

**EDUCATION      TRANSPORT  
POLICY**

# ESSEX COUNTY COUNCIL STATEMENT OF EDUCATION TRANSPORT POLICY

## Introduction

Essex County Council has a statutory duty to make arrangements to provide free home to school transport for some children of compulsory school age and discretion whether to provide transport for others.

This document sets out Essex County Council's Home to School Transport Policy and describes how the Council fulfils its duties and exercises its discretionary powers as required under the Education Act 1996 and subsequent legislation.

Parents have a legal duty and a responsibility to ensure that their statutory aged children attend school regularly and to make any necessary arrangements to ensure that they attend school. The County Council is required to provide transport to those eligible under the law and this policy, to children and families resident within the administrative area of Essex County Council.

## Provision for children of compulsory school age

Essex County Council, in accordance with its statutory duty, will provide free home to school transport for children of compulsory school age to the nearest available\* school for their home address who meet the 'qualifying distance' criteria which are:

- 2 miles or more for children below the age of eight
- 3 miles or more for children aged eight and above

For children aged eight the change in entitlement to free transport will be implemented from the start of year four.

\*An available school is determined to be a maintained school or academy within the administrative area of Essex County Council at which the child would have been offered a place, had the parent applied for the school as first preference on the original admission application.

Essex County Council will measure using the shortest road route to calculate distances to establish which is the nearest school to a child's home address.

Thereafter, the shortest available walking route is measured to calculate the distance to the nearest school, to determine whether the qualifying distance is met for an entitlement to transport.

The legal definition of an 'available walking route' is a route along which a child, accompanied as necessary, can walk and walk with reasonable safety to school

The Council uses a Geographical Information System (GIS) to measure and calculate home to school distances.

The GIS measures the distance using the Ordnance Survey Highways road network data which is the base data for many online mapping and routing applications. The route measured will start at the point on the road network that is closest to the Ordnance Survey address point of the pupil's home, and will end at the point on the road network closest to the address point of the school.

Any parent who wants to find out which school the Council considers to be their nearest school for transport purposes should send an email to: [educationawards@essex.gov.uk](mailto:educationawards@essex.gov.uk)

The email should state the child's name and address, asking what the Council considers to be the nearest school for transport purposes to that address. The request should detail whether the information is sought for primary or secondary school transport. Parents without access to email can call 0345 603 2200.

**The measurements produced by the Council's GIS are the definitive distance calculations that the Council will use to determine transport eligibility.**

**Unless the low income criteria is met, transport will not be provided to a school if:**

- **There is any nearer school to the home for which a parent did not apply on the original admission application**
- **There is any nearer available school which was listed as a lower preference on the original admission application**
- **The parent has rejected an offer of a place at any nearer school**

An entitlement will not exist in the event that the nearest available or a nearer available school than the offered school is full, where a parent did not list that nearer school as a higher preference on the original admission application form (unless there is an entitlement under the low income criteria).

In the event that a faith\*\*, selective\*\*\* or out of county school is the nearest available school an entitlement to transport will exist to that school as well as the nearest other maintained school or academy within the Essex County Council area, providing the distance criteria is met.

\*\* A faith school is considered to be a voluntary aided school or faith academy which, in its admission arrangements, gives priority for admission to children of the faith. Voluntary controlled schools are not considered to be 'faith schools' for the purposes of transport.

\*\*\* A selective school (i.e. grammar school) is considered to be one which admits all pupils by reference to their academic ability, by means of a selection test or other process to determine academic ability.

Statutory entitlement is extended to those from low income groups. Children from low income groups are defined as those who are entitled to free school meals due to their income, or those families whose annual taxable household income is less than £16,190, subject to annual parliamentary change and in receipt of the maximum level of Working Tax Credit (WTC).

Children aged above the age of 8, but under the age of 11, from low income families will be entitled to travel assistance where they live two miles or more from and are attending their nearest available school.

Children in years 7 – 11 from low income families are entitled to transport where they attend one of the three nearest available schools to their home address providing those schools are between 2 and 6 miles from their home address by the shortest road route.

When a child cannot be offered a place at the nearest school for the home address, the County Council will, subject to the conditions set out on page 3 and the qualifying distance being met, provide transport to the next nearest school with space to admit. For transport to be provided in this particular instance the parent must provide evidence that they have applied for and been refused a place at the school which is the nearest school for their home address and any other schools closer than the school offering admission.

This statutory entitlement is extended to those children from low income families who are attending their designated faith school which is 2 miles or more, but not more than 15 miles from home by the shortest road route.

For Roman Catholic (RC) schools, the 'designated faith school' for this purpose is the school which the RC Diocese and the County Council have agreed as the RC school for the area of the home address. In the case of other faiths, transport will only be provided to the nearest school of that faith, if the relevant income and distance criteria are met.

### **Provision of primary school transport for children in Year Group 6 for transport in the 2020-2021 academic year.**

Essex County Council will provide transport to children attending their designated (catchment) school, or a school closer to their home address. In order to qualify the child must reside 2 miles or more from that school if the child is under the age of 8 and three miles or more if aged 8 and above.

This group of children will also qualify under the policy provisions detailed from page 2.

The methods of calculating distances and definitions are as stated previously in this document.

## **Route Inspections**

Where a parent/carer wishes to challenge the availability of a walking route (having been refused transport to the nearest qualifying school because it is under the relevant distance threshold for transport entitlement), they may do so in writing, outlining their concerns to the Education Awards Team.

Routes are then inspected by officers of the County Council using the 'Road Safety GB Guidelines on Assessment of Walked Routes to School'. Should a parent/carer wish to challenge the officers' decision they are referred to a Member Appeals Panel to make a decision on behalf of the Cabinet Member for Education and Lifelong Learning.

Where a route or part of a route is considered unavailable to be walked, transport will be provided to those students who would otherwise have to use that route to get to and from school where there is no alternative available walking route that can be used that is less than the qualifying distance criteria.

Where a route previously considered to be unavailable, becomes available (for example through the provision of a new footpath), transport will no longer be provided to any new applicants for transport assistance. Those applicants who have been entitled to transport due to an unavailable route will be provided with transport until the end of the academic year in which the route is re-assessed or given one full terms notice, whichever is longest, before transport will be withdrawn.

## **Provision for children below compulsory school age**

Essex County Council will also provide home to school transport to a school to which an entitlement to transport exists (as outlined in the above policy provisions), at the beginning and end of the school day for a child admitted to mainstream infant and primary schools who is still aged 4. Transport will not be provided to assist with midday journeys for part-time early years' admission.

## **Children Looked After**

There is a separate policy for the provision of Children Looked After. However, transport will be considered exceptionally for children who are 'looked after' in years 10 and 11 where they move placement within those year groups in order to provide continuity of education. All other cases will be considered under the Council's Essex Children's Social Care Transport policy.

## **Provision for children attending a faith school**

The provision of transport assistance to those attending faith schools was formally withdrawn to all students who commence(d) in year 0 or 7 in a faith school from September 2012 onwards.

Since September 2012 transport is only provided to those attending faith primary and secondary schools who qualify under the low income policy set out on page 4. Such pupils are required to meet the statutory distance criteria for their age group.

### **Provision for children attending a selective school**

Free transport will be provided for families who qualify under the Low Income policy as defined on page 3, and who live 2 miles or more from the school as measured by the shortest available walking route.

Free transport will also be provided to those children for whom the selective school is the nearest school to their home address as measured by the shortest road route, subject to a qualifying distance of 3 miles or more as measured by the shortest available walking route.

### **Additional support available in extenuating circumstances**

Recognising that the Authority's discretionary powers should not be unreasonably fettered by its general policy, the Council will consider and may agree requests for home to school transport where there are considered to be exceptional circumstances.

The overriding expectation is that parents should undertake their legal responsibility to get their child(ren) to and from school and as such the Council will need to be satisfied that the parent has demonstrated why they, for social, medical, financial or personal reasons cannot undertake this duty.

The determination will be based on evidence received to support the case whether transport is necessary in order for the child to receive an education. Consideration will be given as to whether the circumstances could have reasonably been foreseen by the parent/carer. For example, moving to temporary accommodation owing to flood damage cannot be foreseen, whereas choosing a school other than a child's nearest school and realising following this decision that transport is not available could be foreseen.

Applications will be means tested as part of the overall assessment process and the transport offered will be determined by the level of income received.

Family Income	Support to be offered if case considered to be exceptional
£16,190 and below	Fuel reimbursement at 45p per mile or equivalent transport on existing contract vehicle/public transport ticket;
£16,190–£30,000	Fuel reimbursement at 45p per mile or a payment of £250 per term towards the cost of transport;
£30,000–£42,475	fuel reimbursement at 45p per mile or a payment of £150 per term towards the cost of transport;
£42,475+	No contribution normally made.

There is a deadline by which applications under this part of the policy must be received. The application window is open from 1 March until 30 September each year for new starters, which then reopens for 1 January to close again on 31 January in each academic year. The Council can still accept applications outside this period at our discretion where family circumstances change e.g. a house move or drop in income).

Where it is decided that a child does not qualify for exceptional transport it remains the parent/carer's responsibility to ensure school attendance or consider transferring the child to a more local school. The following scenarios outline examples where transport will be considered, based on evidence to support a case.

### 1. Medical condition of the child

If a child cannot get to and from school owing to a medical condition transport will be considered for a short period of time while the condition is resolved. The parent/carer would need to outline why they are unable to get their child to school themselves and provide medical evidence from a GP or consultant outlining their child's medical condition, why it prevents them walking the 'x' miles from their home to school and how long this is likely to be the case. Parent/carers also need to provide income/benefit evidence to allow us to consider the case.

This would be considered for a maximum of three academic terms in order for families to consider local schools or make their own transport arrangements.

Transport assistance will only be provided for the length of time stated in medical evidence provided.

Example case:

Child has a broken leg and is unable to walk 1 mile to primary school. Mum is a single parent and works with an income of £15,000 per year. Free transport would be awarded to the child as they cannot physically walk the distance and the parent cannot fund an alternative or drive her child to school. Mum would be required to provide evidence from the GP or consultant confirming the injury and defining a length of time that transport would be required.

## **2. Medical condition of the parent**

If a child cannot get to and from school owing to parent/carer suffering from an unforeseen injury or illness consideration will be given to provide transport for a short period while the parent/carer recovers. Where the illness/injury is long term, consideration will be given in continuing to provide transport assistance should the child be in attendance at their nearest school. Where a parent/carer had elected to send their child to a school further away than their nearest school, they will need to consider transferring them to a local school as assistance cannot be provided long term for children attending what is not their nearest school.

This would be considered for a maximum of three academic terms in order for families to consider local schools or make their own transport arrangements.

Applicants are required to provide detailed medical evidence from the GP or consultant outlining why the parent/carer is unable to walk or drive their child to and from school and for what period of time.

Transport will only be provided for the length of time stated in medical evidence provided.

Example case:

Child is attending their nearest primary school, living 1.8 miles away. Mother is going into hospital for an operation and medical evidence has confirmed this and states that parent cannot walk or drive for 10 weeks. Father works full time and earns £27,000 per annum. Transport assistance would be agreed for 10 weeks only within the terms set out in the table above.

If the child was of secondary school age they would be expected to be able to walk this distance to and from school.

## **3. Family residing in temporary accommodation and on the housing list**

Where a family has been temporarily re-housed consideration will be given to provide transport assistance to the child's current school for one term at a time whilst they are waiting for permanent housing providing the distance criteria is met. This would be considered for a maximum of three academic terms in order for families to find alternative accommodation or make their own transport arrangements.

Parent/carers would need to provide evidence from the district/borough council or

housing association stating that the family have been made unintentionally homeless and are subsequently in temporary accommodation awaiting permanent housing. The letter would also need to confirm the temporary address and the approximate timeframe for the family to be housed permanently. Any transport provided will be a term at a time.

Where a family are considered to be intentionally homeless exceptional transport assistance would not be provided.

Example case:

Single parent has been declared unintentionally homeless by Braintree District Council. They have been placed in temporary accommodation and are on the housing list. Transport assistance would be agreed to the child's current school whilst permanent housing is sought for one school term initially. Should an extension to transport assistance be required the parent would be required to submit termly updates from Braintree District Council or the housing association with regard to the likely timescale in which permanent accommodation would be found and up to date evidence of income or receipt of benefit.

Once the family have acquired permanent accommodation consideration for exceptional transport assistance to the existing school can only be given if the child is in years 6, 10 or 11 (examination years). If the permanent housing meant that the child did not meet the criteria required and the child was in any other year group the parent/carer would be required to seek admission to the local school or to take on the responsibility for getting their child to and from school.

#### **4. Mother/Father moved into a refuge**

This scenario mirrors that of a temporary accommodation application.

Evidence from the refuge is required stating that the parent/carer and children are currently residing with them and an approximate timescale until permanent accommodation will be found. Parent/carer's will also need to provide income/benefit evidence to allow us to consider the case. The distance criteria is still required to be met.

Example case:

Mother moved into a women's refuge to escape domestic violence and provides a confirmation letter from the refuge to support the application. Transport assistance would be agreed for one term and then extended as appropriate. Once the family have been permanently rehoused consideration to transport assistance can only be given if the child is in years 6, 10 or 11 (exam years).

If the permanent housing meant that the child no longer had an entitlement under the standard policy and was in any other year group the mother would be required to seek admission to the local school or to take on the responsibility for getting her child to and from school.

## **5. Child Looked After**

Consideration will be given to provide transport assistance for looked after children that have moved placement during years 6, 10 and 11 so that they can complete their exams at their current school, providing the distance criteria is met. Where a child has changed address outside of years 6, 10 and 11 transport assistance cannot be provided.

Evidence would need to be provided from social care that the child has changed placements during those exam years. Provided this evidence was received transport assistance would be put in place until the child reaches the end of year 6 or 11. Where a child moves placement again we would require further confirmation from social care to keep this arrangement in place.

## **6. Bullying**

Essex County Council has a duty to support schools in dealing with the issue of bullying and in enforcing their anti-bullying procedures before considering an application for transport. If a school has not been given ample opportunity to resolve bullying issues that are identified, consideration to transport assistance to an alternative school cannot be provided

Where a parent can evidence that the school has exhausted their anti-bullying procedures and subsequently advised that they cannot resolve the bullying and recommends that the child leaves their school, transport assistance can be considered to the nearest school with space available at the time of the move provided the distance criteria is met.

The school would need to provide evidence clearly stating that they have recommended that the child move schools due to unresolvable bullying issues and that they support this fully. The Education Awards will liaise with the Admissions team to ensure that the child was admitted into the nearest school with space available at the time of admission.

Example case:

A parent applies for transport to their nearest available school, 5 miles away, following bullying issues at their child's nearest school along with a letter from their nearest school outlining that there had been serious bullying issues that they haven't been able to resolve and that they subsequently support the child

in transferring schools. Transport assistance could be awarded as the next nearest available school would then be considered their nearest available school. If the parent had not allowed the nearest school to exhaust their anti-bullying procedures or transfers their child to a school further away than the nearest available school, transport assistance cannot be considered.

Other circumstances may be considered but these will be considered on a case by case basis on the evidence provided at the time of the application.

### **Provision of Passenger Assistants on education transport**

It should be assumed in all cases where transport is provided by Essex County Council that a passenger assistant will not be present on the vehicle.

Passenger assistants will only be provided in the following situations:

- Where a Health & Safety issue is apparent following a County Council Risk Assessment
- The journey time is one hour or more
- The number of students travelling on a primary school vehicle is 25 or more or where a Double Decker Bus is being used for primary transport

Passenger assistants for SEN purposes are assessed on a case-by-case basis as outlined in the SEN Passenger Assistants section on page 17.

### **Withdrawal of transport provided in error**

Where a child has been awarded in error, Essex County Council has the right to withdraw this after first considering the circumstances of each case to determine whether there are exceptional reasons for provision to continue.

Consideration cannot be given to those who simply cannot meet their parental responsibility to get their own child to school following the removal of transport. This would have been expected to have been taken into account at the time of admitting the child into school, as would have been the case had the error not been made.

Where it is decided to withdraw transport, one terms notice is given. This approach has been supported by the courts in the case of *Rootkin v Kent County Council* (1981).

### **Provision of transport for after school activities**

The provision of transport to non-statutory education or clubs does not fall within the Local Authorities statutory duties and therefore cannot be authorised.

### **Provision of transport for Foreign Exchange Students**

Essex County Council does not provide transport to Foreign Exchange Students during their exchange programme. We would encourage schools to speak with the

operators of Essex County Council's contracted vehicles to make arrangements for these students. Any additional costs arising should be financed through the schools delegated budget or by parents and carers.

### **Provision of transport for Year 6 Induction/Transition Days**

Essex County Council do not fund additional cost associated with the transportation of those students from year 6 who attend induction days at their secondary schools. We would encourage schools to speak with the operators of Essex County Council's contracted vehicles to make arrangements for these students. Any additional costs arising should be financed through the schools delegated budget or by parents and carers.

### **Provision of transport to children who move school in years 10 and 11 or when they are above compulsory school age**

Essex County Council does not automatically provide home to school transport for children in years 6, 10 and 11 or post-16 whose home address changes such that the establishment they attend is no longer the nearest establishment. Instead, consideration will be given on an individual basis to provision being made as an exception to normal County Council policy.

Sometimes, families and children, through no choice of their own, experience serious disruption in their home circumstances. This can cause particular difficulty for a young person in their GCSE examination years if they have to move address and are not able to remain at their previous school where they have started a course of study.

In order to help young people achieve their full potential and to succeed in their GCSE examinations, where a child who is attending school in Essex in years 6, 10 and 11 has to move in exceptional circumstances to a new address in Essex they will be provided with transport from their new address to their previous school. Exceptional circumstances will be defined; for example death of a parent, move from family home because of family issues such as repossessions, family violence.

This does not apply to planned moves where parents are making a choice to move to a new area. Where this is the case, home to school transport cannot be provided and the parent/carers must take on the responsibility of getting their children to school.

### **Children with special educational needs, disability or mobility problems**

#### **General statement**

This statement refers to children, whether in mainstream or special provision, with special education needs, a disability or mobility problems, including but not limited to those for whom the LA maintains an Education, Health and Care Plan (EHCP).

Some children have complex and profound needs that can only be met by attending a Special School or Enhanced provision such as a Hearing Impaired Unit.

This includes:

- Children with an EHCP.
- Children undergoing statutory assessment in a School.

Please note: Not all children with an EHCP require special transport arrangements. Children with an EHCP should be transported to school in a manner that assists their readiness to engage in learning on their arrival at school and ensures both their comfort and safety.

An entitlement to home to school transport exists where the following criteria is satisfied:

- A child with an EHCP qualifies for home to school transport under the mainstream criteria outlined previously within this policy.

or

- A child attends their nearest suitable school\* and meets the qualifying distance criteria outlined below:
  - 2 miles or more for children below the age of eight.
  - 3 miles or more for children aged eight and above.

In addition to the above, where a child's SEN or mobility difficulties mean he or she cannot reasonably be expected to walk to school even when accompanied by a parent, transport can be provided even if the distance criteria is not met.

An assessment of a child's SEN or mobility difficulties will be carried out by Education Awards based on evidence provided by the parent/carer upon application. The following list, though not exhaustive, will be considered:

- A child is physically disabled and would require the use of a wheelchair to undertake the journey to school.
- A child's emotional and behavioural difficulties will create a clear health and safety hazard to themselves or others on the journey to school. Where this is the case exceptional transport would be provided and reviewed, where appropriate.
- The length of the walk to school would prevent the child from being in a fit state to be educated upon arrival. Where this is the case exceptional transport would be provided and reviewed, where appropriate.

\*For those children with an EHCP, the determination by the Statutory Assessment Service is the nearest suitable school that **can** meet the child's needs and not the school that **best** meets the child's needs. Where a parent/carer exercises parental preference in choosing a school further away than the nearest suitable school, the Council can name that school but state that this is not the nearest suitable school and ask parents to sign a transport disclaimer. Where a child is not eligible for transport, the parent takes on all financial responsibility of getting their child to and from school.

Where a child held an EHCP up to the age of 16, and progresses on to attend a Further Education College or sixth form, they will, upon application, be assessed against the Post 16 policy.

Essex County Council (the LA) has a duty to transport eligible children to and from their main place of residence to their appropriate educational placement to allow attendance during normal school hours.

Where appropriate a referral will be made to the Travel Training team to initiate an assessment for the child's suitability for Independent Travel Training. This would benefit those children by enabling them to travel independently from home to school or college which would give them the confidence in future to travel independently.

### **Inter-site/additional transport**

In exceptional circumstances, the school named in a child's EHCP cannot provide the equipment or provision that has been identified as part of the child's statutory education. This may include a hydro pool to meet a recognised need for hydro therapy. Where the Statutory Assessment Service confirm that the requested trip to meet the provision does make up part of a child's statutory education outlined within their EHCP, inter school transport will be provided.

Transport will not be provided for additional provision outside of what is named in the EHCP to form a child's statutory education. Non statutory provision would be classed as, but not exhaustive to:

- Extra-curricular school activities e.g. school plays, sports days, parent evenings.
- Child development groups or consultation services.
- Medical or dental appointments, as these should be arranged out of school hours.
- Therapy sessions such as speech or occupational therapy outside of statutory education, or where it is statutory but the named school can meet the need.
- Breakfast clubs, after school clubs, or out of school activities.
- Returning home for private family functions where the child attends a residential school.
- Child minders or private nurseries, before, during or after school hours.
- School trips.
- Swimming clubs.
- Covering sickness or exclusion due to poor behaviour.
- Inter site transport not required to meet statutory education, as outlined above.

## **Pre-school provision**

For pre-school children with special educational needs attending a specialist unit such as a speech and language or hearing impaired unit at a special school early years class, a designated nursery in a mainstream school or a pre-school provision attached to a mainstream school, transport will be provided subject to the distance criteria being met.

The LA will consider whether to exercise discretion to provide free transport having regard to the child's individual needs.

If agreed, transport would be provided for both journeys to support SEN pre-school provision. This would include where a child is only in attendance for half a day. Once the child begins statutory education, transport will only be provided at the start and end of the school day in line with the standard policy criteria.

In all cases the decision whether to exercise discretion will be taken on a case by case basis.

## **Part time hours**

Home to school transport will not meet part time hours arranged by schools, parent/carers and as such transport arrangements should be taken into account when bespoke hours are being set for a child.

However where exceptional circumstances can be evidenced to show that the child is unable to partake in a full day's schooling the Council may consider short term transport if a reintegration plan can be provided outlining the child's return to full time education.

Example case:

A child's medical needs had prevented them from attending school for six months. The school and parent/carer have arranged for the child to have two weeks at half a day and then full days from the third week. Transport would be considered to support the two week reintegration if the parent/carer was unable to undertake the mid-day journey and there was an on-going entitlement to transport.

In all cases where exceptional transport is exceptionally agreed, either the ingoing or outgoing journey must be at the start or end of the school day so that the child can utilise the existing transport vehicle at one end of the school day.

## **SEN children attending out of county placements**

In exceptional circumstances, it may be necessary to place children with complex and severe needs in Out-of-County schools. These may be Independent or non-maintained Special Schools. This would occur where appropriate provision to meet the needs of a child as specified in their EHCP is not available within the administrative boundaries of Essex County Council.

Such children are eligible for transport arrangements which minimise the length of journey time as much as possible, taking into account other children attending that

school required to be collected en route. Therefore references to time restrictions are not applicable.

Parents/carers are responsible for the transport and costs for visits to prospective schools prior to admission in line with the home to school policy for all other schools. There will be exceptions to this policy, each of which will be considered on their merits based on the circumstances of the case. The request should detail why support should be provided and give details of any personal and/or family circumstances which prevent the parent undertaking the journey. Where exceptions are granted the Council would look to initially provide petrol reimbursement to the family to facilitate the visit. Where this is not possible we will work with the family to identify the best way to support any transitional arrangements.

### **Annual Reviews**

Attendance at annual reviews is the responsibility of parents/carers. In the cases of financial hardship for low income families attending an annual review at an out of county school, Education Awards **may** authorise a reimbursement of fuel or public transport tickets. The parent/carer would need to provide benefit evidence to support this. The definition of a low income family can be found on page 3. Families that do not meet the criteria on page 3 will not be considered for an award.

### **Weekly/Fortnightly boarding placements**

Transport will be provided to take children to school on a Sunday evening, or Monday morning, as directed by the school and to collect children to take them home at the end of the designated school week, or earlier as directed by the school for planned or unplanned early closures.

### **Termly residential placements**

12 single journeys from home to school and school to home will be provided each academic year. This will consist of trips required at the start and end of each term, and at other school closure times, i.e. half term breaks.

### **Permanent (52 week) residential placements**

12 single journeys from home to school and school to home will be provided each academic year. These are at the discretion of the parents, school and child and need to be booked at least 10 days in advance through our Passenger Transport Team.

Any additional trips will be the responsibility of the parent. Where there is a risk of a placement breakdown Education Awards may consider providing reimbursement of fuel or public transport costs in order to support additional trips on a short term basis so that the child can be supported back into full time boarding.

### **Children Looked After (CLA) with an EHCP**

For the purposes of the Home to School Transport the policy for 'looked after

children' is the same as for children for whom ECC is not the Corporate Parent.

However, in circumstances where a child's foster placement changes where the child is in year 6, 10, or 11, transport may be provided as outlined on page 12

### **Facilitating inclusion in mainstream provision for children attending Special Schools**

Where a child with an EHCP on roll at a special school is attending a mainstream secondary school for whole day sessions as part of a formal integration programme, transport will be considered exceptionally by Education Awards.

### **Provision of Passenger Assistants**

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 children travelling to and from school. This determination will be made by the Education Awards team in liaison with the Passenger Transport Team taking into account:

- A child's medical needs, particularly where rescue medication is required.
- Where an individual child's needs create a clear danger or health and safety risk to themselves and other passengers on the vehicle.
- Where an assessment of the children on the vehicle and the journey to be undertaken highlight a clear danger or health and safety risk to all passengers on the vehicle.

The consideration for passenger assistants will be made by Education Awards and Passenger Transport Teams based on evidence received from all relevant parties and will be reviewed regularly, where appropriate and whenever a contract is re-tendered.

### **Respite Transport**

Some children who have complex SEN or medical needs obtain a care plan through Social Care outlining that they require a set amount of respite visits, of which Education Awards authorise transport. The transport provided is from the school to the respite home and vice versa and cannot be provided to and from the child's home address.

Respite transport is not provided to children that do not have respite provision written into their care plan, or additional visits over and above the set agreement. It is also not provided to respite homes not recognised by ECC, even where they class themselves as respite. These are treated in the same manner as after school clubs such as Stepping Stones and PARC.

Where a child is entitled to respite their social worker makes applications for transport, and as such the parent/carer cannot apply direct.

## **Fuel allowance**

Where a child is entitled to transport, the Council can provide a fuel allowance for parents to take their children to and from school, where it is more cost effective than providing contracted or arranged transport. Payments are made in advance.

The Council would pay parents two return journeys at 45p per mile. Where this is not cost effective, 17p per mile can be considered.

For example, where a family reside 5 miles from the school, each return journey is 10 miles:

2 return journeys = 20 miles x 45p = £9 per day.

A typical term would be 65 school days = £585 per term.

Where a fuel allowance is provided, renewal forms are sent out to parents towards the end of the payment period to collect attendance information. The school is required to approve the form. A payment period will usually be for one or two terms at a time.

Upon receipt of the completed form, the Council will then adjust the next payment to take account of absent days during the previous payment period.

Please see pages 18-28 for the Post 16 Transport Policy and other additional information.

## **Applying for transport**

Once a parent has received an offer of a school place, if they believe their child is eligible for transport, the relevant application form is available on the website [www.essex.gov.uk/schooltransport](http://www.essex.gov.uk/schooltransport).

## **What transport may be provided to an eligible child**

Where a child is entitled to transport under this policy, the Council will provide suitable transport and seek to ensure this is cost effective. The transport provided may take the form of a bus pass, train pass, seat on a contract vehicle e.g. hired bus, or a minibus/taxi e.g. for children with special educational needs and disabilities. A fuel allowance may be provided in the circumstances described above.

## **Post 16 Transport Policy for 2020/21 (01.09.20 – 31.08.21)**

### **Purpose**

*The purpose of the Post 16 Transport Policy is to facilitate access to education for students of sixth form age.*

### **Policy**

The duty placed on local authorities in respect of the provision of transport to post 16 students requires a transport policy statement to be prepared and published in each year, by 31 May, disclosing the provision being made by the County Council for this group. The County Council has a discretion which it can use to offer financial assistance towards a person's reasonable travel expenses.

The Council considers any application for Transport assistance for a person of sixth form age against this policy.

Assistance will only be provided where the following circumstances apply, and the student is attending the nearest appropriate maintained establishment offering the majority of the chosen course(s), and that establishment is more than 3 miles by the shortest walking route from the home address:

#### **i. Low income families**

Provide transport assistance to qualifying low income families, subject to a contribution from the student/parent of £450 per annum. This being based on 50% of the average cost of post 16 transport provision in Essex. The option will be available to pay this in termly instalments over the academic year. Children from low income groups are defined as those who are entitled to free school meals, or those families whose annual taxable household income is less than £16,190\* and are in receipt of their maximum level of Working Tax Credit (WTC).

#### **ii. Students with an Education, Health and Care Plan (EHCP)**

Where a post 16 student has an Education, Health and Care Plan (EHCP) and is attending the school named within their EHCP as the nearest appropriate school for their post 16 education – public transport will be promoted for this group and travel training referrals will be made for all students with the expectation that they will be assessed for suitability for training by the end of the first term of post 16 education. A charge for transport will be made on a sliding scale based on the income of the family at the time of application. Low income families, as defined in (i) will be required to contribute £450 towards the cost of transport. All other applicants will be required to make a contribution of £900 towards the cost of

transport.

### **iii. Students with SEN who no longer have an EHCP**

Those students who had an EHCP in year 11 who will be attending a school or college to continue their education and require additional support to do so. Low income families, as defined in (i) will be required to contribute £450 towards the cost of transport. All other applicants will be required to make a contribution of £900 towards the cost of transport. All applications will be considered based on the evidence provided to support the claim at the time of application.

### **iv. Other Students**

Other students will be able to purchase public transport tickets from the Local Authority but this will be on a full cost recovery basis and only on existing routes, in place at the time of application, where capacity allows. Bespoke transport or individual taxis will not be provided. Families would be able to take advantage of the bulk purchasing power of the County Council and pay a reduced rate for transport on existing services. The cost of transport for this group will be £900 per year, per student.

## ***Amplification of the policy***

### **General terms of provision**

1. Whilst the Council is not required, by law, to provide financial support for the transport of Post 16 students, it continues to provide assistance in this area. Eligibility will be conditional upon the student attending, on a full time basis, the nearest establishment offering the majority of the course.
2. The transport provided to eligible students should be the most cost effective to the County Council and will take the form of a travel pass to use on an existing school contract bus, public bus or train.
3. Taxis will not be provided. The only exceptions to this will be for those students with severe physical or learning difficulties where, upon receipt of sufficient evidence, taxi provision will be considered alongside other options such as Independent Travel Training or a Personal Transport Budget.
4. Connecting transport will not be provided to a pick-up point (e.g. bus stop or railway station) that is less than 3 miles from the student's home address. Where connecting transport is provided it will be in the form of existing public or school contract transport only. Essex County Council will not procure new vehicles in the absence of existing transport routes. Where there is no existing transport in place

students/parents will be responsible for travel arrangements to the nearest pick-up point regardless of distance.

5. In the absence of any existing public or school contract transport to a pick up point, upon request, a fuel allowance of 17p per mile can be considered (to and from that point) providing the journey is over 3 miles. This will be up to a maximum claim of £4.95
6. The legal requirement to provide education transport where the route is deemed unavailable to be walked, accompanied as necessary, only applies to students of statutory school age. Therefore, such circumstances will not confer an entitlement to transport assistance for post 16 students.
7. Where students wish to attend colleges outside of the county.g. Central London, Ipswich or Cambridge, transport will be provided to the nearest mainline or underground station to the students address. Students will be responsible for making their own arrangements from the mainline or underground station to their respective college/sixth form.
8. Transport services will not be tailored to meet individual timetables but consideration will be given whenever possible to minimise inconvenience to students. Specific transport will not be provided if the public or contract school bus timetables are not in line with that of the student. In such circumstances students are expected to make suitable adjustments to their travel arrangements.
9. In situations where, as a result of the course chosen by the student, the journey time is lengthy, whilst transport assistance will still be provided, the student/parent will be responsible for managing that journey.
10. Transport assistance is not provided to learners undertaking work placements, apprenticeships or traineeships. In these circumstances learners are advised to contact their employer or learner provider.

## **Age**

To be eligible for assistance a student must be under 19 years of age at the beginning of the first year of their course. For courses starting in the autumn term the academic year starts on 1 September. For the avoidance of doubt, a student who has already attained or will attain the age of 19 on or before 31 August before starting their course will not be eligible for support from the scheme. Any student aged 19 or over on 31 August in the calendar year of their application, will only be eligible to apply for support if they can demonstrate explicitly that their course is a continuation of one on which they have already successfully completed the first year of study, having started the course prior to attaining the age of 19. The onus will be on the student to prove continuous study.

If a student is 19 or over and is newly attending a course as part of an Education, Health and Care Plan, they may refer to the following website <http://www.essexlocaloffer.org.uk/listing/adult-social-transport>.

Where the course the student is studying is on a split site i.e. one day in Colchester Institute (Colchester Campus) and one day at Colchester Institute (Clacton Campus) transport will only be provided to eligible students to the main qualifying campus.

For students with an EHCP, the school named in this will be considered the appropriate establishment to the students' home address provided the school named in the EHCP was determined by the Statutory Assessment Service. Where parents have asked for a school further away to be named, transport will remain the responsibility of the parent.

If a student has been entitled to transport to a specialist school for their statutory school years and they are continuing their education at this school they will continue to be entitled to transport (on payment of the charge) as it will be considered that this school is the nearest establishment that offers the course the student is pursuing and that can best meet their needs.

*If the student was originally awarded transport to school as an exception to the usual home to school transport policy, there is no automatic entitlement for assistance to continue. Such cases will be assessed individually under current policies. If additional information is submitted to support such applications, this will be taken into consideration at the time of assessment.*

Where a student has been entitled to transport to a specialist school for their statutory school years and they have decided to move to another establishment to complete their schooling they will not automatically be entitled to transport. Their application will be assessed according to the Post 16 Transport Policy and from the information we have received from their school.

### **Changes to the Policy**

Should any significant changes be proposed to this policy or the associated Post 16 Transport Policy Statement, the Council will carry out the necessary consultation processes in line with the relevant Department for Education guidance; giving schools, parents, colleges and young people the opportunity to comment. Details will, as a minimum, be available on the Council's website.

### **Post 16 Appeals**

*If a student is refused transport as they are not attending the nearest appropriate establishment they may appeal against this decision on the basis that the cost to Essex County Council for transport to the establishment of the student's choice is the same or less than the cost of provision to the nearest appropriate establishment. In these cases the post 16 charge will still be payable.*

Furthermore they will also be able to appeal where the student is attending the nearest establishment offering a specialised course despite other elements of the course being available at a nearer establishment. In all instances, each case will be considered on its merits as part of the appeals process. Not all requests will be agreed in these instances. There is no

precedent set in these cases.

Staff in Education Awards will provide in writing the reasons for the rejection of an application at the point of assessment. If you wish to appeal against this decision an appeal must be made in writing, which should include documentary evidence to be produced to support the appeal. All appeals against a refusal of assistance should be made to Education Awards. Appeals will be considered by senior officers in this team. It is our target to reach a decision on all appeals within 10 working days of receiving all of the required documentary evidence.

Each appeal is considered on its individual merits and is not intended to set a precedent for any similar case. Once the appeals procedure has been exhausted, that decision is final and other than communication of the decision and the reason behind it, no further correspondence will be entered into.

### ***Change of Address***

Where a student changes address during their Post 16 course they must re-apply to the scheme and will be re-assessed using their new address details. All the policy criteria will continue to apply. E.g. if the chosen establishment is no longer the nearest offering the course the student will no longer be entitled to assistance. If there are exceptional reasons why the move is necessary an application may be made for special consideration (see appeals)

### ***Payment of a charge***

Students who fulfil the County Council's criteria for assisted transport will have to contribute to the cost of their transport. All participants in the scheme will be required to pay an annual charge dependent on their circumstances. This can be paid termly in advance or in full for the year.

For low income families the charge will be £450 and for all others the charge will be £900.

The following criteria will qualify the family as a low income family:

- The household is in receipt of Child Tax Credit/Working Tax Credit with an annual income of less than £16,190,
- Income Support
- Jobseekers Allowance (Income Based)
- Pension Guarantee Credit equivalent to/less than Jobseekers Allowance (Income Based).
- Income Related Employment and Support Allowance
- In receipt of Universal Credit with an annual income below £7400.

The assessment is based on household income. There are no grounds on which an individual is exempt from the charge. For the purposes of the assessment of household income, this includes all sources of income to the

household as a whole and only Disability Living Allowance will be disregarded. Documentary evidence demonstrating income and benefit entitlement must be provided to support such a request.

If you qualify under low income criteria and your circumstances change part way through the year you must let us know.

### ***Hearing Impaired Students***

Students with Hearing Impairments will be eligible to transport assistance to the nearest educational establishment to their home address that can offer them a deaf peer group as well as the nearest establishment that offers their course. Other needs, such as visual impairment would be considered on an individual basis, based on the needs of the student. The charge will still be applicable in these cases unless the student is in receipt of benefits or the income level outlined above.

### ***Parental Choice***

Where a parent has decided that they do not wish for their child to go to the school or college that the Statutory Assessment Service has decided can meet the student's needs and decide to seek a placement at an alternative establishment further away, transport will not be provided. The implications of transporting their son/daughter to an establishment other than the school which has been assessed as nearest school that can meet a child's needs should be considered and alternative arrangements should be made.

### ***Independent Travel Training***

Students who are assessed as able to receive Independent Travel Training with the County Council's Travel Trainers will be offered this training. This will help the students become more independent and confident in their everyday lives and give them skills for life. If the training is successful the student will be provided with the appropriate ticket for the transport and route they have been trained on and will be expected to use this method to get from home to school/college. Taxis will not be provided to students once successful training has been completed.

For more information about this scheme please visit [www.travel-training.co.uk](http://www.travel-training.co.uk)

### **Residence**

To qualify for assistance from the scheme a student must ordinarily be resident in the UK with settled status, living within the administrative boundaries of Essex County Council at the time of their application.

The DfE has determined that asylum seekers and refugees and their children must be provided with transport in accordance with policy to access provision appropriate to their age, abilities and aptitudes. Such applicants will be considered for assistance under the terms of the scheme provided they are living within the administrative boundaries of Essex County Council at the time of their application.

## **Deadline for applications**

For Post 16 Transport Applications an application window will operate between 1 March until 30 September each year for new starters which then reopens for 1 January to close again on 31 January in each academic year. We will consider circumstances of applications made outside of this window where someone's circumstances changed unexpectedly (eg a house move or drop in income).

## ***Progression***

It is not necessary for students to demonstrate academic progression to qualify for assistance under the scheme.

## ***Reimbursement of the Charge***

If transport assistance is no longer required part way through a term, a partial reimbursement of the charge may apply, provided all tickets/passes have been returned and are received within the timescales stated in the table below. When calculating a reimbursement for tickets/passes received after the first day of term, the following levels of refund will be payable:

<b>Length of time ticket/pass has been used</b>	<b>Refund Due</b>
Up to 4 weeks	75%
4 to 8 weeks	50%
Over 8 weeks	0%

No reimbursement will be paid during the summer term.

## ***Petrol Reimbursements***

The County Council may offer the parent/carer of an entitled student petrol reimbursement to transport their child(ren) from home to school/college instead of providing the student with a taxi or public transport ticket. Parents/carers can indicate their interest in petrol reimbursement on their application form. An assessment will be made at the time of allocating transport and where it is appropriate an offer will be made to the parent/carer. If the parent/carer is in a position to assist with all or part of the journey reimbursement will be paid. Reimbursements are paid to the parent/carer for the return journey, i.e. the journey to the school or college with the student and the return journey home and vice versa. If the parent/carer receives reimbursement the contribution applicable will be deducted from the final payment. They will be reimbursed once the claims exceed this amount. For example if the applicant is due to receive £700 in reimbursement for the year

they will receive £250 (£700 - £450 (low income charge)). If they were required to pay £900 we would suggest family undertake transport themselves as the reimbursement would not cover the charge for transport.

If a parent/carer requests reimbursement but there is a suitable County Council contract vehicle that the student would be able to travel on, the student would be allocated the contract vehicle and reimbursement would not be considered unless suitable evidence to support the case was provided or the County Council contract was discontinued. It is important to note that reimbursement will only be considered where the cost to the County Council of providing reimbursement is the same or less than the cost of organised transport.

Where a fuel allowance is provided, renewal forms are sent out to parents towards the end of the payment period to collect attendance information. The school/college is required to approve the form. A payment period will usually be for one or two terms at a time.

Upon receipt of the completed form, the Council will then adjust the next payment to take account of absent days during the previous payment period.

It is important that students and parents address any enquiries related to the assessment of applications to Education Awards ([educationawards@essex.gov.uk](mailto:educationawards@essex.gov.uk)) and queries about the arrangement of transport to Passenger Transport ([passenger.transport@essex.gov.uk](mailto:passenger.transport@essex.gov.uk)).

### **Independent Travel Training**

Travel Training helps students become more independent and confident in their everyday lives and give them skills for life.

Officers within Education Awards or the Passenger Transport Team may refer children for an assessment of their ability to undertake training where public transport would be the most cost effective form of transport, but their special educational needs (or other exceptional circumstances) mean, that they are not ready to travel independently. In this circumstance a contract vehicle will be provided in the interim whilst training is undertaken as well as the appropriate public transport ticket.

Prior to undertaking the training, the child will meet the travel trainer for an initial assessment and to discuss the journey. If the training is successful the student will be provided with the appropriate ticket for the route they have been trained on, provided they have an entitlement to transport. Contract transport will not be provided to students once successful training has been completed.

Where a child resides under the statutory walking distance to school but is awarded a short term transport award due to their SEN or mobility needs, a referral to training may also be made to learn the walk to school.

Referrals for training can also be made direct to the Travel Training Team at any time by parents/carers, schools or centres even when a child isn't entitled to home to school transport. The parent/carer will be required to purchase the

public transport ticket where this is the case.

For more information about this scheme please visit:

[http://www.essex.gov.uk/education-schools/travel-school/travel-](http://www.essex.gov.uk/education-schools/travel-school/travel-<br/>training)

[training](http://www.essex.gov.uk/education-schools/travel-school/travel-<br/>training)

## **Provision of Bicycle Allowance for entitled children**

### **Cycle allowance**

An allowance of £50 per term may be paid to parents of secondary age children who are entitled to free transport but wish to use a cycle to travel to school.

Such allowances will only be payable where the cost of transport would exceed the amount of the cycle allowance. Allowances will not be payable to children travelling on any other form of transport.

### **Cycle Purchase Scheme**

ECC will consider that, instead of issuing yearly bus passes, it will make available a one-off arrangement for parents/carers to purchase a bicycle, safety kit, (e.g. helmet, fluorescent jacket etc.), and road safety training for children to a value not exceeding £250 per child.

This would be on the understanding beforehand that:

- responsibility for ownership and liability for maintenance, insurance, and safekeeping is transferred to the child and/or parents/carers
- successful completion of mandatory road safety (e.g. Bikeability) training course by the child, with continued safe use of the bicycle and consideration for others including motor vehicles, cyclists, and pedestrians between home and school using cycle-ways, roads, and other public access, and
- parents/carers would be required to sign a ECC declaration form accepting the conditions of the scheme

Where a child's parents/carers purchase a bicycle for the child under this scheme, it is on the understanding that this would replace any other transport support for the remainder of his/her education. If a bicycle were subsequently lost, damaged, or stolen, it would then be the responsibility of his/her parents/carers to provide a suitable roadworthy replacement bicycle for the child.

There would be no further recourse for other transport support from ECC for the completion of his/her period of statutory education unless the circumstances for the family changed meaning that the child was unable to use a bike in the future.

## **Student Behaviour**

Individual transport cannot be provided for behavioural issues involving children attending mainstream schools. The incident will be referred to Passenger Transport Team/Student Behaviour Team who may issue a warning or recommend a ban be signed off by the Head of School Admissions and Transport.

Where this suspension is invoked it will be the parent's responsibility to transport the child to their educational placement.

## **Child failing to travel on transport**

When a child fails to utilise transport provision without justification for three consecutive days transport may be suspended pending investigation as to the cause by the Council. This will only be reinstated where the child and their family assure the Council that the child will use the transport provision in place in the future.

If the child then fails to use the transport again a decision may be made to suspend that provision for the remainder of that term in consultation with the Head of School Admissions and Transport.

Where this suspension is invoked it will be the parent's responsibility to transport the child to their educational placement.

Any concerns about the way in which transport is provided should be taken up with the Passenger Transport Team on 0345 603 2200.

## **Appeals Procedure**

Staff in Education Awards will provide in writing the reasons for the rejection of an application at the point of assessment. An applicant cannot appeal against the Education Transport Policy where there are no circumstances to support the case as the policy criteria itself as it is based on statutory law and decisions made by the elected members of Essex County Council.

All appeals against a refusal of assistance or the suitability of the transport provided should be made in writing or e-mail to Education Awards via [educationawards@essex.gov.uk](mailto:educationawards@essex.gov.uk). Each appeal is considered on its individual merits and does not set a precedent for future cases.

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

Appeals will be considered by an officer senior to the previous decision maker in a two part process:

- Stage 1 - consideration will be made by an officer more senior than the previous decision maker.
- Stage 2 - a full and final decision will be made by an officer more senior than the officer that considered the first stage appeal.

Where a parent feels he or she is unable to fully and clearly make their case in writing at the second stage of appeal, they may request a telephone or in person appointment with the second stage decision maker to explain their case orally. Any in person appointment would normally be at County Hall, Chelmsford.

In all circumstances, there will still need to be a written appeal submitted by the parent (or their representative) as their grounds for reconsideration at the second stage of appeal.

It is our target to reach a decision on all appeals within 10 working days of receipt. At each stage of appeal, the officer considering the case will have had no previous involvement in the case.

Having exhausted the two stage appeal process, parents may make a complaint to the Local Government Ombudsman (LGO) if they believe that their application or appeals have not been correctly handled. The website for the LGO is [www.lgo.org.uk](http://www.lgo.org.uk).