

EDUCATION AND SKILLS SERVICE

SEN Home to School Travel Assistance Policy

August 2023

1	INTRODUCTION AND PURPOSE	3
2	STATUTORY DUTIES	4
3	DISCRETIONARY POWERS	5
4	EXCEPTIONAL CIRCUMSTANCES	7
5	SPECIAL REQUESTS AND VARIATIONS.....	8
6	APPLYING FOR TRAVEL ASSISTANCE	9
7	STUDENTS ATTENDING RESIDENTIAL SPECIAL SCHOOLS OUTSIDE BARNET	10
8	THE PARTNERSHIP WITH PARENTS.....	11
9	GUIDELINES FOR THE PROVISION OF ESCORTS.....	12
10	PERSONAL TRAVEL BUDGETS AND MILEAGE ALLOWANCES.....	13
11	PARENTAL APPEALS AND COMPLAINTS.....	13
12	SANCTIONS TO SUPPORT THE EFFICIENT RUNNING OF THE SEN TRANSPORT SERVICE.....	14

1 INTRODUCTION AND PURPOSE

- 1.1 This document is the Council's policy and associated procedures for the provision of travel assistance for children and young adults from pre-school up to the age of 19 who attend a school, college or education setting designated for the pupil/student by the Council. This policy for children and young people with special educational needs, disabilities and mobility difficulties is framed within the broader home to school/college transport policy.
- 1.2 A school/college is designated by the Local Authority where it is:
- the nearest suitable school/college to where the child/ young person lives
 - the school/college named by the Local Authority on the statement or Education, Health and Care Plan.
 - the school/college is nominated by the Local Authority following a permanent exclusion
 - the school is nominated by the Local Authority as part of a managed move to avoid permanent exclusion.
- 1.3 This document sets out:
- the circumstances where the Council has a statutory duty to assist with home to school/college travel (Section 2)
 - the criteria the Council will apply when using its discretionary powers to provide travel assistance where there is no statutory duty (Section 3)
 - examples of the way the Council will deal with requests for travel assistance which fall outside the normal policy (Section 4)
 - the travel solution, i.e. how the assistance, if agreed, will be provided (Section 6)
 - some operational issues, including the arrangements for assisting the parents of pupils who attend residential special schools, the deployment of escorts, and personal travel budgets (Sections 9 - 11)
 - the arrangements for considering appeals by parents or carers against the Council's decisions, and the measures the Council will take to resolve disputes in the event that the transport arrangements break down (Section 12)
 - the Council's expectations in relation to the partnership with parents and carers, including its expectations on parents to play a responsible part in the arrangements for safe travel for their child (Section 13).
 - the procedures the Council will use to determine eligibility for travel assistance, and timescales for notifying parents and the way assistance will be kept under review (Section 14).
- 1.4 Throughout the document, unless otherwise stated, the term 'child' should be taken to mean a child or young adult with special educational needs, or who is disabled or who has mobility difficulties and who attends a school, college or education setting designated for the child by the Council. The policy applies to all such children, irrespective of whether or not they have a statement of special educational needs or an Education, Health and Care Plan (EHCP).

2 STATUTORY DUTIES

- 2.1 Local Authorities are required to make suitable travel arrangements where they consider it necessary to secure a child's attendance at school. This duty applies to all children of compulsory school age attending their nearest suitable school, or a designated school if the child has an EHCP or statement or a school is designated by an appropriate officer for other reasons, irrespective of whether the school the child attends is a local authority maintained school, an academy, a special school or other special provision.
- 2.2 The statutory duty to assist with home to school travel is set out in The Education and Inspections Act 2006 which inserted new sections and a new schedule into the Education Act 1996. The duty to provide assistance does not depend on whether transport arrangements form part of the child's statement of special educational needs or Education, Health and Care Plan.
- 2.3 Barnet Council meets its statutory duties under these Acts by assisting with travel and meeting the cost for eligible children. Eligible children are those of compulsory school age who attend the school designated by the Local Authority and either:
- live beyond the statutory walking distances (normally two miles for pupils below the age of eight and three miles for those aged eight and over), or
 - live within the statutory walking distance, but are unable to walk to school because of their special educational need, disability or mobility difficulty (including temporary medical conditions), or
 - live within the statutory walking distance, but the nature of the route means they cannot be expected to walk in reasonable safety when accompanied by a parent or carer.
- 2.4 Distances are measured along the shortest available safe walking route (which may include footpaths) and assume that, where necessary, the child will be accompanied by a parent/carer.
- 2.5 In this policy statement children who are able to walk to school are described as "mobile". However, lack of mobility is not solely a question of a physical disability – it also covers children who cannot walk to school in safety, even accompanied by an a parent or carer, for reasons such as learning difficulties, unpredictable behaviour, or other special educational needs, medical conditions or disabilities.
- 2.6 Where those parents with parental responsibility who live with the child and have a disability which prevents them from accompanying their child along a walking route, and who are not able to transport the child in adapted arrangements or with help provided to them as adults to discharge their parental responsibilities, the child will be considered as non-mobile and therefore an "eligible" child for the purposes of determining entitlement to travel assistance.

- 2.7 There is an additional entitlement to free home-to-school travel assistance for children from low income families who are entitled to free school meals or whose parents are in receipt of maximum working tax credit. Where these criteria apply, the following pupils are also “eligible” children for travel assistance purposes:
- pupils over eight but under 11 years of age, who live more than 2 miles from their nearest suitable school;
 - secondary age pupils (11-16) attending a suitable school that is designated by the Local Authority for the child and which is between two and six miles from the child’s home (as long as there are not three or more nearer schools); and
 - pupils attending their nearest school preferred on the grounds of religion or belief, between two and fifteen miles from home.
- 2.8 Although the legislation applies equally to all pupils and students in all types of provision, this policy statement relates solely to travel assistance for those with special educational needs, disabilities and mobility difficulties. In line with its Disability Equality Duty, the Council will treat students with special educational needs, whether they have an EHCP or statement or not, no less favourably than those without disabilities.
- 2.9 Where a school or other provision is named in a statement at the parent’s request and there is a nearer suitable school, the Council will not normally provide travel assistance, unless it decides that to provide the transport is not incompatible with the efficient use of its resources. In such cases the Council will name the nearest suitable school, but enable attendance at the preferred school by describing it as the preferred school on the statement.
- 2.10 The statutory duties described above relate only to travel between the pupil’s home address and the nearest suitable school, and at the beginning and end of the school day. The circumstances when the Council will use its discretionary powers to assist between other destinations and at other times of day are set out in Section 3.

3 DISCRETIONARY POWERS

3.1 Discretionary assistance

- 3.1.1 The statutory duty described in Section 2 applies only to children of compulsory school age living beyond the statutory walking distance, and for travel from home to the nearest suitable school at the beginning and end of the school day. This section sets out the criteria the Council will apply when using its discretionary powers to provide travel assistance free of charge in other circumstances.
- 3.1.2 Where discretionary assistance is provided, it is open to Councils to make a charge as a contribution to the cost of providing the service. Parents and carers of young adults from the year in which they become 16 may be required to make a contribution if transport assistance has been included in any other support provided, including through a Personal Budget. The young

person, when over 18, is expected to make a contribution through benefits or personal budgets.

3.1.3 The Council will consider take account of relevant factors when deciding whether or not to make a charge for the provision of discretionary transport for children with special educational needs, disabilities and mobility difficulties. These factors include:

3.1.4 Temporary (normally no more than 6 weeks) difficulties for parents in ensuring their child is taken to school where the normal eligibility provisions for transport do not apply

3.1.5 The family is rehoused for reasons beyond their control and ensuring education continuity is necessary.

3.2 *Children below compulsory school age*

3.2.1 Some children are admitted to specialist pre-school provision, or specially supported mainstream educational before they reach the age at which school attendance normally starts (the September of the year in which children become 5 years old.).

3.2.2 Where very young children are admitted to specialist educational provision, it is recognised that such placements are made for sound educational reasons, and sometimes as part of a formal assessment of SEN. Nevertheless, there is no statutory requirement to provide assistance for children below compulsory school age and the Council's expectation is that parents/carers are normally responsible for taking their child to any pre-school provision.

3.2.3 However, the Council will use its discretion to assist with travel (including journeys in the middle of the day where the child attends part-time) in the following exceptional circumstances:

- the Council has designated the provision because it is staffed or equipped to meet the child's SEN, and
- the child is entitled to free school meals or their parents are in receipt of maximum working tax credit, and
- the designated provision is more than two miles from home along the shortest safe walking route, or
- the parent/carer has a disability which prevents them from accompanying their child along a walking route to the designated provision.

Other discretionary factors mentioned in this Policy may also apply.

3.3 *Travel other than between home and school*

3.3.1 The Council's home to school travel assistance covers only journeys between home and school at the beginning and end of the school day. It will offer travel assistance for journeys other than between home and school in a limited

number of special circumstances in accordance with other Council policies, such as between school at the end of the school day and a respite centre where the placement forms part of a care plan agreed by the Council.

- 3.3.2 Travel to locations other than between home and school, e.g. hospital appointments, leisure activities or at other times of the school day, is the responsibility of the parent/carer.

4 EXCEPTIONAL CIRCUMSTANCES

- 4.1 The purpose of the SEN travel assistance policy is to help parents/carers meet their responsibility to ensure their child is educated. Requests for assistance which fall outside the arrangements set out in Sections 2 and 3, above, will be considered on a case-by-case basis.
- 4.2 Parents may bring forward any circumstances which they consider exceptional and which might prevent them from ensuring their child attends school. Evidence to support such requests will be required. The final decision is made by an appropriate Council Officer, subject to a right of appeal.
- 4.3 Except in emergencies, special requests should be made at least seven working days in advance of the assistance being required.
- 4.4 Different procedures apply when considering travel assistance requests for children in care to Barnet Council placed outside Barnet. Different procedures also apply when a family has been temporarily re-housed outside Barnet and there is a request for travel assistance to a Barnet school in order to maintain educational continuity. The procedures for these types of requests are set out in Section 16.
- 4.5 The following list, which is not exhaustive, set out examples of circumstances which the Council may regard as exceptional. If agreed, the assistance will normally be time limited and subject to regular review:
- a major and sudden change in family circumstances over which the family has no control, which could not have been foreseen, and which would otherwise prevent the child from attending school
 - a change of school due to exceptional circumstances. Both schools will need to confirm that a change is necessary
 - where a child has an unexpected short term medical condition such as a broken leg which prevents the child from walking. In this instance supporting medical evidence will be required as well as reasons why parents cannot provide or arrange the transport.
- 4.6 However, the following circumstances would not normally be considered exceptional under this policy:

- a change of address
- inability or unwillingness of a parent to provide or pay for transport
- where parents/carers has other commitments which prevent them from taking the child to school such as taking siblings to schools elsewhere or caring for a disabled relative at home.
- a change of school due to alleged bullying or other problems, unless these have been investigated and the Council confirms that such a change is necessary
- where non-entitlement arises from the choice of the parent or student
- loss of employment
- loss of private transport arrangements
- where there is a suitable school closer to home
- to and from schools where the parents have arranged the placement themselves
- to pre-school provision other than to placements described in Section 3.

5 SPECIAL REQUESTS AND VARIATIONS

5.1 This section relates to children who are eligible for travel assistance, but where a parent makes a special request for a change to the normal arrangements.

5.2 Where transport is provided or arranged by the Council, children will be assigned to a vehicle following a particular timetable and route.

5.3 From time to time the Council receives requests from parents to vary the normal route or timetable. Some requests are for an on-going change, others are one-off requests. Examples, which are not exhaustive, of such requests include:

- non-home pick-up or drop-off point to fit parents' work arrangements
- non-home drop-off point to allow for participation in an after-school club
- non-home drop-off point for childcare reasons
- non-home pick-up/drop-off for respite or short-term care where this is not part of a formal care plan
- travel to induction interviews or taster days
- earlier pick-up time to allow attendance at a breakfast club
- transport during the school day, for example between schools or college sites, to swimming pools, school visits, and so on
- collection during the school day because of child's illness
- variations to assist compliance with religious obligations
- transport for pupils who are delayed at school to take part in extra-curricular activities or due to detention
- travel to hospital, dental or other medical appointments
- travel away from school for work experience.

5.4 The Council will not normally assist in these circumstances, but will consider minor changes to existing routes or allow a pupil to transfer to a different route with a spare seat, provided:

- there is no additional cost to the Council
- the journey time and pick-up/drop-off times for other children on the route are not affected by the change
- except in an emergency, at least seven days' notice is given in writing to allow time for schools, drivers and escorts to be informed.

6 APPLYING FOR TRAVEL ASSISTANCE

6.1 Requests for travel assistance

6.1.1 Travel assistance for pupils with SEN is not automatic. Parents/carers will be asked to complete an application form to provide the information needed to determine eligibility. Only in exceptional circumstances is it necessary to include transport provision in a child's SEN statement of EHCP.

6.1.2 Travel assistance requests are considered in two stages:

- first, to determine whether the Council should offer travel assistance (eligibility), and then
- second, to determine what type of assistance should be offered (the travel solution).

6.2 Determining eligibility

6.2.1 The application will be considered initially by an appropriate Council Officer against the eligibility criteria in the SEN travel assistance policy. Where there is a clear statutory duty to assist, the Officer will approve the request and notify the parent.

6.2.2 In other cases and where the request is linked to a decision about the school placement, the request will be considered by the Complex Needs Panel. Travel requests are usually considered by the panel at the same time as considering which school the child should attend.

6.2.3 In coming to a recommendation, the Complex Needs Panel will take account of any transport-related advice obtained during the formal assessment process and/or contained in the non-educational provision section of SEN statements. In line with the Council's general duty to secure best value, the panel will also have regard to the cost of transport as well as educational suitability and other factors such as parental preference. For placements in residential schools, the panel may also take transport costs into account in deciding whether the pupil should be placed on a daily, weekly or termly basis.

- 6.2.4 In some cases, it may be necessary to seek further information from the parent or request medical evidence or seek advice from one of the Council's educational psychologists or the child's current school.
- 6.2.5 The SEN Manager will make the final decision taking account of the panel's recommendation. Parents and carers will usually be informed in writing of the decision within 10 days of receipt of an application.
- 6.2.6 If a request is turned down at this stage, the parents are informed of their right of appeal. Appeal arrangements are set out in Section 12.

6.3 *The travel solution*

- 6.3.1 Where assistance is agreed, consideration is then given to how the pupil will travel to school. The offer of assistance will take account of the needs of the child, the distance from home to school, the suitability and availability of public transport, whether there is already transport going to the named school, and the efficient use of Council resources.
- 6.3.2 In addition, the Council will seek options which promote independence and the well-being of pupils including, for example, encouraging a healthy lifestyle by walking a reasonable distance where the pupil is mobile and the route is safe.
- 6.3.3 Travel options will be appropriate for the needs of the child and considered in the following order:
- Walking to school, accompanied as necessary by the parent/carer
 - Walking bus organised by the school
 - Travel pass/Oyster Card for the pupil to travel unaccompanied
 - Travel pass/Oyster Card for the parent/carer to accompany the pupil (1)
 - Personal Travel Budget to assist with the cost when the parent/carer agrees to take full responsibility for getting the child to school¹
 - A mileage allowance for parents to use their own car to transport the pupil (2)
 - Funding for an escort to accompany the child, either walking or by public transport
 - A seat on a shared school coach or minibus arranged by the Council
 - Exceptionally, a seat on a hired car (taxi) arranged by the Council

7 STUDENTS ATTENDING RESIDENTIAL SPECIAL SCHOOLS OUTSIDE BARNET

- 7.1 In general it is expected that parents/carers will take and collect their child to and from residential schools. Where the distance exceeds the statutory walking distance and prior approval has been given, parents will be eligible for a personal travel budget or a contribution to fuel costs.

¹ Subject to parental agreement

- 7.2 Travel assistance may be provided for children whose families do not have a car. In these circumstances the Council will arrange transport. It is expected that parents/carers will act as escorts where appropriate.
- 7.3 In some cases transport from a central London pick-up/drop off point may be included in the cost of the residential school fees. In these cases the Council will meet the cost of the main journey, but expects the parent/carer to collect and deliver their child to the central pick-up point.
- 7.4 Depending on the type of placement, travel assistance will be offered as follows:
- where the pupil attends on a 52 week basis: at official closures and for a maximum of a further six return trips per academic year
 - where the pupil attends on a termly basis: at the beginning and end of each term and half term, and at other official school closures
 - where the pupil attends on a weekly basis: at the beginning and end of each week and at other official school closures.
- 7.5 Where a parent is invited to attend an open day, review meeting or similar event at the school, the journey should be covered by one of those described above – no additional assistance will be offered for school-organised events.
- 7.6 Where the Council arranges transport it is likely to be in a shared minibus or an ordinary saloon car taxi with reasonable but limited space for luggage. The Council will not incur extra expense to provide larger or additional vehicles in order to transport extra luggage.

8 THE PARTNERSHIP WITH PARENTS

- 8.1 The efficient operation of the special needs travel assistance policy requires the Council and parents/carers to work in partnership. In particular the Council welcomes the support of parents in:
- making timely applications for assistance with accurate information about the child's needs
 - ensuring the child is ready in good time at the pick-up point
 - being ready to receive the child at the drop-off point
 - prompt notification of changes to arrangements, for example in the event of illness
 - willingness to use the family car and to act as driver/escort where appropriate.
- 8.2 From time to time situations will arise where parents/carers disagree with decisions by officers on the interpretation or application of the policy. Section 12 sets out the arrangements for parents/carers to make complaints and/or appeal against officer decisions.

8.3 Parents/carers are expected to have pupils ready at the arranged times and be there to collect them at the end of the day. Where this is not the case, drivers have been instructed to adopt the following procedures:

- in exceptional circumstances, the driver will wait no more than five minutes beyond the scheduled pick-up time in the morning
- if there is no-one to collect a child at the end of a school day, the child will stay on the vehicle for the remainder of the journey when the driver will return to the agreed destination
- if there is no alternative, the child will be taken to a place of safety
- at no time will a child be left unsupervised and will not be left with anyone other than the parent/carer or at a place of safety, unless the parent/carer has given written authorisation.

8.4 A very small number of parents fail to fulfil their role in the partnership, adversely affecting the journeys of other children and possibly impacting on the education of their own child. Section 13 sets out the steps the Council will take if there are frequent failures in timekeeping which result in delays and inconvenience for other pupils and their parents/carers.

9 GUIDELINES FOR THE PROVISION OF ESCORTS

9.1 The provision of escorts is covered by the general requirement on local Authorities when arranging transport to take account of the needs of the individual child. There is no automatic statutory entitlement to an escort.

9.2 The Council will undertake an individual risk assessment to determine whether an escort(s) is required for particular journeys. Examples of situations when an escort will normally be provided include:

- where there are five or more pupils travelling in the same vehicle. For larger groups or where individual pupils have severe physical or behavioural difficulties, more than one escort may be required;
- where the pupil's behavioural difficulties present a hazard for the driver if no other adult is present;
- for children aged seven and under;
- where the pupil has severe communication difficulties, such as profound deafness.

9.3 Escorts are employed to supervise pupils on vehicles. They will assist pupils to board and leave the vehicle, but they will not collect pupils from their homes or take them into the classroom. It is the responsibility of the parents to take the child to the vehicle and collect them from the vehicle. At school, the escort will ensure that children are handed over to school staff in the parking area, bearing in mind that other children on the vehicle must not be left unattended.

9.4 Escorts will not administer treatment or medication without the written consent of the parent/carer. If a pupil has a life-threatening condition, the parent/carer will be encouraged to escort the child him/herself. Otherwise special arrangements which may include an escort with training to deal with medical emergencies will be made.

9.5 The provision of escorts will be the subject of regular review.

10 PERSONAL TRAVEL BUDGETS AND MILEAGE ALLOWANCES

10.1 A personal travel budget may be offered at the discretion of the SEN Manager to the parents of eligible children in lieu of other assistance. The personal travel budget is a regular cash amount, paid into the parents' nominated bank account each month. The parent takes full responsibility for ensuring the child's regular attendance at school, but otherwise does not have to account for how the money is spent. Receipts for fares, taxi journeys or fuel purchases are not required.

10.2 Attendance will be monitored. The personal travel budget may be amended or withdrawn if attendance is not satisfactory.

11 PARENTAL APPEALS AND COMPLAINTS

11.1 Queries or concerns about the day-to-day operation of the SEN travel assistance arrangements should be raised with the Council's designated officer.

11.2 From time to time situations will arise where parents/carers disagree with decisions by officers on the interpretation or application of the travel transport policy. This section sets out the arrangements for parents/carers to appeal against officer decisions.

11.3 Appeals will be considered in three stages:

11.3.1 Stage 1: Informal officer review

The Council would like to settle complaints and appeals as quickly as possible and without recourse to formal procedures. Parents/carers should initially raise concerns with their child's SEN caseworker who will arrange for the SEN Manager to review the decision. Where appropriate the SEN Manager will seek further advice, for example from the child's school, and may invite the parent/carer to a meeting to clarify the situation.

The parent/carer will be notified of the outcome of the review with reasons in writing within two weeks of the initial request. If a response is not possible within two weeks, then the parent/carer will be informed of the reason for the delay and provided with a new deadline. If the decision remains unchanged, then the parent

will be informed of their right of appeal to a senior Council officer who is independent of the original decision.

11.3.2 Stage 2: Independent travel panel

If the parent/carer is dissatisfied with the outcome of the informal review, he or she may appeal to an independent travel panel. The panel comprises a senior Council officer who has had no previous involvement in the case and is not a budget holder for transport provision, a volunteer with an interest and/or expertise in education, and a representative of the health authority. The panel will seek evidence from both the parent/carer and the SEN Manager before making a decision.

The parent/carer will be notified of the outcome of the appeal with reasons in writing within two weeks of the initial request. If a response is not possible within two weeks, then the parent/carer will be informed of the reason for the delay and provided with a new deadline.

11.3.3 Stage 3: Formal complaint

If the parent/carer is dissatisfied with the outcome of the independent senior officer review, he or she may write to the Corporate Complaints Officer.

12 SANCTIONS TO SUPPORT THE EFFICIENT RUNNING OF THE SEN TRANSPORT SERVICE

- 12.1 A very small number of parents fail to fulfil their role in the partnership, adversely affecting the journeys of other children and possibly impacting on the education of their own child. These are the steps the Council will take to maintain a high level of service for all families.
- 12.2 The Council may take the following steps to support the efficient running of the SEN transport service. Where sanctions are necessary, they will not be applied in isolation - the child's headteacher will always be consulted in case the parent is also in dispute with the school and some form of joint action is appropriate, e.g. as part of a broader home-school "contract".
- 12.3 Parents/carers may be charged if the Council incurs additional costs as a result of wilful or repeated failure to meet their responsibilities.