

Nottingham City Council

Children and Young People With Special Educational Needs and/or Disabilities (SEND)

Home to School and College Travel Assistance Policy



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Introduction

This booklet sets out Nottingham City's obligations to provide Home to School and College Travel Assistance to children and young people living in Nottingham who are eligible to receive it.

When considering whether to provide home to school travel assistance, Local Authorities (LA's) are under a statutory duty to have regard to the Education Act 1996 and Schedule 35B of the Act which was inserted by Part 6 of the Education and Inspections Act 2006.

Sections 508B and 508C of the Act makes provision for local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. Nottingham City Council has developed its travel assistance policy in accordance with this legislation and equalities legislation to ensure it is able to meet its statutory duty. See page 13.

It is important that families understand whether their children meet the criteria before taking the time to make an application. In most instances, children will not meet the statutory conditions for travel assistance.

It is strongly recommended that all parents read this guidance carefully along with the information on our website at <https://www.nottinghamcity.gov.uk/education-and-schools/school-transport/children-with-special-transport-needs/>

Travel assistance principles and policy

Nottingham City Council is committed to working closely together with young people, families, schools and colleges to ensure that:

- Children and young people are safe and supported to access education
- Young people and families have confidence in the travel assistance offer

The Council recognises that:

- Travel assistance should respond and adapt to the needs of children and young people as they develop and progress
- The Council has a duty to support and enable young people to develop and achieve independence
- Encouraging young people's independence will develop their skills for life, their confidence and social skills, and increase their opportunities for continuing education, training and employment

The Council also has a duty to:

- Manage public money responsibly
- Provide value for money services
- Promote the use of sustainable travel and transport

Parents and carers have a responsibility to:

- Ensure that their children receive an education
- Make the necessary arrangements for their child to attend regularly

If eligible for travel assistance, this will only be provided from the child's home to the school at which they are on roll at the beginning and end of the normal school day.

If the child attends another school or establishment that is arranged through their school as off-site provision, it will be the school/parent's responsibility to arrange travel to and from that school or establishment, for their off-site learning.

The child's address will normally be the one that they spend the most school nights at, and any transport arrangements to or from an alternative address will be the responsibility of the parent to arrange.

Parents regular work commitments or domestic arrangements will not normally be taken into account when deciding the eligibility of a child or young person or the type of assistance offered.

Parents and carers are responsible for ensuring that their child is prepared and ready to travel, at their pickup points at the right time, and that any behavioural concerns whilst travelling are addressed.

Travel assistance will not be provided for any medical appointments or domestic arrangements, or for the child to go to or from a different address other than their main residence. Travel assistance is not provided for breakfast or after school clubs or activities.

Eligibility Criteria

Pre-school children with SEND

Travel assistance for children under the age of five is discretionary as Council's have no legal duty to provide or arrange free transport for children who have not yet reached the statutory school age. However, travel assistance applications will be considered for children below statutory school age in exceptional circumstances. In these circumstances, the Council may ask parents for a contribution towards the cost of providing travel assistance.

In considering these circumstances, the Council will need to be satisfied that, without such assistance, the child would be prevented from attending an appropriate nursery or early years' education setting.

In considering assistance for pre-school children, the following factors will be taken into account:

- The age of the child
- The distance between home and nursery
- The SEN and disabilities of the child
- The reasons for the pre-school placement

Compulsory school-aged children aged 5-16 with SEND

Compulsory school age begins at the start of the term following the child's fifth birthday and ends on the last Friday in June of the school year in which a child or young person turns 16.

There are four factors which may determine if children and young people aged 5-16 are eligible for travel assistance:

- Statutory walking distance eligibility
- SEND or significant mobility problems eligibility
- Unsafe route eligibility
- Extended rights eligibility

Eligibility will be reviewed at least academic year and the type of travel assistance will be reviewed termly. This review will confirm whether a child or young person continues to be eligible for travel assistance, and where eligible, that the type and level of assistance is most appropriate to their needs as they develop independence and make progress.

Statutory Walking Distance

The council is required to provide free travel assistance for all children and young people of compulsory school age (5-16) if their nearest suitable school is:

- Beyond 2 miles, if below the age of 8; or
- Beyond 3 miles, if aged between 8 and 16.

The nearest suitable school is defined as the nearest school with places available and which the Council deems to provide education appropriate to the age, aptitude and ability of the young person, and any special educational needs or disability they may have.

When establishing whether the nearest suitable school is within walking distance, the distance between home and school will be measured by the shortest available safe walking route,

accompanied as necessary. The route may include footpaths and other pathways as long as it is safe to walk along them.

SEND or mobility difficulties

The Council is required to provide free travel assistance for children and young people unable to walk to school by reason of their special educational needs, disability or significant mobility difficulty.

Unsafe walking route

The Council is required to make travel assistance arrangements for children who cannot reasonably be expected to walk to their nearest suitable school because the nature of the route is deemed unsafe to walk even when accompanied by an adult.

Extended rights eligibility (for low income families)

For low income families i.e. for children entitled to free school meals or whose parents are in receipt of the maximum level of Working Tax Credit, eligibility for free travel assistance is extended as follows:

- For children aged between 8 and 11, the walking distance is reduced from 3 to 2 miles;
- secondary age children (11 – 16) can receive free travel assistance to any of their three nearest suitable schools but only where the distance between home and school is more than 2 miles but less than 6 (**Note:** schools below 2 miles are included when assessing which are the 3 nearest);
- for secondary age children (11 – 16), the Council will provide free travel assistance to the nearest suitable school preferred by reason of a parent's religion or belief (including any single sex school in the City), if it is over 2 miles and under 15 miles from the home address. The Council will normally seek documentary evidence of faith or belief e.g. a minister's letter.

The Council will review travel assistance under the extended rights eligibility rules on an annual basis. Free transport may be withdrawn in subsequent years if a child ceases to qualify under low income extended rights.

Post 16 (young people 16-19) with SEND

The Council does not have a statutory responsibility to provide travel assistance to young people aged 16-18.

Schools with sixth form provision and colleges of further education have some funding available to help students age 16-19 with expenses connected with their study, including travel costs. This is known as bursary funding.

Bursary funding is paid to schools and colleges who decide how they allocate their funds. Enquiries about support for school or college travel expenses should be made directly to the schools or colleges concerned.

Students who are in one or more of the groups below can apply for a vulnerable student bursary of up to £1,200 (if they are participating on a study programme that lasts for 30 weeks or more - institutions should pay a pro-rata amount for students on study programmes of less than 30 weeks). This reflects that students in these groups may need a greater level of support to enable them to continue to participate.

The defined vulnerable groups are students who are:

- in care
- care leavers
- getting [Income Support](#) (IS), or [Universal Credit](#) (UC) in place of Income Support, in their own right
- getting [Employment and Support Allowance](#) (ESA) or Universal Credit (UC) and Disability Living Allowance (DLA) or [Personal Independence Payments](#) in their own right

Enquiries about applying for a vulnerable student bursary should be made directly to the schools or colleges concerned. Further details are available on this government website: <https://www.gov.uk/guidance/16-to-19-education-financial-support-for-students>

Many young people with SEND are able to travel independently using public transport, and the Council encourages parents and carers to work with us to support young people to do so.

However, The Council may provide travel assistance for Post-16 students who have significant SEND which affect their ability to travel or use public transport independently.

To be considered for travel assistance, a young person needs to:

- be resident in Nottingham City
- have started their current programme of education/training prior to their 19th birthday
- be attending the nearest appropriate education or training provider that is more than 3 miles walking distance from their home unless the young person's disability impacts on their ability to walk this distance or the walking route is deemed unsafe
- be attending a full-time, publicly funded course (a full-time course is a programme of at least 540 study hours per year)

Eligibility decisions will also take into account the following factors:

- Whether the student has additional needs or a disability that places them or others at a serious risk of danger during the journey to and from school;
- Whether the student has a mobility difficulty which requires specialised seating or a specialised vehicle, e.g. tail-lift access;
- Whether the student is likely to require medical intervention or personal care during the journey to and from school;
- The complexity of the journey.

Where a young person is eligible for travel assistance, the Council may ask young people or their parents and carers for a contribution towards the cost of providing this.

Young people aged 19-25 with SEND

Travel assistance arrangements made for a young person aged under 19 may continue to be provided up to the end of the academic year in which a young person turns 19 years of age. However, the Council recognises that that a learner with significant special educational needs and disabilities may take longer to complete a programme of learning and training, therefore the Council may extend the travel assistance arrangements until a learner has completed their programme, even if that is after they have reached the age of 19.

The Council will consider providing travel assistance for young people aged 19 to 25 (who are subject to an EHC plan) in the following circumstances only:

- Where the Council considers it necessary to facilitate the attendance of a learner receiving education at institutions which are maintained or assisted by a local authority and are providing further and/or higher education or other institutions within the further education sector.

Or

- Where the Council has secured the provision of education or training outside the further education sector and the provision of boarding accommodation in connection with that education or training, and the Council considers that the provision of travel assistance is necessary to facilitate the learner's attendance.

Type of travel assistance available

Independent travel training (ITT)

Independent travel training provides young people with tailored and practical assistance to travel safely by public transport, on foot or by bicycle to their school, college and placement. It also supports young people socially, to access other key services and connect with friends and family.

Independent travel is an essential life skill, and helps to better prepare young people for adulthood, and for accessing further education and employment by raising their confidence in their abilities.

The Council's Independent Travel Trainer is training Nottingham schools and colleges to be able to deliver travel training to their students.

If a young person is identified as potentially suitable for travel training, their parent/carer will be contacted by the Council or their school to arrange a consultation with the nominated travel trainer.

Following the consultation, the young person will then be supported to undertake the training programme. If they are not ready or suitable for training, a future review date will be set and they will continue to be provided with travel assistance.

Should a child be deemed suitable and the family refuse the programme, the travel assistance will be withdrawn and a bus pass will be issued with the expectation that the young person is accompanied on their journey by a responsible adult.

Public transport bus pass

Pupils who are entitled to free travel assistance will be awarded a Robin Hood Scholar bus pass for the academic year. This bus pass allows the holder to access all public bus operators in Greater Nottingham including the NET (Tram) and local train services.

Mileage allowance

Where a pupil has a special transport need and is attending their designated school, the LA may offer a mileage allowance (equal to the Local Government Casual Car User Allowance) for parents/carers to transport them to school. Allowances are paid on a mileage basis for a maximum of 2 return journeys per day from the home address to the designated or nearest school/college, irrespective of the number of pupils making the journey.

Where the parents/carers have been provided with a Motability vehicle through the Disability Living Allowance on the grounds of a child or young person's disability, they will be expected to consent to transport their child to school themselves, and will be offered a mileage allowance to do so.

Personal transport budget

Families and young people can use this flexibly to make their own travel assistance or other arrangements.

Contracted minibus, private hire vehicle or taxi, including:

- Pick up and drop off from/to a collection point or central location locally
- Individual taxi, private hire vehicle or minibus for groups of young people
- Individual taxi, private hire vehicle or minibus for solo travellers (exceptional circumstances only)

TRANSPORT SERVICE PROVISION

The LA aims to make travel assistance arrangements that allow eligible pupils to travel in safety and reasonable comfort, without the journey being unreasonably long or complicated, and arrive at school without such stress, strain, or difficulty that they are prevented from benefitting from the education provided.

It is the LA's policy to review travel assistance arrangements termly or at times of transition, in consultation with service providers, to minimise surplus places on vehicles and the total number of vehicles used. The LA will endeavour to coordinate dedicated school transport journeys and local public bus services to ensure that best value for money and efficiency of service is achieved.

The LA will determine the overall level of service, the number and type of vehicles, and the seating capacity requirements to meet the travel needs of pupils and students, taking the following into account:

- the regulations relating to the provision of passenger transport services;
- that a single journey to or from school should ideally not exceed 75 minutes including the time taken for a change of bus – though this is not always possible where services operate to more than one school or site;
- that pupils should not be expected to change buses more than once within a single journey to or from school;
- that it is desirable in the interests of safety and comfort to provide a seat for each pupil/student – though this is not always possible when local public transport services are used.
- that services coordinate with school or college session times (provided that the appropriate notice and procedures required by education legislation have been followed). Head Teachers, Principals and Governing Bodies are requested to consult with the LA as soon as possible on proposed changes to session times, so that the effect of any change can be assessed.
- that Head Teachers, parents and other interested parties must be consulted regarding proposed changes to the travel assistance policy;
- that service delivery must be monitored and complaints dealt with as soon as possible to ensure quality, efficiency and reliability;
- the promotion of the use of sustainable travel and transport modes;
- the promotion of equal opportunities.

Travel Escorts

The LA will determine whether it is necessary to provide an escort, supervisor or other facilities (e.g. on-bus communication facilities) on any of the vehicles used.

Some pupils with special transport needs may require a personal escort for the home to school journey. The SEN Officer will decide if a personal escort is necessary, taking individual circumstances into consideration:

Under these circumstances, the parent/carer may be required to act as the escort for their child. If the journey is beyond the maximum walking distance, the parent would be driven home from the morning school drop and picked up in the afternoon for the return journey. If the journey is less than the maximum walking distance, the parent would be expected to walk home after the morning drop, and walk back to the school for the afternoon pick-up.

Children and Young People with SEND and Disabled Adults transport

On some occasions, it may be appropriate for children and young people with SEND and adults with learning or physical disabilities to be transported on the same vehicle. For example, pupils going to a special school and adults going to a day centre. Before arrangements of this type are agreed by the LA, a robust risk assessment will be undertaken. For any such arrangements, there will be a trained escort on the vehicle.

Transport To and From Pick-up / Drop-off Points

In most cases parents/carers will be expected to accompany their child to a pick-up point identified by the Passenger Transport Team. Pick-up points will be safe and appropriate places for vehicles to pull up and wait. Every effort will be made to minimise the distance to and from pick-up and drop off points but the nearest pick-up point may be up to half a mile away from home for primary age pupils and up to 1 mile away from home for secondary age pupils and Post-16 students.

The pick-up points and times may change throughout the year, as routes will be regularly reviewed following changes to passenger lists. The LA will endeavour to give reasonable notice (4 weeks) of any such changes.

Parents/carers must ensure that appropriate supervisory arrangements are in place for their child's walk between home and the pick up point at the beginning and end of the school day.

Transport To and From Home Addresses

The duty placed on the LA does not extend to the provision of a "door to door" service, however, for a very few applicants, exceptional circumstances may result in transport arrangements being made to and from the home address. If a pupil has more than one place that may be considered a home address, parents/carers must nominate a single address for transport purposes. Arrangements cannot be made for multiple addresses.

Review of Travel Assistance Arrangements

All travel assistance arrangements will be reviewed termly or at times of transition to assess whether the basis for entitlement has changed or whether the mode of travel assistance provided remains appropriate. Travel assistance entitlement will be re-assessed if the home address, pupil needs, educational establishment or course details change.

Parents/carers and/or Post-16 students will be given reasonable notice (4 weeks) if it is decided to withdraw or significantly alter the means of travel assistance.

If parents/carers and/or Post-16 students request a variation to the current travel arrangements, the LA will require reasonable notice (3 weeks) of the change, and will apply the relevant assessment criteria. Parents/carers and/or Post-16 students may be required to make and pay for their own interim travel arrangements in the period between application and, if approved, the receipt of any travel assistance provided under this policy.

Post-16 students will be expected to maintain both satisfactory attendance and progress, and these factors will be taken into account when reviewing entitlement to travel assistance.

Any amendment to, or withdrawal of, travel assistance does not excuse a child of compulsory school age from attending school and it will remain the responsibility of the parent/carer to ensure their child's continued attendance at school.

Behaviour Whilst Travelling

The health and safety of drivers and passengers is dependant on good pupil behaviour. The LA takes a serious view of incidents of poor conduct.

The Education and Inspections Act 2006 empowers head teachers to take action to address unacceptable behaviour even when this takes place outside the school premises. Persistent poor behaviour on the journey to and from school can be grounds for exclusion.

In some cases, if either the LA or a transport operator refuses to allow a pupil to continue to access a particular vehicle due to the pupil's poor conduct, an alternative arrangement may be offered, but only after an assessment of the nature and seriousness of the case.

In the event of a serious incident of indiscipline, vandalism, or anti-social behaviour, or persistent offences of this nature, transport provision may be permanently withdrawn. In these cases the LA would not be implying that travel arrangements were not necessary and should not be provided, but rather that travel arrangements were necessary and had been made but the pupil's behaviour was such that they were unable to take advantage of them. If these circumstances arise, no alternative travel assistance arrangements will be made.

How to apply

Applications for travel assistance for young people with special educational needs or disabilities (including those aged 16 and above attending a college of further education) should be made to:

Special Educational Needs Service
Building 5 Woolsthorpe Depot
Woolsthorpe Close
Nottingham
NG8 3JP

0115 8764300 or by email at special.needs@nottinghamcity.gov.uk

Applications for travel assistance for students age 16 and above in colleges of further education to commence at the start of the Autumn Term should be made wherever possible by the last day of the summer term prior to the start of the new academic year. The LA cannot guarantee to provide travel assistance from the first day of the Autumn Term if applications are received after this date. Where late applications are submitted, parents/carers and/or sixth form students may have to make their own interim travel arrangements, the cost of which cannot normally be reimbursed.

Young people attending Further Education establishments will need to re-apply annually, providing evidence of both satisfactory attendance and progress.

How Decisions are Made

For all children and young people with SEN and disabilities, a travel assistance eligibility assessment will be undertaken by the Special Educational Needs Service at the point of application, and reviewed yearly or when circumstances change, e.g. a change of educational establishment, change of home address.

The information used for the assessment is gathered from various sources including:

- School reports
- Parents
- The young person
- Medical reports (including CAMHs)
- Social care
- Education, health and care plans

The travel assistance eligibility assessment or review will consider the individual needs of the child or young person in 6 key areas:

- Mobility
- Medical needs
- Behavioural issues
- Vulnerability
- Practicality
- Independence and Independent Travel Training suitability

When the assessment is completed, the SEN Service will decide whether or not a child or young person is eligible as a result of their SEN and disability to travel assistance, the type of travel assistance to be offered, and whether or not it is appropriate to offer Independent Travel Training.

How to appeal if you are unhappy with a decision

Appeals Process for pupils with a special educational need or disability

The Local Authority has a 2 stage review and appeals process as recommended by the Department for Education. The timings for responses may be extended if additional time is required to gather supporting information, or delayed by school/college holidays.

Please note that whilst the review and appeal process takes place the parent/carer will remain responsible for arranging and funding for any travel arrangements that a parent/carer may feel is necessary.

The appeals procedure is in two stages:

Stage 1: Review by a Senior Officer of the council.

- A parent/carer has 20 working days from the date of the transport decision letter, to make a formal written request asking for a review of the decision.
- The written request should detail why the parent/carer or young person believes the decision should be reviewed and give details of any personal and/or family circumstances, including medical evidence, they believe should be considered when making the decision is reviewed.
- Within 20 working days of receipt of a written request, a Senior Officer will review the original decision and send a detailed written notification of the outcome of their review, including information about how the parent/carer can escalate their case to stage two (if appropriate)

Stage 2: Review by an Independent Appeal Panel:

- If a parent/carer are dissatisfied with the outcome of the review of their case, they have 20 working days from the receipt of their decision letter to make a written request to escalate the matter to stage two.
- Within 40 working days of receipt of the parent/carer's written request an Independent Appeal Panel will be arranged to consider both written and (if the parent /carer wishes to attend the panel hearing) verbal representations from both the parent/carer and officers involved in their case.

The Independent Appeal Panel members will be independent of the original decision making process (but not required to be independent of the local authority) and suitably experienced, to ensure a balance between meeting the needs of the parent/carers and the local authority.

If a parent/carer or student is still not satisfied with the outcome of the appeal, there is no further right of appeal to the Council. However, there is still the right to appeal to the Secretary of State or to take independent legal action.

If a parent/carer or young person feels that their appeal has not been treated fairly or in accordance with the LA's policy, the Local Government Ombudsman can be contacted for help and advice on 0300 061 0614 or at www.lgo.org.uk

The Legal Framework

S508B and 508C of the Education Act (the “Act”) make provision for local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child’s attendance at school. The provisions apply to home to school travel arrangements and vice versa.

Under s444 of the same Act, parents are responsible for ensuring that their children attend school regularly.

S508B of the Act deals with the duty on local authority to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children. Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (5 – 16) in an authority’s area for whom free travel arrangements will be required.

The categories of eligible children include those 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 special education needs or disability. Eligibility, for such children, should be assessed on an individual basis to identify their particular transport arrangements.

In determining whether a child cannot reasonably be expected to walk the Local authority will need to consider whether the child could reasonably be expected to walk if accompanied, and if so, whether the child’s parent can reasonably be expected to accompany the child.

The Council has a statutory duty under Section 10 of the Education and Skills Act 2008 to exercise its functions so as to promote the effective participation in education or training of persons belonging to its area with a view to ensuring that those persons participate in appropriate full time education or training, an apprenticeship, or are in full time occupation and participate in sufficient relevant training, all pursuant to section 2 of the 2008 Act.

The Council also has a statutory duty to publish a Post 16 Transport Policy Statement every year. This statement should set out the arrangements for the provision of transport or otherwise that the authority considers it necessary to make for facilitating the attendance of persons of sixth form age at:

- schools,
- institutions maintained or assisted by the authority which provides further education or higher education or both
- institutions within the further education sector, any 16-19 academy or any other establishment at which the authority secures the provision of education or training.

Post 16 transport to education and training statutory guidance dated February 2014 requires the council, in planning transport provision to take into account its duty to promote effective participation under the 2008 act and the duty under section 2 of that act on young people to participate in education or training up to age 18.

Sen Code of Practice 2015.

The Code of Practice (Special Educational Needs and Disability 2015) indicates that transport should be recorded in an Education, Health Care Plan only in exceptional cases where the child has very specific transport needs.

Equality Act 2010

The Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 section 149(1).

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149(7)

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
- The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.
- Compliance with the duties in this section may involve treating some persons more favourably than others.