

# Public Document Pack

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11 November 2021

## **Board of Appeal: School Transport**

A meeting of the Board will be held at **10.30 am** on **Friday, 19 November 2021** at **County Hall, Chichester, PO19 1RQ**.

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Director of Law and Assurance

### **Agenda**

1. **Procedure to be followed at Appeal Hearing** (Pages 3 - 34)

The procedure to be followed at the appeal hearing is attached (cream paper).

2. **Appointment of Chairman**

The Board on this occasion will comprise:

Cllr R Burrett

Cllr A Cooper

Cllr P Linehan

Cllr J Turley

The Board is invited to appoint a Chairman at the meeting.

### **Part I**

### **Part II**

3. **Exclusion of Public and Press**

The Board is asked to consider in respect of the following items whether the public, including the press, should be excluded from the meeting on the grounds of exemption under Part I of Schedule 12A of the Local Government Act 1972, as indicated below and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

4. **To hear a School Transport Appeal**

The following documents are enclosed **for members of the Board only**.

(a) **Department submission**

Documents submitted by the Department for Children, Young People and Learning are enclosed for members of the Board only (yellow paper).

Exempt – paragraph 1, information about an individual.

(b) **Appellant submission**

Documents submitted on behalf of the appellant are attached for members of the Board only (lilac paper).

Exempt – paragraph 1, information about an individual.

**To all members of the Board of Appeal**



# **Home to School and College Transport Policy**

## **Home to school and college transport in West Sussex**

### **1 Introduction**

- 1.1 Parents have a duty to ensure that their children attend the school at which they are registered and to make any necessary transport arrangements, including arranging for them to be accompanied where necessary.
- 1.2 Parents are responsible for their children from the time they leave home until they are received on the school premises and after they leave.
- 1.3 In certain circumstances the Local Authority (in this case West Sussex County Council) has a duty to make arrangements for the provision of transport to and from school as it considers necessary.
- 1.4 This policy sets out the legal background and the circumstances in which the County Council will make transport arrangements.

### **2 Legal Background**

- 2.1 The basic duty to make transport arrangements is imposed on the Local Authority by Sections 508 and 509 of the Education Act 1996 (as amended).
- 2.2 When determining the policy, local authorities must also have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure" (Section 9 of the Education Act 1996).
- 2.3 Section 444 of the Act imposes a duty on parents to ensure that their children attend the school at which they are registered and also defines the walking distances to be applied. Should a parent be prosecuted for a child's non-attendance, a justifiable defence would be that the school at which the child is a registered pupil is not within walking distance of the child's home, and that no suitable transport arrangements have been made by the local authority.
- 2.4 The walking distances to be applied are:
  - 3.218688 kilometres (two miles) in relation to a child who is under the age of eight and
  - 4.828032 kilometres (three miles) in relation to a child who has attained the age of eight

in each case measured by the nearest available route.

### **3 Eligibility for Free School Transport**

#### **3.1 Children of Compulsory School Age**

- 3.1.1 Transport arrangements are made for children who are of compulsory school age and who live beyond walking distance of their nearest suitable or County Council catchment school (the school designated by the County Council to serve their address).
- 3.1.2 A child reaches compulsory school age at the beginning of the term following their fifth birthday. Young people are able to leave school on the last Friday in June of the school year in which they reach 16 years of age.
- 3.1.3 The nearest suitable or County Council catchment school is one which offers an efficient full time education suitable for the age, ability and aptitude and any special educational needs of a child (Education Act 1996 s.7) and at which the County Council is able to arrange admission.
- 3.1.4 Where the nearest suitable or County Council catchment school is unable to admit a pupil because the relevant year group is full, transport arrangements will be made to the next nearest suitable school with an available place, provided it is beyond statutory walking distance from the child's home address.

#### **3.2 Walking Distance**

**3.2.1** Section 444 of the Education Act 1996 defines walking distance as two miles for a child under the age of eight years and three miles for a child who has attained the age of eight.

- 3.2.2 Walking distance is measured by the nearest available route between home and school using metalled roads, footpaths and any such walkable track.
- 3.2.3 3.1.1 Routes are measured from the gate or access to the pupil's home, or the end of their property nearest to the public highway, to the nearest gate or access to the school/college campus.
- 3.2.4 The courts have defined an available route as one "along which a child, accompanied as necessary, can walk and walk with reasonable safety to school. It does not fail to qualify as 'available' because of dangers which would arise if the child is unaccompanied". Guidance in respect of the availability of a safe route is outlined in Appendix 1 – extract from the Pupils' Panel, 7 March 1989. (Regard will also be given to the appropriate guidelines issued by Road Safety GB).
- 3.2.5 A route that is regarded by the County Council as too hazardous for a child to walk, accompanied as necessary and having regard to the age of the child, would not be considered as available.

### **3.3 Children from families on low income**

3.3.1 Assistance with transport is available to children from families on low income (where the child is eligible for free school meals or the family receives Working Tax Credit at the maximum level for the case) as follows:

- a) Children up to the end of Year 6
  - The school attended is the nearest suitable or County Council catchment school and the home to school walking distance is two miles or more, measured by the shortest available walking route.
- b) Children from Year 7 to Year 11
  - The school attended is one of the three suitable schools nearest to the child's home and
  - The home to school walking distance is two miles or more, measured by the shortest available walking route and
  - The school attended is less than six miles from the child's home, measured by the shortest road route.

3.3.2 Help is also available for secondary school aged children from families on low income, as specified above, where:

- The child attends a school for reasons of religion or belief
- The home to school walking distance is two miles or more, measured by the shortest available walking route and
- The school attended is not more than 15 miles from the child's home, measured by the shortest road route and
- There is no suitable alternative school nearer to the child's home.
- Evidence to support grounds of religion or belief will be required and the County Council will be guided by the Equality Act 2006 with regard to definitions.

3.3.3 Evidence to support a financial assessment will be required at the time of application. Assistance will continue for the duration of the school year. A fresh application must be made each year to confirm that the eligibility criteria are still met.

### **3.4 Parental Preference**

3.4.1 Where a child attends a school which is not the nearest suitable or County Council catchment school, on the grounds of parental preference, the parents are usually responsible for making their own transport arrangements and for all transport costs. Exceptions are included in Section 4.

- 3.4.2 If the nearest suitable or catchment school becomes full after the parent has expressed a preference for an alternative school, free transport to the alternative school will not be provided.

### **3.5 Children below compulsory school age**

- 3.5.1 Children who have not reached compulsory school age are not entitled to free transport. However, assistance will be given at no charge where

- The child would be entitled to free transport on attaining compulsory school age and
- A spare seat is available on an existing contract vehicle.

In such a case, the concessionary assistance will continue as long as the spare seat is available.

- 3.5.2 Where a child would not be entitled to free transport on attaining compulsory school age, but a place is available on an existing contract vehicle, an application may be made under the concessionary seat scheme (see paragraph 4.12) for which a charge shall be made.

### **3.6 Children with Special Educational Needs and/or Disabilities (SEND)**

- 3.6.1 Whenever possible, a child with SEND, with or without an Education, Health and Care Plan (EHCP), will be treated no differently from a child who does not have SEND.
- 3.6.2 The County Council will consider assisting with a child's transport, regardless of the home to school distance, if the needs of the child are such that s/he is unable to walk to school.
- 3.6.3 The full policy in respect of children with an EHCP, is included in this document as Appendix 2.

### **3.7 Transport to Horsham Secondary Schools**

- 3.7.1 The usual transport policy is applied, as set out in this document. However, where reference is made to the "nearest suitable or County Council catchment" school, it is necessary to refer to the relevant school within the Horsham Community Designated Area.
- 3.7.2 The relevant school for a child depends on his/her place of residence within the Horsham Community Designated Area as divided by the north-south line. A map for illustrative purposes is attached as Appendix 3.

- 3.7.3 Subject to the distance criteria above, all pupils living west of the line within the Horsham Community Designated Area shall receive free transport to any of the three Horsham secondary schools.

### **3.8 Transport to High Schools in Worthing**

- 3.8.1 The arrangements for assistance with transport for children resident in Worthing Borough are as set out in this document except that where reference is made to "catchment" school, the term 'nearest school within the Worthing Borough' applies.

## **4 Other assistance**

### **4.1 Transport to Denominational Schools**

- 4.1.1 Where a pupil attends a church aided school which is the nearest suitable school and is beyond statutory walking distance from the child's home, free transport will be given.
- 4.1.2 Pupils from low-income families may qualify for help as explained in paragraph 3.3 above.

### **4.2 Post 16 Students (young people of sixth form age.)**

- 4.2.1 The policy in respect of transport for young people of sixth form age is attached as Appendix 4.

### **4.3 Travel to school in another Authority's area**

- 4.3.1 A pupil living in West Sussex will be given assistance with transport to a school in another Authority's area if it is over the qualifying distance and:
- The school attended is the nearest suitable school to the pupil's home or
  - The pupil moves home, subject to the criteria in Section 4.8 below.

### **4.4 Medical**

- 4.4.1 In exceptional circumstances, free transport may be provided temporarily or permanently where a child's medical condition affects his ability to walk to school.
- 4.4.2 Assistance will be given only where a child is attending the nearest appropriate or designated school.
- 4.4.3 In such cases, assistance is given at the discretion of the Director of Education and Skills and will be subject to satisfactory medical evidence, which would include reports from consultants, psychologists and other professionals.



#### **4.5 Excluded pupils (see also Alternative Provision policy, Appendix 5)**

4.5.1 If a child is permanently excluded from school, free transport will be given to an alternative school where:

- The alternative is the nearest suitable school with an available place (not including the school from which the pupil has been excluded) or
- The alternative has been designated by the County Council and
- The alternative is beyond statutory walking distance from the pupil's home address.

#### **4.6 Children Looked After (CLA)**

4.6.1 Children in the care of a local authority or a fostering agency are treated no differently from other children with regard to eligibility for assistance with transport. The parental responsibility for transport costs rests with the body that cares for the child (e.g. the County Council team responsible for the service).

#### **4.7 Managed Moves**

4.7.1 Where a parent instigates a managed move, they will usually be responsible for arranging transport and its costs.

4.7.2 Where a managed move is instigated and organised by the Headteachers and the County Council, transport normally will be the responsibility of the parent but, in exceptional circumstances, assistance may be given where agreed by the County Council beforehand.

#### **4.8 Moving home**

4.8.1 Where a pupil attends the nearest suitable or catchment school and moves home to an area served by another school, assistance, subject to reasonable costs and meeting the relevant distance criteria, may be given if:

- The new address is within West Sussex and the pupil continues to attend the same school and
- The pupil has been following for at least one term a course leading to a public examination (i.e. years 10 or 11) and
- The journey is considered reasonable for the student.

4.8.2 A reasonable journey is one which does not exceed 1¼ hours each way, or 2½ hours aggregated, by public transport. The journey time is taken from the time a child leaves home to the start of the school session and includes walking and waiting at bus

stops/railway stations. Similarly, in the afternoon, the journey time is measured from the end of the session to the time a child arrives at home, again including walking and waiting times.

4.8.3 Any assistance agreed will be limited to the duration of the course.

#### **4.9 Children living in temporary accommodation**

4.9.1 Where a family is housed in temporary accommodation, the parent will normally be responsible for transport and any associated costs.

4.9.2 In exceptional circumstances, at the discretion of the Director of Education and Skills, help may be given on a short-term basis where the journey time and costs are reasonable (see 4.8.2 for guidance on what is regarded as a reasonable journey).

#### **4.10 Early transfer to secondary education or sixth form/college**

4.10.1 Where a pupil transfers to secondary school or sixth form/college early, assistance will not normally be given except:

- Where the usual eligibility criteria are met and
- The educational need is established and confirmed by the Director of Education and Skills.

#### **4.11 Concessionary seat scheme**

4.11.1 Where there are spare seats available on contracted or county council-owned vehicles, the concessionary seat scheme allows children, who are not entitled to free transport, to take up the spare capacity.

4.11.2 A charge, which is publicised annually, for the concessionary seat is made and is payable by two termly instalments or monthly (by direct debit).

4.11.3 Places are given as a concession and may be withdrawn at short notice if required by a pupil with an entitlement, or if the vehicle is no longer needed, or if a smaller vehicle is contracted. In such circumstances, parents are responsible for making their own arrangements.

4.11.4 Concessionary seats are given for a maximum of one academic year at a time. Parents must make a new application for each academic year.

4.11.5 Where there are more applications than seats available, the following order of priority will be used:

- i) children attending the nearest suitable or catchment school – those living furthest away having highest priority;

- ii) children attending an alternative school – those living nearest to the school attended having the highest priority.

- 4.11.6 If a concessionary seat is given under 4.11.5, it will not be withdrawn during a school year in favour of a child who has a higher priority.
- 4.11.7 If a concessionary place is given to a sixth form student who attends the nearest suitable or catchment school and who lives three miles or more from the school, it will not be withdrawn where there is no alternative public transport available in the area (as a guide, 1.5 miles from the student's home).
- 4.11.8 The charges are set each year for those attending their nearest suitable school and/or who live within statutory walking distance of the school. A higher level of charge applies to pupils and students as follows:
  - Pupils and students living in another catchment area
  - Students of sixth form age who live more than three miles away.

## **5 General Principles and Practices**

### **5.1 Access to Transport**

- 5.1.1 It is the responsibility of parents to ensure that children get to and from bus stops, stations or other pick-up points in safety.
- 5.1.2 Parents should make contingency plans in the event of transport not turning up or where there are unavoidable delays.
- 5.1.3 Children will not be expected to walk more than one mile (one and a half miles for post 16 students) at either end of the journey to access transport arranged by the County Council.

### **5.2 Pupils with more than one residence**

- 5.2.1 Where pupils have more than one residence, such as when parents are separated and care jointly for their children, transport will be provided from just one address. Normally, this will be the one registered with the school as the home address, at which the child would spend most of the time during school days. Where parents claim that the care is split 50-50 during term time, transport shall be given from the address of the parent who receives the child benefit.
- 5.2.2 Assistance with transport will not be given to or from an alternative address for reasons such as childcare.

### **5.3 Transport granted in error**

- 5.3.1 Where transport has been granted to a pupil by mistake, the error shall be rectified.
- 5.3.2 Transport shall be withdrawn at the end of the term (as a minimum) in which the error is discovered and the parent notified. In such circumstances, parents will always be given as much notice as possible and this will be a minimum of one half term.

### **5.4 Closure or reorganisation of a school**

- 5.4.1 In general, when a school closes or is reorganised, only pupils who live beyond walking distance (see paragraph 3.2.1) from their new school will receive assistance with transport, provided it is still the nearest suitable or catchment school for their home address.
- 5.4.2 The County Council may use its discretion to provide transport assistance to pupils affected by the closure or reorganisation of a school as follows:
- Pupils must be in attendance at the school affected at the time of its closure or reorganisation and
  - Must live closer to the school being closed/reorganised than the new school and
  - Must continue to live in the previous school's catchment area.
  - Assistance would be for a period determined by the County Council up to the time that a child transfers to the next phase of education.
- 5.4.3 The usual school transport policy will apply to all pupils, including younger siblings of those affected, following the closure/reorganisation.
- 5.4.4 Children who live in the area of a new school that has been established, but who receive assistance with transport to the school serving the area previously, will continue to be entitled whilst at that school.

### **5.5 Change of session times**

- 5.5.1 Governing bodies are expected, as good practice, to consult fully with the County Council and other interested parties regarding proposals to change school session times.
- 5.5.2 If a Governing Body decides to change the school session times with the direct result that the County Council incurs additional transport costs, the extra expense may be charged to the school's delegated budget.

## **5.6 After school activities and work experience**

- 5.6.1 At its discretion, the County Council provides some late buses to schools with a predominantly rural catchment area not served with public transport. The financial responsibility for late bus transport rests with school governing bodies and schools will usually pay operators direct for the service.
- 5.6.2 Late buses are designed to be flexible, serving main village points and may not offer the same service as the regular home to school transport. Schools may require parents to be responsible for making any necessary arrangements to collect children from points that may be different from the usual bus stop. In some cases this could be more than one mile from the usual bus stop.
- 5.6.3 Special arrangements will not be made or funded for children attending work experience.

## **5.7 Other**

- 5.7.1 Special arrangements will not be made or funded by the County Council if children have to be taken home early or come to school late, for example as a result of illness or medical appointments.
- 5.7.2 The County Council is not responsible for providing transport because a parent is unable, for any reason, to accompany a child to school if considered necessary by the parent. In certain cases the parent may wish or need to contact other agencies for assistance.
- 5.7.3 In the event of transport failing to operate, refunds to charges or reimbursements will not normally be made.

## **5.8 Appeals**

- 5.8.1 We always try to resolve any issues informally as part of our usual working practices. Parents who are dissatisfied with a decision regarding their child(ren)'s eligibility for assistance with transport are therefore advised to discuss the matter first with the relevant team. We always try to resolve any issues as part of our usual working practices. It is important to make sure that the decision has been made based on the correct facts and this discussion will help to make sure this is the case. The team who made the original decision is either the Transport Co-ordination Group (Transport Planner), SEN Assessment Team (SENAT Planning Co-ordinator) or the Pupil and Student Support Team (for Post-16 students). Your case may be weakened if you have not done this.
- 5.8.2 If dissatisfied, parents are able to go through the formal appeal procedure and are advised to write to the Director of Education and Skills, asking for the matter to be reconsidered and explaining the reasons. This is Stage One of the appeal process. There is an

appeal form (with guidance and more details) which you should submit and which is available upon request.

- 5.8.3 You will have 20 working days from receipt of the local authority's home to school transport decision to make a written appeal submission asking for a review of a decision about eligibility for assistance with transport.
- 5.8.4 For a stage 1 appeal, within 20 working days of receiving your written request, a senior officer will review the original decision and send you a detailed written notification of the outcome of the review. In some cases it may take longer, if additional investigation is required.
- 5.8.5 In exceptional circumstances, or if the matter cannot be resolved satisfactorily at stage 1, the case will be referred to a panel of Elected Members (the Appeal Panel). This is Stage Two of the appeal process.
- 5.8.6 For a Stage Two appeal the Appeals Panel will meet as and when required. Usually, an appeal will be heard within six weeks of receiving the application for a stage 2 appeal, although this may sometimes take longer to schedule.

## **6 Operational Principles and Practices**

### **6.1 Mode of Travel**

- 6.1.1 Where a child is entitled to transport or assistance, it will be by one or more of the following, as appropriate:
- A rail or bus season ticket
  - A free place on a contract or school bus
  - A mileage allowance to cover fuel costs (based on the fuel element of the County Council's staff mileage rate)
  - By taxi or voluntary car driver, in exceptional cases only, usually for children with severe disabilities
  - A contribution towards the cost of travel.
- 6.1.2 It is for the County Council to determine the most suitable, cost-effective means of transport between home and school.
- 6.1.3 Where appropriate, parents may be offered the mileage allowance to undertake transport themselves. An allowance will not be paid to parents who choose to transport their own child, where an alternative is available.
- 6.1.4 Parents who also transport other entitled children may, by agreement with the County Council, be treated as voluntary car drivers and receive a higher mileage rate.

**6.2 Lost Tickets**

- 6.2.1 Parents are responsible for the cost of replacement tickets. Parents will be notified of any such conditions in relation to the issue and use of tickets.

**6.3 Changes in Travel Arrangements**

- 6.3.1 Transport arrangements are kept under review and may be changed from time to time. This includes the mode of travel.
- 6.3.2 Advance notice of changes will be given to parents, although this may not always be possible, such as in the case of emergency sub-contracting or an unavoidable change of contractor for other reasons.

## **Appendix 1**

### **Criteria for the Assessment of Safety of Walking Routes**

1. Roads in the immediate vicinity of the pupil's home to be considered safe for that pupil.
2. Roads with footpaths to be considered safe.
3. Roads with walkable verges to be considered safe.
4. With regard to roads where it is necessary to walk on the carriageway the following criteria should be taken into account:
  - (a) as to visibility, can a driver see a pedestrian from a reasonable distance to allow adequate braking and passing? If so the roads may be considered safe.
  - (b) as to width, can a driver normally give a pedestrian a reasonable berth? If so the roads may be considered safe.
  - (c) and again as to width can a pedestrian get off the carriageway when – say - two lorries or other traffic are passing each other? This does not mean that a verge must be walkable, only that it must be available as a refuge. If so the roads may be considered safe.
  - (d) short lengths of road, for instance bridges etc., with no verge are acceptable and the roads may be considered safe.
  - (e) the speed and density of traffic should be taken into account and if the average speed and density are reasonable, this will suggest the roads are safe.
  - (f) where there are road crossings they should be judged in comparison with roads crossed by pupils using contract buses and if comparable should be considered safe.
5. Parents are expected to provide pupils with suitable footwear and clothing, including reflective harnesses when desirable, to cope with the prevailing circumstances on the route.



## Appendix 2

### Transport for Children with Education, Health and Care Plans

**Note: The term “parent” throughout this document includes carers.**

#### **1 West Sussex County Council Special Educational Needs and/or Disabilities Transport Policy**

Whenever possible, a child with an Education, Health and Care Plan (EHCP) will be treated no differently from a child who does not have an EHCP. This section details how the County Council may help with a child's travel to and from school and how parents can support this.

The County Council is committed to the principles of inclusion and independent living. The ability to travel independently is an important part of preparing children and young people for adulthood. Whilst we recognise that for some it will be difficult, many parents can help by using public transport with their children as much as possible so that they get used to it as a normal mode of travel. Parents can help by training their children to use public transport independently as they get older. Schools and colleges can also help by offering independent travel training to help children and young people achieve independent living outcomes in their EHCP. Wherever possible, we would expect children and young people to travel to and from school or college independently.

#### **2 West Sussex County Council provides assistance with transport in the following circumstances:**

##### **2.1 Children up to the age of 16**

Usually, it is the parent's responsibility to ensure that children are taken to and from school in safety. However, the County Council will provide assistance with the travel arrangements for children with an EHCPs up to the age of 16 who live more than three miles walking distance (two miles for 5 to 7 year olds) from the nearest suitable school. This could be a mainstream school, a special school or a school with a special support centre.

The County Council will also consider helping with a child's transport, if her/his SEND are such that s/he is unable to walk to school, accompanied as necessary, even if the child lives within the two/three mile walking distance. In the case of children who are wheelchair or pushchair users, help may be given where the home to school distance is such that it is unreasonable for the child in the wheelchair/pushchair to be taken to school without the aid of transport.

The doctor carrying out the medical examination for the statutory assessment will consider the need for transport, taking into account physical abilities and other issues such as severely challenging behaviour.

Transport is not usually provided, if a child is offered a place, on parental preference, at a school that is not the nearest suitable school to their home. In these circumstances parents will have to make their own transport arrangements and be responsible for the costs.

If a child is not eligible for assistance s/he may be able to travel if there is a suitable contract bus or taxi which has spare places. This is called a concessionary seat and a charge is made for the place. A place may have to be withdrawn at short notice if it is needed for a pupil who has an entitlement, or if the vehicle is no longer needed, or if a smaller vehicle is used. In this event, parents would have to make alternative transport arrangements for their child. Concessionary seats are given for a maximum of one school year at a time and a new application must be made annually.

## **2.2 Children from families on low income**

Children who live less than three miles from school, may qualify for help with transport if the family is on low income (where the child is eligible for free school meals or the family receives working tax credit at the maximum level for the case).

Help with transport is available to children from families on low income as follows:

a) Children up to the end of Year 6

- The school attended is the nearest suitable or catchment school and the home to school walking distance is two miles or more, measured by the shortest available walking route.

b) Children from Year 7 to Year 11

- The school attended is one of the three suitable schools nearest to the child's home and
- The home to school walking distance is two miles or more, measured by the shortest available walking route and
- The school attended is less than six miles from the child's home, measured by the shortest road route

or

- The child attends a school for reasons of religion or belief and the school attended is not more than 15 miles from the child's home, measured by the shortest road route and there is no suitable alternative school nearer to the child's home. (Evidence to support grounds of religion or belief will be required and the County Council will be guided by the Equality Act 2006 with regard to definitions.)

### **2.3 Young people aged 16 to 19 attending a school or a further education college**

When a young person with an EHCP remains at school beyond the age of 16, entitlement to transport will be reviewed. The County Council will continue to provide assistance with transport if it is still considered necessary because of his or her individual needs. The County Council may provide transport for students with SEND (where they have a Post 16 EHCP) if they attend the nearest suitable further education college offering the required full-time course or comparable course and, in the County Council's view, transport is considered necessary because of individual's needs.

Where help with transport is agreed, a contribution towards the costs of the transport to school or college will be made. This will be waived where the young person's family is on low-income (specified in the main policy document). This is a flat-rate contribution for the academic year, regardless of the length or cost of the journey, or the number of days transport is used.

Young people are encouraged to use public transport where possible and most schools and colleges offer independent travel training for their students. Taxis will not be provided where young people are assessed as being able to undertake the training but parents do not allow them to take part. (See also 3.2 below.)

### **2.4 Children and young people attending boarding school**

Where it is agreed that children attend school on a weekly boarding basis, transport will be provided either side of the weekend as well as the beginning and end of half-terms. It will not normally be provided during the week if a child is unable to return to school at the beginning of the week.

Children who are termly boarders will be given help with transport home for one weekend during each half term, as well as the beginning and end of each half term.

### **2.5 Pupils with more than one residence**

Where pupils have more than one residence, such as when parents are separated and care jointly for their children, transport will be provided from just one address. Normally, this will be the one registered with the school as the home address, at which the child would spend most of the time during school days. Where parents claim that the care is split 50-50 during term time, transport shall be given from the address of the parent who receives the child benefit.

Assistance with transport will not be given to or from an alternative address for reasons such as childcare.

### **3 How West Sussex County Council may help a child with home to school transport**

- 3.1 Individual travel arrangements for children will be managed, where appropriate, through Transport Care Plans. These plans are drawn up by the Transport Group in consultation with the school and the parents.

#### **3.2 Using public transport services**

Many children and young people in West Sussex travel to school on public transport services. Wherever possible, children with special educational needs, particularly those of secondary school age, will also be encouraged to travel on public transport. This independence will help develop life and social skills.

The Disabled Person's Bus Pass is available to many children and young people who have special educational needs. This offers free bus travel at any time as long as the journey starts or finishes in West Sussex.

#### **3.3 Transport arranged by West Sussex County Council**

If the County Council agrees to transport a child to school, it will arrange transport in the most cost-effective way bearing in mind the needs of the child. This may be by coach, minibus, taxi or voluntary driver or by issuing a rail or bus season ticket, as appropriate (or you may be asked to apply for the Disabled Person's Bus Pass).

Once the Group has been informed that a child requires transport, it generally takes five working days to make the necessary arrangements. If the child requires specialist transport or there is no existing suitable transport available, it may take seven working days or more to arrange.

Parents and school will be notified of the time and place that the child will be picked up in the morning and set down in the afternoon and the operator's telephone number before the transport commences. It is expected that, usually, a parent and child will walk a reasonable distance (up to one mile) to the nearest collection/set down point.

If the school has a place available for a child before transport can be arranged, parents may be asked to transport their child to and from school on a temporary basis.

#### **3.4 Assisting parents to transport their child by car**

If it has been agreed that a child is unable to walk to school and there is no public transport or special transport arranged by the County Council in the area, the Council may agree to reimburse parents fuel costs if they wish to transport their child to school. This agreement is subject to review, through consultation, should circumstances or the provision of transport to the school change. Reimbursement is based on the appropriate rate based on the fuel element of the casual user allowance payable to officers of the council.

Parents who transport their child to and from school are advised to make contingency arrangements (e.g. arrange for a friend or relative to transport their child to school) should their transport suddenly become unavailable. West Sussex County Council is unable to provide alternative transport on a temporary basis.

### **3.5 Transport between Short Breaks (respite) and school**

Transport is provided primarily for journeys between home and school. Where regular Short Breaks are arranged by a local authority social worker, the Transport Group will arrange transport to take a child to the respite care address and pick him or her up the following morning. Transport will be arranged as required and will be subject to funding having been authorised through the Child Disability Team.

### **3.6 Journeys for which West Sussex County Council is unable to provide assistance**

The County Council does not provide transport or assistance for journeys such as:

- those which are part of the school curriculum;
- medical or dental appointments;
- in the event of sickness where a child has to be collected from school;
- work experience;
- for parents to attend meetings at school.

3.7 All school transport arrangements are reviewed, periodically, to ensure the County Council is achieving best value for its services. This may mean changes in children's travel arrangements from time to time, following consultation with parents and schools.

## **4 Appeals and reviews**

### **4.1 Appeals**

4.1.1 We always try to resolve any issues informally as part of our usual working practices. Parents who are dissatisfied with a decision regarding their child(ren)'s eligibility for assistance with transport are therefore advised to discuss the matter first with the relevant team. It is important to make sure that the decision has been made based on the correct facts and this discussion will help to make sure this is the case. The team who made the original decision is either the Transport Co-ordination Group (Transport Planner), SEN Assessment Team (SENAT Planning Co-ordinator) or the Pupil and Student Support Team (for Post-16 students). Your case may be weakened if you have not done this.

4.1.2 If dissatisfied, parents are able to go through the formal appeal procedure and are advised to write to the Director of Education and Skills, asking for

the matter to be reconsidered and explaining the reasons. This is Stage One of the appeal process. There is an appeal form (with guidance and more details) which you should submit and which is available upon request.

- 4.1.3 You will have 20 working days from receipt of the local authority's home to school transport decision to make a written appeal submission asking for a review of a decision about eligibility for assistance with transport.
- 4.1.4 For a stage 1 appeal, within 20 working days of receiving your written request, a senior officer will review the original decision and send you a detailed written notification of the outcome of the review. In some cases it may take longer, if additional investigation is required.
- 4.1.5 In exceptional circumstances, or if the matter cannot be resolved satisfactorily at stage 1, the case will be referred to a panel of Elected Members (the Appeal Panel). This is Stage Two of the appeal process.
- 4.1.6 For a Stage Two appeal the Appeals Panel will meet as and when required. Usually, an appeal will be heard within six weeks of receiving the application for a stage 2 appeal, although this may sometimes take longer to schedule.

## **4.2 Review of Special Educational Needs & Disabilities Transport**

It is recognised that transport needs may vary as a child or young person develops. A review of entitlement and the child's or young person's Transport Care Plan will be conducted at the time of the annual review of their EHCP. A review of eligibility may mean that transport is no longer provided. Reviews may also be carried out at other times. Parents will be consulted before any final decisions or changes are made.

The Council may have to make changes to transport arrangements and we will give parents as much notice as possible by telephone, email or letter. Occasionally, changes have to be made at short notice, e.g. an operator decides to cancel a contract, an escort leaves or a new admission to the school needs transport. If this happens, we will contact you as soon as we can, usually by telephone.

## **5 Safety**

### **5.1 Parental Concerns**

Parents may feel worried about their child travelling to and from school on transport provided by West Sussex County Council, particularly if their child has not travelled without them before. It may help to reassure parents that whatever form of transport assistance is provided, their child's safety and welfare are always the County Council's first priority. In particular, the County Council will seek to ensure that:

- vehicles are carefully checked and maintained;

- drivers and escorts have undergone checks through the Disclosure and Barring Service;
- drivers and escorts carry identity cards;
- drivers, escorts and operators are aware of their duties, particularly in emergency situations;
- wherever possible regular drivers are used;
- escorts are trained and are familiar with safety and emergency equipment;
- parents are informed of changes in pick-up and set-down times;
- concerns about medication are addressed through implementation of the Transport Care Plan.

## 5.2 **Special seats, harnesses and equipment**

Where a child or young person needs to travel in a wheelchair, it must be suitable, both for their needs and for transport. Headrests must be provided with the wheelchair if advised necessary. Please note that the County Council will not pay for the provision of such headrests.

If medical advice indicates that a child requires a special seat or harness in the vehicle, it will be provided or arranged by the County Council, although parents will be expected to make available any specialised equipment that has been provided by West Sussex County Council or the Health Services.

If a child's or young person's needs change, e.g. so that a seat or harness (or different seat or harness) is subsequently required, or they have a new wheelchair, parents should contact the Transport Group to let them know in case alternative transport arrangements are needed.

## 5.3 **Escorts**

An escort will be provided if West Sussex County Council considers that there would be a risk to the health or safety of the child or others in the vehicle if s/he travelled without additional adult supervision. Escorts are usually provided to supervise a group of children and in rare cases, an individual.

At home pick-up points it is the responsibility of parents to lift children in and out of vehicles, where necessary. However, escorts will always give reasonable assistance where possible.

## 5.4 **Behaviour on the Vehicle**

For reasons of health and safety, seat belts must be worn where fitted. In addition, children and young people must not:

- smoke on school transport;
- drop litter inside the vehicle;

- eat or drink on the vehicle, unless directly supervised by the escort/driver and only when the vehicle is stationary;
- stand up or move around in the vehicle whilst it is moving.

All personal equipment, e.g. musical instruments, laptop computers, mobile phones etc., should be secured in a suitable school bag.

If a child or young person causes damage to a vehicle, the operator may require parents to reimburse them for any repairs.

If a child misbehaves persistently on a school vehicle, West Sussex County Council reserves the right to take appropriate action to protect other users of the service. This may involve, among other steps, asking the school to take disciplinary action against the child.

## **6 Vehicle breakdowns**

- 6.1 If the vehicle breaks down, the driver will call for assistance. Children will normally wait in the vehicle, with the driver and/or escort, until a replacement vehicle arrives.

## **7 Parental support**

- 7.1 We welcome the support of parents in ensuring the smooth running of their child's transport arrangements by:
- letting us know if there are any changes to your child's needs which could affect transport, e.g. a recent medical diagnosis, a different type of wheelchair or car seat, or a change to your child's behaviour;
  - making sure that their child is ready for the vehicle at home or at the pick-up point five minutes before the pick-up time. The transport will wait no more than five minutes after the scheduled pick-up time;
  - always being at the set-down point to meet their child at the end of the day (unless they travel independently);

**(If a responsible adult is not at home or at the pick-up point to meet their child, he or she will not be left but taken to a place of safety from which parents must collect the child.)**

- advising the escort and/or the driver in respect of any help they may require in lifting their child in and out of the vehicle;
- telephoning the transport operator and/or escort as soon as possible if their child is sick or unable to attend school for any reason;
- advising the escort and/or the driver if there may be a particular difficulty with their child on a specific day;
- ensuring that their child understands the standard of behaviour that is expected of him/her, whilst travelling to and from school;
- completing any questionnaires requested by the County Council.



## 7.2 **Feedback**

We welcome feedback from parents about any concerns or suggestions for improving the transport arrangements for their child. Parents may discuss them in the first instance with the school, should they wish, or with the Transport Group.

Transport Group  
County Hall  
West Street  
Chichester  
West Sussex  
PO19 1RQ

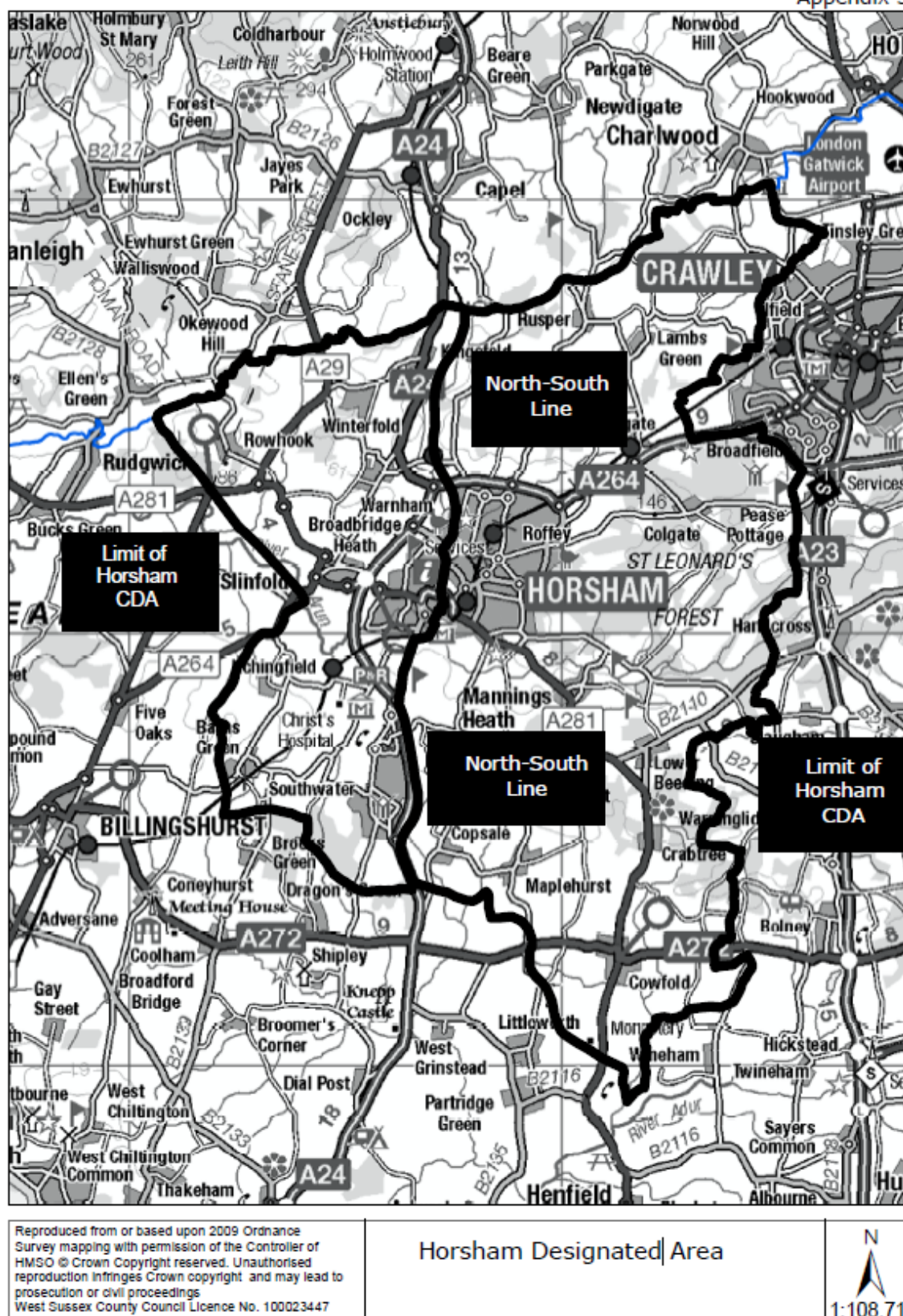
Telephone: 01243 753530  
Fax: 01243 777946

SEND Assessment Team  
County Hall  
West Street  
Chichester  
West Sussex  
PO19 1RF

Telephone: 01243 752132

## **8 Useful contacts**

Director of Education and Skills  
County Hall  
West Street  
Chichester  
West Sussex  
PO19 1RF



## Appendix 4

### West Sussex County Council — Post-16 Transport Policy Assistance with Travel/Transport Costs — 2021-2022

You may wish to apply for help through your establishment's 16-19 Bursary Fund if you **do not** meet the eligibility criteria below, for example, because you do not have special educational needs and/or disabilities. More details about this are available from your school or college.

If you are a student of sixth form age<sup>1</sup> or a young adult learner<sup>1a</sup> with **Special Educational Needs and/or Disabilities (SEND)**, who will be attending a course appropriate to your needs in September 2021, the County Council might offer help with transport to school, sixth form college or college of further education. Normally you will have a Post-16 Education, Health and Care Plan (EHCP) in order to be eligible for help.

#### Eligibility for those of sixth form age

Students of sixth form age with **SEND** will be provided with transport assistance (which may require a financial contribution) in the following circumstances:

1. Where the proposed further education course, or comparable course, or a course appropriate to the level of needs<sup>2</sup>, is at the nearest maintained school/college to the student's home address **and**
2. the course is full-time<sup>3</sup> **and**
3. the shortest available walking route<sup>4</sup> from home to school/college is three miles or more, or the transport needs are specifically detailed in the Post-16 EHCP **and**
4. the student has lived in the United Kingdom, for reasons other than education, throughout the three years ending 31st August 2021 and has settled status in the United Kingdom **and**

**Where a student of sixth form age meets 1 to 4 (above), parents will need to pay a contribution of £658<sup>7</sup> per year towards the cost of the transport assistance. This can be paid in instalments.**

**No contribution is paid if you have a low family income as defined in 5.**

**No contribution is paid for those who take up fuel allowance of 25p per mile.**

5. the parent/carer (s) <sup>5</sup> is in receipt of one or more of the following<sup>6</sup> (evidence of benefits received must be sent with the application):
  - Income Support
  - Job Seeker's Allowance (Income Based)

- Employment and Support Allowance (Income Related)
- Child Tax Credit but not also Working Tax Credit, with an annual Inland Revenue assessed income below £16,190
- Maximum level of Working Tax Credit (no reduction due to level of income)
- Guarantee element of State Pension Credit
- Universal Credit with an annual net earned income of no more than £7,400

### Notes

<sup>1</sup>A person receiving education or training at an establishment, is of sixth form age if s/he is over compulsory school age but:

i) is under the age of 19 or

ii) has begun a particular course of education at the establishment before reaching the age of 19 and continues to attend that course.

<sup>1a</sup>A student is a young adult learner if they are aged over 19 and under 25 on 31 August before the start of the course and has an EHCP.

<sup>2</sup>For a student with SEND, this would be a course appropriate to the needs of the young person.

<sup>3</sup>A course is regarded as full time when it consists of at least 540 planned hours per year. This might include non-qualification hours such as work experience which the provider has planned, organised and supervised.

<sup>4</sup>The shortest walking route is measured using any available footpaths, bridleways, tracks and roads.

<sup>5</sup>Eligibility will be based on parental income unless the student lives independently.

<sup>6</sup>The criteria for eligibility may be changed following the government's review of the benefit system.

<sup>7</sup>Subject to annual review – £658 refers to the contribution from September 2021. This can be paid over 7 payments by Direct Debit.

### **What transport assistance is provided at sixth form age?**

The County Council expects sixth form age students to travel by public transport where it is available. We understand that some students are not able to use public transport and some may need independent travel training to enable them to start using buses or trains. In some cases, parents will be able to give training and in others, schools and colleges will provide it. A **taxi/minibus will not be provided** where a young person is assessed as being able to undertake independent travel training and the parent refuses permission for the young person to take part.

You may be eligible for a Disabled Person's Bus Pass, which gives you free travel on bus services. If so, the County Council will expect you to apply for the pass and to use it to get to and from school or college if you are able and if there is an available bus service.

Where help with travel is agreed, it will be by one or more of the following, as appropriate:

- a) a mileage allowance, where travel by car is agreed. This is 25p per mile.  
If a parent/carer drives 4 journeys (i.e. 2 return trips) per day all mileage is paid for. No parental contribution (£658) is required.
- b) provision or reimbursement of the cost of a rail or bus season ticket (unless eligible for a Disabled Person's Bus Pass);
- c) a place on a contract or school bus;
- d) by taxi/minibus, **in exceptional cases only**, usually for students with severe disabilities;
- e) a contribution towards the cost of travel

If you are eligible, it is normally possible for the Local Authority to order a season ticket on your behalf, but in some cases you may be required to purchase a ticket for which you will reimbursed.

Students who are given a bus or coach pass, including for Metrobus and Stagecoach, will be sent a link to upload their photograph.

### **Eligibility for Young Adult Learners**

The council also offers young adult learners with **SEND** limited help with transport. Where young adults with an EHCP meet the qualifying criteria and are eligible for assistance no direct charge is made. To get assistance a student will:

1. meet criteria 1 to 4 (above) for sixth form age students and
2. have an individual assessment of their needs to determine what arrangement the council considers necessary. This will have regard (amongst other things) to the young adult's:
  - a) age and the nature of the route, or alternative routes, which they could reasonably be expected to take
  - b) needs and abilities with regard to travel assistance - travel assistance is only given where the learning disability or difficulty prevents the student from accessing public transport or completing the journey even when accompanied
  - c) family situation and why arrangements cannot be made by them or the student themselves
  - d) the financial resources available to the young adult, including any benefits or care package which may be received or they might be eligible for

## **Raising of the participation age**

From Summer 2013, changes were made which raised the age to which young people must continue their education or training. They will have to continue their education or training until at least their 18th birthday.

However, this does not mean that young people must stay at school or college or that a student is entitled to free transport beyond Year 11. They will be able to choose from:

- full-time education (e.g. at a school or college)
- an apprenticeship or traineeship
- part-time education or training combined with one of the following:
  - employment or self-employment for 20 hours or more a week
  - volunteering for 20 hours or more a week.

Help with transport is **not** offered to young people in part-time training or education, or to those on apprenticeships, including Programme Led Apprenticeships. Transport assistance to the work element of Supported Internships may be funded through the Access to Work Scheme, available through colleges.

## **General information**

- Travel assistance is not normally provided for retakes or repeat periods of study.
- If your family income seems too high for you to qualify for free transport at the beginning of the year but your family circumstances change, e.g. because of redundancy, illness or divorce, please email the address at the end of these notes with full details of the situation. Further consideration will then be given to your case.
- Transport is not provided for taster sessions or induction weeks
- You may have already started travelling to school or college. If you wish to be reimbursed for the costs incurred, you must keep safe any receipts for tickets already bought. Reimbursement will normally be backdated only to the beginning of the term in which the application was received. Travel expenses are reimbursed on the basis of the most economical rate, which may not cover your costs fully.
- If you are not entitled to support or you arrange your own transport, you will wish to travel by the most economical route, using all available discounts and season tickets. Information on the concessions available are listed in the Post-16 Transport Policy Statement on the Council's website.

### **Applying for help from the County Council:**

- **Sixth form age** should apply online on the website [www.westsussex.gov.uk/post-16transport](http://www.westsussex.gov.uk/post-16transport)

If you need help in completing the form, the [SEND Information, Advice and Support Service \(SENDIAS\)](#) may be able to help you (helpline number 0330 2228555). A fresh application must be made each school/college year.

- **Young adult Learners** should contact their social worker in the first instance. Those without a social worker should contact the Adult Services Care Point on 01243 642121 or email [socialcare@westsussex.gov.uk](mailto:socialcare@westsussex.gov.uk)

If you are eligible for support you will be sent a letter explaining how your support will be provided and whether you or your parents will be asked to pay the contribution. The contribution will be made if you do not meet the financial criteria (in para 5) or accept the 25p per mile fuel payment. Payments can be made monthly, in two termly instalments or in full.

Please note: the charge is a contribution towards the costs. It is not reduced because a student travels only three days each week, or starts a course late, for example.

### **If you are not happy with the decision about your eligibility to help with transport...**

Issues or requests for a decision review should be addressed in the first instance to the Pupil and Student Support Office. Most queries are resolved at this stage. If however you are not satisfied with a decision about eligibility for assistance, there is a formal appeal process. A Stage One appeal may be made to the Director of Education and Skills. There is specific appeal paperwork that you will need to fill out which can be sent to you by request. This is in addition to the County Council's corporate complaints procedure.

Every effort will be made to resolve any issues but in some cases it may be necessary to refer the matter to a panel of elected members (Stage Two).

### **Contact details:**

#### **Pupil and Student Support**

Telephone: 0330 222 3588

Email: [Post16transport@westsussex.gov.uk](mailto:Post16transport@westsussex.gov.uk)

[www.westsussex.gov.uk](http://www.westsussex.gov.uk)

**May 2021**



## Appendix 5

### Alternative Provision Transport Policy

1. This policy is appended to the main home to school transport policy and applies to the categories of children and young people listed in the table below:

Category	Approver	Provider	Status
Permanently excluded (PEX)	SENAT or ALT	WSAPC or other	Full-time Short – medium term
Directed off-site (DOS)	SENAT or ALT	WSAPC or other	Full or part-time Short – medium term
Medical/vulnerable	SENAT or ALT	WSAPC or other	Full or part-time Short – medium term

SENAT – Special Educational Needs Assessment Team

ALT – Alternative Learning Team

WSAPC – West Sussex Alternative Provision College

Permanently excluded pupils are those for whom no place is available, or who cannot be placed at a maintained school or academy.

Directed off-site pupils include those who have behavioural issues and are at risk of exclusion. They will be registered at a school or academy but attending an alternative establishment which might be the WSAPC, a further education college or other provision.

Medical/vulnerable pupils are as defined in the WSCC policy statement: "Education for children who cannot attend school because of health needs".

2. The eligibility criteria outlined in the home to school transport policy apply to pupils attending alternative provider establishments and centres.
3. The expectation is that pupils will use public transport unless it is not accessible or the pupil is unable to do so. The use of taxis will be an exception.
4. In cases where the provider decides to place a pupil at a centre which is not the nearest to the pupil's home, the provider shall be responsible for any additional transport arrangements or costs over and above those that are provided to the nearest establishment.
5. Schools may decide to direct off-site a pupil who is at risk of exclusion with the aim of both reintegration and avoiding the exclusion. Such cases



would be considered for help with transport provided the pupil meets the usual eligibility criteria and the placement is approved by the ALT.

6. With regard to the West Sussex Alternative Provision College, the home to school distance will be the distance between the child's home and the nearest suitable centre, e.g. the distance for a pupil of secondary school age living in Crawley will be measured between the home address and the WSAPC centre at Crawley, unless an alternative is agreed by the ALT at the time of allocation. Any other transport requirements are the responsibility of the WSAPC, e.g. the decision to allocate a pupil at a centre further away, college placements (unless the placement were closer to the pupil's home which would result in lower transport costs).
7. The nearest suitable establishment will be determined by the Education and Skills Service.

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