agreed to review Y's transport route to try to reduce the travel time.	The Council carried out a comprehensive review of Y's transport route. It arranged an Occupational Therapist (OT) assessment in November 2018. This was to confirm whether the current transport was suitable, met Y's needs and did not compromise the child's safety and welfare. The OT assessed Y at home on a return from school and recommended reducing Y's travel times to make the school day shorter. This would allow Y to rest and recover between school days. In November 2018 the Council amended Y's transport route to alter the pick-up and drop off order.
In January 2019 Mrs X complained via social media about disruptions to Y's transport route and it not operating to schedule .	The Council investigated and found it due to the transport provider struggling to cover driver sickness absence. The Council apologised on behalf of the transport provider.
Mrs X complained in February 2019 via social media as she had needed to take Y to school one day due to problems with transport .	The Council contacted the transport provider who confirmed it was because of driver absence. The transport provider apologised to Mrs X.
Mrs X also complained about the late running of transport by 20 minutes on a day in April 2019 and two days in May 2019 on social media.	The Council contacted the transport provider who explained it was due to driver sickness absence.
Mrs X raised concerns in June 2019 via social media about the late running of transport route by 20 minutes.	The Council found it was because of the allocated driver altering the drop off order of the route due to a new child added to the route. The Council says the driver's actions were contrary to the instructions they were given. The transport provider will address the matter with the driver.

Ombudsman Assessment

- 4.12 The Council reviewed Y's transport route and considered it could be operated without a pupil guide. There was no requirement for the Council to consult with Mrs X over its decision to change the



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transport route. Mrs X complained to the Council once told of the decision. The Council reviewed and reversed its decision and apologised to Mrs X. I consider the apology is suitable action for the Council to take for any distress caused to Mrs X on receiving the Council's letter. The Council moved Y to a different route, so the child was not without a pupil guide.

- 4.13 There was no fault by the Council in not consulting Mrs X before changing the pupil guide provision. But the Council has accepted it would have been better if it had advised parents before any changes. So, it has changed its procedure to ensure it does so in future. I consider this is suitable action for the Council to take to ensure parents are aware of any possible proposed changes to transport routes.
- 4.14 The documents show that the Council responded to Mrs X's concerns about the length of time of Y's transport route and the impact on the child's health. The Council arranged an OT assessment and implemented the recommendations made to reduce Y's travel time. Mrs X and Y both confirmed they were happy with the new travel times.
- 4.15 There have been some issues with the timings of the route and occasional cancellations. The document show the Council has investigated and contacted the transport provider. The Council has apologised for the issues caused such as driver absence. While these are unfortunate, I do not consider they have been caused by fault by the Council.

Ombudsman's Final Decision

- 4.16 The Ombudsman has found no evidence of fault in the way the Council considered these matters.



Appendix C: Local Government and Social Care Ombudsman Decisions (May 2019 – October 2019)

Local Authority	Decision	Summary
London Borough of Bexley (19 003 689)	Upheld	The Council failed to comply with an Ombudsman recommendation to carry out a new assessment of eligibility in three complaints about home to school transport for children with special educational needs (SEN) and mobility difficulties. We are issuing this report because the Council did not comply with our recommendations. We are concerned that, despite the service improvements the Council says it has made, it repeated the same fault.
Hampshire County Council (19 001 757)	Upheld	Miss B complains about the Council's decision to change her son's home-to-school transport arrangements. The Ombudsman has found the Council was at fault for not considering Miss B's appeal in line with its own Policy. It is possible there might have been a different outcome had the Council properly considered the appeal. Therefore, we recommend that it considers Miss X's appeal request in line with its Policy and the statutory guidance on this matter. We also recommend that it revises its Home-to-School Transport Entitlement Policy to make this clearer about how it will handle appeals at stage two of its process. The Council has agreed to carry out these recommendations.
Coventry City Council (18 014 693)	Upheld	Mrs X complains on behalf of her adult son, Mr Y, that the Council wrongly refused to help with the cost of transport to the specialist college named in Mr Y's EHCP. The Ombudsman finds the Council's decision making was flawed because it assumed that Mrs X and other family members were available to transport Mr Y to college. The Council will retake its decision, apologise to Mr and Mrs X and pay £200 in recognition of the avoidable time and trouble caused by its fault.
Southampton City Council (19 003 829)	Closed after initial enquiries	The Ombudsman will not investigate Mr X's complaint about problems with his son's home to school transport. This is because there is not enough evidence of fault by the Council and it is unlikely we could add anything to the Council's response.
Birmingham City Council (18 012 900)	Not Upheld	Mrs X complains about the Council's response to her concerns about its decision to change the transport route used by her child to attend school and the impact caused to the child's medical conditions. The Ombudsman has found no evidence of fault in the way the Council considered these matters. The details of this are contained in Appendix B
Surrey County Council (19 000 557)	Not Upheld	Mrs M complained about her son, B's school transport. She is concerned for the safety of pupils using the service. The Council responded appropriately to her complaints.



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Surrey County Council (18 009 860)	Upheld	The complainant says the Council has failed to provide a suitable school transport service for her son. The Council replied it offered transport in line with its transport policy and cannot use the complainant's preferred provider because they have failed to meet the Council's standards. The Ombudsman finds the Council acted without fault in applying its transport policy. However, the Ombudsman finds the Council at fault in handling the preferred taxi provider's application and in failing to consider the complainant's needs (and the impact on her son) when offering transport. The Council has agreed to the Ombudsman's recommended remedy.
Herefordshire Council (18 017 909)	Upheld	There was fault in the way a Council considered an application for discretionary school transport. The Council should consider the application again, apologise, review its processes and make a time and trouble payment to the complainant. [The Council misunderstood the case].
Manchester City Council (18 013 621)	Upheld	The complainant alleges the Council wrongly refused to renew a personal travel budget to take her two children, who have special needs, to school. The Council was willing to reconsider its decision and to seek further information from one of the children's schools. The Council has now agreed to provide the complainant with a personal travel budget for one child. The Ombudsman is satisfied that this resolves the complaint.
London Borough of Barking & Dagenham (18 012 388)	Upheld	Mr X complains the Council failed to properly consider his appeal against the refusal of free home-to-school transport for his son, Y, who has SEN. He says walking Y through the streets to a pick-up point causes Y distress. There was fault by the Council as there is no evidence it considered the case Mr X made in reaching its decision. It will arrange a fresh appeal with a new panel.
Northamptonshire County Council (18 009 540)	Not upheld	The Ombudsman has discontinued our investigation into Mr B's complaint about the Council's post-16 transport policy. This did not cause his daughter a significant injustice [alleged injustice is now hypothetical, because Mr B's daughter received transport assistance for the duration of the academic year] . We have not exercised our discretion to look at how the matter affected (or will affect) other members of the public, because there is no evidence that anyone else has, or may have, experienced any injustice either.
Wokingham Borough Council (19 000 308)	Not Upheld	Mrs X complains the Council did not properly consider her appeal for home to school transport provision. Based on the evidence the Ombudsman has seen, there is no fault by the Council in the way it decided a school transport appeal.
Nottingham City Council (18 016 952)	Upheld	Summary: Mrs X complained about how the Council considered her application and appeal for her disabled son to receive home to school transport. The Ombudsman finds the Council was at fault because it did not follow the statutory guidance [lack of clarity about the criteria used for the Council's decision; the decision letters were inadequate and lack of verbal representations at the appeal]. To remedy this, the Council has agreed to apologise, reconsider the application and review its policy.
Oxfordshire County Council (18 016 808)	Not Upheld	Mr Y complains about the Council's decision to withdraw an offer of free home to school transport for his daughter, X. He says the Council's approach is unfair and inconsistent. Mr Y also complains about the conduct of the subsequent



		appeal hearing against the Council's decision. The Ombudsman does not uphold the complaint because there is no evidence of procedural fault and so we cannot question the merits of the Council's decision.
Suffolk County Council (18 011 446)	Upheld	Ms X complains the Council wrongly refused her Home to School Transport application. We found fault as the Council's Home to School Transport Appeals policy does not follow statutory guidance . We have recommended a suitable remedy in this case.
Kent County Council (18 018 238)	Not Upheld	The Ombudsman's decision is that there is insufficient evidence of fault by the Council or the appeal panel regarding its consideration of Mr X's school transport application and appeal.
City of Bradford Metropolitan District Council (18 015 770)	Upheld	The Council's school transport appeals panel failed to properly consider Mrs B's daughter's appeal for travel assistance . The Council's agreement to hold a further appeal with new panel members is satisfactory remedy for the injustice caused.
Derbyshire County Council (18 015 457)	Upheld	Mr B complains about the Council's handling of his application for free school transport for his child and his complaint following this. The Council did not give Mr B the opportunity to make verbal representations during the two-stage appeal process, which is fault as it is not in line with statutory guidance . This has caused uncertainty for Mr B and his family. The Council has agreed to offer Mr B a fresh appeal and apologise for not responding to his stage two complaint. The Council has amended its policy to allow verbal representations at appeal since Mr B made his complaint to the Ombudsman.
Manchester City Council (18 016 629)	Upheld	Mr S complains about the Council's handling of his application for free school transport for his child. The Council did not give Mr S the opportunity to make verbal representations at the final appeal stage , which is fault but does not cause Mr S significant injustice. The Council has agreed to review its free school transport policy to bring it in line with the statutory guidance.
London Borough of Hillingdon (18 015 996)	Not Upheld	Mr V complained the Council refused to provide home to school transport for his child, W. Mr V did not submit any documentation to the Council to suggest W was at risk if transport was not provided. There is no evidence of Council fault .
Nottinghamshire County Council (19 001 645)	Closed after initial enquiries	The Ombudsman will not investigate Mr X's complaint about the Council's decision not to provide his children with free transport to school. This is because there is not enough evidence of fault in how the Council has reached its decision and so we cannot question its merits.
Thurrock Council (18 012 732T)	Not Upheld	The Council was not at fault in its consideration of Ms B's appeal against its refusal to provide home-to-school transport to her children. It correctly applied the law and fully considered its discretionary powers . As a result, I cannot question its decision. Please refer to Appendix D exceptional circumstances guidance notes and application form .
Hampshire County Council (17 011 128)	Upheld	Mr and Mrs X complain the Council failed to consistently provide the school transport their son was legally entitled to from September 2016 until November 2017. The Ombudsman finds there was fault by the Council when it failed to organise an escort to accompany Mr and Mrs X's son to school, instead leaving Mrs X no choice but to accompany him instead. [The Council had agreed



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		to provide an escort, however the Council had problems organising an escort]. The Council agreed with our recommendation it should apologise, pay a suitable financial remedy to Mr and Mrs X and take steps to ensure it makes learning from this case available to relevant staff members.
Essex County Council (19 001 734)	Closed after initial enquiries	The Ombudsman will not investigate Ms X's complaint about the Council's decision not to provide her daughter with free transport to school. This is because the complaint is late and there are no good reasons for the Ombudsman to exercise its discretion to investigate.
Derbyshire County Council (18 006 622)	Upheld	Miss B complained about the actions of the Council in providing transport for her son to attend school and in dealing with an assessment for an education and healthcare plan. We found the Council took too long to inform Miss B that it would not refund her husband's working time when he had to take his son to school, but has taken sufficient action to put matters right.
Hampshire County Council (19 001 423)	Closed after initial enquiries	The Ombudsman will not investigate Mrs X's complaint about the Council's decision not to provide her son with transport to school. This is because the Council has agreed to consider if Mrs X's application warrants an exception to its transport policy. At this stage, an investigation by the Ombudsman could not achieve anything more.
West Sussex County Council (18 011 864)	Not Upheld	The complainant says the Council failed to recognise the significant differences between two college courses when deciding if it should provide discretionary transport to help a student with an EHC Plan attend his chosen course. The Council says it looked at the course contents of both colleges, noted they were broadly similar with some differences and so declined to provide transport to the named college. The Ombudsman finds the Council acted without fault in considering the application and appeal.
Manchester City Council (18 017 602)	Not Upheld	Ms M complains the Council refused her application for school transport for her daughter, G. G has moved schools since Ms M complained. I do not intend to investigate Ms M's complaint about transport to the school G no longer attends. Ms M should make a fresh application to the Council for transport to G's new school.
City of Bradford Metropolitan District Council (18 014 212)	Not Upheld	Ms X complained about the Council's Education Appeal Panel's decision to refuse her appeal for transport to school for her disabled child, P. The Council was not at fault. It considered Ms X's submission but P did not meet the eligibility criteria as he does not attend the nearest suitable school which had places available.
London Borough of Bexley (18 015 847)	Upheld	The Council's travel assistance policy for post-16 students and its decisions to refuse Ms M's application for Mr B's transport and her subsequent appeals are flawed. The Council has agreed to revise its policy [policy poorly written], apologise and make a symbolic payment to acknowledge the disruption to Mr B's education before the Council agreed to arrange his college transport.
Slough Borough Council (18 013 623)	Upheld	Mrs X complained that the Council failed to consider her application and appeal for home to school transport for her son properly. The Council was at fault in the way it considered the application and appeal. Its home to school transport policy is flawed [Children who cannot reasonably be expected to walk to school because they are disabled, or have special educational needs or mobility



		problems, are eligible for free transport under the Education Act 1996, even if the school is within statutory walking distance]. It has agreed to arrange a fresh appeal hearing and review and revise its policy.
London Borough of Newham (18 008 981)	Upheld	Mrs B complains the Council's failure to provide suitable transport to school for her son, who has special educational needs, meant he was out of education for an extended period in 2018. [The government guidance, 'Home to School Travel for Pupils Requiring Special Arrangements' (2004), advises on particular issues affecting pupils with severe learning difficulties. To be suitable, travel arrangements must be safe and reasonably stress-free, to enable the child to arrive at school ready for a day of study]. The Ombudsman finds there was fault by the Council in this matter, leading to injustice for which a remedy has been agreed.
Kirklees Metropolitan Borough Council (18 016 427)	Not Upheld	Ms K complains the Council failed to properly consider her school transport appeal. The Ombudsman considers there is no fault by the Council or the appeal panel.
Hampshire County Council (18 014 014)	Not Upheld	There is no fault in relation to this complaint that a school transport appeals panel failed to properly consider Mr F's appeal against a decision by Hampshire County Council to withdraw home to school transport.
Royal Borough of Greenwich (18 019 720)	Closed after initial enquiries	The Ombudsman cannot investigate Mr A's complaint about the Council's response to his request for school transport provision for his son. This is because he has taken legal action and appealed to a tribunal.
Bolton Metropolitan Borough Council (18 019 703)	Closed after initial enquiries	Mrs X complains the Council refuses to change the travel arrangements for her son's transport to school. [It acted to ensure Y's wheelchair was securely fastened when travelling. It decided not to act on her other concerns as it did not have corroborating evidence of the events]. The Ombudsman will not investigate this complaint as we have not seen any evidence of fault in the Council's actions.
Liverpool City Council (18 019 533)	Closed after initial enquiries	The Ombudsman will not investigate Miss X's complaint about the Council's decision not to provide her children with free transport to school. This is because there is not enough evidence of fault in how the Council has reached its decision and so we cannot question its merits.
Essex County Council (18 011 828)	Upheld	Mrs P complained the Council failed to consider her child's needs in deciding how best to provide home to school transport. This meant she had to escort her daughter to and from school on an informal basis. [Lack of clear communications, and lack of adequate record keeping. The decision making is unclear and this is fault and if a complaint is made, the Council should tell complainants how it will proceed on all aspects, even if one complaint is for another agency]. There is evidence of Council fault and the Council has agreed to make payments and amend its procedures.



Appendix D: Thurrock Council's Home to school transport – exceptional circumstances guidance notes and application form

General information

We consider applications from parents or carers who feel they have an exceptional circumstance, but do not meet the legal criteria for home to school transport.

Exceptional transport is a discretionary award and we will only consider circumstances that are entirely exceptional. Parents or carers must give a statement of their circumstances, which must show why – through no fault of their own – they cannot fulfil their responsibility to transport, fund or arrange alternative transport for their child/children. We will decide whether transport is necessary to enable the child to get to school.

We will consider whether the circumstances could have reasonably been foreseen by the parent or carer. For example, a medical condition may not be foreseeable, but where a parent or carer chose a school before confirming that transport was available the situation would be considered foreseeable.

Situations that might be considered exceptional include, but are not limited to:

- medical condition of a child
- medical condition of a parent
- family living in temporary accommodation and on the housing list
- mother or father moved into a refuge
- child is looked after or the subject of a child protection plan
- bullying
- complex social circumstances experienced by the family
- sudden and traumatic change of family circumstances outside the family's control
- family unable to make sure their child gets to school safely, for reasons outside their control

Situations unlikely to be considered exceptional include, but are not limited to:

- work or study means the parent cannot take their child to school or a pick up point
- parents' separation or divorce results in separate living arrangements

How we consider cases

We consider each case individually on its own merit. Exceptional home to school transport will be provided up to a maximum of one academic year, based on the period of time covered by the evidence provided. We review arrangements at the end of each term. Transport will be allocated specifically for the exceptional circumstance and will be withdrawn when the need ceases.

New starters must apply for transport within one month of their admission – applications outside of this period will be considered at our discretion



When completing your application

- The evidence you provide **must** be dated within the last 6 weeks.
- The types of situation that might be considered to be exceptional are:
 - sudden and traumatic change of family circumstances outside the family's control
 - child is the subject of a child protection plan
 - for reasons outside the family's control they are unable to make sure their child gets to school safely
- The situations that would be unlikely to be considered exceptional are:
 - work or study commitments mean the parent cannot take their child to school or a pick up point
 - family breakdown and fragmentation
- Applications for exceptional transport must be made in writing with supporting evidence –you must demonstrate clearly that:
 - you are not able to transport your child yourself logistically
 - you are not able to transport your child yourself financially
 - there are strong educational reasons to keep your child at their current school rather than move to a more local school where they could walk to school or be entitled to transport within the policy
- Before we consider the application we will normally need the application to be supported by either or both of the following depending on the circumstance:
 - written evidence from a suitably qualified specialist stating that the child is unable to walk to school
 - a written endorsement of the exceptional circumstances from a senior officer of the council, such as an education welfare officer or principal social worker
- In considering exceptional circumstances, the general expectations are that:
 - if one parent cannot take the pupil to school the other parent, another relative or a friend will assist
 - the distance criteria will usually still apply
 - the family's financial circumstances significantly limit their ability to find their own solution
- The phrase "exceptional circumstances" refers primarily to the circumstances of the pupil rather than those of the parent. Illness or disability of the parents may be taken into account, but parental work commitments or having children in more than one school is not deemed "exceptional".
- If your child has a statement of special educational needs (SEN) and you elect to send them to a school further away than their nearest appropriate school as identified using statutory assessment guidelines, you will be asked to sign a transport disclaimer. In doing this you are deemed to have taken responsibility for getting your child to and from school and therefore we cannot assist you. To discuss this further please contact your appropriate SEN coordinator.
- We will need evidence of any qualifying benefit you receive. The following benefits will be considered:
 - Income Support
 - Employment and Support Allowance – income-related
 - Child Tax Credit – income under £16,190
 - Guaranteed Pension Credit
 - Jobseeker's Allowance – income-based
 - maximum level of Working Tax Credit



Home to School Transport

Examples of exceptional circumstances and evidence

The table below lists some of the circumstances that may be considered exceptional, along with examples of the evidence needed to support an application. Other evidence may be accepted. Whilst a pupil may fall within a category, it does not guarantee a successful application.

This list is for guidance only – each case will be decided individually on its merit.

Circumstances	Evidence
1. Medical condition of the child If a child cannot use their usual mode of transport to get to and from school owing to a medical condition we may consider transport for a short period of time.	<ul style="list-style-type: none">• Full statement of circumstances, including why a parent, carer or friends or family cannot support the child.• Clear medical evidence from a suitably qualified specialist dealing with the child's case must be included in the medical assessment form. This must explain their medical condition and why it prevents your child from getting to and from school, accompanied as necessary. The length of time transport is required will need to be outlined in your evidence.• Income evidence must be provided.
2. Medical condition of parent If a parent/carers cannot get their child to school due to an unforeseen medical condition then transport may be considered.	<ul style="list-style-type: none">• Detailed medical evidence from a suitably qualified specialist dealing with the parent or carer's case which should explain why the parent is unable to walk or drive their child to and from school and the length of time this will be the case. This evidence must be included in the medical assessment form.• Income evidence must be provided.
3. Family moved into temporary accommodation Where a family has been placed into temporary accommodation and Thurrock Council's duty to re-house is confirmed by our Housing service, we will consider providing transport for up to 20 school days if the distance criteria are met. If the family is expected to stay in temporary accommodation for over 20 school days, they may apply for a place at a more local school or make their own transport arrangements.	<ul style="list-style-type: none">• Evidence from the council or housing association stating that the family have been made unintentionally homeless and are in temporary accommodation awaiting permanent housing. The letter must outline the temporary address and the approximate timeframe before the family is to be housed permanently.• Income evidence must be provided.
4. Mother or father moved to a refuge	<ul style="list-style-type: none">• Written evidence from the refuge stating that the parent and children are currently residing with them and if possible a timescale estimating the length of time the family will reside at the refuge.• Income evidence must be provided.



Circumstances	Evidence
5. Looked-after child	<ul style="list-style-type: none">In the first instance you should contact your social worker.
6. Exceptional social circumstances and complex needs We support schools in dealing with the complex social issues that a child and their family may experience. These circumstances can include incidents of bullying or difficulties arising from the child or the parents' social experiences that can lead them to needing support with transport to school. In the case of children experiencing bullying, the school should be given ample opportunity to resolve bullying issues before we consider providing transport to an alternative school. Where a parent chooses to move their child following a recommendation from the existing school – and evidence is provided – we would consider transport to the next nearest school with space or for children with special educational needs, the next nearest appropriate school to the home address as identified by Statutory Assessment Service.	<ul style="list-style-type: none">Evidence provided would need to state that the current school has fully recommended that the child move to an alternative school.Evidence that the child is being admitted to the nearest school with a space available at the time of application and admission.Other circumstances may be considered on a case by case basis provided full supporting evidence is submitted at the time of the application. These may include complex social situations experienced by the child and their family which led to the family seeking a school placement outside of their usual catchment area. Such moves are undertaken to assist the family to avoid negative experiences or relationships.

How we will process your application

Completed applications with sufficient evidence will be assessed within 10 working days. Cases will only be considered against our Home to School Travel and Transport policy.

Stage 1: Consideration by the Education Awards and Benefits Department.

Stage 2: If you are unsatisfied with the result of your Stage 1 application and the explanation given, you may ask for your case to be reconsidered by the Education Transport Panel. Applications will be considered administratively against the policy and either refused or agreed within 10 working days of the full information being received.

If you do not meet the exceptional circumstances criteria

If we decide that circumstances do not qualify a child for school transport, it remains the parent's or carer's responsibility to make sure the child attends school. Parents or carers must arrange transport, or may consider transferring the child to the nearest school with a place available.



Home to School Transport

Home to school transport – exceptional circumstances guidance notes and application form

Pupil details

To be considered, the pupils must be of statutory school age and have their principal and permanent home address within Thurrock.

Any support provided will cease in the event of the pupil moving out of the borough.

Child 1	
Surname	
First name	
Date of birth	
Does the child have an Education, Health and Care Plan (EHCP)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If 'Yes', do you give permission for us to obtain a copy of the EHCP from our Special Education Needs service?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Which school do they attend?	
Child 2	
Surname	
First name	
Date of birth	
Does the child have an Education, Health and Care Plan (EHCP)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If 'Yes', do you give permission for us to obtain a copy of the EHCP from our Special Education Needs service?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Which school do they attend?	
Child 3	
Surname	
First name	
Date of birth	
Does the child have an Education, Health and Care Plan (EHCP)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If 'Yes', do you give permission for us to obtain a copy of the EHCP from our Special Education Needs service?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Which school do they attend?	



Child 4	
Surname	
First name	
Date of birth	
Does the child have an Education, Health and Care Plan (EHCP)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If 'Yes', do you give permission for us to obtain a copy of the EHCP from our Special Education Needs service?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Which school do they attend?	

Parents / carer details

Where parents are divorced or separated, the home address will usually be considered the one where the parent receives child benefit.

	Main carer	Partner, if applicable
Title		
Surname		
First name		
Home address		
Postcode		
Preferred daytime phone number		
Alternative phone number		
Email address		
Relationship to child or children		

Please tell us below why you need exceptional transport.

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Please tell us below what supporting documents you will provide – if you are applying on medical grounds, supporting evidence from your doctor, hospital or medical professional should be attached to your medical assessment form.

If you have been placed in temporary accommodation by the council's Homelessness service, please provide a copy of your licence agreement.

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Home to School Transport

You should attach your additional information to this application form.

If you are unable to supply the supporting evidence with your application please tell us what date you will provide it.

Date evidence to be provided:	
-------------------------------	--

If we do not receive this information in full we cannot consider your application

If the exceptional circumstances are considered to be ongoing, then any transport awarded will be reviewed either annually, monthly or termly – depending on the details of the award.

Transport needs

From what date do you need transport?	
How does/do your child/children currently get to school?	
For how long do you need help with transport?	
Do you have access to a car that you can use?	
There may be a variety of ways we can offer transport , if there is any transport that would not be suitable please give us your reasons below.	

Household

Only include dependants for whom you receive child benefit or where you are awaiting the outcome of your child benefit application.

Dependent children	Age	Date of birth	Date applied for child benefit



Bank accounts and savings

Bank accounts and savings	Parent / carer	Partner, if applicable
I have a bank account in credit by:		
I have a bank account overdrawn by:		
I have a savings account or building society account with the amount:		

Income and Outgoings

Income – main carer		
Usual take-home pay	£	per
Income support	£	per
Other state benefits	£	per
Pension	£	per
Others give me	£	per
Other income:		
	£	per
	£	per
	£	per
	£	per
Regular expenses – excluding arrears		
Mortgage	£	per
Rent	£	per
Council tax	£	per
Water charges	£	per
Gas	£	per
Electricity	£	per
TV rental and licence	£	per
HP repayments	£	per
Mail order	£	per
Housekeeping	£	per
Food and school meals	£	per
Travel expenses	£	per
Children's clothing	£	per
Maintenance payment	£	per
Other expenses	£	per
Credit debts – loans and credit card debts		
	£	per
	£	per
	£	per

Income – partner, if applicable		
Usual take-home pay	£	per
Income support	£	per
Other state benefits	£	per
Pension	£	per
Others give me	£	per
Other income:		
	£	per
	£	per
	£	per
	£	per
Priority debts – arrears only		
Property debts:		
Mortgage arrears	£	per
Rent arrears	£	per
Council tax arrears	£	per
Water charge arrears	£	per
Fuel debts:		
Gas arrears	£	per
Electricity arrears	£	per
Other debts:		
Maintenance arrears:	£	per
	£	per
	£	per
	£	per
	£	per
Total priority debts:	£	per
I am behind with payments to		
	£	per
	£	per
	£	per

Is your child or children entitled to free school meals? ☐ Yes ☐ No

If you are applying for help on income grounds, please tell us below how much you believe you can pay towards the transport costs:

I can pay:	How often:
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Home to School Transport

How we will use your information

We will use your information to provide the service requested. We may share your personal data between our services and with partner organisations, such as government bodies and the police. We will do so when it is of benefit to you, or required by law, or to prevent or detect fraud. To find out more, go to thurrock.gov.uk/privacy. Get free internet access at libraries and community hubs.

- ☐ I confirm the personal information I have given is correct and I agree to its use as above.
- ☐ I am aware by giving false information I may forfeit any future entitlements.

Declaration

I understand that:

- if Thurrock Council is made aware that transport has been allocated based upon false information or fraud, then transport will be withdrawn immediately – fraudulent applications may lead to criminal proceedings
- Thurrock Council reserves the right to withdraw an award of travel assistance, on reasonable notice of up to one month, where this has been made in error – any payments that have been made in error may have to be repaid

I certify that the information provided is to the best of my knowledge correct and complete.

Signature	
Date	

Please return to: **Education Awards and Benefits,
Thurrock Council,
Civic Offices,
New Road,
Grays,
RM17 6SL**

For internal use only			
Assessor name		Start date:	
Transport awarded?	<input type="checkbox"/> Yes <input type="checkbox"/> No	End date:	
Decision agreed by:		Dated:	
Appeal agreed by:		Dated:	