



# **Dudley Metropolitan Borough Council**

## **Children's Services Directorate**

### **Travel Assistance Policy**

Policy for the provision of travel assistance for children and young people attending school / college: Age 4+ to 16

Version 1.2.22

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## 1.0 INTRODUCTION

- 1.1 This Policy sets out Dudley Metropolitan Borough Council's (the Council) arrangements relating to the provision of Travel Assistance for children and young people attending schools and college.
- 1.2 The Council shares a vision that all children and young people will be safe, enjoy good health and have access to a wide range of experiences and opportunities to achieve their potential. This Travel Assistance Policy provides information to enable access to services through the provision of travel solutions in order to ensure that the vision is achieved and that all recipients are able to reach their destination safe, happy, on-time to engage in learning.
- 1.3 By law, parents are responsible for ensuring that their children attend school regularly. The Council will do all it can to assist parents and or carers to do this.
- 1.4 The aim of this Policy is to provide a consistent and equitable approach to travel assistance. This will include the introduction of pick up points as part of the Council's commitment to providing travel assistance services which enables children and young people to achieve maximum independence and quality of life, while making the most effective possible use of its resources. The Council wants to help children and young people live independent lives and ensure they get the best travel assistance options to meet their individual needs
- 1.5 This Travel Assistance Policy will clearly articulate the provision for children and young people who are eligible living in the **local authority area** and describes how the policy applies to primarily:
- Children and young people aged 4+ to 16 years.
  - Subject of an Education, Health and Care Plan under the Children and Families Act 2014; and
  - Children and young people with medical needs.
- 1.7 Words highlighted in **bold** are defined in Appendix 1 of this document.

## 2.0 GENERAL PRINCIPLES

Parents are responsible for taking their children to school, but the Council will help where it is required by law or deems it necessary by providing travel assistance to support parents with this duty. The following principles outline the Council's commitment and its approach to travel assistance:

- 2.1 Inclusion and independence; the Council is committed to the principles of inclusion and to promoting greater independence for children, and young people with special educational needs and / or disabilities. The Council recognises the importance of extending the range of travelling options available so that the most suitable arrangements can be made to support individual needs. It is recognised that travelling as independently as possible is a valuable experience. The Council is working to expand the access to this range of options in future to support the principles in this policy.
- 2.2 Safe and Sustainable Travel; the Council is committed to the use of sustainable modes of travel to school and college. Sustainable modes of travel will be defined as those which improve either the physical well-being of those who use them or the environmental well-being of the area. The Council supports this principle and aims to

promote safety and sustainability where it provides assistance with travel for children, young people and adults with special educational needs and / or disabilities.

- 2.3 Service Standards and the efficient use of public resources: in recognising the significant spend on travel assistance, the Council is committed ensuring that, wherever possible, where travel assistance is provided it delivers to clear and consistent standards of both quality and costs. The Council will work in partnership with parents, carers, children, young people and neighbouring local authorities to ensure that cost effective alternatives to council provided travel assistance are utilised wherever possible and appropriate to children, young people and families' needs.
- 2.4 Safeguarding: in providing travel assistance to children, young people and adults, the Council will ensure that all decisions reflect their safeguarding duties whilst recognising that safeguarding responsibility rests not just with the Council but with all stakeholders and participants in the process of providing travel assistance to vulnerable groups. Further information on Dudley's safeguarding policy can be found at: <http://safeguarding.dudley.gov.uk/> .

### 3.0 LEGAL BACKGROUND

#### Travel Assistance

- 3.1 As part of the change in Travel arrangements going forward, the Council will be offering pick up points where suitable and appropriate, alongside home pick-ups as part of its general principles as described earlier.
- Parents and carers are responsible for ensuring that their children attend school regularly, but the Education Act 1996, as amended by the Education and Inspections Act 2006, imposes a legal duty on local authorities to provide support with travel to and from qualifying schools / college for children and young people of compulsory school age, i.e. aged 5 to 16 years, in specified circumstances.
- 3.2 The Council's statutory duties with regard to travel assistance are detailed in a variety of legislation and statutory guidance, which are listed in Appendix 2 of this policy.
- 3.3 In formulating this policy, consideration has been given to the following government guidance:
- "The Home to School Travel & Transport Guidance"
  - "Ensuring a Good Education for Children Who Cannot Attend School Because of Health Needs" by the Department For Education;
  - "Travel Training Good Practice Guidance" by the Department for Transport; and
  - "Home to School Travel for Pupils Requiring Special Assistance" by the Department for Education and Skills.
- The Council will always follow the most up-to-date versions of legislation and guidance when considering any application for travel assistance.
- 3.4 There is no automatic entitlement to travel support for children under 5 years (those not within Primary School settings), therefore the Council will only offer this provision in exceptional circumstances.
- 3.3 Under s508B of the Education Act 1996, local authorities must provide such travel arrangements as they consider necessary to get every 'eligible child' to their 'relevant educational establishment'. Travel arrangements for an eligible child must under s508B be free of charge and may not require participants to incur extra costs.

- 3.5 The entitlement to free travel for eligible children does not mean that the travel assistance must be arranged by the Council if 'suitable' travel support has already been arranged by others. Council is not required to make home to school travel arrangements where a child is eligible for free home to school travel but a parent nevertheless chooses to make their own arrangements for the child's travel to and from school.
- 3.6 The provision of travel assistance by the Council will be based on individual needs and circumstances and with due regard to the efficient use of resources.
- 3.7 Local authorities also have a duty to facilitate access to full-time education for some young people aged 16-19, this may include support with travel in certain circumstances. Other post 16 learners with special educational needs, learning needs or disabilities aged 16-25 years attending colleges and other places of learning may be eligible for support. The Council's Post 16 Policy can be found at **XXXXXX**. **All post-16 travel assistance awards are discretionary.**

## 4.0 ELIGIBILITY

### 4.1 Eligibility for Children and Young People of Compulsory School Age (Aged 4+ to 16 years)

- 4.1.1 The Council is committed to providing a travel assistance service that ensures children arrive at school safe, on time, and ready to learn. All applications for travel assistance are considered individually, taking into account both the Council's legal requirements and the specific circumstances of each family.
- 4.1.2 The Council has a statutory duty to provide travel assistance to 'eligible children.' The Education Act 1996 defines eligible children as children of compulsory school age who live in a **local authority's area** and meet one or more of the following criteria:
- Are between the ages of five and eight years and live beyond statutory walking distance (beyond two miles) from their nearest suitable school;
  - Are between the ages of eight and sixteen years and live beyond statutory walking distance (beyond three miles) from their nearest suitable school;
  - Cannot reasonably be expected to walk to school because of their mobility needs or because of health and safety issues related to their Special Educational Needs or disability (SEND);
  - Cannot reasonably be expected to walk to their nearest suitable school because the route is unsafe.
- 4.1.3 The above criteria will apply equally where a child is scheduled to start primary school (either full or part time) before they reach the age of 5 years.
- 4.1.4 The distances are measured based on the shortest route from the child or young person's normal place of residence along which they may walk to school or college in reasonable safety, accompanied as necessary. Where a child or young person's parents do not live together, the address of the parent with whom they normally reside will be treated as their normal place of residence. This route may include footpaths as well as roads if these are well lit and are of reasonable width and are in good condition.

- 4.1.5 Where a parent or carer believes that a route is unsafe, the route will be assessed by the Council. Where it is agreed that a walking route is unsafe, travel assistance will be provided only where the child's needs or requires it.
- 4.1.6 Where an assessment of the child or young person's needs indicate that it would be possible for them to walk or access public transport, but that they would need supervision to do so, the parent or carer would be expected to accompany or make arrangements for the supervision of their child.
- 4.1.7 Statutory entitlement to travel assistance is available to children and young people who qualify under Extended Rights. A child or young person is entitled to free travel assistance:
- If they are entitled to free school meals or if a parent with whom they live receives maximum Working Tax Credit or the equivalent of Universal Credit; and
  - They are:
    - Aged 8 to 10 years, attend their nearest suitable school and it is beyond 2 miles from their home;
    - Aged 11-16 years and attend a school which is between 2 and 6 miles from their home if there are not 3 or more suitable nearer schools; or
    - Aged 11 to 16 years, attend a school that is between 2 and 15 miles from their home that their parents have chosen on the grounds of their religion or belief and, having regard to that religion or belief, there is no suitable school nearer to their home.
- 4.1.8 The Education Act 1996 gives local authorities discretionary powers to go beyond their statutory duties and offer free travel assistance to children who are not normally entitled to it. Therefore, the Council may, at its sole discretion, provide travel assistance to other, non-eligible children and young people, such as:
- Those who have an **EHCP**, who are not automatically entitled to free travel assistance under government legislation unless they also meet at least one of the criteria which define an eligible child (such as the distance or financial support criteria). Decisions about whether a child with an **EHCP** can receive travel assistance are made by considering the specific circumstances of each applicant (such as age and relevant educational needs).
  - Where a vehicle operated by the Council has more seats than are needed for children or young people entitled to free home-to-school travel support, places may be made available to others. In such cases the Council will ask for a financial contribution, the value of which will be determined through consideration of the needs of the applicant and the availability of this Council resource. This will usually be a percentage of the total costs of the transport. A child or young person's place may be withdrawn if it becomes needed for an eligible child, in which case any remaining payment will be refunded to the applicant.

In accordance with its statutory duties as set out by the Education Act 1996, the Council must weigh the decision to offer free travel assistance to those who are not and eligible child against their specific needs and the sustainability of providing such travel assistance arrangements. All applications for travel assistance for such children

and young are considered on the facts of their case, taking into account all relevant evidence provided by the applicant. Decisions to award travel assistance to those who are not an eligible child will be at the Council's discretion and will not be subject to review or appeal, but a complaint about the decision or the process followed can be submitted via the Council's complaints procedure.

It is not possible to describe the exceptional circumstances that will cause the Council to grant travel assistance to a child or young person who is not an eligible child.

## **4.2 SEND Children and Young people**

- 4.2.1 Eligibility for travel assistance will differ according to the age and needs of the pupil, but each case will be given careful consideration. In general, parents and carers are expected to take responsibility for the travel arrangements of younger pupils, whilst older pupils are either expected to walk to school or access to free travel on public buses, where available. This responsibility would include parents and carers supervising or arranging for their child to be supervised on the journey, where necessary. The Council would also expect parents and carers to be supportive of arrangements put in place to increase young people's independence through independent travel training where this is appropriate and available.
- 4.2.2 The Council does not have a duty to make travel arrangements when the parents or carers have decided to send a child or young person with an EHCP to a school that is farther away than the school that the Council deems suitable to meet their needs; the child or young person's parents or carers will be responsible for making and funding any travel arrangements.
- 4.2.3 Where parents or carers become responsible or accept responsibility for making transport arrangements for their child because they wish them to attend their preferred placement, a change in their financial or personal circumstances will not usually result in the child or young person becoming entitled to travel assistance from the Council.
- 4.2.4 Travel assistance will be provided on the basis that the child or young person is attending school for the whole of the scheduled school day. Travel Assistance will be provided to travel to school at the beginning of the school day and return home at the end of the school day, or at the pick-up point. Where exceptional arrangements are made which take the child out of the normal or planned school day, e.g. part time attendance or early finishing for any reason, the responsibility for transporting the child or young person will usually rest with the parent.

## **5.0 ASSESSMENT OF SAFE ROUTE ELIGIBILITY**

- 5.1 Statutory walking distance is measured by the shortest route along which a child or young person, accompanied as necessary, may walk safely to and from school. This is not necessarily the shortest distance by road – the route may include footpaths, bridleways, and other paths in addition to recognised roads.
- 5.2 The two mile lower limit for extended rights (e.g. children who qualify for an income-based assessment) shall be measured in the same way as statutory walking distances. However, the six mile upper limit for a choice of schools for children who qualify for income-based assessment, and the fifteen mile upper limit for children whose school is chosen on the grounds of religion or belief, should be measured along routes that are passable using a suitable motorised vehicle.

- 5.3 Assessments of route safety will be carried out in consideration of the following factors (though not exhaustive):
- Traffic; speed, volume, and type of traffic, width of carriageway, driver/pedestrian visibility, traffic calming measures (e.g. speed cameras), number of incidents;
  - Crossing points; number of crossing points, designated crossings, supervised school crossing points, unmarked crossings;
  - Surfaces; stable footpaths, width of footpath, hazardous conditions, overgrowth.
- 5.4 All children and young people who walk to and from school should be accompanied by their parents, carers or another responsible adult, as necessary. It is the responsibility of parents and carers to ensure that their child is accompanied. Parents or carers who have difficulty in arranging for their child to be accompanied, particularly if this is due to their own disability can submit a review application to the Council for consideration (see Section 6). However, parents and carers should be aware that difficulty in arranging such accompaniment is not in itself a conclusive reason for Council funded travel assistance.

## **6.0 TRAVEL ASSISTANCE TYPES**

### **6.1 Type of Travel Assistance provided**

- 6.1.1 The travel assistance provided will be determined by the Council at its discretion and will be selected from a range of options taking account of the particular circumstances of the learner and the Council's statutory duty to achieve value for money in the delivery of services. Travel assistance may take the form of:
- Travel Training;
  - Pick up points as appropriate
  - Escorted walking / 'walking-bus' or cycling;
  - Escorted / non-escorted transport by public bus service (travel pass);
  - Escorted / non-escorted bus or minibus, including the use of group pick up points where appropriate;
  - Escorted / non-escorted taxi, including the use of group pick up points where appropriate;
  - Travel Support Allowance (TSA);
  - Other specific travel or supporting arrangements to suit exceptional circumstances, as determined by the Council,
- 6.1.2 The Council believes that it is important to offer a range of travel assistance options that best address the individual needs of children and young people, whilst utilising existing networks, promoting independence and providing the most cost effective and sustainable mode of travel assistance. In determining the types of travel for those children and young people authorised for travel assistance, consideration will be given to:
- Distance to be travelled
  - Ability for independent travel
  - Journey duration



- Nature of additional support needs
  - Need for supervision
- 6.1.3 Where a child or young person's parents or carers do not live together, the address of the parent or carer with whom they reside for the greater part of the school week will be treated as their normal place of residence. Where there is a court order that has awarded equal custody to both parents then the criteria will be applied to both addresses.
- 6.1.4 Where a child or young person is placed with a foster carer, their normal place of residence will be deemed to be the address of the foster carer for the period of the placement.
- 6.1.5 Where there is a request for travel assistance to or from a different address than the child or young person's normal place of residence, the Council will endeavour to support that request, but if additional costs would be incurred, the Council will usually be unable to comply with that request or provide travel assistance.

## **7.0 TRAVEL ASSISTANCE OPTIONS**

### **7.1 Independent Travel Training**

- 7.1.1 Independent travel training (ITT) is available to children and young people aged 12+ who have difficulty travelling on their own for a variety of reasons, including a physical or sensory disability, special educational needs or a learning disability or mental health needs. ITT may be offered to young people, as the preferred form of travel assistance.
- 7.1.2 ITT actively promotes independence and enablement and can have many significant benefits for children and young people, including increased independence, improved confidence and self-worth, better life choices, access to leisure facilities, new opportunities for education and employment, enhanced health, improved social networking and reduced reliance on parents and carers. ITT can often also ease the pressure on parents and carers to provide their own form of travel assistance. The Council recognises the ITT as a key mechanism for achieving sustainable travel assistance as required by the Education Act 1996.
- 7.1.3 As long as the individual is resident in Dudley borough, the ITT service is free of charge, although college students may be required to cover the cost of their own fare if training to travel on public transport.
- 7.1.4 Pupils who may be capable of undertaking travel training will be identified by the school (SENCO / teacher) and flagged with the Travel Assistance Service team for assessment. Parents or carers who would like their child to receive travel training must apply via their school.
- 7.1.5 Travel training will take place over a period of time to suit the specific needs of the young person. Training is tailored to the needs of the young person and forms a bespoke program. Training may take place daily or at less frequent intervals and will continue for as long as is needed to ensure that the young person can be signed off by the trainer as a safe and fully competent independent traveller.
- 7.1.6 Where ITT is offered as a form of travel assistance to a young person and they decline, they must have clear reasons for doing so. Reasons for not undertaking ITT may be challenged by the Council and, if the reasons for refusing to undertake ITT

are not adequate, the Council may withdraw travel assistance or offer a bus pass as an alternative form of travel assistance deemed suitable by the Council.

- 7.1.7 Once the young person has successfully completed a course of travel training and are able to travel independently, they will cease to be eligible for other forms of travel assistance.

## 7.2 Taxi or Minibus Travel Assistance

- 7.2.1 School travel assistance for eligible children will be provided from and to the local area of the child or young person's normal place of residence to the nearest suitable school, at times that coincide with the beginning and end of a **normal school day**. Travel Assistance will not usually be provided for extra-curricular activities arranged by a child or young person's school, other commitments outside of school hours or for travel between institutions during the school day.

- 7.2.2 The Council will determine whether door-to-door provision or an alternative, such as the designation of a dedicated group pick-up point or use of a public bus stop, is required based upon information from the child or young person, their parents / carers, schools, medical and other relevant professionals. A child, young person or adult will normally be expected to walk a reasonable distance to and from home to meet their transport, but this distance will not normally exceed:

- 0.5 miles for a child up to 8 years old
- 1 mile for child or young person over 8 years old

- 7.2.3 Target journey times will normally be based on DfE guidelines and will be as follows, but the Council may deviate from or exceed these target times in exceptional circumstances:

- Primary school age children; travel time no longer than 45 minutes;
- Secondary school age children; travel time no longer than 75 minutes;

- 7.2.4 The need for a Passenger Assistant (PA) will be determined by the Council based on information from the child or young person, their parents or carers, schools, medical and other relevant professionals.

- 7.2.5 Normally, where a child is less than 8 years of age they would not be expected to travel alone and a parent, carer, care worker or PA with whom they are familiar should escort them on non-routine journeys.

- 7.2.6 Medication can be administered by a PA only where there is an appropriate medical protocol in place and the PA has been properly trained.

- 7.2.7 Parents and carers are responsible for their charge's safety in getting to and from the designated pick-up / set-down point. They are responsible for their charge whilst waiting to hand them over to the travel assistance provider and when they collect them from the provider.

- 7.2.8 Travel Assistance will normally only be provided for children or young people, but in exceptional cases the Council may consider travel assistance for support staff (parents, teaching assistants, care workers) or parents / carers where it is considered for the needs of a child or young person receiving travel assistance. Deciding whether it is necessary to provide travel assistance for additional persons will be at the discretion of the Council and will be determined on the basis of information from the

child or young person, their parents or carers, schools, care providers, medical and other relevant professionals.

7.2.9 Where escorted or non-escorted minibus or taxi is the allocated mode of travel assistance, the Council may alter and amend the routes, vehicles, providers and travel times in order to meet its obligations to deliver value for money in the use of public funds.

### **7.3 Travel Support Allowance**

7.3.1 Parents or carers may request or be offered a Travel Support Allowance (TSA) as an alternative to other forms of travel assistance. A TSA is a sum of money provided to parents or carers of children who are entitled for travel assistance under this Policy. The allowance is paid to enable a parent or carer to arrange home to school travel arrangements in a way that suits their own circumstances.

7.3.2 Applications for a TSA can be made to the Council Travel Assistance Service and will be determined on the basis of information from the child or young person, parents or carers, schools, care providers, medical and other relevant professionals, about whether a TSA is the most appropriate and cost effective travel assistance available. The decision to provide a TSA or another form of travel assistance is at the discretion of the Council.

7.3.3 Where the Council, determines that a Travel Support Allowance is the most appropriate and cost effective form of travel assistance, the amount payable will be determined

- using the shortest driving distance measured by an approved route planner
- assuming two journeys per day (i.e. home to school, school to home)
- using the number of days the child is required to attend each term.
- using the HMRC approved rates for mileage - 45p for the first 10,000 miles per annum and 25p per mile for the subsequent miles per annum.

7.3.4 The rate at which the TSA is calculated can be modified in exceptional circumstances and at the Council's discretion.

7.3.5 The allowance must then be used by the parent or carer to make independent travel arrangements for a child or young person using either their own vehicle or other available transport provision.

7.3.6 Payment of TSA's will be made via bank transfer into the account of the parent or carer organising the transport.

7.3.7 Payment of TSA's will be dependent on the regular attendance of the individual at their designated place of education or care. TSA's may be amended or withdrawn completely at the discretion of the Council, if attendance levels fall below 90% of that which would normally be expected and the amount payable may be retrospectively adjusted for any days of non-attendance.

7.3.8 Attendance levels will be based on the school attendance register at the start of the both sessions of each school day setting out whether the pupil is:

- Present;
- Attending an approved educational activity;

- Absent;
- Unable to attend due to exceptional circumstances.

7.3.9 TSA's may be withdrawn, at the Council's discretion, if the Council determines that there is an alternative form of travel assistance that offers improved value for money and provides an acceptable level of service quality. Notice of 28 calendar days will normally be provided for such a withdrawal.

7.3.10 If the Council finds that an overpayment of public funds has been made for example; due to school closure, calculation error, a fraudulent application, or a failure to notify the Council of a change of circumstances, the Council will take action to recover the money. This may include legal action including possible escalation to debt recovery for any monies owed.

## **7.4 Travel Passes**

7.4.1 Where escorted or non-escorted public bus service travel is allocated, the child or young person may be allocated the appropriate level of funding for their journey for a travel pass for use on public transport.

7.4.2 Parents or carers will be provided with a numeric code and a link to the West Midlands Travel website. The code can be redeemed on the website for a scholar's travel pass.

7.4.3 Once the code is issued by the Travel Assistance Service, it is the responsibility of the young person and their parents or carers to obtain the appropriate travel pass using the link provided.

7.4.4 Where there is a change of home address or school before the end date of a travel pass the Travel Assistance Service should be notified immediately to ensure that the child or young person's entitlement to a bus pass is reviewed.

7.4.5 Children and young people will normally not be expected to make more than one change on public transport where that is the designated form of travel assistance.

## **8.0 OTHER TRAVEL OPTIONS**

### **8.1 Temporary Medical and / or Mobility Needs**

8.1.1 Children and young people in education, who have temporary mobility problems caused by medical conditions that prevent them from traveling independently, may be entitled for travel assistance. An application for temporary travel assistance can be made in as outlined in Section 10 of the Council Travel Assistance Application Form and will involve an assessment to determine the most appropriate method of travel, if travel assistance is awarded.

8.1.2 Supporting medical evidence from a relevant consultant about the nature of the temporary medical condition, along an estimate of how long that condition will continue will be required and must accompany each application. The evidence submitted should include information about the effect that the medical condition has on the child or young person's ability to use public transport, as well as move and travel in general and why the parent or carer is unable to transport the learner to and from school.

- 8.1.3 Any travel assistance provided in accordance with this section of the policy will be time limited and its continuation will be reviewed, as it will be withdrawn once the temporary medical and / or mobility needs have improved or the Council deems that it is no longer necessary.

## **8.2 Educational Residential Placements**

- 8.2.1 Parents and carers are again responsible for making travel arrangements for those children and young people attending educational residential placements, but depending on the circumstances of the learner, they may be entitled to support through the provision of mileage allowance (TSA). The number of journeys that will be funded will normally depend on contents of the family's contract with the school and the circumstances of the placement, e.g. termly.
- 8.2.2 Where the parent or carer wishes the pupil to return home more frequently, they will be responsible for making and funding the transport arrangements.
- 8.2.3 The Council does not have a duty to make travel arrangements when the parents have decided to send their child or young person to a school or college that is farther away than a suitable school or college that meet the needs of the child or young person.

## **8.3 Specialist Equipment**

- 8.3.1 The Council will only provide specialist equipment e.g. non-standard child seat, as part of the agreed travel assistance where the evidence demonstrates that it is necessary. Any requests for the provision of specialist equipment must be accompanied by relevant supporting evidence.
- 8.3.2 All specialist equipment provided will remain the property of the Council unless otherwise agreed, in writing, and must therefore be returned to the Council in good condition, once travel assistance ceases.

## **9.0 CIRCUMSTANCES WHERE TRAVEL SUPPORT WILL NOT BE PROVIDED**

Travel support will usually not be provided by the Council for:

- Circumstances that do not relate to the learner, such as the needs of siblings, parent or carer work commitments, etc.
- Travelling to extra-curricular activities or between institutions within the school day, as the organising school or institution is responsible for making travel support arrangements for journeys of this nature;
- Dental or hospital appointments or other non-educational appointments;
- Unplanned journeys that are required because the learner became ill at home or school;
- Parents or carers attending review meetings in day placements or visiting their child or young person in a residential setting;
- Attending an induction day or open evening at another establishment;
- Journeys to enable the learner to accompany a friend home;
- Travel where the conduct of the learner is likely to place contractors, staff or other occupants of a vehicle a significant risk of harm.

## **10.0 APPLICATIONS AND DECISIONS**

### **10.1 General Principle**

10.1.1 Applications for travel assistance should be submitted via the appropriate application form and by following the procedures outlined in this policy. In general, when determining the travel support that may be offered, the following hierarchy will apply, in the order it appears below:

- Walk;
- Cycle;
- Independent Travel Training (ITT);
- Public transport (Bus Pass);
- Supported transport (Contracted Transport or Allowance)

10.1.2 It will usually take a minimum of five working days for the assessment and processing of applications for travel assistance.

### **10.2 Applications – Travel Assistance**

10.2.1 Application for Travel Assistance should always be made by the parent, carer or another suitable adult with parental responsibility for the child or young person.

10.2.2 Applications for bus pass assistance should be made a parent or carer via the Travel Assistance Service team using the Council Travel Support Dudley MBC Bus Pass Application (see Appendix 4).

10.2.3 Applications should be, where possible, supported with appropriate evidence as set out in Appendix 3.

10.2.4 Parents and carers must inform the Council of any change to their circumstances or those of their child or young person, if they may affect entitlement to school travel support (including changes of address during the school year) so that the provision of travel support can be reviewed in the light of new circumstances. Changes can include, but will not be limited to, the learner:

- Changing school or college;
- Changing home address;
- Completing a successful course of travel training;
- Progressing educationally or physically in a way that enables them to travel independently.

**Failure to inform the Council may result in travel support being revoked and legal action being taken.**

## **11.0 REVIEWS & APPEALS**

### **11.1 Stage 1 Reviews**

11.1.1 If the young person and / or parents / carers disagree with the Council assessment of the travel assistance that it deems is necessary, including a decision that the child or young person does not qualify for or need any travel support, they may request a

Stage 1 Review of the decision in writing, explaining why they feel that the individual's circumstances are exceptional or that the assessment carried out is wrong.

- 11.1.2 Where a Review request has been submitted, until such time as the Review has been considered and a decision reached, the provision of travel assistance will be at the discretion of the Council, but the parent, carer or young person will usually be expected to make arrangements for travel assistance during the Review process. If the Review is decided in their favour, the Council will backdate the travel support awarded to the date that they became entitled to it.
- 11.1.3 Written requests for a Review should provide as much supporting detail as possible. In addition to a written statement, young people and or their parents / carers are encouraged to include any other supporting information they consider relevant, as set out in Appendix 3
- 11.1.4 Each case will be given careful consideration by an independent senior officer of the Council (that is, the reviewing officer will not be an officer involved in the original decision).

## **11.2 Stage 2 Appeals**

- 11.2.1 If a Review has been completed and has determined that there is no eligibility for travel assistance, but the young person and or their parent / carer still believes their child or young person circumstances justify special consideration, they may appeal against the decision in writing, or on the appeal form supplied, explaining why they feel that the circumstances are exceptional or that the review decision is wrong, providing all relevant supporting information as outlined in **Appendix 3**
- 11.2.2 Where an appeal has been lodged, until such time as the appeal process has been completed and a decision reached, the provision of travel assistance will be at the discretion of the Council, but the parent, carer or young person will usually be expected to make arrangements for travel assistance during the Appeal process. If the Appeal is decided in their favour, the Council will backdate the travel support awarded to the date that they became entitled to it.
- 11.2.3 Appeals are considered by the Council's Transport Appeals Panel (TAP) which is an independent panel of Council officers: -
- Who were not involved in the original decision; and
  - Who are not part of the Council's Children's Services Directorate.
- The Transport Appeals Panel will hear and determine all formal appeals in relation to travel assistance for home to and from school / college / sixth form college.
- The Transport Appeals Panel must comply with the law, which entitles it to overrule decisions of the Travel Assistance Service .
- 11.2.4 The Transport Appeals Panel decision is final and binding upon the Council, as well as the young person, their parent / carer. However, if the young person, their parent / carer believes and has evidence that the Transport Appeals Panel did not follow the correct procedures or that its decision was unlawful then a complaint can be made to the following:

- The Council, via the comments, compliments, and complaints procedure. This can be found at [www.dudley.gov.uk/council-community/compliments-comments-complaints/](http://www.dudley.gov.uk/council-community/compliments-comments-complaints/)

- The Local Government and Social Care Ombudsman can investigate whether the Council has failed to comply with any procedural rules when handling your appeal. They cannot look at the merits of the decision.
- The Courts, by way of judicial review. The complainant may choose to contact a solicitor, who can advise on how to pursue a complaint through the courts.

## **12.0 CONDUCT AND WITHDRAWAL OF TRAVEL ASSISTANCE**

### **12.1 Conduct for travel assistance**

- 12.1.1 All travel assistance arrangements are regularly monitored and entitlement to free travel assistance may be forfeited if it can be demonstrated that it was more likely than not the support obtained as a result of misrepresentation or malpractice by the young person, their parents or their carers. In addition, where appropriate, the Council will endeavour to recover from the recipient any public funds paid or spent as a consequence of that misrepresentation or malpractice.
- 12.1.2 In the case of misconduct issues occurring during travel on minibus or taxi transport each incident will be reviewed in the light of the particular needs and behavioural characteristics of those involved with a view to identifying steps that can be taken to mitigate or manage the conduct. However, in extreme cases, where reasonable steps have been taken to address the inappropriate conduct and have not been successful or no reasonable steps can be identified, the Council reserves the right, at its discretion, to suspend or withdraw travel assistance provision. Drivers and PAs on transport are not expected to train in the use of restraint on transport, but in exceptional circumstances they are entitled to use **reasonable force** to restrain someone in order to ensure the safety of the children being transported and to protect themselves.
- 12.1.3 The Council may temporarily withdraw travel assistance from pupils travelling on public transport, who are found guilty of either serious or repeated misbehaviour (e.g. verbally abusing bus drivers, vandalising public transport). The decision to withdraw travel support will be made by the Council in consultation with the young person, their parents or carers, teachers and public transport officials. It is up to Head Teachers to decide whether poor conduct on public transport is adequate grounds for excluding the pupil from their school – the Council can only advise on this matter using the evidence supplied by public transport officials, teachers, or other members of the public.
- 12.1.4 In the event that the Council withdraws travel assistance in any of the above circumstances, it remains the responsibility of the parent / carer to ensure that the pupil continues to attend their place of education during the period that travel assistance has been withdrawn.

### **12.2 Withdrawal of Travel Support**

- 12.2.1 Travel support may also be withdrawn by the Council in certain circumstances, including but not limited to:
- Changed circumstances resulting in the learner / young person / adult no longer being entitled to travel support;
  - Refusal to accept the travel support offered without good reasons, including ITT;



- The travel support being obtained as a consequence of misrepresentation or malpractice by the young person, their parents or their carers;
  - Serious or repeated misbehaviour on the part of the individual receiving travel support;
  - Refusal of the travel support offered or provided, including by regularly failing to use the travel support;
  - Fixed or permanent exclusion of a learner from their place of education.
- 12.2.2 Where the Council decides to withdraw travel assistance, for whatever reason, the young person, parents and carers will normally be given 28 days' notice of the withdrawal to allow them to put in place alternative arrangements.
- 12.2.3 Where the Council decides to withdraw travel assistance for reasons of conduct, the withdrawal may be immediate in order to ensure the safety of fellow passengers, drivers and / or passenger assistants.
- 12.2.4 In the case of a child being temporarily excluded from their place of education, travel assistance will be withdrawn for the period of exclusion and, unless the exclusion becomes permanent, will not usually be provided with travel support to an alternative place of education during this period.
- 12.2.5 In the event of the temporary closure of a school or education provision, travel assistance will be withdrawn for the period of the closure and will not be provided to any alternative venue during this period.

### **13.0 ADVERSE WEATHER AND TRAVEL ASSISTANCE**

- 13.1 During the winter months severe weather conditions may affect the ability to provide the usual travel assistance service.
- 13.2 Extreme weather could include heavy snow fall or severe ice that is sufficiently bad to make driving hazardous. In this situation the decision may be made to cancel transport for young people attending school or college placements.
- 13.3 In the event of any cancellations to transport due to severe weather conditions parents / carers where possible will be contacted to advice of possible disruption to council provided transport.
- 13.4 All reasonable steps will be taken to keep schools, colleges open but the safety of individuals using transport services is of paramount importance at all times.
- Young People attending school: The decision to close a school is made by the Head Teacher of the school who will then take responsibility to ensure that parents/carers are made aware.
  - Young People attending college: The decision to close a college is made by the management team of the college who will then take responsibility to ensure that parents/carer's are made aware.
- 13.5 The Council has a robust process for communicating regular weather updates that detail weather conditions, road conditions and road gritting programme. This information also shows which schools are affected by the decision making and can be viewed on the Council website. <http://www.dudley.gov.uk/media-centre/communications/weather-watch/> Local radio stations will also give updates of school closures.

## 14.0 COMPLAINTS

Individuals, parents, or carers who wish to make a complaint should follow the Council's standard complaints procedure, which is available via the following link <http://www.dudley.gov.uk/community/directorates/contact-us/compliments-comments-complaints>.

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## **APPENDIX 1 - DEFINITIONS**

<b>Item:</b>	<b>Definition:</b>
EHCP	Education Health and Care Plan
Local Authority Area	The geographical area for which the Council is responsible for providing care and support services, as defined by the Dudley borough boundary.
Nearest suitable school	The nearest school which can adequately meet a child's specific educational or religious needs. The school must be rated above "Inadequate" by Ofsted.
Normal School Day	School days generally start at around 8.30 and finish at around 3.30. However, start and end times can differ between schools. Therefore, any home-to-school travel support arrangements should coincide with start and end times of the individual school a child is attending.
SEN	Special Educational Needs
Specialist Vehicle	A vehicle which is adequately equipped to allow a disabled person with specific mobility needs to travel (e.g. a wheelchair-adapted car).
Unreasonable Expectations	Where a travel support arrangement would place expectations on a parent or carer that could negatively impact on their physical or mental health, ability to maintain relationships, take advantage of work or recreational opportunities, or their ability to care for the person in question.
Reasonable force.	Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder. The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

## **APPENDIX 2 – LEGAL CONTEXT & GUIDANCE**

### **A2.1 Legislation**

- Chronically Sick and Disabled Persons Act 1970
- Children Act 1989
- Education Act 1996/2011
- Transport Act 2000
- Carer’s (Equal Opportunities) Act 2004
- Children and Families Act 2014
- National Eligibility Criteria 2015

### **A2.2 Guidance**

- ‘Home to School Travel for Pupils Requiring Special Arrangements’ by the Department for Education and Skills.
- ‘Home to School Travel and Transport Guidance’ by the Department of Education
- ‘Special Educational Needs and Disability Code of Practice: 0 to 25’ by the Department of Education and Department of Health
- ‘Post-16 Transport to Education and Training’ statutory guidance document

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### **APPENDIX 3 – SUPPORTING EVIDENCE AND INFORMATION**

Where possible applications for Travel Assistance should be accompanied by supporting evidence.

When a request is made for a Stage 1 Review or Stage 2 Appeal in respect of the Council's decisions in regard to travel assistance, supporting evidence and information should be submitted with the request. The evidence should show why the individual's or learner's circumstances are exceptional or that the assessment carried out is wrong.

This evidence can include, but is not limited to, any of the following:

- General family circumstances and / or needs;
- The way in which the learner presently travels;
- Whether a responsible adult accompanies the learner on their journey;
- Whether there are any major practical difficulties in arranging for the learner to be accompanied.
- Supporting evidence from a professional person (Relevant Professional Reports) such as a lead professional in a relevant field (medical consultant, occupational health, educational psychology, Children's and Adolescent's Mental health Service (CAMHS) etc.).
- The EHCP and Annual Review reports.
- Information about the nature and reasonableness of the route i.e. journey times,
- Changes, safety, nature of the pavements and roads, congestion, other passengers etc.
- Information from a social care initial or core assessment / Early Help assessment if appropriate.
- Information submitted during the application.
- Where travel training has taken place or is in progress, an existing Travel Training Plan (or assessment being undertaken).
- Evidence from a Consultant if parent/carer indicates that they are medically unfit to get their client or learner to school or day care.
- Other exceptional circumstances which prevent a parent / carer from taking their learner.

Where evidence provided by the young person, their parent or their carer conflicts with the advice of other professionals, further clarification or evidence may be sought.

The Council will determine the weight to be given to the evidence received.

## **APPENDIX 4 – TRAVEL ASSISTANCE APPLICATION FORMS**

Applications for travel assistance will only be accepted if they follow the correct procedure and use the correct application form.

All Travel Assistance Application documentation can be accessed using the following link:

<https://www.dudley.gov.uk/residents/learning-and-school/education-grants/childrens-young-person-transport/>

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## **APPENDIX 6 – USEFUL LINKS**

### Dudley MBC Home-to-School Transport

Website: <https://www.dudley.gov.uk/residents/learning-and-school/education-grants/childrens-young-person-transport/>

### Dudley Connexions Information Advice and Guidance Service

Website: [www.connexionsdudley.org](http://www.connexionsdudley.org)

### Dudley MBC Social Care Assessments

Website: [www.dudley.gov.uk/resident/care-health/dudley-social-services/request-an-assessment/social-care-assessment/](http://www.dudley.gov.uk/resident/care-health/dudley-social-services/request-an-assessment/social-care-assessment/)

### Dudley MBC Carer's Assessments

Website: [www.dudley.gov.uk/resident/care-health/dudley-social-services/do-you-look-after-someone/services-for-carers-from-dudley-council/carers-assessments/](http://www.dudley.gov.uk/resident/care-health/dudley-social-services/do-you-look-after-someone/services-for-carers-from-dudley-council/carers-assessments/)

### Dudley MBC Safeguarding Policy

Website: <http://safeguarding.dudley.gov.uk/>

### Dudley MBC Sustainable Travel

Website: <http://www.dudley.gov.uk/resident/bins-recycling/sustainable-development/actions-for-sustainability/transport-and-access/>

### Network West Midlands

Website: [www.networkwestmidlands.com](http://www.networkwestmidlands.com)

### Travel West Midlands

Website: [www.travelwm.co.uk](http://www.travelwm.co.uk)

### Children's Travel and Transport Service

Telephone: 01384 816972/ 4301/1583

Website: [www.dudley.gov.uk/resident/learning-school/education-grants/childrens-young-person-transport/](http://www.dudley.gov.uk/resident/learning-school/education-grants/childrens-young-person-transport/)

### Independent Travel Training

Website: [www.dudley.gov.uk/resident/learning-school/education-grants/childrens-young-person-transport/independent-travel-training/](http://www.dudley.gov.uk/resident/learning-school/education-grants/childrens-young-person-transport/independent-travel-training/)

### 16 to 19 Bursary Scheme

Website: [www.gov.uk/guidance/16-to-19-bursary-fund-guide-for-2016-to-2017](http://www.gov.uk/guidance/16-to-19-bursary-fund-guide-for-2016-to-2017)

### Department for Education

Telephone: 0800 121 8989

Website: [www.gov.uk/government/organisations/department-for-education](http://www.gov.uk/government/organisations/department-for-education)

Motability Scheme

Website: [www.motability.co.uk](http://www.motability.co.uk)

Local government and Social Care Ombudsman

Website: <https://www.lgo.org.uk/>

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