

London Borough of Barking and Dagenham

Home to School Travel Assistance Policy

1 Introduction

This policy is written for parents and young people to explain the arrangements that Barking and Dagenham Council makes to support travel arrangements for children and young people (CYP) with special educational needs and/or disabilities (SEND) up to the age of 16. There is a post 16 travel home to school travel policy, which can be accessed on the Barking and Dagenham council web pages.

This policy covers travel arrangements for children and young people aged 5 to 16.

Barking and Dagenham believes that support for eligible children and young people to develop independent travel skills helps enable them to take part, in education, employment, life and leisure activities within their communities.

Barking and Dagenham promotes the use of sustainable travel options and to support this we promote greener options for any travel assistance that we fund or organise.

Parents have a legal duty to make necessary arrangements to ensure their children attend school regularly and this policy does not remove that responsibility.

An Education Health and Care Plan (EHCP) does not give the child an automatic entitlement to travel assistance. If a school has been named in the EHC Plan in accordance with parental preference and is not the nearest suitable school, transport will be the parents responsibility.

2 Scope of the policy

This policy and guidance is relevant to residents of Barking and Dagenham who are:

- Parents/carers of a child with special educational needs and/or a disability aged 5-16, who attends education provision. Most (but not all) of these children and young people will have an EHC plan, and the policy explains the criteria that will apply.
- A carer or foster parent of a child who is looked after by Barking and Dagenham (LAC under the Children Act) and who also has special educational needs and/or disabilities, and who lives in Barking and Dagenham. We cannot provide travel assistance for LAC for whom another LA is responsible unless they agree to fund the costs, even if they are placed in Barking and Dagenham.

3 What is the legal basis for this policy?

Any duty on Barking and Dagenham to provide travel assistance is set out in the Education Act 1996, as amended by the Education and Inspections Act 2006. Schedule 35B of the Education Act defines eligible children (those who qualify for travel assistance) as children with special educational needs, disabilities, or mobility problems, who live within the walking distance, but cannot be expected to walk or access public transport.

Barking and Dagenham Council has considered the statutory legal framework and statutory guidance in formulating this policy. These include the Education Act 1996 and the requirements of the SEN and Disability Code of Practice (2015). Our policy aims to ensure that we identify those children and young people who are in need of an appropriate travel solution, making decisions that are fair and equitable and promote greater independence by providing life skills to help them prepare for adulthood.

The policy will be reviewed annually and will take account of any legislative or policy changes on home to school assistance.

Sustainable Travel

Barking and Dagenham Council seeks to reduce harm to the environment, for example minimising carbon emissions. The majority of children and young people attending education provision are able to walk to school or access free public transport

The Council will award the most appropriate, sustainable and cost-effective form of travel assistance, in some cases we will arrange for an independent travel training assessment to determine this.

We do not have to make a travel award 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.

4 What are the eligibility criteria?

Parents/carers have a legal responsibility to ensure their child's attends school regularly. This policy outlines the travel solutions that will be considered in cases where a child's needs are such that prevent them from being able to walk, cycle or access public transport even with an adult to accompany them.

An EHCP does not give the child an automatic entitlement to free travel. If a school has been named in the EHC Plan in accordance with parental preference, and is not the nearest suitable school, transport will be the parents responsibility.

Where the Council agrees to provide travel assistance, it will be reviewed each year as part of the annual review of the EHC plan with the explicit focus on moving to greater independence as the child becomes older. In addition, we will always review travel assistance eligibility when:

- the family address changes
- the school attended changes
- at phase transfer (from primary to secondary, secondary to post 16 and transfers between post 16 institutions)
- The current travel solution is no longer suitable due to change of needs of family circumstances change.

We expect families to reapply for travel assistance when circumstances change.

If following review, the Council believes that travel assistance is no longer required, it may be withdrawn, subject to a minimum of 6 weeks' notice. Such a decision would be subject to the appeal procedures set out in this policy.

The criteria we consider when making a decision about a child or young person's eligibility to receive transport assistance are set out in the following sections.

Criteria for Children under 5 years old

There is no legal requirement for the Council to make special arrangements for children under the age of 5 to travel between home and school. The Council expects that children under the age of 5 will be taken to their educational provision by a parent or guardian.

Barking and Dagenham Council has used its discretionary powers to expand the policy for children under the age of 5 attending a specialist provision to enable them to be considered under the same criteria as school aged children, from the start of their first term in **Reception year**.

Criteria for Children and young people attending school

The two primary considerations for determining eligibility for travel assistance are the individual needs of the child or young person, and the distance they live from the nearest suitable school:

Individual Needs

- Does the child or young person have physical, learning and/or mental health needs which mean they cannot walk, travel by wheel chair, cycle or access public transport even if accompanied by a responsible adult?

Distance

- Does the child or young person live more than the statutory 'walking distance' from the nearest suitable school (This means a child who lives beyond the statutory 'walking distance' of 2 miles, for pupils below the age of 8, and 3 miles for those aged 8 and over).

Home to school when a closer suitable alternative has been offered

The distance criteria applies when a child cannot be placed by the Council at a suitable school within walking distance, or by accessible public transport.

Supported travel will only be provided for travel to a qualifying school. A qualifying school means one that can meet a child's needs and is nearest to their home. The Council will not agree to pay the transport costs for a child if a nearby school can meet the child's needs but parental preference is for a school which is further away.

The Special Educational Needs Code of Practice (2015) says a parent's preferred choice of school may be further away from the child's home than another school that can meet the child's special educational needs. In such cases the Council could name a nearer school if naming a further school was an unreasonable use of public expenditure. The Council could also agree to name the preferred school on condition the parent agrees to meet the transport costs. If at any point the parent then said they would not meet the transport costs the Council would review the placement and make a decision based in accordance to the statutory framework.

How we measure distance

We measure distance using online mapping tools, which measure the actual distance travelled (i.e. not a straight line or “as the crow flies” between home and school). Please note that that walking routes are often shorter than driving routes.

Travel costs of parents/carers accompanying children

Parents are expected to accompany children to school (or to make arrangements for them to be accompanied by an authorised adult) if this is necessary for the child’s safety. Any travelling expenses for the parent are the responsibility of the parent.

The Council does not provide assistance with travel costs for adults accompanying children to school unless there are exceptional circumstances. Where a parent or carer through illness, incapacity, or some other reason finds it unusually difficult to accompany a child to school, they can request a Care Act assessment of their needs relating to their ability to carry out their caring responsibilities.

Other parental circumstances

Travel assistance is made on the basis of the individual child’s needs and cannot take in to account individual parental circumstances. Please be aware that the following are not taken into account when considering applications:

- A parent’s work or childcare arrangements
- Taking other children in the family to and from school
- Temporary pick up and or drop off at a different place: travel arrangements are agreed for the child or young person’s main residence to their place of education only. We are not required to make arrangements for a child or young person to be picked up and/or dropped off at a different address.
- Being in receipt of the higher rate of the mobility component of Disability Living Allowance does not necessarily confer eligibility for free school transport but neither does it preclude it if the child is an eligible child.

5 Travel assistance - range of options

For children and young people who are able to access it, *Transport for London* provides free or subsidised travel. Further information is available from www.tfl.gov.uk.

For children and young people who are unable to access public transport, Barking and Dagenham makes use of a range of travel assistance solutions to best address the individual needs of children and young people, but which also utilises existing networks, to promote independence and which represent the most cost effective and sustainable mode of transport.

Before requesting travel assistance, parents may wish to consider:

- Do you have access to a blue badge for your child? Your child may be more settled if you are able to take them to school.
- Are there travel arrangements that you are able to make with family, friends or neighbours whose child attends the same school?

Different forms of travel assistance we will consider

If a child is eligible for travel assistance, the following forms of assistance are considered:

- Funding for the provision of a travel card (Oyster or Freedom Pass) for the parent/ carers to enable them to accompany their child where they have access to free travel on London Buses and where parents' consent.
- Public transport with or without a Passenger Assistant When people are eligible for Freedom passes they can fund their own transport.
- Use of family car with a milage allowance
- Independent travel training support, which could take place from year 6 onwards and which could include assistive technology
- A taxi or school bus provided by Passenger Transport Service (PTS) who would take your child to and from school, from a pickup point near your home.

Escorts/passenger attendants

Where the Council has decided that it is necessary to provide assistance with travel, we will, in addition, consider whether it is necessary to provide a Passenger Assistant to supervise the child/young person's journey. This will depend on, amongst other matters:

- their age
- medical needs (for example a child with uncontrolled epilepsy may require an escort)
- mental capacity (for example some children and young people with profound and multiple difficulties may require continuous support and attention)
- level of behaviour difficulties
- level of physical difficulty (should they need continuous support and attention)

Personal Travel budget with direct payment for travel assistance

If travel assistance is agreed, the Council will consider a request for a Personal Budget. If this is via a direct payment then a personal budget direct payment agreement form will need to be signed.

A personal budget will only be agreed where:

- the young person is eligible to receive transport assistance under this policy
- it is an efficient use of the Council's resources
- the child or young person achieves and sustains good attendance

Independent Travel Training

For young people who receive any travel assistance under this policy, consideration will be given to their need to become independent travellers in preparation for adulthood and achieving maximum independence. Barking and Dagenham commissions an accredited travel training programme which enables pupils who are eligible for transport assistance, to develop the skills needed for independent travel.

Behaviour Agreements

Parents and pupils share responsibility for ensuring that acceptable behaviour is maintained to ensure a safe and stress free journey for all on school transport. Travel arrangements are provided on the understanding that a child behaves in a reasonable manner during the journey. If a child demonstrates behavioural difficulty giving persistent cause for concern (i.e. threatens the health and safety of themselves, other children, the driver or passenger assistant) and all attempts to modify the child's behaviour have been resisted, travel assistance will be reviewed. Where despite all efforts it is no longer feasible for the child or young person to be on council provided transport we will provide a personal transport budget as an alternative.

6 **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 for stop the assistance will come to an end when the temporary condition no longer exists.

7 **Applications, awards, reviews, appeals and complaints**

How to apply

The application form for travel assistance is available online. It is recommended that you apply for transport once your educational provision has been agreed, as claims can not 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 | LBBB](#) 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.

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)