ADOPTED POLICY

London Borough of Bromley

Education Travel Assistance Policy

For children and young people resident in Bromley including those with Education, Health and Care Plans

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1.0 Introduction

Children and young adults under the age of 16, travel for free on London buses. All learners, including those with a statutory entitlement to travel assistance, are expected to make use of the free travel offer from Transport for London (TfL) unless they have particular needs, disabilities or circumstances which prevent this.

For further information on how to access the free TfL transport offer please follow the link below: https://tfl.gov.uk/fares/free-and-discounted-travel

To make good use of Bromley's resources and ensure eligible children and young people (CYP) can access the right services at the right time, we have published this policy, against which we will assess the eligibility of individual CYP and reassess as their circumstances change. This policy applies to all families living within Bromley's administrative boundary, including those CYP with an Education, Health and Care Plan (EHCP) who attend mainstream or special schools in this, or other Local Authority areas.

This policy is written with the intention of removing ambiguity and reassuring parents of all children, including those with an EHCP that children eligible for transport assistance will get the support they need to access education. It will set out the eligibility requirements and where a parent or carer may not agree with the outcome decision, explain the mechanisms available to parents to challenge that decision.

1.1 Scope

All Local Authorities are under a statutory duty to have regard to the Education Act 1996 and Schedule 35B of the Act which was inserted by Part 6 of the Education and Inspections Act 2006.

Sections 508B and 508C of the Act makes provision for Local Authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a CYP's attendance at school.

These provisions apply to home to school and school to home transport arrangements at the beginning and end of the day. They do not relate to travel between educational institutions during the school day or where the school has arranged off site provision for the CYP.

Under the Act, a parent is responsible for ensuring that their child attends school regularly. However, Section 444(3B) provides that a parent will have a defence in law against a prosecution by a Local Authority for their child's non-attendance at school, where the Local Authority has a duty to make travel arrangements in relation to the CYP under Section 508B and has failed to discharge that duty.

In some circumstances Bromley Council therefore has a duty to provide travel assistance. It will assess applications to establish those who are eligible and where necessary, provide free transport or assisted access to eligible CYPs. This document explains the eligibility criteria and arrangements for transport assistance.

This document applies to all CYPs including those with a disability and where appropriate, those who have an EHCP.

The Children and Families Act 2014 introduced a statutory duty to ensure that the parents and carers of CYP with special educational needs and disabilities (SEND) are better informed and more involved in decisions about how CYP are supported. Bromley Council is fulfilling this duty by ensuring families are influencing decisions about the range of approaches and breadth of setting. It is committed to co-producing Education, Health and Care Plans (EHCP) in partnership with CYP and their parents. Where the provision being made is in the nearest suitable school, families can have a reasonable expectation about assistance from Bromley Council if their journey exceeds the statutory walking distance or there is clear evidence that the CYP is unable to attend the school without additional support as a result of their special educational needs and/or a disability and/or mobility problems.

The nearest suitable school for transport purposes is the nearest suitable school designated by Bromley Council's EHCP Coordinator. Parents have the right to consider other schools which may also be suitable, the Council will have regard to parental preference and meet this where appropriate. However, parents and carers will need to be mindful that choosing an alternative school may impact eligibility for support with transport, if the school is further away, and may results in additional avoidable costs to the local authority.

Where parents are considering a school further away than an alternative being proposed by Bromley Council, the co-production process will provide them with clear and timely information about the travel implications so that they can express an informed preference and understand they will most likely be responsible for getting their child to school, if they chose a school other than that regarded as the nearest suitable school by the Council.

This document highlights the Council's commitment in regard to transport for the following age ranges:

Pre-school Learners aged 0 to 4
Statutory School Age Learners aged 5 to 16
Post 16 Learners aged up to 19
Adult Learners aged 19 to 25 with an EHCP

The legal duties vary for the different age ranges, so it is important to ensure that the section being read is relevant to the correct age range of the CYP. Assessments will first apply the policy to all applicants and where they are found to be not eligible, secondly consider whether the learners disability or special educational need requires the council to provide additional support, taking account of the school choice and particular circumstances as set out above.

Each CYP subject to an EHCP will have a formal annual review. At the review meeting, discussions may highlight a change in the CYP's progress or increase in independence. Every effort will be made to assist and encourage independence including the use of travel training where appropriate to develop the life skills of the individuals concerned. Where the circumstances for the CYP or their family change, e.g. change of address or change of school, it will always give rise to a review of existing transport arrangements and the policy being applied to the new circumstances for assessment.

The following appendices attached to this document relate to the application of the Home to School Transport Policy and the expectations on all stakeholders and should be read in conjunction with the policy:

Appendix 1 Home to School Transport Appeals
Appendix 2 General Processes, Explanations and Definitions
Appendix 3 Health, Safety and learner protection
Appendix 4 Guidelines for Assessing Hazardous Routes
Appendix 5 Transport Related Responsibilities and Expectations

1.2 Core Principles

Bromley Council is committed to ensuring that each child can fulfil their potential and is supported to do so. The aim of this policy is to support all children including those who have SEND to lead lives which are as independent as possible. Where possible, children will be supported to achieve greater independence through the development of independent travel skills and the use of public transport. The Council will work closely with parents and schools and expects all parties to play a supportive role in the development of this key life skill.

The Council promotes sustainable modes of travel such as walking, cycling and use of integrated public transport and aims to reduce traffic congestion, the environmental impact of vehicle journeys and improve road safety. Where agreed, travel assistance for 'eligible children', will be provided in a safe manner that will take into account: the Council's statutory duties, the specific needs of the child, the legally recognised walking distances and appropriate use of its resources. Travel solutions provided will support initiatives that lead to reducing the volume and length of vehicle journeys.

The legal responsibility for ensuring that a child attends school lies with the parent or carer and this includes accompanying a child to school where necessary. In the event that parents are working or otherwise unavailable at the time their child travels to and from school it remains the parents' responsibility to make arrangements to ensure that their child attends school. If both of the child's parents are, by reason of disability unable to ensure that their child attends school, or are unable to make suitable alternative arrangements, eligibility for travel assistance will be considered on the individual circumstances, with regard to the Equality Act 2010.

The Council takes statutory school age to include those children who have taken up the legal right to start schooling from the start of term after a child's fourth birthday. Compulsory school age ceases on the last Friday in June in the school year in which the child reaches the age of 16.

The completion of an Education Health and Care Plan does not result in an automatic entitlement to travel assistance.

Many pupils with an Education Health and Care Plan do not receive nor require travel assistance. In circumstances where the Council does not have a statutory duty to provide travel assistance, parents of children with an Education Health and Care Plan are required to make arrangements for their child to attend school in the same way that parents of pupils without an Education Health and Care Plan do.

Under the Education Act 1996 and the Education and Inspections Act 2006, local authorities have a duty to provide assistance with travel to and from qualifying schools/college for children aged 5-16 in certain circumstances. The Council has no duty to provide transport but

'*shall make such arrangements for the provision of transport and otherwise as they consider necessary'*. This gives the Council discretion to provide travel assistance in a range of ways. A duty only arises if transport is specifically written into a child's Education Health and Care Plan or the Council requires a child to attend a school which is not within the statutory walking distance of the child's home or where they attend their nearest school, but their needs prevent them from accessing school.

Bromley Council will take account of the Statutory guidance on the provision of home to school transport set out by the Department of Education:

https://www.gov.uk/government/publications/home-to-school-travel-and-transportguidance

2.0 Transport Eligibility Definitions

2.1 – Pre-school learners aged 0 – 4

There is no statutory entitlement to transport for pre-school learners aged 0 – 4.

Bromley Council would not normally provide transport assistance for this age group. Pre-school learners who do not have an EHCP but who may need access to multiagency assessment centres or similar resources as agreed on a multi-agency basis will not be entitled to travel assistance. Parents/carers will be expected to make their own arrangements for ensuring the CYP attend at the centres at the agreed times. If there are barriers to children accessing transport to the support being made available families should discuss this with the designated SEN Officer.

2.2 – Learners of Statutory School aged 5 – 16

CYP will be assessed on an individual basis and must meet the following criteria to receive transport assistance:

- Attendance at their nearest appropriate school for transport purposes
- The distance between their home and school is over the statutory distance for a CYP of their age

Free school transport will not be provided where a CYP only fulfils one of these criteria or can make use of the TfL transport offer.

Please note that whilst there is no statutory entitlement to travel assistance for children under 5, this Policy takes statutory school age to include those children who have taken up the legal right to start schooling from the start of term after a child's fourth birthday.

2.2.1 Nearest appropriate school

In line with statutory requirements, when identifying the nearest appropriate school, only the following two points will be considered:

i) Age appropriateness – relating to attendance at a Primary or Secondary school

ii) Ability appropriateness – relating to attendance at a mainstream or special school

The nearest appropriate school for transport purposes is the nearest school that is considered suitable by the Department for Education to provide education for the CYP's age and ability. This includes all Academies, Free Schools and faith schools, even if a CYP is not of the same faith. In some parts of the borough, a CYP's nearest appropriate school may be located in another education authority, outside of the London Borough of Bromley.

Beyond this definition, no further consideration will be given for a CYP's preference for a single-sexed, mixed, specialist or particular type of school.

Selective schools will not be regarded as appropriate for transport purposes where learners have not met the entry requirements for those schools.

2.2.2 Statutory School Distance

A CYP's nearest appropriate school must be over the statutory school distance for them to be considered for free school transport.

- For a CYP under the age of 8, the school must be over 2 miles from their home.
- For a CYP over 8 years of age, the school must be over 3 miles from their home.

When a CYP reaches 8 years of age and has previously received transport assistance on the grounds of distance, transport will be withdrawn if they live less than 3 miles from school. This is normally from the beginning of the term after their 8th birthday.

A CYP's nearest appropriate school will initially be identified via the shortest available walking route. School transport distances are calculated between the permanent main residence and the school. Route assessments may take into account public footpaths, bridleways, other footpaths as well as recognised roads where they are available. Where the distance to a school is over 6 miles, for assessment purposes, vehicular road routes may be favoured regardless of where there may be shorter walking routes.

Initial nearest appropriate school assessments will not consider whether the chosen route is of a hazardous nature as there is no expectation that CYP will necessarily use this specific route to access their place of education. This stage simply establishes which school is the closest school to their home. Once the nearest appropriate school has been

established, further consideration will be given to whether a safe route within statutory distance is available.

All distances between a CYP's home and school are measured using Bromley's own geographical information software and not any other external measuring method. Distances will be calculated to the school and home point defined in this software only.

Where an alternative route is identified between a school and a CYP's home that is not included in Bromley's own software, it may be considered for assessment purposes following a manual review by Transport Officers. Where a manual review is requested, Transport Officers will also consider whether any alternative routes are available to other schools, these routes will be included in any subsequent assessment for eligibility.

2.2.3 Preference Selection

School preference selection will also impact eligibility for free school transport and will vary based on which admissions process was used to secure the school place. For children attending a special school, transport arrangements will have been discussed as part of the EHCP process and parents will be aware that if they have chosen a school further away than the nearest school identified by the council as able to meet need, they are unlikely to be eligible for transport assistance. Transport will normally be provided to children who are attending the nearest appropriate schools identified by the council to meet the child's needs where this is beyond the statutory distance, or where needs suggest support is required to access the nearest school. For mainstream pupils, eligibility can be impacted depending on whether the school was chosen through one of the following processes:

2.2.4 Co-ordinated Admissions Process

The co-ordinated admissions process is detailed in Bromley Council's yearly "Primary determined co-ordinated scheme for Primary admissions incorporating entry to Year R and transfer from Infant school to Junior school (Year 2-3)" and "Secondary determined co-ordinated scheme for Secondary admissions incorporating entry to Year 7" and allows parents to express 6 preferences for Primary and Junior applications and 6 preferences for Secondary applications.

Transport eligibility remains where there is no school that could have been named as a higher preference closer to the CYP's home than the school they have been offered.

Free transport may also be available where nearer schools have been named as a lower preference than the school that has been offered, but it can be demonstrated that the CYP would have had no real prospect of being offered a place at the school had it been named as a higher preference than the offered school.

Where it is not possible to offer any school preferences through the coordinated admissions round, Bromley Council will allocate a place at an alternative school with an available space. Where this occurs, CYP will be eligible for free school transport to the

allocated school, if it is beyond the statutory distance and their application included their nearest schools, making use of all available preferences. Where a new school is opening in the vicinity of a CYP's home, but making school offers outside of Bromley's coordinated admissions process, it would be expected that an application would have also been made directly to the school for a place.

Where a CYP is assessed as not suitable to attend Grammar school through the school's own test or where a CYP has failed to take an entry test, but their application includes naming Grammar schools to allow them to appeal following the refusal of a place on National Offer Day, their Grammar preferences will be ignored when assessing transport eligibility and their application will be processed in the same way as a CYP who has not made use of all available preferences.

If parent's admission preferences are not expressed in the order outlined above, Bromley Council will not be responsible for providing transport assistance.

2.2.5 In Year Admissions Process

Where a CYP has moved home and secured a new school place through the In Year admissions process, outside of the normal admissions round, transport eligibility will only be granted where they are attending the nearest appropriate school that has a space at the time an application for free school transport is made.

Where a CYP has moved home but remains at the same school that they attended from their old home address, transport eligibility will be reassessed on the basis of current school spaces at the time that Bromley Council are advised of the change of circumstances.

If a CYP changes their school through an In Year admissions application, but has not moved home since they last applied through the co-ordinated admissions process, their eligibility for free school transport will be assessed on the basis of the preferences and spaces available during the last co-ordinated admissions round in which they took part.

Bromley Council must be informed in advance of any change of circumstance, to allow time for a new pass or alternative transport arrangements to be made available where a CYP is still deemed eligible to receive transport assistance. CYP will not be eligible to receive transport support to and from school until a reassessment has been completed.

2.2.6 Extended rights eligibility

Transport that is granted under the extended rights eligibility below is reviewed on an annual basis.

2.2.7 Low Income Families

To receive transport assistance under the low income criteria, the CYP must be aged over 8 years of age and be entitled to Free School Meals or the family must be in receipt of one of the benefits listed below:

- Income support
- Income based jobseekers allowance
- Child Tax Credit (TC602 for the current tax year with a yearly income of no more than £16,190pa) without working Tax Credit
- Guaranteed element of state pension credit • Income related employment and support allowance
- Maximum level of Working Tax Credit.
- Universal Credit (provided families have an annual net earned income of no more than £7,400, as confirmed by earnings from up to the three most recent assessment periods).

Current evidence of the benefit received by families must be provided to Bromley Council at the time of application.

The CYP must also attend:

- the nearest appropriate school that is beyond 2 miles (for CYP over the age of 8 and under 11).
- one of their three nearest schools that are between 2 and 6 miles (if aged 11-16).
- the school that is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (if aged 4-16). They must also have the application form signed by a vicar/priest of the same denomination as the school stating that the CYP is a regular and practising member of a church of the same denomination as the school.

CYP with an EHCP who do not meet the eligibility criteria set out above will still need to make an application for transport assistance. Parents/carers should include as much information as possible about the learners additional needs or disabilities on the application to enable consideration to be given as to whether additional support is appropriate. Transport officers will liaise directly with SEN Officers to confirm suitability of school placement options chosen and alternatives discussed at the time and whether the particular child's needs and/or disabilities mean that transport assistance should be provided.

2.3 – Learners aged 16 – 25

2.3.1 Learners aged 16-19 including those with an EHCP

There is no statutory duty on local authorities to provide free transport for children and young adults over the age of 16. They do however have a duty to enable access to education. The distinction is that the Council can ask learners to contribute financially to any transport arrangements made for Post 16 travel arrangements.

Post 16 learners are directed in the first instance to TfL's 16+ Oyster Zip Card. Details of how learners can access this scheme are set out on the link below:

https://tfl.gov.uk/fares/free-and-discounted-travel

Colleges are awarded Bursary funding to support students from low income families, this can include supporting access to their schools and colleges. Learners from low income families are entitled to seek financial support towards travel directly from their learning provider. The Council is not directly funded to support travel assistance for this age range of learner.

In exceptional circumstances travel assistance may be approved where learners with SEND are unable to access public transport. Travel assistance is not normally available if the College offers payment through their Learner Support Funds.

Students may qualify for travel assistance if:

- They are over 16 but under 19 on 31 August and live within the Borough of Bromley;
- They attend the nearest available College where the chosen course of study is available (assistance will not be available to students who choose not to attend the nearest College offering a suitable course);
- The student is unable to access transport facilitated by TfL to access their place of learning, due to a disability, or special need.
- The distance of the College is over 3 miles from the student's home;
- They attend a maintained or publicly funded college of Further Education for a course of at least one academic year's duration and expect to achieve a recognised qualification;

The 16+ Transport Policy is available to read in full on the Council website at :

Home to school travel and transport assistance - SEN – London Borough of Bromley

2.3.2 Learners aged 19-25 with an EHCP

Further details are available in Bromley's 18+ Adult Learners Travel Assistance Policy on the Council website at :

Home to school travel and transport assistance - SEN – London Borough of Bromley

3.0 Transport Assistance for Eligible Children and Young People

Further details are available in Bromley's 18+ Adult Learners Travel Assistance Policy on the Council website at :

Home to school travel and transport assistance - SEN – London Borough of Bromley

Arrangements for accessing education

Where CYPs are eligible to receive transport assistance, Bromley Council will seek to identify the most cost-effective way for CYPs to access their education taking account of their needs and circumstances.

In most instances, learners will be expected to make use of public transport through TfL's Oyster Zip Card. Where there is no access to public transport, bespoke transport arrangements may be put in place from designated collection points to enable access to a hired vehicle. In exceptional circumstances and as a last resort the Council may commission private hire vehicles through local taxi operators.

Transport other than at the beginning and end of the school day

Home to school transport is only provided at the beginning and end of the normal school day. The beginning and end of the school day is determined by the times of the first programmed educational lesson delivered during normal school hours and the end of the last programmed lesson during normal school hours.

Any transport arrangements in order for the CYP to attend breakfast or after school clubs or extended lessons outside of the normal school hours, will be the responsibility of the parents to arrange.

Similarly, for CYPs accessing a bespoke timetable, it may be necessary to wait at school to access the dedicated vehicle. The Council may be flexible in this regard where it does not impact other eligible CYP or result in additional expenditure, but all decisions are subject to revision following any change in circumstance.

Alternative Transport Assistance

Mileage Payment

Parents can request to have a mileage payment in order to drive the CYP to and from school. The Transport Eligibility Team will assess whether this is a cost-effective option for the local authority and may award payments if no existing contracts are operating that could accommodate the CYPs.

The mileage payment is normally calculated at 45p per mile for two return journeys (being the beginning and end of school day). This will be paid in arrears, subject to attendance and receipts. (This rate is set at the highest amount payable before it is classed as a taxable benefit by HMRC – the rate will be adjusted to align with the figure set by HMRC in the event this changes in the future.) It is unlikely that a mileage payment will be granted where this exceeds the cost of a Personal Transport Budget and consequently payments are capped at £2000 per annum.

Where there are two or more CYPs from the same family attending the school, only one claim for mileage payment is allowed.

A mileage payment is provided solely to offset costs incurred where a CYP is transported to school in a parent's own vehicle. A mileage payment will be withdrawn where a CYP has access to the use of an alternative subsidised transport schemes.

Personal Transport Budgets

A Personal Transport Budget (PTB) is a payment designed to help parents make their own arrangements to facilitate the CYP accessing school.

A PTB is primarily available to CYPs with an Education, Health and Care Plan. They must also be eligible to receive home to school transport when assessed in accordance with Bromley's Transport policy. In exceptional circumstances and where it is financially beneficial to Bromley Council, mainstream CYPs may be offered a PTB on the same basis as CYPs with EHCPs – this is entirely at the discretion of the Council, and will only be available where it can be demonstrated to be the most cost effective use of public resources.

PTB payments are made on the basis of the straight-line distance between the CYP's home and their main school in the following Bands:

Band 1	Less than 5 miles	£2000 Annual Budget
Band 2	Between 5 and 10 miles	£4000 Annual Budget
Band 3	Over 10 miles	£6000 Annual Budget

Where a CYP receives a PTB partway through the school year, the total payment will be offered on a pro rata basis to account for the reduced timescale that the parent will be responsible for transport arrangements.

Where a CYP is accessing education on a part-time basis, or they are making use of boarding facilities, their PTB payments will be offered on a pro rata basis to account for the reduction in journey frequency (in most cases for learners who board, mileage payments offer more benefit than the PTB).

The PTB is reviewed on a regular basis taking into account the CYP's attendance at the school and the transport arrangements that may be provided by the Council that are in place at the current time. The CYP's attendance will be monitored and payments for any days that they are absent will be deducted from a later PTB payment. There is no guarantee that a PTB will continue to be paid where the CYP's attendance is seen to be low or where there is more cost-effective transport which can be accessed.

Parents will be required to enter into a contract with Bromley Council in which they agree to ensure the CYP can access school in a safe and legal way and arrive in a fit state to learn in return for the PTB payment.

PTB payments are made in 11 monthly instalments. No payment will be made in July to allow Bromley Council sufficient time to confirm that a reduction is not required in the final monthly instalment to account for low attendance. The final payment will be made in August to account for transport that parents have provided in July of that school year.

Payments are paid directly into a parent's bank account on a specific date each month to be advised at the time the PTB is set up, where this falls on a weekend or public holiday payments will be made the previous working day.

Payments will be calculated from the date that the parental agreement form is signed and received by the team.

Payments are not back dated and no refunds are provided if the application for a PTB is processed within six weeks of receipt of the application.

A PTB can be offered to up to two CYPs within a family, however, the additional CYP will only be granted 50% of the entitlement. Any subsequent CYP would not qualify for PTB.

Independent Travel Training

Independent Travel training (ITT) is available to CYPs with an EHCP and who meet the criteria to receive free home to school transport. It provides them with the necessary training to access public transport to travel to and from school/college.

It is expected that CYPs will undertake ITT where possible. Not engaging in this where appropriate, may affect whether any alternative transport support may be provided.

Bromley Council are passionate about helping young adults develop independence in a safe and meaningful way. Travel training is a great first step in this process and no learner will be expected to travel on public transport until they are demonstrably confident and capable to do so.

Parents can be assured that once trained and travelling independently, additional support will be made available to learners in the event that there is a change in school or route and if accessing public transport is no-longer suitable arrangements will be reviewed.

Parents will be able indicate if they are interested in ITT when completing their transport application process and it will form part of the transport discussion during annual reviews.

Vacant Seat Payment Scheme (VSPS)

It is recognised that sometimes, parents will not always want the nearest suitable school identified by the council during the EHCP preparation. This may be as a result of personal circumstances or convenience for working arrangements etc. The law requires that parents be given the opportunity to state a preference and there is a duty on the council to take account of parental views and preferences when co-producing the EHCP. Taking account of parental preference does not mean the council is obliged to name a parents preferred school, but where it does, its important that if this is not the nearest suitable school identified by the council, that the implications for travel are explained to parents. It can mean that meeting parental preference results in them losing any eligibility for transport assistance.

The VSPS has been devised to help support families who may wish to choose an alternative school to that which is closest to their home and able to meet their child's needs. In most circumstances where this arises, families will have planned to make their own arrangements for their child to access their preferred school.

To assist families in being able to exercise their choice, the council will allow (where appropriate) parents to purchase a vacant seat on vehicles operating to their preferred school. A contribution of £400 per annum will be applied to access the vehicle. Parents are advised that the seat is not guaranteed, and may need to be withdrawn in the event that a legally entitled scholar needs the seat. In such circumstances, parents will be given a minimum of 1 calendar month's notice to make alternative arrangements and will be refunded on a pro rata basis.

4.0 Appendices

Appendix 1 - Home to School Transport Appeals

Parents are entitled to appeal against decisions by Bromley Council to refuse their application for free or subsidised transport for their child. This appeal process has two stages and parents should complete the first stage before moving on to the next.

Stage 1 – Procedure for Appeals to the Transport Eligibility Team – Transport Manager Review

Parents have the right to request an appeal against the decision to refuse free transport or travel assistance or, where travel assistance has been awarded, if they feel that he arrangements put in place for their child are not suitable to meet their child's needs.

Applications for free transport are only refused where a child is not eligible under Bromley's transport criteria. Where parents receive a refusal to their application, the first step is to carefully read the outcome letter that has been sent to you by Bromley's Transport Eligibility team. It will explain to you why transport cannot be offered to your child. This is usually because they are not attending their nearest appropriate school and/or the school is under the required statutory distance.

Parents may have their own reasons why they feel that their child should be given free school transport. These may include:

- They would prefer for their child to attend a faith school, but their nearest school is not a faith school and they cannot apply under low income criteria.
- Parents do not like a particular feature of their nearest school (faith school, nonGrammar school, elements of the curriculum, mixed/single sex) and so did not name it as a preference.
- Bromley Council was unable to offer their child one of their preferred schools and was required to allocate their child a place at another school, but their initial preference selection means that their child is not eligible for free school transport.
- Their child is not attending their nearest appropriate school for transport purposes, but there is no public transport to get their child to their preferred school. • The route to a child's offered school is hazardous, but it is not their nearest appropriate school for transport purposes.
- Another child local to them is eligible for transport, but their child is not.
- A parent is just above the threshold to be considered under low income criteria.
- Their child was assessed as eligible for Grammar school, but their nearest school is not a Grammar school and they cannot afford to pay for transport but would not meet the criteria under low income grounds

While parents may feel strongly that they should be given free school transport in these and similar circumstances, it is highly unlikely that transport will be approved unless the review identified errors in the initial assessment. Decisions to reverse eligibility decisions must justify spending from the public purse and there will need to be a significant reason why parent/carers are not able to support non eligible learners to access their education when it is their duty to do so. This stage is designed to ensure that there have been no mistakes in the processing and to check that the information supplied was correct at the time of assessment.

In most circumstances, the Transport Manager Reviews will only result in a decision being overturned where:

- A parent failed to indicate that an application was being made under low income criteria or did not provide sufficient evidence and that evidence can now be made available.
- An application is being made for a child that has an EHCP or disability, or where a parent of a Primary aged child is applying on the basis of their own disability but did not provide sufficient evidence and that evidence can now be made available.
- Parents are aware of an alternative route to the school that was not included in Bromley Council's distancing software and can provide evidence.
- Bromley Council has made a genuine mistake in the assessment and the child is attending their nearest appropriate school and it is over the statutory distance.

Parents should carefully consider before submitting a Transport Manager Review whether they are likely to have their decision overturned, in light of the information above. If parents feel that they can submit sufficient additional evidence to show that their application was assessed incorrectly, they should contact the SEN Transport team in writing with their child's full name, school, date of birth and an explanation as to why they

feel that their application should be reassessed. Transport Officers cannot discuss a parent's reasons for requesting a reassessment over the telephone. It is important that Officers maintain a written audit trail of their assessment decisions. Parents will be responsible for any costs that they incur arranging alternative transport while their application is being reassessed with new evidence, but Officers will endeavour to respond within 20 working days. Making telephone contact to seek an update on the processing of an application is likely to result in further delays and should be avoided.

Stage 1 appeals will be considered and responded to within 20 working days of the date of receipt by the relevant Transport Manager.

Stage 2 – Procedure for Appeals to a Transport Appeals Panel

Where an applicant's Transport Manager's Review is not upheld, if they wish, they are then able to appeal to a Transport Appeals Panel. This panel will be chaired by a Senior Officer independent of anyone involved in the Transport Eligibility decision making process. The panel will look objectively at the CYPs circumstances and hear representations on behalf of the appellant and or the Transport Team before making a decision.

Grounds for Appealing

Parents can appeal for any reason or combinations of reasons that they wish. The list below is not definitive but are the most common reasons for appealing:

- the CYP is not attending the nearest appropriate school to their home for transport purposes
- they live less than two or three miles from the school (depending on the age of the CYP)
- the CYP or their family do not qualify as a low-income family
- the application form for transport to a church school (for low income applications) has not been signed by the vicar or priest of a church of the same denomination as the school
- the CYP requires travel assistance to a work placement or an after school/breakfast club
- application has requested transport assistance to more than one school/address
- application has requested transport assistance to an address which is not the registered home address e.g. grandparents/child minder

In the letter of appeal, parents must include:

- reasons for appealing
- parents full name and address
- contact telephone number and if possible, an email address

- their child's name and date of birth
- the name of the school to which parents would like free/subsidised transport
- all evidence that supports their appeal. (For example letters from doctors, social workers and schools).

There is no charge to parents for the appeal but they must meet any costs they incur for preparing their appeal or attending the hearing, such as photocopying or transport costs.

Once the appeal has been received by the Transport Appeals Team, parents will receive an acknowledgement in writing.

The Appeals Team will then offer a date and time to hear the appeal. This will be within 40 working days of the receipt of the appeal by the Transport Appeal Team. If parents wish to, they can, for a good reason, reject the first hearing date. If the second hearing date is also rejected or if parents fail to attend a hearing on a date that has been accepted they will not, except in exceptional circumstances, be offered a further hearing. The Transport Appeals Panel will, however, consider the appeal in their absence, based upon the information that has been provided in writing.

Please note that it is not possible to hold appeals in the evenings or at the weekend.

At least 5 days before the hearing date, the Appeals Team will send parents and the Officer presenting the Council's case a copy of each other's written case and supporting documentation.

Witnesses

Parents are welcome to bring a witness, but they must advise the Transport Appeals team at least one day in advance who this will be. Parents may wish to provide a written summary of the witnesses' evidence on the day of the hearing as this may be helpful to the Panel considering the case.

Please note that the Panel hearing the appeal have the right to refuse to listen to witnesses produced by parents or by the Officer presenting the Council's case if they believe that the evidence given is irrelevant to the appeal.
No fees, expenses or allowances will be paid to the witnesses by the Council under any circumstances.

Parents can have a friend to accompany them or represent them at the appeal and must provide the Appeals Team with their identity at least 1 day prior to the hearing date. If the friend is a lawyer, they cannot act as one as part of a lawyer/client relationship.

If parents are appealing because they are on a Low Income and have been refused transport to a church school, they may wish to provide evidence with their appeal letter that they hold that religious or philosophical belief (for example a supporting letter from a priest, vicar or cleric).

Legal presentation is not allowed and the Officer presenting the case on behalf of the Council will also not be allowed to have legal representation. The Panel deciding your appeal does have the right to have a legal adviser if they so wish.

There will be an official note taker at the hearing provided by the Council and any video or attempt by parents to record the hearing will lead to its immediate termination and the dismissal of the appeal.

As far as possible parents should send all evidence with their appeal letter. Any additional evidence should be sent to the Transport Appeals team at least 2 days before the appeal hearing. Written evidence produced on the day of the appeal hearing will be considered at the absolute discretion of the Panel hearing the appeal and may lead to the hearing being adjourned to a later date.

The appeal hearing

There will normally be a panel of between 3 - 5 people considering the appeal. There will also be a clerk to advise the Panel and take notes of the appeal hearing. At the beginning of the appeal hearing the Chairperson will introduce everyone present at the hearing and explain the procedure.

The procedure is as follows:

1. A Presenting Officer will explain the reasons that have prevented Bromley Council meeting parent's wishes up to this stage.
2. Parents and the Panel may then ask the Officer questions.
3. Parents and/or their representative will explain the grounds of the appeal and its desired outcome.
4. The Presenting Officer and the Panel will ask parents and/or their representative questions.
5. The Presenting Officer is asked to summarise the case for the Council.
6. Parents and/or their representative will then be asked to summarise the grounds of the appeal.
7. Parents and the Presenting Officer will be asked to leave the room and the Panel will make a decision.

The Panel may ask anyone questions at any time or may alter the order of steps 3 and 4 at any time. The Panel may agree to consider only written evidence for either or both parties.

The decision

In reaching their decision the Panel must have regard to Bromley Council's policy on Home to School Transport. They will need to satisfy themselves that the policy has been applied correctly. They will then look at the specific circumstances to determine whether they are sufficiently strong to enable them to use their discretion to make an exception. The Panel have a responsibility to consider the most cost effective and appropriate mode of home to school transport taking into account the family circumstances at the time of the appeal.

The Panel may decide to:

- uphold the appeal in all respects **or**
- not uphold the appeal **or**
- partially uphold the appeal.

This can include meeting parent's wishes in part or for a time limited period. At the end of the time limited period the Panel can review the circumstances again and may ask that additional information such as up to date medical records or school attendance records be made available at the time of the review.

Parents will receive a decision in writing within 5 working days of the appeal hearing. Decisions cannot be given over the telephone.

There is no further appeal within the Council's procedures. If parents believe that they have suffered injustice as a result of maladministration by the Panel then they do have the right to pursue a complaint with the Local Government Ombudsman.

This is not a right of appeal and relates only to issues such as failure to follow correct procedures, or failure to act independently and fairly. If the person making the complaint simply disagrees with the decision there is no recourse. If parents have a complaint of a procedural nature, they should refer it direct to the Local Government and Social Care Ombudsman PO BOX 4771, Coventry, CV4 0EH.(www.lgo.org.uk)

Parents will not be able to make any further applications for free or subsidised transport in relation to the same CYP at the same school unless

- they can demonstrate a significant and material change in circumstances since the previous appeal was decided; **or**
- the Council changes the criteria for offering free or subsidised transport under the Council's published Home to School Transport Policy and that change is relevant to the case; **or**
- there is a relevant change to the law.

If any of the above grounds apply parents will need to write a fresh appeal to the Transport Appeals Team, setting out the reasons in detail. Parents will then be informed whether the Council will be prepared to consider the new application.

Personal Transport Budget review process

PTBs are only available to CYPs that are eligible for free school transport. As a result, there is no appeal as detailed above as eligibility is not in dispute. Parents are able to request, however, for the decision to refuse a PTB to be reviewed.

When applying for free school transport, parents are advised to provide whatever information they feel best evidences the CYP's particular need. This may be the CYP's Education Health and Care Plan, a report from a consultant or GP that references how their needs impact their ability to travel to school or any other information that the parent thinks would assist in providing the most appropriate transport arrangements. Bromley Council will use this information to assess the CYP's eligibility for free school transport and decide what the most appropriate form of transport is. Bromley Council will then use the cost of this transport to assess whether it is the most cost-effective option or whether a PTB can be provided.

Parents that have been refused a PTB because the cost of the PTB is more than the cost to the Local Authority of arranging transport, can in the first instance ask for a review of the decision by a different Transport Eligibility Officer. Requests should be made to the Personal Transport Budget team with the CYP's full name, school, date of birth and an explanation as to why the parent feels that their application should be reassessed. This review will establish whether the most appropriate form of transport has been offered to the CYP, based on the evidence that was provided when applying and ensure no mistakes were made when deciding whether a PTB would be cost effective. If parents neglected to include any of the information detailed above when initially applying, they can provide it at this stage to allow Transport Eligibility Officers to ensure that the most appropriate alternative transport is being offered. Parents will receive a response to their Transport Eligibility Officer review within 20 working days. Where parents present additional information for consideration during their Transport Eligibility Officers review, an outcome will be provided within 20 working days of any new information being received by the Transport Eligibility Team.

If the Transport Eligibility Officer review highlights that parents received an incorrect PTB assessment, a PTB will be provided and payments will be backdated to the initial PTB assessment decision date or the date six weeks after the initial application was received, whichever is earlier. If the review overturns the decision as a result of additional information that the parent did not make available when first applying, a PTB will be provided and payments will start from the date the parental agreement is returned.

Where the review is completed after the 20 working day limit, payments will be calculated from 20 working days after any new information was received by the Transport Eligibility Team.

Where parents remain dissatisfied by the response they receive following the Transport Eligibility Officer review, they can seek a review from the Head of Access to Education and Inclusion, who will make the final decision on how Bromley Council will assist with transport. Requests for a review by the Head of Access to Education and Inclusion should be made by contacting the Personal Transport Budget team.

At this stage, parents need to evidence what exceptional circumstances they feel should be considered to allow additional resources to be expended to provide the CYP with a PTB where suitable alternative transport has already been made available. Exceptional circumstances could relate to scenarios where it can be shown that a CYP cannot travel without the direct supervision of their parent/carer. Evidence could include any of the examples detailed above, anecdotal evidence supported by a medical professional or CYP's school or anything else a parent believes evidences the additional need. The Head of Access to Education and Inclusion will also consider whether the initial PTB assessment and Transport Eligibility Officer reviews were correct. Parents will receive a response to their Review within 20 working days. Where parents present additional information for consideration during their review, an outcome will be provided within 28 days of any new information being received by the Personal Transport Budget Team.

If the Head of Access to Education and Inclusion review highlights that parents received an incorrect initial PTB assessment, a PTB will be provided and payments will be backdated to the initial PTB assessment decision date or the date six weeks after the initial application was received, whichever is earlier. If the review highlights that the

Transport Eligibility Officer review was incorrect, a PTB will be provided and payments will start from the Transport Eligibility Officer review decision date or the date 20 working days after the last parental email that provided new information for consideration during the
Transport Eligibility Officer review, whichever is earlier. If the Head of Access to Education and Inclusion review overturns the decision as a result of additional information that highlights exceptional circumstances, a PTB will be provided and payments will start from the date the parental agreement is returned. Where the review is completed after the 20 working day limit, payments will be calculated 20 working days after any new information was received by the Transport Eligibility Team. Where a PTB continues to be cost prohibitive, but the family make a strong case for support, the Head of Access to Education and Inclusion has the discretion to award a mileage payment instead, where this is deemed suitable.

Where a Transport Eligibility Officer review or Head of Access to Education and Inclusion review does not result in your PTB assessment being overturned, parents cannot request refunds for their own transport costs as alternative transport would have been made available by Bromley Council.

If you have been refused any assistance with transport because the CYP does not meet the necessary criteria, normal transport appeal arrangements will apply.

Appendix 2 - General Processes, Explanations and Definitions

Journey to nearest appropriate school – Safe and hazardous walking routes

Where a safe walking route is available to a CYP's nearest appropriate school that is shorter than the statutory walking distance, transport will not be provided. Where no safe walking route is available or where the shortest available safe walking route it is over the statutory distance, free school transport will be provided to a CYP's nearest appropriate school.

A safe walking route is one where a CYP can walk safely accompanied as necessary by a responsible adult. Consideration will not be given to any route a CYP may take to any other school, as they will not be eligible to receive free school transport to that school.

A route is considered hazardous where it would be unsafe for a CYP to make use of it even if they were accompanied by a responsible adult. Where a CYP is attending their nearest appropriate school and live within the statutory distance for their age, a request can be made to assess whether the route is hazardous. If a route is assessed as hazardous, free school transport will be provided, so long as there are no other safe walking routes to the school under the statutory distance for that CYP's age. Guidelines for Assessing Hazardous Routes can be found in Appendix 5.

Differences in eligibility between siblings

Where a younger sibling will attend the same school as a CYP who currently receives transport assistance, the younger CYP will not necessarily receive transport assistance

just because the older one does. Each CYP is assessed in accordance with Bromley's Transport criteria on an individual basis at a given time.

Where two or more CYP apply to the same school through the co-ordinated admissions process and the older sibling is not eligible, but due to changes in the road or walking route networks and subsequent advancements in the mapping data, a younger CYP is assessed as eligible, free school transport will be provided to all CYP going forward as a reflection of their newfound eligibility. No refunds will be provided for transport organised for any older CYP before their transport eligibility status was reassessed.

Where two or more CYP apply to the same school through the co-ordinated admissions process and an older sibling was eligible, but a younger CYP is assessed as not eligible at a later date, transport will not be provided to the younger CYP, however, transport will not be withdrawn from any CYP that was previously assessed as eligible, unless they have a change of circumstances that requires a reassessment such as a change of address or school.

Where an older CYP secures a place at the nearest appropriate school for transport purposes from their home during the In Year admissions process, but this would not be the nearest appropriate school had an application been made through the co-ordinated admissions process, free school transport will be provided to younger siblings that name the same school as their first preference in any subsequent co-ordinated admissions application. Free school transport will not be provided if the school is named as a lower preference unless eligibility is attained through the normal operation of transport criteria.

Change of address or school

If a CYP moves or changes school, their eligibility to receive transport assessment would be reassessed in accordance with the policy. There is no guarantee that because they may have received transport assistance previously, that they will continue to do so.

During the time it will take for the Council to reassess the CYP's eligibility, it will be the parents' responsibility to make their own arrangements to transport the CYP to and from school.

Consideration is given to those CYPs who move in Year 10 and Year 11, where it would be unreasonable to expect them to change schools at a critical stage of their education. In these circumstances transport may be provided if the school attended was the nearest appropriate school to the previous address and the journey time is considered reasonable.

If a CYP moves on a temporary basis, transport would not normally be provided.

Additional alternative addresses

Transport assistance is normally only provided from the child's home to the main school at which they are on roll. The child's home will normally be the address where they reside for most of the school week.

In exceptional circumstances, transport may also be provided to an additional alternative address where there is no additional expenditure to the Council. Transport will only be approved for permanent arrangements and will not be implemented for temporary changes in transport requirements. Where transport is provided in these circumstances, arrangements will only remain in place until such a time as they are no longer cost neutral. At that point, transport to the alternative address will be removed and parents will be offered an opportunity to appeal.

Off-site provision

If schools arrange any off-site provision for a CYP who is on their roll, they will be responsible for making any transport arrangements and meeting the costs.

Work experience

The Local Authority will not provide transport assistance for CYPs on work experience. Any costs that arise as a result of work experience, including transport costs, are the responsibility of the school or parent.

Examinations

Public examinations are normally taken during the normal school day. Transport will not be provided at alternative times for CYPs who take public examinations.

Children and Young People in the care of Bromley

Where a CYP in care is moved by Social Services to a new foster carer or Children's Home within Bromley, either as a long term or a temporary measure, transport may be provided back to the existing school to maintain continuity of learning environment. Where there is a nearer appropriate school to the CYP's new residence, the CYP is not eligible to receive home to school transport assistance. However, at its discretion, Children's Social Services may fund transport to maintain continuity at the existing school. This would need to be agreed with the CYP's designated Social Worker and will be reviewed regularly with an expectation that a move to a local school will follow a successful placement.

If a CYP in care attends a different address on respite whilst still living with parents/carers at their main residence, transport may again be provided/commissioned by Children's Social Services.

Out of Borough residents

A CYP (including Children and Young People in the care of Bromley) that resides outside of the administrative boundary of Bromley Council but attends a Bromley school must apply for transport assistance from their home Local Authority where this is required.

Independent schools

Where a CYP attends an independent fee-paying school, free home to school transport from the Local Authority will not be provided unless transport assistance is specifically identified in an EHCP.

Exchange students

Transport is not provided for an exchange student to access education.

Mode of transport

The Council will determine the most appropriate way to provide transport assistance necessary to meet its legal obligation. Where parents wish to make their own arrangements and be reimbursed, this may be considered at the discretion of the Council and payment may be awarded where it is financially advantageous to the Council.

Where transport is commissioned by the Council suitable arrangements will be made for the CYP to get on or off the vehicle allocated to them at a point as near to the home and school as possible. There is no fixed distance, although a distance of up to a mile would be considered a reasonable walk for a CYP, accompanied as necessary, in order to reach a drop off and collection point. Consideration of the individual circumstances, including the CYP's age, health and the nature of the journey, would be taken into account.

End of the school day

If the person authorised to collect or receive the CYP from the vehicle at the end of the day is unavailable, the driver will take the CYP on the remainder of the journey and return to the agreed destination. If there is still no one to receive the CYP, he/she will not be left unescorted and will not be left with anyone other than the parent/carer or person for whom the parent/carer's written authorisation has been given.

In cases where there is no authorised person to collect the CYP, contact will be made with the Bromley Transport Team immediately and instructions will be issued. If there is no alternative, the CYP will be taken to the local Social Services office up to 5:00 pm or, if after 5:00 pm, the CYP will be taken to the local police station where the police will be asked to contact the out-of-hours duty social worker.

Reasonable journey times

A reasonable journey time for a CYP of Primary age is normally regarded as 45 mins. For a CYP of Secondary age, a journey time of 75 mins would normally be considered reasonable. For CYP with SEN and/or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible. This is also considered a reasonable journey time for Post 16 CYPs. This could vary according to the individual needs of the CYP and it may not always be possible to keep within these timeframes.

The times detailed above are indicative of an average journey and would not account for unexpected increases as a result of temporary road works or other such delays.

Transport assistance should be such that CYPs could expect to reach school without undue stress, strain and difficulty as would prevent them from benefiting from their education.

The journey time, is the time it takes for the CYP to travel to and from school including the time it would take them to walk from their home to the bus stop or train station and then onto the school and any time they would have to wait for the bus or train.

Application timescales

Bromley seek to administer the eligibility process and provision of identified transport arrangements inside of six weeks wherever possible. Several factors will determine the Council's ability to deliver on this commitment. In some instances, the assessment may be delayed where further information is required about a CYPs individual needs, or at peak times of the year.

Once an applicant has been assessed as eligible for assistance, details are passed to colleagues in Transport who determine the most cost-effective means to enable the CYP to access their education provider. In most instances this will be a straight forward process of identifying relevant bus routes and issuing a travel pass, but for some CYP with EHCPs or where they live in more rural parts of the Borough without existing transport networks, more time may be needed for a transport procurement processes to be conducted. Where these more complex transport arrangements need to be put in place, parents might expect a delay in transport arrangements being confirmed as a fair and legal process must be followed to identify the named operator through a competitive process.

Where parents apply for transport to coincide with a new academic year, they should ensure that applications are made as soon as possible after receiving their child's school offer. Assessment of applications for the academic year starting in September can be submitted as early as the parent wishes to, but will not be assessed until after the Easter/Spring break for schools and assessment decisions will not be sent out before that time. This is to allow applications for the current school year to be completed in a timely fashion. Parents should therefore expect to wait up to 6 weeks from the end of May to receive the outcome of their transport application when applying for a new academic year.

Refunds

Bromley is not responsible for any costs incurred by parents during the normal application timescale. Where assessment for eligibility takes longer than six weeks and a CYP is subsequently found to be eligible for free school transport, parents may request a refund. All refunds will be in the form of a mileage payment for each additional school day parents were required to provide transport.

If a CYP was initially assessed as ineligible for free school transport, but following a Transport Eligibility Officer review is reassessed as eligible, a refund can be requested from the initial assessment decision date or the date six weeks after the initial application was received, whichever is earlier. If the review overturns the decision as a result of additional information that the parent did not make available when first applying, a refund will only be made available where the review is completed after the 20 working day limit. In this event, refunds will be calculated from 20 working days after any new information was received by the Transport Eligibility Team.

Where free school transport is provided following a Stage 2 transport appeal, no refund will be provided for transport that a parent has been required to organise until their appeal hearing date, as panel members have additional discretionary authority to consider wider personal circumstances which could not be considered during the normal assessment process. A full or partial refund will only provided where panel members have concluded that this is appropriate during the appeal.

Transport provided in error

If following an internal review it is identified that a CYP has been incorrectly assessed as eligible for free school transport and whose personal circumstances do not actually meet the required criteria, transport assistance will be withdrawn. Parents will be given at least one terms notice before transport is withdrawn to allow sufficient time to organise alternative arrangements.

Learner behaviour

Inappropriate behaviour on a vehicle is a safety hazard and can put all passengers, the driver and other road users at risk. Drivers and passenger assistants will normally notify the head teacher or nominated person at the school of any problems with the CYP's behaviour once the journey is concluded. The school will ensure that Public Transport and where necessary the SEN Caseworker are kept informed.

Parents/carers will be informed of any problems and are expected to assist in preventing their recurrence. If it is considered that a CYP's behaviour is likely to endanger him and others, then it may be necessary to withdraw transport either temporarily or permanently. The length of any temporary withdrawal is at the discretion of Transport Eligibility Team, following consultation with the school and other relevant parties.

Where a CYP's behaviour is unacceptable during the journey the route will be completed and he/she will not be put off the vehicle anywhere other than at the agreed destination.

However, if a driver feels that a CYP's behaviour on any journey is such that he/she can not guarantee the safety of the other CYPs and adults on the vehicle or other road users, he/she should take immediate advice from his employer, the school or Public Transport.

Where a CYP's behaviour persistently endangers themselves or others the Local Authority reserves the right to withdraw the transport and provide the parents or carer with a PTB or mileage allowance.

Further details can be found in the Code of Conduct found in Appendix 6.

Transport arrangements for Children and Young People with an Education Health and Care Plan (EHCP)

Assessment and trial periods

Where it has been recommended by the Local Authority that a CYP attend a provision for a period of assessment or trial, transport will be provided as long as the CYP meets the eligibility criteria for travel.

Passenger assistants

Passenger assistants will mainly be provided where there is a demonstrable need relating to a particular CYP's disabilities or medical need. They are normally provided where the length of time between school and home is greater than the period of time between the onset of a possible episode and the time when treatment or medication must be administered and/or the CYP suffers from a life-threatening condition.

Passenger assistants may also be provided where there are five or more CYPs with EHCPs travelling in one vehicle, although in some circumstances, with lower level needs this may not be necessary.

Passenger assistants' duties are to supervise CYPs on a vehicle and to assist with boarding and leaving the vehicle where the CYP has physical, sensory and/or medical difficulties. They are not able to collect CYPs from home. It is parents/carers' responsibility to make arrangements, where necessary, to ensure the CYP gets to and from the vehicle.

No passenger assistant will be permitted to administer treatment or medication without the consent of the parent, which must be obtained in advance in writing together with clear details of when and how the treatment/medication is to be administered.

A passenger assistant may administer treatment or medication only if they have been trained to do so. If the condition needs treatment which is complicated to deliver it may be necessary to provide a trained nurse or individual who has received the necessary specialist training.

On some occasions the passenger assistant who has been authorised and trained to administer treatment or medication, may not be available. Ideally in such circumstances,

the contractor will have an alternative passenger assistant available, also trained and authorised. Where this is not possible, the parents/carers may be able to travel during the school run or asked to make alternative arrangements. On no account may a CYP travel without a passenger assistant who is authorised and trained to administer the necessary treatment or medication.

Passenger assistants' duties also include the delivery of notes, medication or money between home and school where the CYP is not capable of doing so or can not be relied upon to do so. Guidelines and training are provided for all passenger assistants and each one carries an identity card which is subject to renewal annually.

Passenger assistant arrangements will be considered during the Annual Review process to assess ongoing need, since it is likely that the need for a passenger assistant will reduce over time.

Boarders

Transport for borders will be provided at the beginning and end of each agreed scheduled boarding period. Outside of these times, the parent, assisted as necessary by the school, will be required to facilitate and fund any exceptional transport arrangements that may be required in the event of extraordinary occurrences such as school closures, medical appointments etc.

Specialist equipment

Where special equipment is necessary for the safe transport of CYPs, the contractor will be expected to provide this if it is commonly available, and this will be stipulated in the contract.

For some CYPs, individual specialist equipment is necessary which it would be unreasonable to expect the average contractor to provide. This will be purchased by the Local Authority and loaned to the contractor for the duration of the contract.

Transportation of equipment and luggage

CYPs travelling to school on a daily basis are expected to travel with one item of hand luggage and CYPs attending residential schools are expected to travel with one suitcase (or equivalent). Additional equipment will be transported only by prior arrangement and details of any additional equipment needing to be transported must be provided when transport is being ordered, at least ten working days before it is needed. Any one-off arrangements where there is a need to transport an item of equipment must be notified to the Transport team and, if it requires additional expense to transport, the Head of SEN will take a decision on whether this should be approved. Should special arrangements need to be made, Transport Officers will require at least ten working days' notice.

In cases where large pieces of equipment are needed by a CYP at all times and so requires transporting on a daily basis, the Head of SEN will investigate the possibility of purchasing a second piece of equipment for use whilst the CYP is in school. Equipment purchased in this way is not for use at home and must be returned to the Local Authority

when the CYP no longer requires it in school. In considering the purchase of an additional piece of equipment, the Head of SEN will consider the difference between the cost of transporting the equipment and the cost of buying and maintaining it and will normally fund the cheaper option.

Children and Young People with an Education, Health and Care Plan that Ceases.

If SEN Officers cease to maintain a CYP's EHCP, the CYP will normally continue to be eligible for home to school transport but only to their existing school. Should they change schools or move home, their eligibility would be reassessed, in accordance with the current policy and their new circumstances.

Children and Young People and/or parents with medical issues

Transport assistance can be requested if a CYP's special educational needs and/or a disability and/or mobility problems inhibit their ability to walk to and from school, accompanied as necessary by a responsible adult or parent. Whilst the distance between the home and the school may not be relevant in these cases, to qualify for assistance, the CYP must attend their nearest appropriate school for transport purposes.

Medical evidence from the CYP's GP or consultant must be provided by the parent/carer with their application and will be reviewed periodically. Up to date medical information will be sought at the time of the review and parents will be advised of the outcome.

Where parents are unable to accompany Primary aged CYP to school due to special educational needs and/or a disability and/or mobility problems, travel assistance may be provided by the LA. To qualify for assistance, the CYP must attend their nearest appropriate school and medical evidence from the parents' GP or consultant will be required. Regular reviews will be undertaken where up to date reports will be required.

Children and Young People attending alternative establishments

Managed move

Where arrangements are made for a CYP to attend another school on a managed move, transport may be provided if the distance between the home and the new school is more than the statutory distance for the CYP's age. Parents will be responsible for ensuring that CYP can access this provision for the first six weeks. After this point, parents will be able to apply for transport assistance, but will remain responsible for transporting the CYP while arrangements are made for suitable transport to be put in place. Schools may support parents in enabling access to the off-site learning provision.

Pupil Referral Hubs/Alternative Curriculum

Transport for CYPs who are attending alternative curriculum on a respite basis and who remain on roll at their school will be organised by the CYP's school or parent.

Permanently excluded

A permanently excluded CYP may receive transport assistance to the nearest appropriate school that will admit them if the distance between their home and the school is more than the statutory distance for their age. This will only be in exceptional cases where no other nearer schools are able to meet the educational needs of the CYP and if they are unable to make use of the TfL offer.

Appendix -

3 Health, Safety and Learner Protection

Life threatening conditions

If a CYP, who is entitled to travel assistance, suffers from a life-threatening condition, which may require immediate medication or treatment, arrangements may be made for the parent/carer to take the CYP to school him/herself or to travel with him/her in the vehicle provided. This will only be possible if the CYP is traveling in a sole occupancy vehicle. A mileage payment is payable in those cases where a parent/carer takes the CYP to school. The mileage payment will pay one trip to the school, college or learning provider and one return trip and is payable in arrears. As transport is limited to journeys to and from school, parents will have to make their own arrangements for any additional journeys.

Disclosure and Barring Service

The Disclosure and Barring Service (DBS) is responsible for confirming whether it is appropriate for an adult to interact with CYPs. Drivers and passenger assistants must be DBS checked and cleared and the passenger assistant provided with an identity card following vetting and training.

All operators would already be in possession of a DBS before contracts are granted as it is a condition of their licensing requirements.

Mobile phones/Radios

All transport contracted specifically for CYPs with special educational needs will be equipped with a radio or mobile phone. This will not necessarily apply when CYPs with special needs travel on mainstream school transport or local bus services.

4 Guidelines for Assessing Hazardous Routes

Adult Accompaniment

- It will be assumed that the CYP is to be accompanied by a parent or responsible adult.

- It may be that free transport is allocated to a CYP in particular individual circumstances because the CYP cannot be accompanied by an adult as a result of special educational needs and/or a disability and/or mobility problems that prevents them from accompanying the CYP as necessary, but such a decision will not set a precedent for the route or mean that the route is deemed hazardous for other CYP.

Appendix -
Footpaths

• Where there is a footpath or roadside strip, the route will not normally be considered hazardous. A verge, which can be stepped onto, will also be regarded normally as rendering the route safe for walkers.

Width of Road

- Even without a footpath, a road which is wider than 5.5 metres will normally be considered safe for walkers

- If the width is less than 5.5 metres, other factors should be taken into account – see below. A narrow road is not necessarily dangerous simply because it is narrow.

Traffic Frequency

- The traffic frequency at the beginning and end of the school day is the relevant traffic frequency. It is likely to be busier than at other times, although this is not always the case, e.g. on routes near tourist attractions.

- Two-way traffic of less than 250 vehicles per hour with less than 5% of HGV traffic is normally considered a lightweight flow of traffic.

- Traffic frequency should be considered together with the composition of the traffic, the width of the road and the provision of refuges for walkers.

Road Crossing

- Where a route involves crossing a road, the route will not normally be considered hazardous if an official crossing is provided.

- In other cases, traffic flow and visibility in both directions should be taken into account.

5 Transport Related Responsibilities and Expectations

PARENT/CARER RESPONSIBILITIES
As a minimum, parents are expected:

1. To ensure that transport assistance is applied for before the required closing dates provided on the application, when applying for a new academic year.

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2. To make their own arrangements to transport their child whilst their application is being assessed and transport is set up, if eligible.
3. Where required to ensure that the child is taken to the appropriate collection/drop off points for journeys to and from the school.
4. Should the mode of transport be a taxi, to ensure that a responsible adult or parent is at home or at the designated collection/drop off points to place the child into the vehicle and to be available upon their return from school.
5. To make own transport arrangements should a child finish school early before the normal departure time.
6. To make own arrangements should a child stay at breakfast or after school clubs.
7. To make own arrangements for transport if a child is on work experience.
8. To make own transport arrangements if a visiting relative or foreign student stays with the family.
9. To ensure sufficient notice is provided to the Transport Eligibility Team to reassess the child's eligibility to receive transport, should the family be planning to move home or the child changes schools.
10. To make own arrangements for transport if the family should move or the child change schools until the reassessment of the child's eligibility has been undertaken.
11. Should the mode of transport be a taxi, to contact the operator when advised which company will be collecting/dropping off your child to make the necessary arrangements. This is particularly important where a child has special educational needs and key information in regard to likes/dislikes/calming techniques/causes of anxiety is known so that every effort can be made to mitigate against the effects of change to routines.
12. If the CYP is eligible to receive transport, parents are responsible for making their own arrangements until such time as the transport is arranged.

CYP CODE OF CONDUCT

All travellers will be expected to adhere to the Transport Code of Conduct

CYPs boarding buses or trains must:

- Arrive for their transport on time and with a valid travel pass
- Behave in a responsible way when waiting for the vehicle
- Get on the first available vehicle they have a valid pass for
- Show their passes to the driver or other officials if they ask
- Follow all instructions from the driver, inspector or other official at all times especially in an emergency
- Wear seatbelts at all times (if they are fitted); and
- Get off safely at the right stop and cross roads carefully.

The following behaviour is not acceptable and if reported, parents will be contacted by the Local Authority as to the action that will be taken.

Nuisance or offensive behaviour (Category 1)

This includes irritating and unpleasant behaviour which, whilst not necessarily a threat to safety, may significantly impair the comfort of others.

Such behaviour includes, but is not limited to:

- Failing to respond to the driver or inspector appropriately for example, not showing a valid travel pass.
- Eating or drinking on the vehicle
- Smoking
- Spitting
- Using bad or abusive language

Dangerous behaviour (Category 2)

This includes behaviour which may present some potential or actual threat to the physical safety of the CYP and others and includes, but is not limited to:

- Standing on the vehicle steps or in the doorway
- Leaning out of the window or door whilst the vehicle is moving
- Harassing or verbally abusing other passengers or the driver
- Bullying
- Running around inside the vehicle or running up, running down or climbing the stairs

Destructive or Very Dangerous Behaviour (Category 3)

This category includes behaviour which causes or has the potential to cause physical injury to others and damage to the vehicle and includes, but is not limited to:

- Fighting

- Threatening physical violence
- Breaking windows
- Interfering with the opening of the doors
- Causing graffiti including scratching glass
- Spraying aerosols
- Damage to seats, seatbelts or other equipment

Extremely Dangerous or Life Threatening Behaviour (Category 4)

This category includes behaviour which is likely to cause serious injury to others and includes, but is not limited to:

- Physical assault on the driver or other passengers
- Lighting fires including igniting aerosols
- Threatening physical violence with a dangerous weapon
- Interfering with the vehicle controls.

Where incidents occur and are confirmed following an investigation, the following framework will be considered when determining a suitable sanction:

Category 1

First incident – the CYP will be given a written warning via their parent/carer.

Second incident – the CYP will be given a final warning via their parent/carer. A copy of this final warning will also be provided to the CYP's school.

Third incident – the CYP will be issued with a fixed period ban of up to one week.

Fourth or subsequent incident – the CYP will be issued with an extended fixed term ban of up to one month.

Category 2

First incident – the CYP will be given a written warning via their parent/carer.

Second incident – the CYP will be given a final warning via their parent/carer. A copy of this final warning will also be provided to the CYP's school.

Third incident – the CYP will be issued with a fixed period ban of up to two weeks.

Fourth or subsequent incident – the CYP will be issued with an extended fixed term ban of up to one term.

Category 3

First incident – the CYP will be issued with an immediate fixed period ban of up to one week while further investigations are conducted. This might lead to an extended fixed

term ban of up to two terms and a written warning that further incidents may result in a permanent ban via their parent/carer. A copy of this final warning will also be provided to the CYP's school.

Second incident – the CYP will be issued with an extended fixed term ban of three terms or a permanent ban.

Third incident – the CYP will be issued with a permanent ban.

Category 4

First incident – the CYP will be issued with an immediate fixed period ban of up to one week while further investigations are conducted. This might lead to an extended fixed term ban of up to three terms and a written warning that further incidents may result in a permanent ban via their parent/carer, or an immediate permanent ban. A copy of the final warning will be provided to the CYP's school.

Second incident – the CYP will be issued with a permanent ban.