



Special Educational Needs and Disability  
Home to School Support with Travel Policy

2022-2023

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**Terms we use in this document and what they mean:**

**Parents:** The term “parents” should be read to include foster parents, carers and other guardians of children and young people.

**The Council:** Swindon Borough Council.

**SEN/SEND:** Special Educational Needs/Special Educational Needs and Disabilities

**Special School:** A school is a special school if it is specifically organised to make special educational provision for pupils with SEN.

**Mainstream School:** Means a maintained school or an academy that is not a special school

**EHC Plan:** Education, Health and Care Plan

**SEND Service:** The Council team which assesses applications for school places, and applications for transport to schools for children young people with an Education, Health and Care Plan.

**Passenger Transport Team:** The Council team which commissions, allocates and manages the home to school transport contracts on behalf of the Council

**SENDIASS (Special Educational Needs and Disabilities Information and Support Service):** Provides confidential, impartial, free advice and support to parents and young people with Special Educational Needs (SEN).

## Policy statement:

In Swindon we want to ensure all children and young people are as independent and successful as possible in their adult lives. This will be different for each child or young person. We want to enable them to:

- Get a job, become employable or be engaged in meaningful activity
- Live as independently as possible
- Actively participate in community life, have friends and personal interests
- Be as healthy as possible.

Travelling as independently as possible play an important role in how these outcomes will be achieved.

## Section 1: Background and Scope of the Policy

### 1.1 The Law

The law with regards to travel assistance is set out in the Education Act 1996 as amended by the Education and Inspections Act 2006.

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

The Department for Education has also issued "Home to School Travel and Transport guidance: Statutory guidance for local authorities July 2014" to explain the law and to assist local authorities when they are making policy decisions.

## Section 2: Legal responsibilities, eligibility.

Most **parents/carers** take their children to and from school. Where their child has a school place, parents have a legal duty, and a responsibility, to make the necessary arrangements to ensure that a child of compulsory school age attends school regularly.

**The Council** has a statutory duty to provide free suitable travel arrangements for eligible children.

The policy applies only to eligible children who are ordinarily resident in Swindon Borough Council. If parents pay council tax to a council other than Swindon Borough Council, they must apply to their own Local Authority (LA) for help with transport even if their child is attending a Swindon school/setting.

## **2.1 Eligible child and young person - definition:**

This duty applies to eligible children of statutory school age, normally meaning age 5 to 25. Eligible children and young people are those who meet any one or more of the following criteria:

1. Live outside the statutory walking distance from home to school
2. Live within walking distance but, the nature of the route to school is unsafe
3. Live outside or within the walking distance but are unable to get to school even if accompanied, because of their SEN or disability

All eligible children are entitled to free travel assistance to/from school at the beginning and end of the normal school day.

## **2.2 Home address – definition:**

The home address is where the child resides and spends the majority of his/her time. Occasionally a child will have more than one address; in this situation the addressed used for determining transport will be the one at which the child spends most of their time, including weekends and school holidays as well as during the week. When the child lives at the other address, they will not qualify for any transport arrangements other than the one provided from the primary address.

## **2.3 Qualifying school – definition:**

The educational establishments covered by this policy are

- Community, foundation or voluntary schools including special schools
- Non-maintained special school
- Pupil referral units
- City technology colleges, academies, free schools and University Technical Colleges
- For children with Education Health and Care plans, independent school and post-16 colleges if it is the only school named in the child's plan, or if it is the nearest of two or more schools named in the EHC Plan as is not named on the basis of parental preference
- Any other educational establishment, other than a school, where eligible children are receiving education by arrangement made under section 19(1) of the Education Act 1994

Where parents/carers apply for the nearest appropriate school and the school is unable to offer a place, free support with travel will be offered to the next nearest school with a place, providing the eligibility criteria are met and this will be reviewed at each Annual Review.

## **2.4 Eligible children – explanation**

### **2.4.1 Compulsory school age**

Children are of compulsory school age from the beginning of the term following their fifth birthday until the last Friday in June of the academic year in which they reach 16 years of age. Where travel assistance is assessed as eligible, this will be provided from the start of the reception year.

### **2.4.2 Statutory walking distance**

For eligible pupils support with travel is provided if their nearest suitable or catchment school is

- Beyond 2 miles (for children below 8) or
- Beyond 3 miles (for children age 8-16)

Distances are measured by the shortest available walking route. This may take into account public footpaths where they are available. The shortest available walking route is one where a child or young person, accompanied as necessary by a responsible adult or parent, can walk safely. A route can only be considered hazardous, if it is hazardous for both an adult and child to walk together.

All distances between children's homes and schools are measured using the Authority's GIS system. In this way, all children are assessed consistently in the same way under the distance criterion.

Where upper distance limits apply these are measured using the shortest vehicular road route, not walking routes.

### **2.4.3 Road Safety**

Transport is assessed for a safe walking route using 'Assessment of Walked Routes to School Guidelines' published by Road Safety GB which identifies hazards and the assessment of risk of walked routes to school

### **2.4.4 Unsafe routes**

If a walking route is assessed as unsafe provision of travel assistance will be made available. The assessment will be carried out by the Passenger Transport Team.

### **2.4.5 The Assessment of a safe walking route**

As it is the duty of parents to ensure that students attend school, the law on safe walking routes assumes that a responsible adult will accompany students to and from school.

A safe route will be on footpaths along the majority of its length. Short sections of road with a speed limit of 30mph, or less, may be acceptable, subject to assessment.

Crossings of major routes, including all routes with a speed limit more than 30mph, will either be by controlled crossing or by under-or over-pass. This can legitimately involve a diversion or even doubling back on route, but any additional distance will be included in the route measurement.

In determining the entitlement to free travel assistance, the route used in assessing the distance is the shortest safest available walking route in accordance with National Road Safety Guidance.

#### **2.4.5 Primary School Aged Students**

Travel assistance, can be provided, on road safety grounds, if the journey to the designated appropriate school would involve the use of roads without footpaths or lighting

#### **2.4.6 Secondary School Aged Students**

There are a number of criteria that need to be met for Secondary School students to receive travel assistance on road safety grounds. The following criteria are based on the expectation that parents will accompany their children to and from school where they consider it necessary:

- a. There is no footway or;
- b. Students have to walk along a dual carriageway with a speed limit of 40mph or higher, and they have to cross a dual carriageway and there is no safe crossing point available. A safe crossing point is defined as one of the following:

- Light operated crossings
- Zebra crossings
- Pedestrian refuge
- Foot Bridge
- Underpass
- School crossing patrol in operation

#### **2.4.7 Education and Inspections Act 2006**

The Education and Inspections Act 2006, provides extended rights for students from low income groups.

Low income groups are identified as where the student is entitled to free school meals or where the parents receive the maximum Working Tax Credit. Entitled groups are as follows:

- a. Students aged between 8 and 11 years old – where the nearest school is beyond two miles
- b. Students aged between 11 and 16 who:

- i. Attend one of the three closest Secondary Schools to their home address where their home to school distance is between two and six miles or
- ii. Attend the nearest suitable school preferred on the grounds of religion or belief, where they live more than two miles, but no more than 15 miles from the school

The LA may review all eligibility for travel assistance on a yearly basis. If the student is no longer eligible to travel assistance on these grounds, then the travel assistance will be withdrawn.

#### **2.4.8 Special educational needs (SEN), disability, mobility or medical condition**

The eligibility for children with SEN, disability, mobility or medical condition, who cannot reasonably be expected to walk to school, is assessed on an individual basis and it includes the following:

- The child must be attending the nearest appropriate school as determined by the Council following formal consultation
- The child cannot reasonably be expected to walk to school
- There is evidence that their medical condition, mobility issues or special educational needs affect their ability to travel to and from school

The Council will consider relevant evidence from consultant, or other relevant medical professional, to demonstrate the difficulties they have in walking or travelling on public transport in order to go to and from school, accompanied as necessary by a responsible adult or parent.

The child's case will be reviewed at least annually and up to date information on their medical needs will be required at each review. If there has been a significant change in their presentation, this will need to come from a medical professional.

Children and young people who have an Education, Health and Care (EHC) Plan, or attend a special school, do not automatically qualify for travel assistance.

#### **2.4.9 Discretionary arrangements**

The Council reserves the right to charge towards the costs of any ~~transport~~ travel assistance provided under discretionary arrangements.

Travel assistance for 3 and 4-year-old nursery age children attending nursery education provided by the Authority is not a statutory provision. Travel assistance will only be offered in exceptional circumstances.

Parents of children who attend a specialist nursery and are over age 2 may apply. Each application will be assessed individually based on the child's specific circumstance.

Any assistance granted would relate to the circumstances of the child, not the parent or carer.



The council does not run a concessionary travel scheme.

#### **2.4.10 Exclusions**

The Council will not normally provide travel assistance through this policy in the following circumstances:

- so that parents can take siblings to different schools or go to work at a specific time,
- to attend extra-curricular activities,
- to attend doctors, dental or any other appointments,
- to attend breakfast or after school clubs / activities,
- students excluded during the school day (week / term for boarding placements),
- students to attend work experience placements, taster or open days,
- students that are unwell and have to be collected from school during the school day, including students in residential settings who are unable to use the scheduled transport,
- to or from part-time provision off the school site organised by the school e.g. to vocational classes at a college including movement between educational establishments/sites,
- to or from a place of temporary residence including respite,
- to or from childminders, friends or other family members addresses,
- at a differing time due to detention

#### **2.4.11 Inaccurate Applications**

The Council reserves the right to reclaim the cost of any transport provided, if it is found that any incorrect information has been provided to the Council in order to gain admission, or transport to a school, that would otherwise be outside of the eligibility criteria.

## **Section 3: Travel assistance for eligible children.**

### **3.1 Sustainability arrangements**

Travel assistance will be appropriate to the individual needs and circumstances of the child and will encourage them to grow in confidence and independence wherever possible.

The Council will encourage, and promote, sustainable travel options and will aim to improve the physical well-being of those who use them and/or the environment. To this end, priority will be given to walking, cycling, public transport, and shared transport.

The Council also has the responsibility to ensure the best use of resources on behalf of all residents of Swindon.

Travel arrangements will allow the child to reach school without undue stress, strain or difficulty. Best practice suggests maximum journey time should be 45 minutes for primary school age children and 75 minutes for secondary school age children. There may be situations where a journey time of more than 75 minutes is required. For example, this may occur in transport for pupils attending out of borough residential settings.

### **3.2 Travel assistance offer**

Once the eligibility for travel assistance is established, the Council will consider on a case by case basis the right type of travel assistance.

In line with the Council's commitment to promote independence, the SEND Service and the Passenger Transport Team will work jointly with parents/carers to ensure that:

- Children are able to travel in the most ordinary way as possible – with people they know best, family and friends, developing social interactions, resilience and social commutation skills
- The emphasis is always on supporting and advising families to support their own children. Support should be the most inclusive and least specialist form of travel to ensure that travel support child's wider outcomes

Examples of the following range of options will be considered:

Travel Assistance encouraging:

- Walking (alone or accompanied by parent/carer/friend/adult supervisor)
- Walking bus (walking with other children and adult supervisors)
- Cycling
- Scooting

Travel Assistance using:

- Bus/Train Pass for public transport
- Car Share
- Personal Travel Budget
- Independent Travel Training

Travel Assistance requiring:

- Dedicated school bus routes
- Minibus or shared MPV from pick up points
- Minibus or shared MPV from door to door
- Shared Taxis
- Individual taxi
- Passenger assistance

### **3.2.1 Personal Travel Budgets (PTB)**

The Council is committed to families having choice and control over the best way their children are supported. Parents/carers are best placed to support travel arrangements of their own children.

A Personal Travel Budget is a sum of money provided to parents or carers of children with SEND who are eligible for travel assistance. Personal Travel Budget's enable families to arrange transport directly by using mileage allowance. Families can work together to achieve the best possible travel arrangements.

This option of support can only be used with parental consent.

Ways in which the Personal Travel Budgets can be used include:

- Purchasing a travel pass for a parent, or a trusted adult, to accompany the child on public transport
- Paying for a passenger assistant for the child to walk to school or to travel by public transport. Parents or carers may also choose to do this themselves
- Covering the cost of parents driving or cycling with their child to school
- Arranging shared travel arrangements with other parents, such as shared driving responsibilities, walking buses or joint taxi bookings
- Overcoming barriers that may prevent parents accompanying their child to school, e.g. travel/childcare arrangements for siblings

Personal Travel Budgets are voluntary. Parent/carers can stop them if their circumstances change as long as six weeks' notice is given in order that an alternative form of travel assistance can be determined. They do not have any impact on any other benefits. Parents will be required to sign an agreement with the LA and provide bank details in order that monthly payments can be made.

Parents receiving the higher rate of the Mobility Component of Disability Living Allowance and who are therefore entitled to a car for their child's use under the Motability Scheme will be considered under the same eligibility criteria and will normally be offered travel assistance via a Personal Travel Budget for reimbursement in the first instance.

For more information on Personal Travel Budget's go to <https://localoffer.swindon.gov.uk>

### **3.2.2 Minibus and taxi arrangements**

If it is deemed necessary to provide such travel support, parents will be responsible for ensuring that children get to any designated pick up 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.

Some children may be picked up from home.

The Council is unable to guarantee that pick up or drop off times will be compatible with any other arrangements made by parents.

### **3.2.3 Provision of Passenger Assistants**

Passenger Assistants are responsible for the care and supervision of the children/young people to and from school. They will oversee the child or young person's conduct and safety in such a way that the driver is unhindered in his/her duties.

A passenger assistant will only be provided following the outcome of an assessment of the child's Special Educational Needs and / or medical needs in order to meet the needs of the students travelling to and from school. The assessment may be different in a school or home setting. This determination will be made by the SEND Service in liaison with the Passenger Transport Team taking into account:

- A student's medical needs, particularly where rescue medication or emergency intervention is required. In this instance the student's individual health care plan should be provided clearly stating:
  - the frequency of any medical intervention required
  - the level of risk associated with not receiving the intervention
  - the level of risk associated with giving the intervention
  - what level of training/competency is required from the assistant (e.g. can the task be delegated)
- Where an individual student's needs create a clear danger or health and safety risk to themselves and other passengers on the vehicle

The consideration for a passenger assistant will be based on evidence received from all relevant parties including parents, medical professionals and educational settings.

Provision of a Passenger Assistant will be reviewed regularly.

Passenger Transport Assistants will only deliver medical interventions that they have been trained, and deemed competent, to carry out by a registered health care professional. This training will be determined through the assessment of the provision of a Passenger Assistant under the category of meeting medical needs and based on the evidence provided.

### **3.2.4 Independent Travel Training.**

The Council is committed to providing the best and most appropriate travel assistance for families. If the circumstances are right, other forms of travel assistance may be more appropriate for children with SEND, such as Independent Travel.

There are many benefits for young people completing independent travel training, including:

- increased confidence and independence
- decreased reliance on specialist transport and parents/carers

- improved contribution at school
- more opportunities to go out with friends and join clubs
- more opportunities to go to college or find a job

Taken together, these can make a real difference to young people's lives.

Children and young people will be identified by their school, or a parent, as being ready to learn to travel independently. The Council's SEN Travel Advisor will then work with families and education providers to ensure a smooth transition takes place where appropriate.

## **Section 4: Post 16 SEN Education Policy**

### **4.1 The Law**

Local Authorities do not have a legal duty to provide free or subsidised transport for young people aged 16-19. However, under Section 509AA of the Education Act 1996, Local Authorities do have a duty to prepare and publish an annual policy statement specifying the arrangements for the provision of travel or other support that it considers necessary in order to facilitate the attendance of all persons of sixth form age (16-19) receiving education or training.

Under Section 508F and Section 508G of the Education Act 1996, as inserted by Section 57 of Apprenticeships, Skills, Children and Learning Act 2009, Local Authorities have a legal duty to provide free transport which it considers necessary for eligible adult learners aged 19-25, and who have an Education, Health and Care Plan to attend qualifying establishments.

### **4.2 Students Aged 16-25 with an Education, Health and Care Plan**

Support is available due to Physical Impairment or other SEN, of which the nature and severity means the pupil is unable to walk to their educational setting, even where there is a relatively short distance.

This support is only available for students who are on full time courses.

### **4.3 Travel support offer**

#### **4.3.1 Bursary fund for 16 to 19 year olds**

If you're aged between 16 and 19 years and think you might struggle with the costs for full-time education or training, you can apply to your college for a bursary. The bursary scheme is made up of two elements:

1. A bursary of £1,200 per year if you are considered to be vulnerable; The definition of 'vulnerable' includes: those students who are in care or a care leaver; students in receipt of Income Support or Universal Credit; those students receiving Employment and Support Allowance (ESA) and/ or in receipt of Disability Living Allowance (DLA) or Personal Independence Payment (PIP). If you qualify, the bursary will be paid direct from your school or college.

2. A discretionary award if you are facing financial barriers. This can include if you are having difficulty in meeting the costs of transport, meals, books and/or equipment. Your college or training provider is responsible for deciding who is eligible, how much to pay and how regularly it will be paid. The college or training provider will usually want to see evidence, for example a letter regarding your benefits.

#### **4.3.2 Discretionary Support Funds**

Funding bodies give colleges money so that they can make hardship grants available to their students. These funds are aimed at helping disadvantaged students with the costs of further education, for example, because they have a low income or have a disability.

Each college has their own policy on who is eligible for funding and what they will provide grants for. Grants can cover the cost of:

- childcare and related transport costs
- course related books and equipment
- transport to and from college
- course field trips
- examination fees

Please contact your Student Support or Welfare Officer at the college for further information and help in applying.

#### **4.3.3 Care to Learn Bursaries**

The intention of Care to Learn (C2L) provides help for young parents (defined as those aged under 20) to continue in education after the birth of a child. It provides funding for childcare whilst the young parent is engaged in a study Programme and is not able to provide care for their child. C2L can also help with travel costs involved in taking the child to the childcare provider.

#### **4.3.4 Apprenticeships and Traineeships**

Transport assistance is not provided for students on apprenticeships and traineeships. The learning provider is responsible for ensuring that reasonable expenses are met fully if they are needed to overcome barriers to learning/training. These may include the cost of travelling to or from the place of learning/training or the work placement element. For further information, please contact your learning provider.

Young people who have a disability or health condition (physical or mental) that makes it hard to get to and from work may also be eligible for support through Access to Work. Further information can be found via [www.gov.uk/access-to-work](http://www.gov.uk/access-to-work).

### **4.3.5 Young Persons' Bus Travel Pass**

Details of where to obtain these can be found at <https://www.swindonbus.co.uk/travelpass-networkpass-tickets> along with the current price of various types of ticket.

Students may purchase discounted travel tickets from the <https://www.swindonbus.co.uk/buying-travelpass-online-and-renewing-it>

### **4.3.6 Railcards**

A 16-25 Railcard saves 1/3 on rail fares throughout Great Britain for a year. Minimum fares apply for travel at or before 10.00am Monday to Friday (except during July and August). For further details and up-to-date prices go to <http://www.16-25railcard.co.uk>

## **4.4 Special Educational Needs and Disability and EHCPs**

4.4.1 To qualify for travel support, a student must:

- Live in Swindon;
- Be 16 to 18 years of age on 31 August 2021 - or aged 19 if he/she started their course(s) before their 19th birthday (note: support is not available for students who start a new course after or part-way through a year after their 19<sup>th</sup> birthday);

OR

Be 19 to 25 years of age on 31 August 2021, and have an Education, Health and Care Plan.

### **4.4.2 Travel assistance for young people age 16-25 with EHCPs**

The vast majority of students with EHCPs will be able to travel to further education college placements on public transport with the support available universally to all students (see support outlined in part 4.3 above).

Additional consideration for support is given when the severity of special educational need or disability makes travel assistance essential, or they have to travel much further from home to attend a school or college which can meet their needs (as named in the EHCP).

Travel assistance is provided via the most cost-effective method. Suitable travel arrangements can include:

- A personal travel payment
- A bus or train pass
- A seat on a minibus

- A seat in a taxi

Travel assistance is for one return journey from a designated pick up point (not necessarily the home address) to the school/educational or training establishment during standard academic terms only and at the official start and end of the day. Travel assistance cannot be provided to meet a student's individual timetable. Additional journeys outside of the start and end of the School/College Day will be the responsibility of the student, parent or carer to arrange and fund.

Where the course the student is studying is on a split site, assistance will only be provided to the main qualifying campus.

Travel assistance is not provided for induction days, transitional periods, medical appointments nor work experience.

Applications for students with learning difficulties and/or disabilities aged between 19 and 24 years of age for travel assistance will be considered on an individual basis for a first course of study. This is for students with the most severe disabilities with no other means of transportation.

An assessment will be made of the application taking account of this Travel Policy Statement, the particular circumstances of the applicant and the case for assistance with travel.

Where travel assistance is agreed, it will normally continue during the agreed course of study until the end of the academic year in which the students 25<sup>th</sup> birthday occurs.

In all cases travel assistance will be reviewed throughout the course and independent travel encouraged.

#### **4.5 Application**

It is important to note that although a student may have an Education Health and Care Plan or may have had one whilst at school, this does not automatically entitle the student to travel assistance once in post 16 provision and they must apply under the post 16 policy.

Parents or carers submitting an application for transport assistance should provide relevant evidence to the Special Educational Needs and Disability Assessment Team to support their application for the assessment for transport assistance as noted above.

An application for travel assistance will need to be submitted and an assessment for eligibility undertaken <https://swindon-cxm.uat.jadu.net/xfp/form/805>

The following information will be considered:

- The age and severity needs of the student



- The distance to the relevant establishment (over 3 miles statutory walking distance). Further evidence will be required if the student does not meet this requirement.
- The length of the journey
- Whether the student can use public service vehicles.
- Whether the student is applying for transport to their nearest college, 6th form college, school or training provider offering their chosen or a **comparable** (not necessarily the same) course.
- Be attending a full-time course (a minimum of 540 hours per year – approximately 14 hours per week – of supervised study across three academic terms.

The LA will consider requests for assistance on a case by case basis, therefore, the level of assistance ultimately offered will depend upon the needs of the learner and the travel arrangements already serving the school or college.

#### **4.5 Review**

The EHCP annual review process will provide an opportunity to discuss travel arrangements.

## **Section 5: Reviews of eligibility and travel support**

Each year, a child or young person's needs for travel assistance will be reviewed, and assistance may be amended or withdrawn if it is no longer required or a child or young person is no longer eligible.

### **5.1 EHCP Annual Reviews**

EHCP Annual reviews should always discuss travel arrangements and in particular:

- At the end of Year 3 in which the child or young person attains the age of 8 years
- At the end of Year 6 in preparation for transfer to secondary education
- Y9 review for possible requirements for extended curriculum studies
- During Year 11 for those young people transferring to Post 16 in a maintained school
- Following the successful completion of Independent Travel Training
- Change of address or family circumstances

Schools will then forward any relevant details to the Council together with the EHCP Annual Review paperwork so that a decision to continue, amend or withdraw travel support can be made.

In addition to the review points described above, the Council has discretion to review travel arrangements for a child or young person whenever necessary. The Council may request up-to-date information from parents and/or schools in order to establish whether travel needs have changed. When travel arrangements are reviewed, consideration will be given to strategies for supporting a child or young person with independent travel.

## **5.2 Moving Home and other Permanent Changes**

Changes to the permanent home address are very likely to affect a child/young person's entitlement to travel assistance and, in these circumstances, the eligibility will need to be reassessed again in accordance with the Council's policy.

Parents must inform the SEND Service of the change as soon as possible.

The eligibility for travel assistance will be reassessed against the new address or the Council will also investigate whether there are any appropriate schools nearer to the new family home. Where appropriate schools exist nearer to the new family home and the child or young person has an EHC Plan, then the Council may consider amending the EHC Plan to name a closer school.

If the child's school is not deemed as the nearest appropriate school to the new home, the child may not be eligible to receive travel assistance.

It will be parents' responsibility to make their own arrangements to transport their child or young person to and from school until any new travel assistance is in place and confirmed within the first 10 working days from the date of notification.

## **5.3. Withdrawal of Travel Assistance on Health and Safety Grounds**

The Council has a responsibility to ensure the health and safety of all children and young people for whom travel assistance is provided. We also have an obligation to ensure the health and safety of drivers and passenger assistants. If a child or young person behaves in a manner that places the health and safety of those on board a vehicle at serious risk, or presents a serious risk to themselves, this may result in travel assistance being withdrawn with immediate effect.

The parent will be informed of any incident that has occurred involving their child and they will be given an opportunity to make representations to the Council or appeal against the Council decision to withdraw travel assistance for their child. Details of how to appeal are in Section 6 of this policy.

The Council will work together with parents/carers and the educational setting to find an alternative way for the child to get to school safely but, during this process, the parent of the child or young person will be responsible for making suitable arrangements to get the child or young person to school.

There is a Code of Conduct to help young people understand what is expected of them when travelling. Please see Appendix A for detail.

## **Section 6: Application and decision-making processes**

### **6.1 Application for support with travel**

Parents who believe that their child may be eligible for assistance should make an online application available at <https://swindon-cxm.uat.jadu.net/xfp/form/805>

The completion of an application form does not automatically guarantee the entitlement for travel assistance.

If the child is transferring to Primary or Secondary school for the first time, the applications must be received no later than 30<sup>th</sup> April. Where applications for phase transfer to Primary and Secondary provision are received after the closing date, whilst every effort will be made to put travel assistance in place for the first day of term, this cannot be guaranteed.

Parents should attach any documentation that they feel may be beneficial to for the Council to consider. All existing information already held by the Council will also be used to determine eligibility, for example an EHC Plan.

If the child uses a wheelchair or buggy, or needs to carry equipment, such as oxygen, medication, walking aids, etc. the Council will need to know the details (including make and model of any wheelchair or buggy) to help assess the most appropriate form of travel assistance.

### **6.2 Decision making process**

#### **6.2.1 Eligibility**

The eligibility decision is made by the SEND team. All cases will be considered individually.

All existing and new information submitted at the time of the application will be taken into account.

Parents/carers will be notified of the outcome of their application in writing within 15 working days of receipt of the application. Should the application be refused you will be informed of the reasons for this along with what your options are.

If support with travel to school is agreed parents/carers and children/young people will be asked to sign a Code of Conduct (see Appendix A).

#### **6.2.3 Type of travel support**

The type of travel support is taken by the SEND team and Passenger Transport Team

The views of the young person and parents will be considered, but the final decision on the type of travel assistance offered will be made by the Council.

They will determine the mode of travel assistance that delivers the best value for money for Councils tax payers, taking into account any special arrangements needed to support the child's assessed SEN needs, disability, mobility or medical needs.

Where this is different to the views of the parents or the young person, an explanation for the choice will be given. Parents may be asked to support their child with home to school travel, for example a Personal Travel Budget or accompaniment on public transport, however this can only be implemented with parental consent.

## **Section 7: Complaints and appeals**

### **7.1 Complaints**

Usually complaints arise when you are unhappy about something. You may feel you have not been dealt with properly, that information given to you was incorrect or that there has been an unacceptable delay. For these sorts of issues, please follow the complaints procedure which can be found on Swindon Borough Council's website or requested by calling 01793 463000.

### **7.2 Appeals**

With an appeal, you may be perfectly happy with the way that you have been treated but feel that the wrong decision has been made and would like it re-examined. For these issues, please follow the Appeals policy set out below.

In accordance with the revised guidance for transport appeals, since September 2016, the LA has adopted a 2 stage review and appeal process.

This appeals policy is applicable to children who live within the Borough of Swindon that are attending mainstream and special schools. This appeals policy applies to children with or without an Education, Health and Care Plan (EHCP).

#### **7.2.1 Right to Appeal**

Where a parent has been refused transport assistance they can challenge the decision for the following reasons:

- The nature of the transport arrangements offered
- Their child's eligibility
- The distance measured in relation to statutory walking distances; and The safety of the route

#### **7.2.2 Stage 1**

Within 20 working days from the receipt of the local authority's home to school transport decision, a parent can make a request asking for a review of the decision.

A parent will be advised of the right for a review within the decision letter.

The request for review should be made by completing the transport appeal form online. A link will be provided by email. The parent should state the reason why the decision should be reviewed and given details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.

Within 20 working days of the receipt of the parent's written request a senior officer will review the original decision and will notify the parent by way of detailed written notification of the outcome of the review.

The decision letter will contain the following

- The nature of the decision reached;
- How the review was conducted (including any standards followed e.g., Road Safety GB)
- Information regarding other parties consulted
- What factors were considered
- Information how the parent can escalate their case to stage 2 if appropriate

### **7.2.3 Stage 2**

Following the receipt of the local authority's stage one decision notification, a parent can within 20 working days submit a request to escalate the matter to Stage 2.

A parent should complete a transport appeal form online. A link will be provided by email.

Within 40 days of receipt an appeal will be scheduled with the Education (Transport) Appeals Sub-Committee who will consider both written and verbal representation from both parents and officers involved in the case.

The parent will be notified of the outcome by telephone following the outcome of the appeal panel and will receive formal notification of the outcome within 5 working days. The notification will include

- The nature of the decision reached;
- How the review was conducted (including any standards followed e.g., Road Safety GB)
- Information regarding other parties consulted
- What factors were considered
- If refused, information about how the parent can refer to the case to the Local

### **7.2.4 Government Ombudsman**

Where an appeal is upheld, this does not guarantee funding throughout the school life of the child, and the circumstances under which the appeal was upheld would be kept under review.

### **7.2.5 Education Transport Appeals Sub-Committee**

An Education Transport Appeals Sub-Committee will meet to consider transport appeals. The membership of this Sub-Committee is made up of three Councillors selected from a pool appointed by the Appeals Committee. These Councillors will not have been involved with the case previously and should not have any close connection with the appellant. If one of the Councillors does have a remote connection with the appellant, they may be allowed to take part in the hearing if neither the LA's representative nor the appellant objects

The Education Transport Appeals Sub-Committee will consider case papers for each appeal consisting of the reasons as to why the LA have refused to provide transport assistance, any other relevant information and the parents appeal giving reasons as to why they are appealing against this decision.

Each Councillor will remain a Committee member for at least one year but there will be no limit on how long they wish to continue as a member providing there is no conflict of interest in the areas mentioned above.

All Councillors on the Appeals Committee will undertake training on the Transport Policy at least once per academic year to ensure that Councillors become 'expert' in this field.

The Education Transport Appeals Sub-Committee will consider all appeals on their individual merits. The decision of the Sub-Committee is final with no further rights of appeal.

The Education Transport Appeals Sub-Committee must operate within the Transport Policy at all times.

The Education Transport Appeals Sub-Committee must take into consideration the cost of transport should the appeal be upheld.

If the Education Transport Appeals Sub-Committee agrees to uphold an appeal, it must indicate the length of time for which the transport has been agreed.

Once the appeal has been heard the Education Transport Appeals Sub-Committee will make its decision that day and the Committee Officer will endeavour to contact the parent by telephone the same day to give the result of the appeal. A decision letter outlining the Education Transport Appeals Sub-Committee decision and its reasons will follow usually within one week.

If parents are not happy with the decision of the Education Transport Appeals Sub-Committee then they are able to contact the Ombudsman. The Ombudsman will only be able to look at the way the appeal was conducted and establish whether the LA followed all its processes in the correct manner.

If the Appeal is in relation to a placement made by order of an SEN & Disability Tribunal, the Appellant and the Local Authority may be bound by any decision relating

to travel that the Tribunal has made. The SEN and Disability Tribunal may have specifically come to a decision about placement based on the inclusion of travel costs.

For appeals on the grounds of road safety, parents can only appeal if they believe that they are unable to accompany their child to school. However, the Appeals Sub-Committee will not usually accept the need for parents to be at work as the reason why transport should be provided.

The Education Transport Sub-Committee is able to consider applications for assistance from parents of children receiving nursery education as per the School Standards and Framework Act 1998.

The grounds under which the Education Transport Appeals Sub-Committee can allow / uphold an appeal are:

- The Transport Policy has not been applied properly
- There are discrepancies in the way the application has been handled
- The individual circumstances put forward by the applicant outweigh the normal policy considerations and are considered to be exceptional circumstances.

Examples of exceptional circumstances are:

- If there are exceptional circumstances within the immediate family unit where the child lives that affects the child ability to attend their designated school such as domestic violence. Evidence would be required to support this
- Death or serious illness of parent with whom the child has been living
- In cases of students with Special Educational Needs – additional evidence of need that the Education Transport Appeals Sub-Committee is asked to consider

## Section 8: Policy review

If there are any inadvertent differences between this Policy and the underlying legislation, then the legislation will take precedence, wherever the legislation imposes a higher duty on the Council.

The Policy incorporates the Annual Policy Statement in respect of Guidance for Young people in Post 16 Education and Training.

As part of our commitment to ensuring information published is accessible to the widest possible audience, including those with disabilities, if you require this document in a different format please contact us on 01793 445500.

## **Appendix A: Code of conduct for parents and children/ young people receiving travel assistance**

### **Parents' responsibilities**

At all times parents are legally responsible for ensuring that their child attends school regularly.

### **Parents are expected to:**

- Ensure that the school and the local authority have your up-to-date contact details, including mobile phone number, and any emergency contact details.
- Make sure that your child is ready five minutes before a pick-up whether at home or from a pick up point. Please be aware that if your child is late for the pick-up and the driver has already left, it will be your responsibility to get the child to school.
- Always be at home or the drop-off point to meet your child or make arrangements for your alternative emergency contact to meet your child on your behalf.
- Ensure that your child is aware of appropriate behaviour whilst travelling to and from school.
- Make your own transport arrangements should your child:
  - Finish school before the normal departure time
  - Be taken ill at school and require to return home early
  - Be unable to travel at the normal time, for example due to detention or exclusion
  - Attend breakfast clubs or after school clubs
  - Be on work experience
- Make your own transport arrangements if a visiting relative or foreign student stays with the family and attends school with your child.
- Ensure sufficient notice is provided to the relevant council team to reassess your child's eligibility to receive travel assistance if the family move home or child changes schools (at least 10 working days).
- If advised that your child will be travelling by taxi, when informed which company will be collecting / dropping off your child, contact the operator to confirm the necessary arrangements.
- Provide suitable child seats or other safety equipment for the age and abilities of their child. It is recommended that you speak to your taxi or minibus operator before purchasing this equipment, to confirm what equipment will be required. (Operators will provide standard seat belts and suitable restraints for wheelchairs and wheelchair users.)
- Notify the Passenger Transport Team if your child is going to be absent from school for more than one school day.

**Please note** - If the Parent or Guardian is not at home or the drop-off point the driver may take the child back to school or to another appropriate place of safety as agreed with the Social Care team.



In these circumstances, the Council reserves the right to pass on any additional costs incurred to the parents. All incidents will be recorded and considered by the relevant transport teams. In the event of frequent repeated incidents, travel assistance may be suspended or withdrawn, pending re-assessment. Information may also be shared with social care for safeguarding reasons.

### **Code of conduct for a child or young person when travelling**

There is a responsibility on all children and young people to behave appropriately whilst travelling.

It is the responsibility of children and young people to:

- Arrive for their transport in good time and with a valid travel pass for travel if one is issued
- Behave in a safe and responsible way at all times
- Get on the correct vehicle, or the first one for which they have a valid pass if issued
- Show any passes to the driver or other officials when asked
- Follow all instructions from the driver, at all times especially in an emergency
- Wear seatbelts at all times where these are provided, and
- Get off safely at the right stop and cross roads carefully.

For reasons of health and safety children and young people must not:

- Smoke
- Eat or drink
- Stand up vehicle the vehicle is moving
- Lean out of the window or door, run around inside the vehicle, climb on seats
- Refuse to wear a seat belt
- Use threatening physical violence or verbal abuse towards other children, driver or passenger assistant
- Cause damage to seats, seatbelts or other equipment
- Be in possession of dangerous weapon

Where the child or young person's behaviour falls short of the required standards, the Council will work with parents, school and transport providers to rectify problems. The Council retains the right to suspend or remove transport support where this is deemed appropriate.

### **The Council's responsibilities**

The council commit to implementing this policy in a fair, open and transparent way. We will treat our service users with respect and maintain good levels of communication with them.

Parent/carer .....Child or young person .....

Date ..... Date.....

## Appendix B: Frequently Asked Questions

The questions below were provided by parents and carers of children and young people with SEND. Swindon Borough Council have worked collaboratively with Swindon SEND Families Voice to provide this document in response to these questions.

### How do I apply for transport?

Under certain circumstances, the Council can arrange assistance with home-to-school travel for eligible pupils resident in the Borough. Decisions about transport are made in accordance with Swindon Borough Council's Education Transport Policy which is published each academic year and can be found on the Schools travel support page on [Swindon Borough Council's website](#)

If your child does not have an Education, Health and Care Plan, and you would like to make an application for travel assistance you can do this via the [Schools Travel Support page](#) on Swindon Borough Council's website

If your child has an Education, Health and Care Plan and you would like to make an application for travel assistance you can do this via <https://swindon-cxm.uat.jadu.net/xfp/form/805>

### When should I apply for transport?

If your child does not have an Education, Health and Care Plan then you can make an application for in-year school travel support at any time. However, please note that applications for the following school year will not be accepted before May in the preceding academic year.

If your child has an Education, Health and Care Plan then you can make an application for in-year school travel support at any time by making an online application.

Please note that applications for the following school year will be considered after school allocation in the preceding academic year.

### When will I be told the times for collection/drop off?

If travel assistance has been agreed for children with an Education, Health and Care Plan travel and the mode of travel is:

- a. Provision of a pass for a public service bus or other means of public transport.
- b. Provision of a seat on a bus or minibus provided by the local authority
- c. Provision of a seat in a taxi where individual arrangements are necessary

then:

- If the travel assistance is in-year the Passenger Transport Team has 10 working days from the date the travel has been authorised to implement the transport. In these cases you will be advised by letter confirming travel arrangements. This letter will provide you with the company who will be providing the transport contact details, and you will need to telephone them to ask what the estimated pick up and drop off times are for your child. Please allow flexibility for the first couple of weeks of a new travel arrangement whilst the route is becoming embedded.
- If the travel assistance is for the following school year then you should receive a letter from the Passenger Transport Team approximately one week prior to the start of the new school year. This letter will provide you with the company who will be providing the transport contact details, and you will need to telephone them to ask what the estimated pick up and drop off times are for your child. Please allow flexibility for the first couple of weeks of a new travel arrangement whilst the route is becoming embedded.

**Why is it left so late to provide the collection/drop off times?**

Swindon Borough Council are responsible for ensuring safe, cost-effective transport services to mainstream, special schools and colleges for children and young people who have been assessed as requiring a seat on a bus, minibus or taxi provided by the local authority. The Passenger Transport Team therefore start to construct these plans towards the end of the summer term to ensure minimal changes are made as a result of school placement changes being finalised at the end of term.

**What do I do if the times given to me do not suit me or support my child's needs?**

Requests for changes in transport arrangements may be considered but adjustments are not always possible for reasons of safety, timings and routings.

**Once I'm given the timings for collection/drop off will they remain the same every year?**

The routes for all transport are reviewed during the summer term for the proceeding academic year, and may change on an annual basis. Additionally, the timings of transport may change in-year depending on whether changes are needed to be made to the route, For example, the inclusion of an additional child or a change of address.

**Who is on the bus with my child?**

Swindon Borough Council are responsible for ensuring safe, cost-effective transport services to mainstream, special schools and colleges for children and young people who have been assessed as requiring a seat on a bus, minibus or taxi provided by the local authority. It is likely that the other children in the vehicle will be attending the same provision as your child.

A Passenger Assistant may also be provided depending upon your child or other children on the vehicles Special Educational Needs and / or medical needs.

**What training do Passenger Assistants and bus drivers receive?**

Passenger Assistants are employed by Swindon Borough Council and receive induction training on the role of the PA in addition to specialist training in Safeguarding, Manual Handling, Emergency First Aid and Safely Managing Challenging Behaviour. Training is updated every three years. Passenger Assistants receive annual appraisals in line with Swindon Borough Council policy.

Drivers are employed by transport operators and are required to comply with the terms of the contract with the Council. Quality assessment of contractors is carried out prior to contract award, and all drivers are licensed under the appropriate regime for the class of vehicle they drive. For instance, taxi drivers have to pass a local knowledge and English language test. Minibus drivers have to be accredited under the MiDAS scheme (Minibus Driver Awareness).

All drivers are required to have Enhanced DBS clearance.

If as a result of your child's health needs further training is required to keep them safe on transport, training will be provided by an appropriate health professional through an individual risk assessment.

**What training is given on securing wheelchairs?**

Minibus drivers receive training under the MIDAS scheme which covers securing wheelchairs.

**What happens if the driver or Passenger Assistant is sick?**

If the driver is sick then cover will be arranged by the transport operator as soon as possible in line with the contracts held with transport providers.

If the Passenger Assistant is sick, cover is provided from within the pool of casual staff under the Passenger Transport Team.

**Will I be able to contact the Passenger transport Assistant at short notice?**

We encourage parents, drivers and Passenger Assistants to communicate with each other to ensure the best experience for the child.

**What do I do if my application is denied?**

The appeal process is set out in the policy document.

### **What is the complaints policy?**

Service requests and complaints are slightly different. A service request is a contact from a customer that brings a matter to the council's attention for the first time, and requests a service offered by the council, for example, advising of a change of address or requesting a change of arrangements.

A complaint is a where the customer expresses dissatisfaction about the standard of a service, actions, or lack of actions by the council and its staff.

[A complaint can be made online by following this link](#)

Concerns with the contracted operational education transport should be referred to raised directly to the Passenger Transport Services office by calling 01793 445500 or email [educationtransport@swindon.gov.uk](mailto:educationtransport@swindon.gov.uk).

Concerns regarding Passenger Assistants and pupil behaviour then please contact [passengerassistant@swindon.gov.uk](mailto:passengerassistant@swindon.gov.uk).

### **Do I need to supply a car seat?**

Car seats are not required for public transport. However, if you child has specific travel equipment requirements related to their disability, then please provide this information at the point of requesting travel assistance and an assessment will be arranged. We provide car seats with harnesses if the child's disability requires this.

If you would like your child to travel using a booster seat, this needs to be provided by parents/carers. This equipment may need to be stored at your child's school during the day.

### **What can I do if I'm unhappy with the service?**

Please contact the Passenger Transport Team in the first instance to discuss and seek a resolution. If you remain unsatisfied then you should proceed to the complaints route as described above.

### **Can I request photos of the vehicle, driver and Passenger Assistant?**

Yes you can. Please indicate this is required at the time of discussing your travel requirements.

### **Will my child have an allocated seat that will remain the same?**

Not necessarily. If you feel this is required then please share the reasons for this as the time of discussing your travel requirements.

### **How can I apply for a personal travel budget if I choose to transport my child myself?**

<p>If your child has an Education, Health and Care Plan and you would like to request a personal travel budget please make an online application and select this option on the form.</p>
<p><b>Will I be given contact information for driver and Passenger Assistant in case I need to contact them at short notice?</b></p>
<p>We encourage parents, drivers and Passenger Assistants to communicate with each other to ensure the best experience for the child.</p>
<p><b>What do I do if transport doesn't arrive?</b></p>
<p>Please telephone the Passenger Transport Team and inform your child's school.</p>
<p><b>Who do you contact when there are issues with the escort/driver?</b></p>
<p>Please contact <a href="mailto:passengerassistant@swindon.gov.uk">passengerassistant@swindon.gov.uk</a>.</p>
<p><b>What do I do if my child is sick (and doesn't need collecting) or I've collected them early from school (so wouldn't need dropping home)?</b></p>
<p>Please contact your Passenger Assistant if your child has one. If they do not then contact the Passenger Transport Office on 01793 445500.</p>
<p><b>Do they have to be dropped off at the same address as they are picked up from?</b></p>
<p>Transport to and from school will be determined and approved from a single permanent residence. This is the one where the student spends most time with the parent/guardian and has been used for admission purposes and the school.</p> <p>Transport provision will reassessed if there is a change in the home address. The criteria for this for children without an Education, Health and Care Plan is set out in the published Transport Policy.</p> <p>In exceptional circumstances, consideration will be given to whether a different address can be used however this will include the consideration of the efficient use of resources.</p>
<p><b>What happens if the transport breaks down either when my child is on the transport or is waiting to be collected?</b></p>
<p>A replacement vehicle will be allocated and deployed as soon as possible.</p>
<p><b>Who do I contact if my child is regularly having problems on the journey?</b></p>
<p>Please refer to the complaints and enquiry question above</p>
<p></p>

**Who do I speak to about queries (contact details)?**

If your child has an Education, Health and Care Plan and your query relates to eligibility then please call your allocated EHCP Coordinator in the Special Educational Needs and Disability Service on 01793 445500 or email [senat@swindon.gov.uk](mailto:senat@swindon.gov.uk) .

If your query relates to the operational running of transport then please contact Passenger Transport on 01793 445500 or email [educationtransport@swindon.gov.uk](mailto:educationtransport@swindon.gov.uk) .

If your child does not have an Education, Health and Care Plan please refer to the School travel support page on Swindon Borough Council's website [www.swindon.gov.uk](http://www.swindon.gov.uk) .