

School Travel Assistance Policy for Children/Young People with Special Educational Need and/or Disabilities (SEND)

***Supporting eligible children/young people to get to their school or
setting safely, promoting independence and wellbeing***

September 2023

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Agreed by

Published

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Preface

This policy applies to children living in Cambridgeshire and describes free or subsidised transport assistance to schools, academies and colleges for children and young people with Special Educational Needs and/or disabilities (SEND). This policy should be seen as supplementary to the Mainstream Home to school Travel Assistance Policy for the same academic year.

Families should read the Mainstream Policy to ensure that they are aware of the overarching principles that it contains. Please note in particular the sections relating to changes of address, split families, transport withdrawal, distance measurements and exceptional circumstances.

It is important to think about how your child gets to school to ensure they are safe, active and taking a route that is sustainable and environmentally friendly. The Council sees transport as a route to independence and at every possible opportunity will promote and encourage independent travel.

Parents/carers have a duty and responsibility to ensure that their children attend school and to make the necessary travel arrangements, including accompanying them where necessary on their journey to and from school. Parents/carers are also responsible for their children until they arrive at school and after they leave the school at the end of the school day.

The Council believes that independent travel, and travel with peers supports the development of key life skills for all young people. Where it is safe, appropriate and reasonable to do so, pupils with SEND will be expected to walk, accompanied as necessary by a responsible adult or to access transport from a common pick up point near their home.

This policy also:

- sets out the criteria against which children and young people with SEND's statutory entitlement to free travel assistance will be determined; and
- sets out where discretionary assistance may be provided, where the eligibility criteria for free assistance is not met; and
- sets out how any travel arrangements will be delivered; and
- sets out the process for reviews and appeals against those decisions.

1. Introduction

- 1.1 This policy for pupils with SEND is supplementary to the Mainstream Home to School/College Transport Policy, which applies to all pupils. It specifically relates to travel assistance between home and school at the start and end of the official school day.
- 1.2 The Mainstream Home to School Travel Assistance Policy explains the underpinning legislation and policy, including sections on safety and walking to school and the Council obligations for Extended Rights for Low Income Families.
- 1.3 This policy sets out how the Council will identify and support those children and young people, with qualifying SEND, who need travel assistance to their school or educational setting, whether this is in a mainstream school, unit attached to a mainstream school or a special school and whether it is within the statutory walking distance or further away from home.
- 1.4 Parents/carers should be aware that they will be required to complete an application form to be assessed for transport eligibility. An individual risk assessment of the pupil's transport needs may also be required. Delays in the provision of information required for such an assessment may lead to a delay in transport being arranged.

2. Travel Assistance Eligibility for children with SEND aged 4-16

- 2.1 In the majority of cases children/young people of statutory school age with SEND will attend their nearest suitable mainstream school and their entitlement to travel assistance is assessed against the criteria set out within the Mainstream Home to School Travel Assistance Policy.
- 2.2 Travel assistance will be assessed on an individual basis and will be provided by the Council in the most cost effective and appropriate way whilst meeting the child's assessed travel needs. It may be provided in a number of ways, including bus, public transport, PTB (Personal Transport Budget) or taxi as appropriate. Independent travel training may also be provided. All eligibility and travel assistance arrangements will be reviewed at times of transition e.g. moving from primary to secondary education; to ensure that the basis for entitlement continues and the method of travel assistance remains appropriate. Interim reviews may also be undertaken, according to the individual needs of each child/young person.

2.3 Eligibility Criteria Primary aged pupils (4-11)

- Live within the boundaries of the area covered by Cambridgeshire County Council
- Have an Education, Health & Care Plan (EHCP)
- Be attending the school that is the nearest suitable school/the school designated by the Council as able to meet their needs (please refer to section 2.7)

- Live more than two miles¹ from their nearest suitable primary school and/or not be able to walk those distances, accompanied by an adult as necessary (this needs to be supported by appropriate medical evidence).

2.4 Secondary aged pupils (11-16)

- Live within the boundaries of the area covered by Cambridgeshire County Council.
- Have an Education, Health & Care Plan (EHCP).
- Be attending the school that is the nearest suitable school/the school designated by the Council as able to meet their needs (please refer to section 2.7).
- Live more than three miles² from their nearest suitable secondary school and/or not be able to walk those distances, accompanied by an adult as necessary (this needs to be supported by appropriate medical evidence).

2.5 Travel Assistance for journeys less than 2 and 3 mile walking distances

Where a child/young person, with or without an EHCP, is unable to walk the distances outlined in sections 2.3 and 2.4, as their special education need **or** disability **ordinarily** prevents them from doing so, even when accompanied as necessary by a parent/carer, free travel assistance will be considered to their designated nearest suitable school.

2.6 Assistance sought under paragraph 2.5, will be considered on an individual basis, by a panel of senior officers who will consider supporting written evidence, from a range of sources, for example, Education or Health professionals, parents and school SENCO, that describes the child as having, but not limited to:

- long term severely restricted independent mobility, due to a physical disability;
- long term severely restricted independent mobility due to a medical condition resulting in severe persistent pain and/or extreme fatigue;
- a sensory impairment resulting in severely restricted mobility;
- severe behavioural emotional and/or social difficulties in comparison with other children of their age. This may be linked with cognitive ability or be as a result of a specific development disorder.

Note: “Long term” describes something that is likely to last for at least a year and in many cases for the rest of the life of the person affected.

^{1, 2} Please refer to the mainstream home to school travel assistance policy for details of how distances are measured.

2.7 Nearest Suitable School

In order to meet the eligibility criteria for travel assistance a child/young person must be attending the school that is the **nearest suitable school** able to meet their needs, as designated by the Council, outlined within their EHCP. This school **may** be different to the parent/carers preferred school.

Where parents/carers express a preference for their child to attend a school other than the **nearest suitable school** it is important that they understand that they will be responsible for making and funding **all** travel arrangements. The only exception will be where an alternative school has been ordered by the SEND tribunal.

Eligible school types include;

- Schools maintained by Cambridgeshire County Council (the Council), the Local Authority.
- Other state-funded schools, including Academies, Free Schools, Studio Schools and University Technical Colleges (UTCs) in the area in which Cambridgeshire County Council is the Local Authority.
- Independent special schools where these are named in a child's Education, Health and Care Plan (EHCP).
- Schools maintained by other local authorities where Cambridgeshire has determined these as the *nearest suitable schools* (see the Glossary) for the pupils concerned.

2.8 Requests for discretionary / exceptional transport arrangements

Requests for travel assistance made outside of the criteria set out in 2.3 and 2.4, will be considered on an individual basis, via the completion of an exceptional transport request form, along with evidence supporting the request. The request will then be considered by a panel of senior officers.

Where parents/carers are unhappy with the outcome of their request, they may appeal the decision through the Review and Appeals Process set out in section 6.

3 Travel Arrangements

3.1 The type of arrangement provided for each eligible child/young person will be assessed on an individual basis and will be determined, by the Council, to be one of the following;

- Bus pass either on a public service route or school contract bus.
- A place on the Independent Travel Training (ITT) Programme.
- Personal Transport Budget (PTB).
- A place on an existing vehicle/route.
- Individual transport, for those children/young people with the most complex needs.

3.2 Individual Travel Training Programme

To support the development of and to empower learners to become self-reliant travellers, eligible children/young people with an EHCPs or with special educational needs and/or disabilities, will, where appropriate, be offered a programme of independent travel training. Upon successful completion and sign-off of the travel training programme, travel arrangements will be reviewed and adjusted as appropriate.

3.3 Personal Transport Budgets (PTBs)

Where a child/young person with SEND has been identified as being eligible for travel assistance, parents/carers may be offered the option of a PTB. PTBs are discretionary payments made to parents/carers in exchange for full responsibility for transporting their child safely to and from school. PTBs can be used by parents/carers in a variety of ways including;

- Driving your child to school yourself.
- Arranging for a friend or relative to cycle or walk with your child.
- Car share with other parents.
- Getting a bus pass for a friend to go with your child.
- Paying for a bus pass for your child.
- Paying for childcare for another child – so you can take your eligible child to school.
- Working with the school to join up with other parents.
- Use towards the cost of a taxi or share the cost of the taxi with other parents.

Payments are calculated using a flat rate fee of £0.40 per mile for four journeys (home to school and return x 2) per school day. If there is a more cost-effective option (such as a shared transport arrangement), a PTB will not normally be agreed.

All requests are considered on an individual basis and, in exceptional circumstances, an enhanced PTB payment may be agreed by a panel of senior officers, following consideration of all supporting evidence. The following circumstances may be considered, but not limited to;

- Severe medical needs of a child/young person which, during the course of a transport journey, could result in them needing immediate medical attention.
- The child/young person's behaviour presenting significant risk to other passengers in the vehicle and/or other transport users.
- The need for a second adult to accompany and support the child.
- The cost per mile of providing a taxi would be considerably greater than paying the parent/carer a PTB despite the home to school journey distance being very short.
- Where there are complex and exceptional family circumstances including the need to get other siblings to and from school, childcare arrangements or working arrangements.

- Other considerations, for example, the age, height and/or weight of the child and their mobility.
- Where an Occupational Therapist or other specialist assessment indicates that a PTB arrangement would be the most appropriate option.

3.4 Passenger assistants

The Council will assess the need for a passenger assistant (PA) on a vehicle on a case-by-case basis, based on the needs of the individual child.

3.5 Pick up drop offs

The maximum distance under which children will be expected to make their own way, accompanied by an adult as necessary, to a pick-up point will be **half a mile** for children of primary school age and **one mile** for young people of secondary school age. Where pick up/drop off point needs adapting for a child/young person has SEND, supporting evidence will be considered to ensure an appropriate a pick-up point will be agreed in accordance with their individual needs.

Pick up and drop off times will be planned in accordance with the official school/education setting day and will enable a child/young person to arrive at school on time. The Council is unable to guarantee that pick up or drop off times will be compatible with any other arrangements made by parents/carers.

Parents/carers are responsible for ensuring their children get to and from the designated pick up and drop off point for the vehicle and remain responsible for them until they board the vehicle on their way to school or once they leave the vehicle at the end of their return journey.

Once on school premises the school becomes responsible for the supervision of the child/young person. Depending on the needs of a child, an identified member of school staff may meet them on arrival to ensure they safely enter the school.

3.6 Journey Times

The journey each way, from home to school (excluding the time taken to get to the designated pick-up point or waiting for a connecting service) should ordinarily be achieved within;

- 45 minutes for primary aged children (4-11)
- 75 minutes for secondary aged you people (11-16)

If a child is attending special out of county provision named in their EHCP, these travel times are more likely to vary. Where parents/carers insist on a child attending a school to which the journey time exceeds these limits, the Council will not be responsible for making, or funding their travel arrangements.

If travel assistance takes the form of transport organised by the Council, one return journey at fixed times will be provided, timed so that children/young people arrive at school in advance of registration and/or the official school teaching day, and are collected within 20 minutes of the end of the school teaching day.

3.7 Circumstances where the Council will not provide or fund additional travel;

Lateness -The child/young person is not at the pick-up point and ready to board the vehicle by the scheduled departure time.

Offsite alternative education, extracurricular activities or journeys between institutions within the school day (for journeys of this nature the organising school or institution will be responsible for transport arrangements).

Work Experience - For young people on work experience placements. It is the responsibility of the school/college to support students to find and be able to access a suitable work experience placement.

Poor attendance - To support a pupil/student's attendance at school nor will it provide travel assistance in cases where the pupil/student is required to remain at school because they have been placed in detention.

Medical/Dentals Appointments - When the child/young person has a medical or dental appointment at a time when they would normally be travelling to or from school or during the school day.

Sickness – If a child/young person becomes ill during the school day, the school will notify their parents/carers and ask them to make arrangements to collect their child.

Court Attendance - When a child/young person is required to attend a court hearing.

Fixed Term Exclusions - When a child/young person has been issued with a fixed term exclusion.

Before / After school clubs - Travel assistance will not be made available to enable a child/young person to attend a before or after school club.

School Transition Days – Travel assistance is not provided the by Council for attendance at school transition events. It is the responsibility of each school to make any arrangements.

In **exceptional** circumstances the Council may consider providing travel assistance on a case-by-case basis, by a panel of senior officer.

3.8 Review of travel arrangements

As part of the annual review of the EHCP travel assistance for the child/young person will also be reviewed, including considering whether their current way of getting to their education setting is supporting their independence outcomes.

3.9 Nursery and Reception Pupils

The Council **will only** provide travel assistance, in exceptional circumstances, for children attending a maintained nursery or nursery class or an early years setting run by a private, voluntary or independent provider if this is named in the child's EHCP and without such assistance the child would be unable to access the education provision specified.

If children are attending a mainstream school part-time at the start of their Reception Year, the Council **will only** provide transport to school at the start of the school day and to return home at the end of the school day. Parents/carers will be responsible for transporting their children to and from school at other times of the school day before they attend full-time.

3.10 Transport for children in care

For the purposes of travel assistance, the policy for children in care is the same as for those for whom the Council is not the corporate parent. However, in circumstances where a child/young person's foster placement is changed, the Council is sympathetic to the disruption this can cause and mindful of the fact that school placement may be the one point of continuity for them.

Decisions regarding requests for travel assistance in such cases are based on the individual circumstances of the child in care, their year group and the journey length.

3.11 Educational visits/school trips

If a school is making arrangements for an educational visit or school trip which includes the need for special or adapted transport for a child/young person with physical needs, the school will need to meet the costs from its own resources.

4. Post-16 students (16-25) with Special Educational Needs, Learning Difficulties and/or Disabilities (SEND)

Please refer to the Council's separate Post-16 Travel Assistance Policy for details of the support offered for Cambridgeshire Post-16 students with SEND.

5. The Application Process

- 5.1** Transport entitlement must be discussed with a parent by the Statutory Assessment Team (SAT) Caseworker as part of the discussion around appropriate school placement. It is vital parents are aware of their child's entitlement when making their school preferences. The Transport Engagement

Officers are available to meet with parents at this point in the Education Health and Care Needs Assessment process, to outline the options available.

- 5.2** Applications for travel assistance are made once a school has been named in the child/young person's EHCP.
- 5.3** The application is completed by the family or SAT casework officer and is then assessed by Eligibility officers within the Passenger Transport Team.
- 5.4** If the child/young person meets the eligibility criteria for travel assistance the family are informed.
- 5.5** If the child/young person does not meet the eligibility criteria, however, the parents/carers consider there to be compelling grounds for discretionary travel assistance, an exceptional transport request will be considered, along with all relevant evidence by a panel of senior officers.
- 5.6** In cases where a request for travel assistance is declined, parent/carers will be informed of the Council's 2 stage appeals process, as set out in section 6.

6. Review and Appeals Process

A two-stage travel assistance review/appeals process is available for parents/carers who wish to challenge a decision regarding:

- the type of travel assistance offered;
- their child's eligibility for free or subsidised travel;
- the distance measurement;
- the availability of the route unless the Council has undertaken a review of that route and the parents/carers have been notified in writing that the Council has assessed the route as meeting its criteria as an available route and that it intends to withdraw free travel assistance as a result. In such cases, appeals against such decisions move straight to Stage Two of the process set out below.

6.1 Stage one:

Parents/carers have 20 working days from receipt of the Council's decision to submit a written request asking for a review of that decision.

For children who hold an EHCP these should be sent to sendtransportappeals@cambridgeshire.gov.uk

The written request should detail why the parents/carers believe the decision should be reviewed and give details of any personal and/or family circumstances they believe should be considered when the decision is reviewed.

A senior Council officer, independent of the original decision, will review the original request/application within 20 working days of receipt of the parents' written request and write to the parents to inform them of the decision including:

- the rationale for the decision reached;

- how the review was conducted;
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- information about escalation to Stage Two (if appropriate).

6.2 Stage Two:

Parents/carers have 20 working days from receipt of the Council's Stage One decision to make a written request to escalate the matter to Stage Two.

- Within 40 working days an Appeals Committee, who have received appropriate training considers, written and verbal representations from the parents/carers, case work officers and/or other relevant council officers and reaches a decision on the case.
- If the appeal is unsuccessful and the parents consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal was handled, they can lodge a complaint with to the Local Government Ombudsman.
- If the parents consider the appeal decision to be flawed on public law grounds, they can apply for judicial review.

A further appeal **will only** be considered if there has been a clear change of circumstances, for example, a change of school or address. A change of year group alone would not constitute a change of circumstances,

6.3 Please note

- If a child is under 16 years of age, the right of appeal can only be exercised by a parent.
- If a child is 16 or 17 years old, the parent or the young person can exercise the right of appeal.
- If a child is 18 years old, only the young person has the right of appeal.

7. Useful Contact Information

See the Council's website at: www.cambridgeshire.gov.uk

Operational enquiries	edtransport@cambridgeshire.gov.uk
Eligibility enquiries	h2stransportrequests@cambridgeshire.gov.uk
Appeal Enquiries	sendtransportappeals@cambridgeshire.gov.uk

Contact by Telephone:

0345 045 5208

Monday to Friday 8am to 6pm

Saturday 9am to 1pm

GLOSSARY

Academy	An independent state-funded school run by a trust. The trust or local governing board are responsible for admissions to the school. The definition of academy includes free schools and University Technical Colleges.
Catchment area	A defined geographical area surrounding a school from which it will usually take the majority of its pupils/students.
Catchment school	The local school within a defined geographical area described as the catchment (see above), recognised by the Council for meeting its statutory obligations for home to school transport. This is without prejudice to any catchment area that may be determined by an own admission authority school within its admission arrangements.
Community school	A school maintained by the Council where the Council is responsible for employing the staff and for the admission arrangements.
Distance from home to school	The distance from the entrance to the child's home to the nearest recognised entrance of the school via the shortest available walking route up to the maximum of 3 miles and the shortest road route beyond that distance.
Foundation school	A school which is funded and maintained by the Council, but where the governing body is responsible for admissions to the school and the employment of the staff.
Low income	The eligibility criteria for subsidised or free travel assistance on grounds of low income vary depending on whether they are statutory or discretionary.
Maintained schools	All schools funded and maintained by the Council (this includes community, foundation, voluntary controlled and voluntary aided schools).

Nearest Suitable School

Each home address within Cambridgeshire will have a catchment school and/or a school which is the closest school to that address. In the majority of cases, the catchment and closest school are the same school. In cases where it is not nearest suitable school is whichever of the two schools the child attends.

In addition to the above conditions, a different school may be designated as nearest suitable school when;

- (1) the school is specified in the child/young person's Education Health Care Plan as being the nearest school able to meet their needs, whilst the child remains at that school; or
- (2) where an application has been made for a child/young person's catchment and nearest school(s) but a place is refused due to oversubscription, the Council will designate an alternative school as the "nearest suitable school". In determining which school becomes the nearest suitable school, the individual circumstances of each case will be considered as well as; which is the next nearest school with a place available, which given the age of the child can be accessed using existing transport/route or using the easiest travel route at the lowest cost.

Parent

A person who is the child's natural parent or, is not the natural parent but has parental responsibility for the child, or who has care of the child.

Public examination courses

GCSEs, AS levels, A levels, NVQs, BTec First/National Diplomas, International Baccalaureate.

Religion or belief

The main indication of what constitutes a 'religion' is that it must have a clear structure and belief system. 'Belief' is defined as 'a religious or philosophical belief' and equates to 'conviction'. Based on European case law, *it has to be more than an opinion or idea. A belief must be genuinely held and the parents bear a heavy burden of showing that it is the real reason for their action/preference.*

SETT	The Council's Social Education and Transport Team which arranges transport for those who are entitled to travel assistance under the Council's Home to School/College Travel Assistance Policy.
Shortest available walking route	Route along which a child may walk, without trespass, with reasonable safety, accompanied by an adult as necessary (see Appendix D)
Voluntary aided School	A school set up and owned by a voluntary body, usually a church body, largely financed by the Council but run by the school's governing body.
Voluntary controlled School	A school maintained and funded by the Council but with links to the foundation which originally established the school. The constitution will normally have representatives of the foundation on the governing body.
Walking distance	Defined as either two miles for children of primary school age or three miles for children of secondary school age as measured by the shortest available walking route.