

London Borough of Barking and Dagenham

Home to School Transport Policy

This is the London Borough of Barking and Dagenham policy for the arrangements it makes for home to school travel and transport for children and young people who live in its area and who have special educational needs and/or disabilities (SEND).

By law, parents are responsible for ensuring that their children attend school regularly. The Council will do all it can to help parents achieve this.

By law we must make suitable travel arrangements for some children, free of charge, if there is no suitable free provision, already available. The law refers to these children as “eligible children”. We may also help other children, using our discretionary powers. In these cases we may charge.

We do not have to make arrangements where suitable ones already exist. In London children can usually travel for free, using Transport for London (TfL) provision. An outline of TfL free transport provision is given below.

We owe a duty to all residents to use our resources effectively. We must act in accordance with the law, including the Equalities Act 2010.

The arrangements we make will, as far as possible be sustainable. Sustainable travel improves physical and environmental well-being. It

includes walking, using escorts where necessary, cycling, using public transport and car sharing.

Definitions of word in the policy appear below.

We aim to provide clear and accurate information. There is a full home to school travel policy for all pupils living in our area. It may be helpful and/or necessary to refer to that at times, as well as to the current Department of Education Guidance (referred to as the Guidance). Where there is any doubt about entitlement we will always refer to the law.

We review our policies every year and when there are changes to the law.

We use the phrase “travel assistance” to cover the range of travel and transport arrangements we make. The Council decides the method of travel assistance it will make, both generally and for any individual child. Travel assistance is provided in the way that best promotes independence for the child. It will always be suitable, taking into consideration the needs of the child, as well as the Guidance on, for example, journey time. We may offer travel training, a mileage allowance paid to a parent, a travelcard for the child and/or parent, reimbursement of travel expenses, a seat on a school bus, a shared taxi or a direct payment.

Which children with SEND may qualify for travel assistance?

Many children with special educational needs or disabilities will be able to walk to school. Others will be able to use free TfL transport.

If a child cannot reasonably be expected to walk to school because of mobility problems or because of associated health and safety issues related to their SEND, and meets the criteria listed below, they will benefit from free travel assistance, if there are no suitable arrangements for travel free of charge available to them.

Criteria for children with SEND who are “eligible” children

Children with an Education and Health Care Plan (EHCP) that names a school

The child must attend the named school

Where the EHC names two schools, no travel assistance will be given to the more distant school. Two schools are named in an EHCP only when parents have chosen a school that is further than the nearest suitable school identified by the Council. The agreement between parents and the Council that the child attends that school is made on the basis that parents will arrange and pay for travel. If parents do not do so, or cease to do so, the pupil will be expected to move to the nearer school.

Children with an EHCP that does not name a school, or with no EHCP

The child must attend the nearest suitable school with a place available.

All children must also meet the following criteria:

Live within the London Borough of Barking and Dagenham **and**

Be of "compulsory school age. This is, generally, between 5 to 16 years old **and** Attend a qualifying, suitable school.

A school is suitable if it provides education appropriate to the age, ability, aptitude of the child, and any special educational needs that the child may have.

How are children assessed?

We assess eligibility for children with SEND on an individual basis to identify what they need. Members of the SEN team look carefully at each case, asking for and considering relevant information. Assistance, where necessary, will be given by the Council in the way that best meets the pupil's needs, bearing in mind financial constraints, sustainability and the circumstances of the child in question. For example, a child's age may determine whether they are able to travel to school independently.

Parents accompanying their children

For children with SEND (and those where the route may be unsafe to walk), the Council must decide whether it is reasonable to expect the child to walk. This can include the question of whether it is reasonable to expect a parent to accompany them. We consider a range of factors, including the age of the child. Usually we expect that a parent will accompany their child where necessary, unless there is a good reason why it is not reasonable to expect them to do so.

If a parent is unable to do this because they are disabled, we may use our discretion to provide travel assistance.

Other eligible children

Children with SEN who do not qualify under the above criteria may qualify for free travel assistance via the other categories of “eligible child”. These are set out in law. The availability of free TfL travel means that in many cases there will be no need for the Council to make provision. Details about these routes to qualifying for travel assistance, for example on how distance is measured, can be found in our main school travel and transport policy. The criteria in brief are:

- The child attends the nearest suitable qualifying school with a place available and this is outside the statutory walking distance of;

2 miles if the child is under 8 years of age

3 miles or more if the child is between 8 and 16 or

- Where there are “extended rights”, that is, the child is entitled to free school meals or their family receives maximum Working Tax Credit and the child attends the nearest suitable qualifying school which is

more than 2 miles from home if the child is over the age of 8 and under 11

between 2 and 6 miles if the child is between the age of 11 and 16 and there are no three or more suitable nearer schools or

- The child is entitled to free school meals or their family receives maximum Working Tax Credit, and the child is between the age of 11 and 16 and attends a school that is between 2 and 15 miles from their home, that is the nearest school preferred on the grounds of religion or belief or
- The nature of the route is deemed to be unsafe to walk so it is not reasonable to expect the child to walk to the nearest suitable qualifying school.

Discretionary awards

We **may** offer travel assistance to children and young people with SEND who do not meet these criteria, using our discretionary powers.

What journeys are covered?

Where travel assistance is given it is provided for the journey to and from school for the compulsory part of the school day. It does not include travel to and from activities before or after school or medical appointments, a child needing to leave school early due to illness, travel between school sites or buildings during the school day or travel to work experience.

Travel assistance may be offered to and from collection points. Parents must get their child to the relevant collection point and collect them at the times required of them by the Council. This is part of the parent's duty to ensure that the child attends school regularly.

Special cases

Pupils with EHC Plans where a residential school is named

Where the EHCP names a residential school as the only or nearest school:

Travel assistance will be provided at the beginning and end of each of the three academic terms (3 term year) and each of the three half terms, other periods when the school is closed, and an additional return journey at the weekend for each half term. It is expected that parents will be responsible for the cost of any additional journeys to and from school. Requests for additional journeys during term-time can be considered and assistance given using discretionary powers if the circumstances are exceptional.

Where children attend on a weekly boarding basis, transport will be provided at the start and end of each week and for other periods of school closure only.

Pupils with a temporary disability or medical condition/mobility problems

Where pupils have a temporary condition that prevents them getting to school we may award travel assistance on a temporary basis. Supporting medical evidence will be required. The assistance will end when the temporary condition no longer exists.

Pupils with SEND who are between 16 and 19 (Post 16)

The Council has published its policy statement for the arrangements for the provision of transport it considers necessary to make for facilitating the attendance of persons of sixth form age receiving education or training. Sixth form age is 16, 17, 18 or 19 for those who started a course before the age of 19 and continue on the same course when become 19. Our Post 16 policy can be found at <https://www.lbbd.gov.uk/sites/default/files/attachments/Post-16-travel-arrangements-policy-2018-2019.pdf> All awards for Post 16 travel assistance are discretionary.

Pupils with SEND who are between 19 and 25

Travel assistance may be awarded on a discretionary basis up to the age of 25 to adult learners. Details are given in our Post 16 policy.

Health and safety, safeguarding and operational issues

Where travel assistance is awarded in the form of a seat on a bus, taxi etc., parents are given information relating to health and safety, safeguarding, behavior and operational issues as part of the offer.

Applications, awards, reviews, appeals and complaints

How to apply

The application form for travel assistance is available online at [Travel assistance application form | LBBD](#)

Applications should be made as soon as possible. Awards of travel assistance cannot be backdated.

Awards of travel assistance

The Council processes all applications as soon as practicable. Awards will be made from the date the completed form and supporting evidence is received.

Any award of travel assistance will be made for a specified period, or until it is reviewed. No award will be for more than one academic year. When an award of travel assistance ends it is the responsibility of the parent to make a further application.

Reviews

Assessments of the need for travel assistance will be reviewed annually and more frequently where circumstances change within the year.

Changes in circumstances

Parents need to reapply for travel assistance for their child if any changes in circumstances that may affect entitlement to travel assistance. These include a change of address, school, safety of the route, income if qualifying under the extended rights given to low income families, changes in the health or SEND or associated needs of the child/parent or other member of the family that affects the child getting to school

Eligibility Checks

The Council has a duty to ensure that it protects public funds. The Council may contact families during the academic year, to ensure they are still eligible for travel assistance.

Awards made in error

Where an award of travel assistance has been made in error, the Council has the right to withdraw this after first considering the circumstances of each case to determine whether there are exceptional reasons for provision to continue.

Where it is decided to withdraw transport, up to one term's notice will be given. If the error was discovered before the commencement of the academic year the assistance will be withdrawn straight away.

Fraud

Where an award of travel assistance has been made as a result of fraud it will be withdrawn immediately. All monies paid will have to be repaid. Legal action to recover monies may be taken. Criminal proceedings may be taken, which may lead to conviction.

Appeals

The Council has adopted the appeal procedure recommended by the Department for Education Guidance. This can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575323/Home_to_school_travel_and_transport_guidance.pdf

Complaints

Complaints about the service provided by Council relating to home to school transport can be made by using the Council's complaints procedure. This is available at [Complaints procedure | LBBD](#)

Local Government Ombudsman

The Local Government Ombudsman may investigate some matters relating to home to school transport. Details are given in our appeals policy.

Exceptional Circumstances – asking the Council to use its discretionary powers

The Council may make an award of travel assistance for a pupil who does not meet the criteria of “eligible child” using its discretionary powers, as it considers necessary. These are made in exceptional circumstances. Applications should be made as soon as possible on the form that appears at [Travel assistance application form | LBBD](#) Such an award cannot be backdated.

Applicants must provide all evidence listed or requested by the Council. Where a form is incomplete and/or evidence is not provided as requested, within any given time limit, no award can be made.

Where a discretionary award is made parents may be asked to make a financial contribution to the cost. We are able to charge for discretionary arrangements and have a duty to protect our resources.

TfL free travel for children under 16

All children under the age of 16 can travel for free on London buses and trams.

Children who are 14 or 15 can travel free with a Child Oyster photo card.

Children who look under the age of 14 can travel free on London’s buses and trams without a photo card.

Application forms for a child Oyster photo card are available at all Post Offices in Greater London and areas just beyond the boundary that are served by the London bus network.

Pupils must apply for a travel photo card before their 16th birthday.

Definitions

- Section 444(5) of the Act defines the statutory walking distances.
- Schedule 35B of the Act defines:
 - 'eligible children' (paragraphs 2-7 and 9-13);
 - 'qualifying school' (paragraph 15);
 - 'disabled child' (paragraph 15(4));
 - 'religion and belief' (paragraph 15(6)) and 509AD of the Act;
 - 'low income family' (paragraphs 9-14).
- Section 579 of the Act defines 'child'.
- Section 509AC of the Act defines 'compulsory school age'.
- The Equality Act 2010 defines 'religion or belief' for the purposes of this Act.
- The Children's and Families Act section 10 defines 'SEN'

Key term Glossary

- Home: A child's 'home' is the place where he/she is habitually and normally resident.
- Nearest suitable school: 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 SEN that the child may have.
- Parent: Reference to parent in this document should be equated to mean parent/carer/legal guardian.
- Philosophical Belief: For a philosophical "belief" to be worthy of protection, it must attain a certain level of cogency, seriousness, cohesion and importance; be worthy of respect in a democratic society; and not be incompatible with human dignity or the fundamental rights of the child. Examples of beliefs are humanism and atheism.
- Road routes: Reference to road route should be taken to mean a route passable by a motor vehicle, and could include distance covered on additional transport, e.g. via ferry.
- Qualifying school:
 - community or foundation special schools;
 - non-maintained special schools;
 - pupil referral units;
 - maintained nursery schools; or
 - city technology colleges (CTC), city colleges for the technology of the arts (CCTA) or academies, including free schools and University Technical Colleges (UTC)