

## **Bedford Borough Council Special Educational Needs (SEN) 'Statutory School Age' Transport and SEN 'Post Statutory School Age' Transport**

This transport policy applies to children with an Education Health and Care ("EHC") Plan formerly called a Statement of Special Educational Needs ("Statement").

All other transport requests are covered under the Policy of Statutory School Age Transport and Post Statutory School Age Transport.

This policy contains the following sections;

**Section 1 – SEN Transport Entitlement Policy for pupils with an EHC Plan or Statement of SEN**

**Section 2 – SEN Post Statutory School Age Transport Policy**

**Section 3 – Transport Operations Policy**

**Section 4 – Appeals**

All other pupils are considered under the mainstream transport policy and alternative education provision transport policy which can be found at; [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport)

### **Section 1 – SEN Transport Entitlement Policy for pupils with an EHC Plan or statement of SEN**

#### **1.1 Statutory School Age**

- 1.1.1 Bedford Borough Council has a statutory duty to ensure that suitable travel arrangements are made where necessary to facilitate a child's attendance at school.
- 1.1.2 The Education Act 1996 (the Act) as amended, details the powers and duties to which Bedford Borough Council must adhere.
- 1.1.3 Bedford Borough Council's Home to School Transport Policy takes full account of the duties and powers detailed in the Education Act 1996.
- 1.1.4 A child begins to be of statutory school age on the prescribed day which either falls on or follows their fifth birthday. The prescribed days are currently 31st August, 31st December and 31st March, this is the term following their fifth birthday. A child ceases to be of statutory school age on the school leaving date in the academic year in which they turn 16. The school leaving date is currently set as the last Friday in June. An academic year commences on 1<sup>st</sup> September and ends on 31<sup>st</sup> August. Raising the participation age does not affect the statutory school age.
- 1.1.5 Transport will be awarded for pupils who are younger than the statutory school age on a discretionary basis; this will take into account the views of parents and appropriate professionals.

#### **SEN Transport Entitlement**

- 1.2.1 Applications for home to school travel assistance will be assessed under the following criteria:
  - The parent(s)/carer(s) and child reside in the area of Bedford Borough Council; and
  - The child is aged between 5 and 16 and is attending or due to attend the nearest school or other place of education that the Council considers suitable; and
  - The child has special educational needs, a disability or mobility problems which affect their ability to travel to school either alone or accompanied by a parent(s)/carer(s).
- 1.2.2 The decision on transport entitlement will be made at the SEND panel and will consider all relevant information gathered during the Statement review process. However, the Council has no duty to provide free transport if parents or carers send their child to a school that we do not

consider to be the nearest, suitable school. In this case, parents need to make their own transport arrangements or pay to access services. We would only provide free transport or contribute towards the cost at our discretion.

- 1.2.3 The decision on transport entitlement will be considered at the same time as the Statement review and take effect as soon as is reasonably possible. Where possible this will be in readiness for the school term following the review.
- 1.2.4 If the SEND panel does not approve eligibility for transport based on the evidence considered then the principles in 1.3, 1.4, 1.5 1.6 below would apply when deciding eligibility.
- 1.2.5 Children who have a Statement will be provided with free home to school transport if: 'Part 6: non educational provision' of the Statement of SEN outlines specific transport requirements. This is usually in cases such as;
- Long term severely restricted independent mobility, due to a physical disability;
  - Long term severely restricted independent mobility due to a medical condition resulting in severe persistent pain and/or extreme fatigue;
  - A sensory impairment resulting in severely restricted mobility;
  - Severe behavioural emotional and/or social difficulties in comparison with other children of their age. This may be linked with cognitive ability or be as a result of a specific development disorder.

### **1.3 Distance Criteria**

- 1.3.1 Transport will be provided with free travel arrangements if pupils exceed the Statutory Walking Distance criteria of;

a) more than 2 miles away from their home for children aged under 8.

Pupils aged 8 years of age who are entitled to receive free transport under the distance criteria will continue to receive free transport until the end of the academic year in which they reach the age of eight where they live between 2 and 3 miles from the school.

b) more than 3 miles away from their home for children aged between 8 and 16.

Pupils aged 16 years of age who are entitled to receive free transport under the distance criteria will continue to receive free transport until the end of the academic year in which they reach the age of 16. Students over the age of 16 may be eligible under the post-16 policy

### **1.4 Entitlement on Road Safety Grounds**

- 1.4.1 Children who live under the statutory walking distance may be entitled to free travel arrangements where the nature of the route is such that a child can not be expected to walk, accompanied by an adult as necessary, in reasonable safety.
- 1.4.2 Pupils living less than half a mile from school are not entitled to receive transport on road safety grounds.
- 1.4.3 Bedford Borough Council follows the guidance published by Road Safety GB to assess walking routes to schools.
- 1.4.4 The walking route must have;
- a) a continuous adequate footway on roads that carry normal to heavy traffic or

- b) step-offs on roads that are lightly trafficked, but have adequate sight lines to provide sufficient advance warning or
- c) on roads with low traffic flow, no step-offs, but sufficiently good sight lines to provide adequate advance warning

**and**

- d) if there is a need to cross roads, there must be crossing facilities e.g. zebra or pelican crossings, pedestrian phases at traffic signals (including necessary refuges), school crossing patrols, traffic calming (sufficient to enable safe road crossing), pedestrian refuges, etc. or;
  - e) sufficient gaps in the traffic flow and sight lines to allow enough opportunity to cross safely.
- 1.4.5 Walking routes are designated as safe or not safe by an independent 3<sup>rd</sup> party assessment, conducted in accordance with appropriate guidance.
- 1.4.6 Route reviews will be conducted on a 3 year cycle, this review will take into account changes in the road network or additional pathways that mean a safe route to school has been identified. The next review will be undertaken in advance of the republication of transport policy on 31<sup>st</sup> May 2016. Major changes to the public highway will be considered as and when the change occurs.

## **1.5 Children entitled to free school meals, or whose parents/carers are in receipt of the maximum rate of Working Tax Credit**

- 1.5.1 Children who are entitled to free school meals or whose parents/carers are in receipt of the maximum level of working tax credit will be provided with free travel arrangements if the child is aged between 8 and 16 attending where the school is more than 2 miles by the shortest available walking route.
- 1.5.2 The child must be of the relevant age on 1<sup>st</sup> September of the academic year for which they wish to apply.

## **1.6 Medical Reasons**

- 1.6.1 Taxi transport will only be provided where there is a medical need or exceptional social circumstances.
- 1.6.2 Evidence will be required in such cases. Recommendations must be received in writing from a GP or Medical Consultant. The information from a GP or Medical Consultant must clearly state inappropriate types of transport and be specific about appropriate distances.
- 1.6.3 The council reserves the right to commission an independent medical opinion.

## **1.7 Children for whom there are particular exceptional social circumstances**

- 1.7.1 Children who have exceptional social circumstances may be entitled to free home to school transport where these circumstances would otherwise prevent them from attending school regularly.
- 1.7.2 Each case will be considered on an individual basis. Examples of exceptional social circumstances include:
- A child whose family has needed to be temporarily re-housed due to fire or flooding.
  - A child who is Looked After by the Local Authority and transport is necessary to facilitate regular attendance at school.
- 1.7.3 Transport under these circumstances is usually only provided on a temporary basis and is reviewed regularly. Requests should be put in writing to the Transport Officer at Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP.

## **1.8 Parent(s)/Carer(s) with a Disability or Medical Condition**

- 1.8.1 Where parent(s)/carer(s) are relied upon to accompany their children along a walking route for it to be considered safe, free transport will be considered where the parent(s)/carer(s) disability or medical condition prevents them from doing so.
- 1.8.2 This can be for either a long term condition or a temporary medical problem for one return journey per day and each case is considered on its individual merits. In both cases, recommendations must be received in writing from a GP or Medical Consultant.
- 1.8.3 The council reserves the right to commission an independent medical opinion.

## **1.9 General Policy Principles**

- 1.9.3 The decision on transport entitlement will be considered at the same time as the Statement review and take effect as soon as is reasonably possible. Where possible this will be in readiness for the school term following the review.
- 1.9.4 Parent(s)/Carer(s) are expected to accompany their children to and from school where they consider it necessary. The need for parent(s)/carer(s) to be at work would not usually be considered as a reason why transport should be provided.
- 1.9.5 'Home' is defined as the place where the child is habitually and normally resident. Suitable travel arrangements will only be made using the child's home address, as defined. The Local Authority is not responsible for providing travel arrangements from any other address. The Local Authority is only responsible for providing travel arrangements for children resident in Bedford Borough. The Local Authority will only provide travel arrangements from one address, which meets the definition described with the exception of 1.9.6.
- 1.9.6 Pupils who live in a joint home arrangement, who fulfil the other criteria for free transport, will be provided with transport from the home where they live for the greater part of the week.
- 1.9.7 The measurement used to calculate the distance from home to school is defined as the shortest route along which a child, accompanied by an adult as necessary, may walk with reasonable safety. As such the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads. The measurement is calculated from the nearest point on the 'walking route network' to the boundary of the child's home to the nearest accessible school gate.

## **Section 2 – SEN Post Statutory School Age Transport Policy**

This Section describes the support available to young people with SEN aged between 16 and 24 with regard to travel arrangements to and from schools or colleges that offer education post 16.

For the purposes of this section the definition of Post 16 pupils with SEN is someone who had a statement of special education needs in Year 11 of school. Pupils who did not have a statement in Year 11 will only be considered if the condition has been diagnosed since Year 11.

All other pupils are considered under the mainstream policy which can be found at;  
[www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport)

### **2.1 Young people with SEN who are entitled to receive assistance with travel arrangements to and from school or college**

- 2.1.1 Students are only eligible for subsidised transport if they are between 16 and 24 years of age on the 1st September of the academic year for which they wish to apply. Students who are 24 years of age at the start of the academic year, will be provided with transport until the end of the academic year in which they turn 25.
- 2.1.2 Students are only eligible for subsidised transport under this policy where there is a continuing

Statement or EHC Plan at post statutory school age. Where the statement or plan has ceased at the end of year 11, students will be assessed under the Post statutory school age transport policy.

2.1.3 Subsidised transport will be provided on request to SEN students provided they meet all of the following criteria:-

- a) They live in Bedford Borough throughout the duration of the course.
- b) They are enrolled and attend a full-time course up to and including level 3 (This means courses up to and including A Level).
- c) They are considered eligible by the SEND panel

2.1.4 Please note that where possible transport will be offered within Bedford Borough and transport will always be offered to the nearest suitable provision.

## **2.2 Charges**

2.2.1 The travel arrangements for 16 to 24 year olds are not free of charge in any cases.

2.2.2 The cost of Bedford Borough Council's subsidised travel scheme is available at [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport) or by contacting Customer Services on (01234) 718004.

2.2.3 Students are entitled to a 50% discount of the costs of subsidised transport if their parent(s)/carer(s) are in receipt of Income Support, Income Based Jobseekers Allowance, Support from the National Asylum Support Service, Guaranteed Element of State Pension Credit or Child Tax Credit (provided that you are not entitled to Working Tax Credit and annual income does not exceed £16,190), or the maximum rate of Working Tax Credit.

2.2.4 The subsidised fee is offered at a fixed rate and no further reductions are available for part time travel or where transport is provided after the start of term.

## **2.3 When to apply for assistance with travel arrangements**

2.3.1 Bedford Borough Council will publish the post statutory school age transport policy by 31<sup>st</sup> May each year. Therefore, students will be able apply for transport after this date.

2.3.2 Application forms will be available from Bedford Borough Council. It is the responsibility of the parent(s)/carer(s) and student to obtain an application form and apply for transport within the published deadline.

2.3.3 Deadlines for applying for post 16 transport are published each year. Application forms received after the published deadlines are not guaranteed to be processed for the start of the term but will be processed as soon as possible.

2.3.4 The Council does not offer reimbursements for travel costs where the application has not been submitted in accordance with these timescales.

2.3.5 The Council reserves the right to change the post 16 travel arrangements policy, subject to relevant consultation on 31<sup>st</sup> May each year. There should be no expectation that travel arrangements will continue, other than those arrangements which must be provided because there is a statutory duty to do so.

## **2.4 General Post 16 SEN policy principles**

2.4.1 The council support independent travel for SEN students. Independent travel training may be available on request.

2.4.2 Bedford Borough Council do not guarantee that this scheme is the cheapest method of

transport and you are advised to make your own investigations prior to applying for transport.

- 2.4.3 The Local Authority will consider what is the most suitable and cost effective means in providing subsidised travel arrangements based on the evidence available. Parental mileage and individual transport may be considered.
- 2.4.4 The travel arrangements will apply to one return journey per day.
- 2.4.5 Transport will only be provided to the main establishment where the student is studying. Transport will not be provided for induction days, work experience, commercial experience, placements, extra curricular activities or travel to alternative sites during the day. In such cases the parent(s)/carer(s)/student will be responsible for making alternative arrangements.

## **Section 3 – Transport Operations Policy**

### **3.1 Privilege Scheme**

- 3.1.1 Where children do not qualify for free travel arrangements, Bedford Borough Council operates a privilege scheme which is provided on a discretionary basis. This scheme is only available on routes which the Council has specifically contracted to provide free travel arrangements for eligible children. The scheme is not available on routes registered as a public bus service. Charges apply for the privilege pass. More information about the scheme and the rates which are charged is available at [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport) or by contacting (01234) 276116.

### **3.2 Sustainable School Travel Strategy**

- 3.2.1 The Local Authority has a sustainable school travel strategy which is available at [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport)

### **3.3 Passenger Assistants**

- 3.3.1 The Local Authority will consider providing a passenger assistant based on a risk assessment. This will have regard for a number of factors, which may include the child or young person's age, any additional needs they may have, the length of the journey or the size of the vehicle.

### **3.4 Provision of Transport**

- 3.4.1 The council will endeavour to transport children and young people in the shortest possible time and will investigate all possible alternatives taking into account the needs of the individual.
- 3.4.2 The council believes that where possible, children and young people should not be expected to travel more than 75 minutes in each direction to school.
- 3.4.3 Where pupils are eligible for transport this means two journeys per day – one at the commencement of the school day and one at the end.
- 3.4.4 Usually this will be from 'home' but one or both journeys may be to and/or from a respite placement if appropriate.

### **3.5 Personal Budgets**

- 3.5.1 Transport costs may be provided as part of a Personal Budget where one is agreed and included in the EHC plan as part of the special educational provision.

## Section 4 – Appeal and Complaints Procedure

### 4.1 If you feel aggrieved by a decision taken

- 4.1.1 All parent(s)/carer(s) have the right to appeal if they are refused free or subsidised transport to school or college. Bedford Borough Council offer a two stage appeal process as detailed below.
- 4.1.2 Parent(s)/carer(s) may also wish to consider the Council's formal complaints procedure, which is available at [www.bedford.gov.uk/beheard](http://www.bedford.gov.uk/beheard) or by contacting the Customer Relations Team on (01234) 228597 for further advice. Please note where an appeals process exists this should always be exhausted before making a complaint. Once these procedures are concluded then it may be possible to use the complaints procedure to investigate the issues, however in most cases this is unlikely to reverse any decisions made as part of these separate processes.

### 4.2 The Appeal Process

- 4.2.1 Parent(s)/Carer(s) have 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision.
- 4.2.2 The Appeal form is available on line at [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport) or by calling Member Services on (01234) 228523. Appeals can also be submitted on-line at [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport).
- 4.2.3 The Appellant needs to fully complete the appeal form. If the Appellant would like to submit any supporting evidence they must collect this themselves. The Clerk to the Appeal Panel will not contact anyone on the Appellant's behalf and will not accept evidence direct from any third party. The Appellant needs to collect the evidence and then send it to the Office of the Clerk to the Appeal Panel as soon as possible. For example the Appellant might want to submit letters from a doctor if the appeal is on medical grounds.
- 4.2.4 If the Appellant is submitting an appeal based on financial hardship, they are advised to complete the income and expenditure form and provide evidence of income. The income and expenditure form is available at [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport) or by contacting Member Services on (01234) 228523.
- 4.2.5 We will acknowledge an appeal within one week of receiving it. Appellants can call (01234) 228523 if they have not received an acknowledgement within 2 weeks of posting their appeal.
- 4.2.6 Within 20 working days of receipt of the appeal a senior officer (Head of School Support Services) will review the original decision made and send the appellant a detailed written notification of the outcome of their review and information about how the parent can escalate their case to stage two (if appropriate).
- 4.2.7 The Appellant has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two, which is a review by an independent appeal panel.
- 4.2.8 If the Appellant would like a friend, adviser, interpreter or signer to come to the appeal with them for support, they are welcome to attend. If the Appellant does not speak or understand English they can ask a friend or relative to help explain their case at the hearing, or we can be asked to arrange for an interpreter to attend the appeal. If the Appellant needs us to book an interpreter, please tell us this on the appeal form. If the Appellant has any access requirements or disabilities we should be aware of please tell us in the access or language requirements box of the appeal form.
- 4.2.9 The Appellant should normally submit evidence with their original appeal form, however if they have additional evidence, it must be submitted by a deadline which will be included in the letter advising the Appellant of the date of their appeal hearing. If evidence is received after the specified deadline, then the Appeals Panel will need to decide whether this information can be



considered, taking into account its significance and the effect of a possible need to adjourn the hearing. Evidence cannot be submitted after the appeal hearing. Seven working days before the appeal the Clerk will collect all of the evidence received from the Appellant and from the Transport Officer. This will be copied and copies of all the evidence will be sent to the Appellant, the Transport Officer and the Panel members.

- 4.2.10 Stage two Appeals will be heard at Borough Hall, Bedford. The Clerk will write to the Appellant at least ten school days before their appeal to advise of the time, date and location of the hearing. The Appellant should attend the appeal hearing if they can as it is the only chance to explain their case to the Panel. If for an exceptional reason the Appellant cannot attend the appeal on the date given, they should call the Office of the Clerk to the Appeal Panel on (01234) 228523. If the appeal cannot be re-arranged and the Appellant does not attend, the Panel will hear the appeal in their absence using the information submitted. Alternatively, the Appellant may ask a friend or relative to attend the hearing on their behalf.
- 4.2.11 Stage two appeals will be decided by a Transport Appeals Panel of three Councillors. All will be impartial and have no member interests/roles in Transport, Education or Social Services. Appellants will be advised of the names of the Councillors who will decide their appeal.

If the Appellant thinks they know one of the Panel Members hearing their case, please call the Office of the Clerk on (01234) 228523 immediately.

- 4.2.12 The Transport Appeal Panel will follow a set procedure, which is summarised in paragraph 4.2.14 below. A copy of the full procedure will be provided to appellants before the meeting. The Panel will listen to both cases and are likely to ask questions. The Clerk is independent of the School Transport Entitlement Team but is appointed by the Borough Council. The Clerk is responsible for making sure that the correct procedures are followed and that the appeal hearing is fair but does not take part in the decision making process. The Transport Officer will explain their decision and answer any questions the Appellant or the Panel have, following which the Appellant will be invited to state their case and may be asked questions by the Panel. The Appellant may be accompanied by a friend or relative to support them or they can ask someone to go to the appeal on their behalf. If the Appellant does not attend or send someone to the appeal the Panel will make their decision based on the written evidence the Appellant has sent in and information given (in writing and at the hearing) by the presenting officer. Legal representation is rarely needed; if the Appellant would like to bring a legal representative please let the Office of the Clerk know immediately. Please do not bring any children to the appeal.
- 4.2.13 Sometimes people observe appeals as part of their training as clerks, Panel Members or presenting officers; if the Appellant does not want them to observe the appeal hearing they should tell the Clerk on the day. Appeals are normally heard in private.
- 4.2.14 The panel will consider all appeals on their individual merits. The procedure will normally be as follows:
- a). The Transport Officer will be invited to explain their case (that is, why free or subsidised transport has been refused).
  - b). The Appellant and the Panel can ask questions about the Transport Officer's case.
  - c). The Appellant will be invited to explain their case.
  - d). The Transport Officer and Panel will ask the Appellant questions about their case.
  - e). The Transport Officer will sum up their case (they cannot mention any new evidence or points).
  - f). The Appellant will sum up their case (they cannot mention any new evidence or points).

The Panel will try to keep the appeal hearing as informal as possible but needs to ensure that



both parties have a fair chance to explain their case and that the hearing is fair. Due to time constraints there is no facility for Appellants to make a Power Point presentation or show videos/DVDs during their hearing.

- 4.2.15 The Panel will make their decisions after they have heard all of the appeals they are dealing with on that occasion. No Appellants will be present and the Transport Officer will not be present when they make their decision. The Clerk will be present to record the decision and provide legal/procedural advice. The Panel will either uphold the appeal or they will dismiss the appeal.
- 4.2.16 The Clerk will aim to write a letter to the Appellant within 5 working days after the decision is made explaining the result and how the Panel reached their decisions. The Clerk will not tell the Appellant the result over the telephone, in person, by fax or email. If the Appellant has not received a letter two weeks after the appeal hearing please call the Office of the Clerk on (01234) 228523.
- 4.2.17 The Appeal Panel's decision is final and binding, they cannot review their decision. However, an appellant may make a complaint to the Local Government Ombudsman if they feel there has been any administrative fault in the way the Panel has reached its decision.