

# Home to School and College Travel Assistance Policy for Children and Young People with Special Educational Needs and Disabilities

March 2018

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# 1 Introduction

- 1.1 This policy outlines the travel support available for children and young people with Special Educational Needs and Disabilities (SEND) living within the boundaries of Oldham to access education.
- 1.2 The aim of the Council's travel assistance policy is to ensure that all children and young people should lead lives that are independent and as free from restriction as possible.
- 1.3 The provision of travel assistance by the Council will be based on individual needs and circumstances and with regard to the efficient use of resources. As a general rule, the Council believes that the majority of children and young people with SEND will be able to travel free on public transport.
- 1.4 This policy is set out in four sections as follows:

## **SECTION 2 – Eligibility and Provision**

- Children attending a mainstream or special school with a Statement of Special Educational Needs or Education, Health and Care Plan.
- Children attending a mainstream school or specialist unit within a mainstream school who have additional learning or mobility difficulties without a Statement of Special Educational Needs or Education, Health and Care Plan.

## **SECTION 3 – Post 16 Travel**

- Young people 16 to 25 years with SEND as detailed within section B

## **SECTION 4 - Appeals**

- Appeals procedure

## **SECTION 5 – Legislation, Additional Information and Quality Standards**

- Appendices of definitions and additional information about the terms used in this policy

- 1.5 Wherever possible, in the provision of travel assistance, the Council will consider travel options that lead to reducing the number and length of vehicle journeys.
- 1.6 This policy explains:
  - Who is eligible for travel assistance from Oldham Council.
  - The statutory basis for the provision of travel assistance by local authorities.
  - What kind of travel assistance may be provided.
  - How applications for travel assistance are made and assessed, and how parents/carers can appeal against decisions made by the Council
  - The Council's transport service standards.

## 2 Eligibility and Provision

**This policy relates to Travel assistance for children and young people with significant Special Educational Needs and Disability, which will usually mean those with a statement of special needs (SEND), or an Education, Health and Care (EHC) Plan. It may in exceptional circumstances apply to those who are undergoing assessment for an EHC plan or have been placed by the Council in a school, to meet their SEND that is not their local catchment school.**

- 2.1 The majority of those children with a Statement of SEN or an EHC Plan will not need or receive specialised travel assistance from the Council.
- 2.2 Travel assistance will be provided for pupils who, because of their special educational needs, disability or mobility difficulties, cannot reasonably be expected to walk to their nearest qualifying school<sup>22</sup>.
- 2.3 In considering whether a child or young person cannot reasonably be expected to walk to school, the Council will consider whether they can walk to school on their own or with someone to accompany them. The Council expects parents to either accompany a child or young person to school themselves. Wherever possible, the Council expects parents/carers of children and young people to make arrangements for their child to attend school in the same way as for parents/carers of children or young people without a Statement, EHC Plan or disabilities, as this is an important factor in developing independence, social and life skills.
- 2.4 The Council reserves the right to make an assessment to determine eligibility for travel assistance under this policy<sup>23</sup>.

### **Other factors that may be taken into consideration when assessing a child or young person's eligibility for assistance with travel.**

- 2.5 Any disability of the parent/carer or the child or young person. The Council is under a duty to make reasonable adjustments if the usual application of this travel assistance policy places a disabled person at a substantial disadvantage in comparison with persons who are not disabled. For example, a disabled parent may not be able to accompany a child or young person to school, and support may need to be provided. A disabled pupil may need reasonable adjustments to be made to the kind of transport that is provided. In such cases, a parent/carer/ will be required to provide current medical evidence with their application.
- 2.6 When considering if travel assistance will be provided the council will consider personal circumstances such as parents/ carers attending work, taking other children into other schools or looking after other children, and also if there is a sibling or another child within the household with Special Educational Needs or Disabilities;
- 2.7 Any other exceptional circumstances applicable to each case.

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<sup>22</sup> Paragraph 30, Home to School Travel and Transport Guidance, July 2014.

<sup>23</sup> Section 508B, Education Act 1996.

## **Factors not taken into consideration**

- 2.8 When assessing eligibility for travel assistance, the Council, in common with other local authorities will generally not take the following factors into account:
- 2.9 Parental preference for a school named in part 4 of a statement of special educational needs or section I of a EHC plan, where the local authority considers that there is a suitable school nearer to the child or young person's home and that school is also named in Part 4 of the statement or section I of a plan. In such cases it will be open to the Council to include reference to the parents/carers accepting responsibility for all travel arrangements to the preferred school, and associated costs, in part 4/section I.
- 2.10 Travel assistance will not be provided for the following;
- Children or young people taken ill during the day;
  - any type of appointments including medical or any other specialists;
  - Children or young people who have been excluded during the school day;
  - breakfast or after school clubs;
  - Journeys from / to alternative addresses that incur further transport costs

The Council's policy on the provision of travel assistance for additional journeys is described in more detail at Section D.

## **What travel assistance may be offered?**

- 2.11 Once a child's eligibility for travel assistance has been agreed, the Council will decide what type of assistance will be offered. This decision will be based on the identified needs of the individual child or young person and will take account of the Council's duties to make the best use of its resources. It should be noted that the mode of travel assistance offered will be reviewed at least annually and may change as the needs of the child or young person change, whilst continuing to ensure the best use of the Council's resources.
- 2.12 For children attending school on a daily basis, travel assistance will usually only be provided for the beginning and end of the school day.
- 2.13 A child boarding on a weekly basis where the school is closed at weekends will be provided with travel assistance at the beginning and end of the school week, other periods of closure and during term time only. A child boarding on a termly placement where the school is not closed at weekends will be provided with travel assistance limited to the start and end of the school term, half terms and for periods of whole school closure only. Any other journeys required will be the responsibility of parents/carers including attendance at annual reviews, additional home visits at weekends or any other time.
- 2.14 The Council's policy on the provision of travel assistance for additional journeys in various circumstances is explained in Section D.
- 2.15 The Council will always consider forms of travel assistance that help to develop travel independence skills to enable children and young people to lead independent lives as they grow older.
- 2.16 The options that will be considered when assessing the travel assistance that will be provided will include, but are not limited to:

**Independent travel training:** In order for support children to travel independently, Oldham Council may offer Independent Travel Training as their travel assistance offer. The training will support your child to be taught the necessary skills that will allow them to effectively deal with and resolve a range of scenarios that they might encounter when travelling on public transport.

- Timetables (including time management)
- Orientation
- Road Safety
- Accessibility (access to transport, exits and purchasing tickets)
- Communication
- Personal Safety (including what-if scenarios)
- Travel Preparation

If the SEN Travel Assistance team identify through a transport application, the statutory assessment process or annual reviews that your child may have the potential to be supported to travel independently through a travel training programme, then they will arrange for their travel training provider to conduct an assessment to decide if training is a suitable option for your child. If it is decided it is suitable for your child then arrangements will be made to begin training, at the earliest opportunity.

A trainer from Pure Innovations will initially contact you to arrange an assessment and discuss the offer. This assessment process is undertaken by a qualified Travel Trainer and involves contributions from the young person and their parents, school staff and other professionals. It is expected that where independent travel training is offered as a travel solution, a young person will take this up.

Top up training will be available to support children and young people with transition when moving schools and on social routes during school holidays.

**Mileage rate:** The council will re-imburse parents a mileage rate if they choose to transport their child/young person to school in their own vehicle.

**This offer must be appropriate for both the Council and the family.**

Families are able to request this as an option by contacting the SEN Travel Assistance Team. This option may be of interest to you if:

- you wanted to take your child to school but needed support to make it financially viable for you
- your child has very complex needs and you wanted to make your own travel arrangements
- you wanted to combine the council's contribution with your personal finances to provide your child with bespoke travel assistance to meet their needs and fit in with your family circumstances

If you were offered this form of travel assistance, it would be your responsibility to ensure travel arrangements ensured that your child:

- is able to travel safely
- attends school regularly and on time
- is able to be effectively educated once they arrive at school

The level of reimbursement offered would be as follows:

- the mileage of a returned journey e.g. driving from home to school, dropping your child off and returning home
- the number of times you transported your child to and from school (total number of return journeys)
- once the total number of miles have been calculated then you will be able to claim 45p per mile as a reimbursement of your travel expenses
- payment are processed each month during the academic year and reach your account no later than the 15th of each month

**Personal Travel Budget (PTB):** Once a child / young person is determined as eligible for support, it may be possible for the Council to provide parents/carers with an amount of money to enable them to provide personalised travel arrangements that best and most flexibly suit the needs of their child and family. The sum provided will be at the discretion of the Council; it will be based on the distance travelled from home to school, and will not exceed the cost of direct provision of transport by the Council, or a share of that cost where the child would otherwise travel with other children in a shared vehicle. It is parents'/carers' responsibility to ensure that travel arrangements made by them are safe and accessible and that school attendance is maintained. A PTB can be refused or withdrawn if these conditions are not met.

**This offer must be appropriate for both the Council and the family.**

Families are able to request this as an option by contacting the SEN Travel Assistance Team. This option may be of interest to you if:

- you wanted to take your child to school but needed support to make it financially viable for you
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- the mileage of a returned journey e.g. driving from home to school, dropping your child off and returning home
- the number of times you transported your child to and from school (total number of return journeys)
- payment are processed each month during the academic year and reach your account no later than the 15<sup>th</sup> of each month

**Transport vehicles:** Where assessed as essential, the Council may provide a vehicle to transport a child or young person to and from school. Where transport vehicles are provided, these will be provided by a suitably qualified and licensed commercial provider working to contractual standards set by the Council. This may be picked up and dropped off at a convenient location, within a reasonable distance from their home, in many cases

from a recognised pick up and drop off point. Whenever possible, children will travel together in buses. These will be specially adapted to meet the needs of those travelling on them. Each route will be planned on the basis of school start and finish times and the shortest possible route for all children travelling on a particular vehicle. Under very exceptional circumstances the Council may transport pupils in separate taxis or private hire vehicles based on the assessed needs of the child or young person. Arrangements of this kind will be kept under regular review and, where possible, the opportunity will be taken to move to an alternative suitable form of travel assistance. Where possible and appropriate, vehicles may collect children attending different schools to ensure an effective use of resources.

**Travel pass:** To enable the child/young person to travel to school accompanied, if necessary, by an adult via public transport solutions. This is not offered as alternative travel support for an eligible child.

### **Vehicle transport service standards and provision of passenger assistants**

- 2.17 The vehicle transport service provided by the Council for children and young people will operate to the service standards described at Section D.
- 2.18 In some circumstances where the Council has assessed that there is a need a Passenger assistant may be provided to accompany pupils to school on transport provided by the Council. Passenger Assistants will be provided for the care of children or young people and to assist in the safe operation of the vehicle. A Passenger Assistant will not necessarily be provided simply because the pupil is school-aged or because he/she does not know the driver.
- 2.19 Assistance with travel will be provided to meet the needs of a child/young person. There may be circumstances when the transport will need to be reviewed as it is not working. While it is acknowledged that the child/young person has SEND and this may impact upon their behaviour, if the conduct of the child/young person compromises the safety of anyone travelling with them, the Council reserves the right to suspend or withdraw the transport provision. In these cases the Council will work with the family to try to find another travel solution for the child/young person. See Section D

### **Application and assessment process (all applicants)**

- 2.20 Applications for travel assistance will be given full consideration to the specific needs of the child or young person. Where it is decided travel assistance is appropriate it will be implemented as soon as possible following the decision. In a situation where a new contract and/or a Passenger Assistant needs to be procured this time scale may be longer in order to fulfil procurement and recruitment processes.
- 2.21 The application process is dealt with in three stages.

#### **Stage 1: Initial Application**

For all applicants (with or without an EHC Plan), the parent/carer must make a formal request for travel assistance before any support is considered. Application forms can be obtained from the Oldham Council website or by telephoning the Home to School transport Team on 0161 770 3209. Applications will be acknowledged within five working days on receipt of the application. An initial evaluation of the application will then determine whether assistance is likely to be approved, declined or whether further assessment is required. The parent/carer will be informed in writing of the outcome of the application.



## **Stage 2: Assessment**

This stage will include the evaluation of the request form, and the family circumstances. It may lead to an assessment for being completed by an Independent Travel Trainer which would include a home visit, consultation with the child or young person's school/caseworkers and any other relevant specialists.

This assessment will normally be completed within fifteen working days following receipt of the application, depending on the complexity of the circumstances. If further evidence is required, this may delay the process and parents/carers will be notified in writing within ten working days. If parents/carers do not provide any further evidence which is requested within a reasonable time period, their application may be declined. If the application is declined at this stage parents/carers may appeal against such a decision if they wish.

## **Stage 3: Implementation**

Where the Council agrees to provide travel assistance it will also decide what type of travel assistance would be suitable and appropriate to meet the needs of the child. The parent/carer will be requested to sign an agreement before the travel assistance is provided and the agreed assistance will normally be implemented within ten working days following the completion of the assessment stage. If a parent/carer does not accept the travel assistance offered by the Council, their application will be considered to have been withdrawn and they will need to take responsibility for their child's attendance at school themselves.

If travel assistance is granted for a limited period, parents/carers will be required to submit a new application, or to provide further information, in order to secure continued assistance. At any point throughout the application process parents/carers have the right to appeal as detailed in Section C.

## **Travel Assistance Reviews**

- 2.22 All children and young people's eligibility for travel assistance will be reviewed regularly and at least annually. For children and young people with Statements or EHC Plans, their continued eligibility for travel assistance will be discussed at the child or young person's school as part of the annual review. Parents/carers should attend the review in order to consider whether or not travel assistance continues to be appropriate. Where travel assistance has been granted on a time-limited basis further information will be sought prior to the end of the agreed assistance period to enable a timely review to take place. The Council may also review eligibility for travel assistance by means of a scheduled meeting or via telephone contact. If parents/carers do not participate in these reviews it may result in travel assistance being withdrawn. Parents/carers will be informed of all decisions in writing, including notification of the right to appeal.
- 2.23 Travel assistance will also be reviewed when there is a significant change in circumstances, such as a change in home address, school or a change in the child's or young person's needs. It is the responsibility of the parent/carer to notify the Council immediately of any changes that may affect the provision of travel assistance.
- 2.24 Any changes will be implemented from the beginning of the next half school term / school term or sooner where possible.

## **Cessation of Support**

2.25 The Council will review and remove travel assistance where the child or young person's individual circumstances have changed and either the child or young person is no longer eligible for support, or the child or young person has been assessed as not requiring such support. Assistance may also cease on the request of the parent/carer who may have made alternative arrangements for their child's or young person's travel to school.

### 3 Post 16 Travel

- 3.1 Local Authorities have a duty to facilitate access to full-time education for all young people aged 16 -18 years<sup>24</sup> and those continuing learners who started their programme of learning before their 19<sup>th</sup> birthday and this may include assistance with travel in certain circumstances. Under Raising the Participation Age Agenda, young people must remain in full time education and training until the age of 18 years.
- 3.2 In line with the Council's duty under the Education and Skills Act 2008 to encourage, enable and assist participation of learners with learning difficulties in education and learning, this policy will apply, in some cases to young people up to the age of 25 subject to an individual assessment of need.
- 3.3 In line with the Children and Families Act 2014 and as part of the SEND reforms, it is expected that young people will work towards independence from the earliest opportunities both at home and through their educational placement. The majority of young people who will attend college will be able to travel independently and for those who cannot, opportunities for this to take place should be maximised, through a range of providers.
- 3.4 Unless there is an individual assessment of need for assistance with travel the responsibility for travel to and from college rests with the young person and their family. There are a number of travel options available within the local community that young people can access. Alternative travel options are listed at:

[http://www.oldham.gov.uk/downloads/file/714/home\\_to\\_school\\_transport\\_policy\\_annex\\_a](http://www.oldham.gov.uk/downloads/file/714/home_to_school_transport_policy_annex_a)

- 3.5 Travel assistance may be provided for young people over 16 years with special educational needs who are attending a full time course at the nearest provision to their home. Where an out of area provider is chosen, travel assistance will not be provided if the course on which the young person is enrolled is available at a nearer college. Where an out of area provider is named on an EHC Plan and the Council is satisfied that local provision can meet need, travel to and from the provider will be the responsibility of the young person and/or their family. Assistance will not be provided for passenger assistants or for students undertaking a residential course.
- 3.6 Travel support is not available for trips, work experience or any other activity associated with the college course. Assistance should be discussed directly with the college.
- 3.7 The options that will be considered when assessing the travel assistance that will be provided will include, but are not limited to:

**Independent travel training:** In order for support children to travel independently, Oldham Council may offer Independent Travel Training as their travel assistance offer. The training will support your child to be taught the necessary skills that will allow them to effectively deal with and resolve a range of scenarios that they might encounter when travelling on public transport.

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<sup>24</sup> Section 509AC of the Education Act 1996 defines persons of sixth form age for the purposes of the sixth form transport duty.

- Timetables (including time management)
- Orientation
- Road Safety
- Accessibility (access to transport, exits and purchasing tickets)
- Communication
- Personal Safety (including what-if scenarios)
- Travel Preparation

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A trainer from Pure Innovations will initially contact you to arrange an assessment and discuss the offer. This assessment process is undertaken by a qualified Travel Trainer and involves contributions from the young person and their parents, school staff and other professionals. It is expected that where independent travel training is offered as a travel solution, a young person will take this up.

Top up training will be available to support children and young people with transition when moving schools and on social routes during school holidays.

**Mileage rate:** The council will re-imburse parents a mileage rate if they choose to transport their child/young person to school in their own vehicle.

**This offer must be appropriate for both the Council and the family.**

Families are able to request this as an option by contacting the SEN Travel Assistance Team. This option may be of interest to you if:

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- you wanted to combine the council's contribution with your personal finances to provide your child with bespoke travel assistance to meet their needs and fit in with your family circumstances

If you were offered this form of travel assistance, it would be your responsibility to ensure travel arrangements ensured that your child:

- is able to travel safely
- attends school regularly and on time
- is able to be effectively educated once they arrive at school

The level of reimbursement offered would be as follows:

- the mileage of a returned journey e.g. driving from home to school, dropping your child off and returning home
- the number of times you transported your child to and from school (total number of return journeys)

- once the total number of miles have been calculated then you will be able to claim 45p per mile as a reimbursement of your travel expenses
- payment are processed each month during the academic year and reach your account no later than the 15th of each month

**Personal Travel Budget (PTB):** Once a child / young person is determined as eligible for support, it may be possible for the Council to provide parents/carers with an amount of money to enable them to provide personalised travel arrangements that best and most flexibly suit the needs of their child and family. The sum provided will be at the discretion of the Council; it will be based on the distance travelled from home to school, and will not exceed the cost of direct provision of transport by the Council, or a share of that cost where the child would otherwise travel with other children in a shared vehicle. It is parents'/carers' responsibility to ensure that travel arrangements made by them are safe and accessible and that school attendance is maintained. A PTB can be refused or withdrawn if these conditions are not met.

**This offer must be appropriate for both the Council and the family.**

Families are able to request this as an option by contacting the SEN Travel Assistance Team. This option may be of interest to you if:

- you wanted to take your child to school but needed support to make it financially viable for you
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The level of reimbursement offered would be as follows:

- the mileage of a returned journey e.g. driving from home to school, dropping your child off and returning home
- the number of times you transported your child to and from school (total number of return journeys)
- payment are processed each month during the academic year and reach your account no later than the 15<sup>th</sup> of each month

**Transport vehicles:** Where assessed as essential, the Council may provide a vehicle to transport a child or young person to and from school. Where transport vehicles are provided, these will be provided by a suitably qualified and licensed commercial provider working to contractual standards set by the Council. This may be picked up and dropped off at a convenient location, within a reasonable distance from their home, in many cases from a recognised pick up and drop off point. Whenever possible, children will travel together in buses. These will be specially adapted to meet the needs of those travelling on them. Each route will be planned on the basis of school start and finish times and the shortest possible route for all children travelling on a particular vehicle. Under very

exceptional circumstances the Council may transport pupils in separate taxis or private hire vehicles based on the assessed needs of the child or young person. Arrangements of this kind will be kept under regular review and, where possible, the opportunity will be taken to move to an alternative suitable form of travel assistance. Where possible and appropriate, vehicles may collect children attending different schools to ensure an effective use of resources.

**Travel pass:** To enable the child/young person to travel to school accompanied, if necessary, by an adult via public transport solutions. This is not offered as alternative travel support for an eligible child.

## 4 Appeals

4.1 If an application for travel assistance is not approved by the Council, or the parent/carer disagrees with the type of assistance being offered, parent/carers have a right of appeal. The appeal should be made in writing within 20 working days of the decision letter being received by the parents/carers. Appeals are administered in two stages:

4.2 **Stage 1: Review by a Senior Officer** - A parent has 20 working days from receipt of the Council's home to school transport decision to make a written request asking for a review of the decision.

- The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- Within 20 working days of receipt of the parent's written request a Senior Officer reviews the original decision and sends the parent a detailed written notification of the outcome of their review, setting out:
  - The nature of the decision reached;
  - How the review was conducted (including the standard followed e.g. Road Safety GB);
  - Information about other departments and/or agencies that were consulted as part of the process;
  - What factors were considered;
  - the rationale for the decision reached; and
  - Information about how the parent can escalate their case to stage two (if appropriate).

4.3 **Stage 2: Review by an Independent Appeal Panel** - A parent has 20 working days from receipt of the Council's stage one written decision notification to make a written request to escalate the matter to stage two.

4.3.1 Within 40 working days of receipt of the parents request an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days of the date of the appeal hearing), setting out:

- The nature of the decision reached;
- How the review was conducted (including the standard followed e.g. Road Safety GB);
- Information about other departments and/or agencies that were consulted as part of the process;
- What factors were considered;
- The rationale for the decision reached; and
- Information about the parent's right to put the matter to the Local Government Ombudsman (see below).

4.3.2 The independent appeal panel members will be independent of the original decision making process (but are not required to be independent of the Council) and suitably experienced (at the discretion of the Council), to ensure a balance is achieved between meeting the needs of the parents and the Council, and that road safety requirements are complied with and no child is placed at unnecessary risk.

4.3.3 In the event of an appeal being upheld by an independent appeal panel, the Local Authority accepts responsibility from this date and support will be set up within 10 working days.

- 4.4 Local Government Ombudsman – Parents, carers, children and young people have the right of complaint to the local Government Ombudsman.
- 4.5 The Local Government Ombudsman will consider complaints where the complainant considers that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

### **Complaints**

- 4.6 Once travel assistance has been agreed any concerns regarding the provision of the service should be made in the first instance to the Transport Team.
- 4.7 All complaints on the process for assessing eligibility for transport provision will be handled through the Council's formal complaints process. Full details are available on the Council website. Complaints regarding the outcome of the assessment process will be addressed as part of the appeals process as described above.



## 5 Legislation, Additional Information and Quality Standards

### Legislation and responsibilities home to school travel

- 5.1 Parents/carers are responsible for ensuring that their children attend school regularly under s.444 of the Education Act 1996 (as amended). This includes arranging any necessary travel to and from school and/or accompanying their child as necessary. No dispensation will be made for parents who are working at the time their children travel to and from school or who take other children to other schools at the time their children travel to and from school. In both cases parents are expected to make other suitable arrangements for someone else to accompany their children as necessary.

The Council has a duty to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school.

- 5.2 There is no statutory entitlement to travel assistance for pre-school children. Children of pre-school age will not be provided with travel assistance other than in exceptional circumstances.
- 5.3 In support of this policy, the Council works with schools to provide safe travel routes to and from school, to encourage sustainable methods of transport, including walking and cycling, and to encourage all forms of independent travel by children and young people wherever possible and practicable.
- 5.4 This policy has been developed with full regard to the Department for Education Guidance on Home to School Travel and Transport

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277016/Post-16\\_Transport\\_Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277016/Post-16_Transport_Guidance.pdf)

- 5.5 Parents/carers are responsible for their child's safety while travelling to and from school. Where the Council has provided assistance with travel to support a child access education, parents/carers remain responsible for their child's safety before and after these arrangements take place.
- 5.6 While parents/carers have the right to express a preference for which school they wish their child to attend, a child and young person who attends a school which is further away than their nearest suitable qualifying school with places available, will not be eligible for travel assistance, except in exceptional circumstances, even if the distance from home to the school they attend is more than the qualifying walking distance.
- 5.7 A qualifying school is taken to mean the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have.
- 5.8 Any travelling arrangements or expenses will be the responsibility of parents/carers if there is a nearer suitable qualifying school. It is the parents/carers responsibility to ensure their child gets to and from school safely and they should consider the practicalities of choosing a school that is not within the qualifying walking distance.

## Legislation and responsibilities home to college travel

- 5.9 Under the Education Act 1996 (as amended by the Education and Inspections Act 2006), local authorities have a duty in certain circumstances to make such travel arrangements as they consider necessary in order to ensure that suitable home to school travel arrangements are made for the purpose of facilitating a child's attendance at relevant educational establishments for children below 6<sup>th</sup> form age.
- 5.10 In addition, local authorities also have a duty to facilitate access to full-time education for young people aged 16-19 and this may include assistance with travel in certain circumstances.
- 5.11 The family must be able to demonstrate the following:
- Family must reside with the Borough of Oldham for the duration of their course
  - College/school must be the nearest that offers the course. If the young person chooses a college further away they must demonstrate exceptional need to attend that college to be given assistance. If they cannot do so the young person will be responsible for their own costs

## Additional Information

- 5.12 **Change of School Day:** The council will consider making changes to arrangements however, if additional costs are involved, the Council reserves the right to make arrangements for all or part of those costs to be charged to the school concerned.

If there is a change to time of the school start or finish day for school events or school holidays, transport will not be provided.

It should be noted that examination timetables do not constitute a change in the school day.

- 5.13 **Exceptional Circumstances:** Each case will be submitted and considered on its own merits by the SEND Moderation Panel.
- 5.15 **Home Address:** the address where the child resides. Where a child spends time with both parents/carers in separate homes and both have parental responsibility, the Council will need to establish where the majority of school nights (Sunday to Thursday) are spent and treat that as the home address. Home to School transport is not provided to alternative addresses e.g. grandparents, child-minders. Any change in transport remains the decision of the Council.
- 5.16 **Low Income Families:** Children whose parents are in receipt of the maximum level of working tax credit or children who are entitled to free school meals. For those families in receipt of Universal Credit the statutory guidelines for eligibility as low income will be followed.
- 5.17 **Mileage rate:** A mileage rate of forty 46p per mile will be paid for the return journey based upon the mileage determined by the Council's ICT transport data base measurement tool. This will be paid after reconciling with school attendance records.
- 5.18 **Relevant Educational Establishment:** Section 508-B (10) of the Education Act 1996 defines a relevant educational establishment as either a qualifying school or places (other than schools) where a child is receiving education by virtue of the arrangements made



## **Additional Journeys**

- 5.31 **Introduction.** This section explains the Council's policy for the provision of Travel Assistance for journeys additional to the normal provision at the beginning and end of the normal school working day.
- 5.32 **School Trips.** Home to school transport timings may be adjusted by the Council on request from schools to take account of connections with the departure/ arrival of educational or recreational school trips. Schools must notify such requests to the Council as early as possible to enable an assessment of any additional costs to be made. Where adjustments in timings would result in additional transport costs to the Council, schools will need to take this into account in the planning of school trips, and such costs must be reimbursed to the Council as part of the school's costing arrangements for the whole trip.
- 5.33 **Work Experience.** Transport will not be provided to enable students to undertake work experience.
- 5.34 **Induction Days/ 'Taster Days'.** Transport may be made available for entitled children attending Induction Days or 'Taster Days' at the Council's Special Schools and resourced provisions. Transport may also be provided for entitled children attending Induction/'Taster Days' at Independent Schools where such a school has been named by the Council in the child's Statement or Education and Health Care Plan and there is no other school closer to the child's home that can meet the child's needs.
- 5.35 **Breakfast Clubs/After School Clubs.** Transport will not be provided or adjusted to enable students to attend breakfast clubs/ after school clubs that do not fulfil part of the school curriculum, except where transport to/from such clubs can be provided without additional cost to the Council and where staff are available to support where required.
- 5.36 **Illness at School.** Transport will not normally be provided for students who are taken ill at school to enable them to return home. This is a parental or school responsibility.
- 5.37 **Medical/Dental Appointments.** Transport will not be provided or adjusted to enable students to attend medical or dental appointments. This is a parental responsibility.
- 5.38 **Detentions.** Transport will not be provided to take children home after detentions. This is a parental responsibility.
- 5.39 **College Attendance Whilst Registered at School.** For older children who spend a whole day at college or become dual-registered at the college whilst still being a registered pupil at a school, travel arrangements on those days may be adjusted to set down and pick up at the college, if this is possible within existing arrangements at no additional cost. If not, travel arrangements are the responsibility of the school or parent/carer. Transport arrangements for journeys during the school day to attend college placements are the responsibility of the school at which pupils are registered (for pupils with statements of SEN or EHC Plans this will be the school named on the statement or plan).

## **Vehicle Transport Service Standards**

- 5.40 The Home to School Transport Team is responsible for arranging and overseeing all agreed methods of travel assistance provided to pupils with or without a Statement of SEN/EHC Plan. Travel assistance will be provided according to the agreed school placement arrangements (e.g. daily, fortnightly, or in the case of 52 week provision at the start and end of the placement only). The responsibilities of the Home to School Transport Team include, but are not limited to;

- Implementing agreed travel assistance, e.g. allocating suitable routes and pick-up and drop-off points
- Day to day amendments/queries relating to travel assistance
- Managing provider contracts
- Managing contracts with licensed transport providers
- Monitoring of transport providers
- Investigating and responding to complaints about transport services

5.41 The service standards described below act as guidance and clarity for the service users for who travel assistance is provided. Underlying these standards is the principle that, if the Council agrees to provide travel assistance, it will be provided in a safe, suitable and cost effective manner, taking account of the child's specific needs and with regard to the best use of the Council's resources.

#### 5.42 **Vehicles**

- All transport will be provided in accordance with contractual standards and legislation.
- All vehicles will be properly licensed in accordance with local regulation and national legislation
- The Council will conduct regular monitoring of quality and service standards on all vehicles operated by its contractors.
- Vehicles will have specialist wheelchair access and wheelchair restraint systems where necessary.
- All vehicles will be road worthy, clean inside and out, fitted with seat belts and carry emergency equipment i.e. fire extinguisher and first aid kit and any other equipment/notices required by law, e.g. children sign on front and back of vehicle.

#### 5.43 **Transport Service Personnel**

##### 5.43.1 **Passenger Assistants**

- The Council may provide a Passenger Assistant for children and young people who have severe physical or learning disabilities and/or challenging behaviours and where the child's safety requires it, and as determined during the assessment phase.
- The need for a Passenger Assistant will be reviewed annually as part of the child's annual review.
- Passenger Assistants will not be provided where parents/carers make their own travel arrangements.
- Where provided, the Council will make every effort to ensure the same Passenger Assistant is used on a regular basis. This may not always be possible due to staff shortages, illness, holidays, retirement and staff resignations. Changes may also be necessary from time to time to ensure the efficient use of resources.
- The Passenger Assistant should assist children on and off the vehicle and ensure they are seated safely while the vehicle is moving.
- Passenger Assistants must treat parents/carers and children with respect and avoid confrontations. It is also expected that parents/carers will treat the passenger assistants with respect and consideration.
- Passenger Assistants should deliver children to a member of school staff on arrival at the school so that at no time are children left unattended on the vehicle.
- If the Passenger Assistant has a concern for any child in their care, the head teacher and the Home to School Transport Team will be informed.
- Passenger Assistants are not authorised to leave a child with anyone other than their parent/carer or named responsible adult (16+) identified in advance to the Home to School Transport Team in writing by the parent/carer.

- All Passenger Assistants will have enhanced Disclosure and Barring Service (DBS) clearance.
- Passenger Assistants must carry and display Oldham Council identification at all times.
- Passenger Assistants must adhere to the Council's no smoking policy.
- Passenger Assistants have strict instructions not to enter into any personal arrangements with parents/carers, including changing pick up or drop off points without consulting with the Home to School Transport Team.

#### 5.43.2 Drivers

- Drivers must carry and display suitable identification at all times.
- Drivers must have enhanced DBS clearance.
- Drivers must, as far as possible, be punctual.
- Drivers must ensure that all wheelchairs are securely clamped.
- Drivers must treat parents, children and Council staff with respect and avoid confrontations. It is also expected that parents/carers and Council staff will treat the drivers with respect and consideration.
- Drivers must report any poor behaviour of passengers to their supervisor to relay onto the Home to School Transport Team. Also to the school and parent as necessary.
- Drivers must ensure that all passenger harness and safety straps are properly adjusted and fitted securely before the journey commences.
- Drivers must adhere to the Council's no smoking policy.
- The driver is to stop, as close to the home address or collection point as traffic conditions will safely permit.
- The driver is not allowed to sound his horn to alert parents that they are there.
- Neither drivers nor Passenger Assistants are responsible for taking a child across the road if a parent/carer is waiting on the other side.

#### 5.44 Health and Safety

- All wheelchairs and buggies used for passenger seating in the vehicles (ie not folded and stowed) must be crash tested and certified suitable for transport.
- The Home to School Transport Team will use the Transport Information Forms completed by parents/carers each year, together with information provided by the SEN team, to inform Risk Assessments for travel arrangements for each child. The majority of children/young people will be covered by a generic Risk Assessment for transport. However, in more complex cases, a specific Risk Assessment will be undertaken. Relevant information from these Risk Assessments will be shared with transport providers to enable them to exercise their duty of care to passengers that they are transporting. Such information will be protected by the Council's contractors in accordance with agreed data protection arrangements.
- Passenger Assistants are trained in Disability Awareness, safeguarding, basic First Aid and receive additional training specific to the child's needs where necessary. However, in the event of an emergency, Passenger Assistants and drivers will contact 999 emergency services in the first instance.
- Transport staff are not permitted to administer any medication to passengers.
- It is vital that parents/carers advise the Home to School Transport Team of any health concerns that may affect their child whilst on transport. Such information may include details of things such as allergies, for example, even if not thought to be directly relevant to transport. This information must be included in the Transport Information Form when vehicle transport is agreed and reviewed annually, and whenever the child's needs change.

- Children and young people are not permitted to consume food or drinks whilst on board a vehicle unless this has been agreed in exceptional circumstances by the Home to School Transport Team. This standard will be strictly enforced to ensure the continuing safety of all passengers whilst travelling.
- It is the responsibility of parents/carers to ensure that arrangements are in place AM and PM to ensure the safe handover of their child to and from the care of the transport provider. The handover of children must happen at the vehicle, apart from in exceptional circumstances agreed with the Home to School Transport Team in advance, to ensure that the Passenger Assistant and driver can maintain the supervision and safety of other passengers.
- In the case of extreme weather conditions, transport services will not operate. Decisions to cancel transport will be taken by the Transport Manager and/or transport providers according to information provided by schools and on the basis of their own risk assessments.
- In the case of extreme weather conditions, should a parent or carer choose to transport their child to school themselves, then it is their responsibility to undertake the return journey as well.

#### 5.45 Journey times

- The Council will endeavour to ensure that pupils arrive at school fit to learn, and recognise that the length of the journey to school can affect this aim.
- Journey times may be longer where pupils are travelling to schools and colleges outside of Oldham.
- On occasions there may be factors outside the Council's control e.g. unforeseen traffic congestion or bad weather that may affect journey times.
- In certain circumstances it may be necessary for the Council to vary planned routes and this may affect pick up and drop off times. Where this is the case the Council or provider will endeavour to contact parents/carers in advance to advise them.
- Pick up and drop off times affect journey times and will therefore not be altered to fit parental circumstances (for example, a parent's work schedule)

#### 5.46 Vehicle Waiting Times (Mornings)

- Parents/carers are expected to be available at home or at an agreed collection point, at an agreed time to meet transport in the morning.
- To keep journey times down to an absolute minimum and ensure that all pupils arrive at school on time, all vehicles will adhere to strict waiting time limits as follows:
- If a child is not ready, or not at the agreed collection point, the vehicle will wait for a maximum of 3 minutes after the agreed pick up time and then move off. If this means the child is unable to travel on the organised vehicle, the parent/carers are then responsible for ensuring that the child gets to school on time.
- If the vehicle arrives early for a pick-up it will wait until the official set time and then a maximum of 3 minutes before moving off. If this means the child is unable to travel on the organised vehicle, the parent/carers are then responsible for ensuring that the child gets to school on time.
- If the vehicle is running late for a pick up, the crew are expected to advise parents/carers of the delay as soon as possible. When a vehicle arrives at a family home or collection point, the horn will **not** be sounded. Parents/carers are expected to have their child ready and waiting to board the vehicle.

#### 5.47 Vehicle Waiting Times (Afternoons)

- Parents/carers must be available at home or the nominated delivery point, at the regular drop off time, every afternoon to meet their child.
- Parents/carers must provide emergency contact details.
- In the event that a parent/carer is unable to meet their child at the specified time and location, the emergency contact details will be used. If unsuccessful and as a final resort, the child will be taken to a place of safety and the parent/carer will be notified. It will then be the parents/carers responsibility to collect from that place.
- At times, parents/carers may need to make emergency alternative arrangements for the handover of their child to a nominated responsible adult, either at the home address or at an alternative address within Oldham. In these cases it is the parent/carer's responsibility to notify the Home to School Transport Team and make suitable arrangements to ensure their child's safety.
- In circumstances where vehicles are delayed or late arriving the parent/carer should contact the Home to School Transport team. The team will take steps to directly address the situation with the provider.
- Where no responsible adult is available to meet a child from transport on more than two occurrences, travel assistance will be reviewed and may be suspended or permanently withdrawn. In these cases, the parents/carers will receive no more than four letters
  - (i) initially raising the concerns
  - (ii) informal warning indicating the remedial steps taken and the potential of transport removal
  - (iii) final warning indicating that transport will be removed.
  - (iv) the Home to School Transport Team jointly with Contracts and Commissioning Manager will issue the fourth and final letter confirming the removal of transport, citing the reasons for the removal, the date of the proposed removal and the parental route of appeal. In these cases, parents/carers become responsible for their child's attendance at school and any transport required.

#### 5.48 Absences

- Where a child cannot attend school on any particular day due to illness it is the parents/carers responsibility to:
  - Contact the Home to School Transport Team the day before travel is required, if it is known that the child will be off school the next day or;
  - Contact the Home to School Transport Team as early as possible in the morning of the day their child is due to travel, if the child has only just begun to show signs of illness. Please note an out of hours answer phone service is available by calling 0161 770 3209. The Home to School Transport Team will pick up any messages at 7:30am and relay details of absences to the appropriate Passenger Assistant or Contractor.
- When travel assistance is cancelled due to illness, with no specified timeframe, **it will only be reinstated** when the parent/carer notifies the Home to School Transport Team.
- This advice should be given on **the day before** the child is due to return to school.
- Travel assistance will be reviewed, and may be suspended for a period of time or permanently withdrawn, if it becomes apparent that transport is not being cancelled with reasonable advance warning. Parents/carers will be responsible for ensuring their child's regular attendance at school in such circumstances.

#### 5.49 Behaviour



- Oldham Council reserves the right to refuse to provide travel assistance where a child's/young person's behaviour is such that it is unacceptable (the child's / young person's additional needs will be taken into account). In these cases, the parents will receive no more than four letters (i) initially raising the concerns (ii) informal warning indicating the remedial steps taken and the potential of transport removal (iii) final warning indicating that transport will be removed. The SEN Service jointly with the transport team will issue the fourth and final letter confirming the removal of transport, citing the reasons for the removal, the date of the proposed removal and the appeal process. In these cases, parents become responsible for their child's attendance at school and any transport required.
- Where the Council or its contractors consider that a child's / young person's behaviour is so extreme as to constitute an immediate or ongoing risk to the Health and Safety of her/himself, other service users, the vehicle crew, or members of the public, the Council reserves the right to suspend the provision of travel assistance immediately until or unless the issue can be resolved by parents/ carers, the child's/young person's school/college, or other appropriate professionals, to the Council's satisfaction that all reasonable adjustments have been made. If a child or young person is suspended from the provision of travel assistance in these circumstances, her/his parents will become responsible for their child's attendance at school and the provision of any travel support required.
- Any wilful damage that incurs cost to the transport provider for either repair or cleaning remains the responsibility of the parent/carer of the child concerned. Continued or repeat behaviour that results in wilful damage can result in withdrawal of travel assistance.

#### 5.50 **Safeguarding Children and Young People**

- All children and young people will be handed over to a responsible adult at the drop off address, provided by parent/carer and in line with point 3.3. Drivers and Passenger Assistants are not permitted to leave children and young people with any person under the age of 16 or who is not an 'authorised' adult.
- Prior to starting transport, the Home to School Transport Team will request details of any authorised adult and/or emergency contact details for any person who a child or young person can be handed over to in the event of an emergency.
- A child or young person must never be removed from a vehicle anywhere on a route other than at the normal setting down point for that journey. The only exceptions to this would be long distance journeys, when it is necessary to make pre-agreed rest stops, or in emergencies.