



**DARLINGTON**  
Borough Council

# **SEND Travel Assistance Policy**

## **Introduction**

1. Darlington Borough Council recognises the pressures faced by the parents of children with Special Educational Needs and undertakes to provide statutory transport services in accordance with the Department for Education Guidance on Home to School Travel.
2. This Policy has been written with the intention of removing ambiguity and reassuring parents that they will receive the services to which they are entitled. The Policy also aims to clarify eligibility, when and how transport may be provided, and what to do if parents do not agree with an outcome.

## **Scope**

3. Children aged 5-16 with an Education Health & Care Plan (EHCP)
4. 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 the term after a child's fourth birthday.

## **Core principles**

5. Darlington Borough 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 with Special Education Needs (SEN) 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.
6. 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.
7. 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.

8. 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 for the pupil will be considered on the individual circumstances, with regard to the Equality Act 2010.
9. 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.
10. 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. A duty only arises if transport is referred to on a child's EHCP or the Council requires a child to attend a school which is not within the DfE walking distance of the child's home.

## **Eligibility**

11. The Council will make travel arrangements in accordance with its statutory duties where children have a EHCP and where travel assistance is essential to access their specialist provision.
12. Having an EHCP does not mean that a pupil is automatically eligible for education travel assistance. Eligibility is assessed based on the individual needs of the pupil (taking into account their age and mobility).
13. In assessing any application for travel assistance, eligibility will be based on the needs of the eligible child, accompanied as necessary by a parent and will not normally take into account work or other family commitments such as the attendance of siblings at different schools.
14. No dispensation can be made for personal domestic arrangements or parents who are working at the time their children travel to and from school. Parents are expected to make full use of the separate legislation introduced to ensure flexibility for working parents or utilise the support of others to accompany their children as necessary.
15. Support services (such as pre and after school clubs at some schools) may be available to families to manage the conflicting priorities of their domestic arrangements. It is expected that parents will have explored alternative support services to assist them in meeting any conflicting priorities that may arise.

16. All decisions will be based upon clear medical/specialist advice and evidence of need for the eligible child only. Eligibility criteria will be kept under review and subject to legislative change; consultation with user groups from time to time and as services are developed.
17. Transport assistance will be provided where the pupil has an EHCP plan and;
  - a. the Council has determined and named an educational establishment in the EHCP as being the nearest available provision that is able to meet the child's needs and / or;
  - b. the child's health needs are such that upon written medical advice, (date within the last twelve months) travel assistance is necessary to access their provision
18. Travel assistance can only be provided at the beginning and end of the normal school day, and only to the special provision named on the EHCP.
19. Where a child's health needs are such that upon written medical advice, (date within the last twelve months), the pupil is unable to attend the standard school day, consideration will be given to providing assistance outside of the standard school day. It is expected that parents will support the facilitation of these additional journeys as necessary.

### **School Travel Assistance Options**

20. Options that may be offered where travel assistance is agreed include:
  - a. Reimbursement of agreed public transport costs, (where concessional fares or free transport appropriate for the age and disability of the young person is not available)
  - b. Supported travel training and use of public transport
  - c. Payment of a personal budget at the Council's standard rates for parents to transport their children to the special school
  - d. Travel assistance via the Council's contracted transport providers with or without a passenger assistant. This may be on a shared basis and from a designated collection point which may or may not be the home address.
21. Assistance will be provided for as long as the child's needs are such that given all the circumstances they continue to require travel assistance to access their specialist provision. All transport assistance will be regularly reviewed and at least annually.

### **Circumstances when Travel Assistance is not provided**

22. Please be aware that, in accordance with national guidelines, travel assistance is not provided in the following situations:
  - a. Where parents choose a school which is not the nearest suitable provision

which the Council considers to be appropriate to meet the needs of the child or young person

- b. In the event a child has to be taken to or from school outside of their normal school attendance times due to illness, any type of appointments including Doctors or any other specialists, interviews, assessment days, exclusion or for any other reason
  - c. Amended timetables due to behavior or suspension issues arising or a later collection following any form of detention or attendance at out of school time clubs
  - d. Attendance at school outside of the published School Term Timetable and daily timetable regardless of whether the pupil is travelling on their own
  - e. Parental attendance at annual reviews, meetings or any school events
  - f. Transport to and from work placements or any off-site provision.
23. It is the responsibility of the School to organise and provide pupil's transport for curriculum activities including examinations, during the school day. In these cases travel assistance will be provided at the beginning and end of the normal school times only.
24. For a child who has a disability, mobility problems or SEN (without an EHCP) applications will be considered under the Home to School Travel and Transport Policy.

### **Passenger Assistants**

25. Following an assessment of need passenger assistants are provided where applicable. Any exceptional requirements will be based on evidenced need and discussions with schools and parents.
26. Where it would be unsafe for a child to travel without one, a passenger assistant will be considered subject to written medical / professional advice dated within the last twelve months. This is usually where a child exhibits severe challenging behavior or where the child has a severe or complex medical condition requiring continuous support.
27. Where a passenger assistant is necessary for complex health reasons, the Local Authority will work with health services to secure the appropriately qualified carer for transport purposes.
28. Parents or their nominees may be expected to accompany their child and undertake the role of passenger assistant where the pupil is the sole pupil attending a specific provision.
29. For all residential school placements parents will be expected to undertake the role of passenger assistant if necessary.

### **Young People Aged 16 - 25**

30. Students with an EHCP continuing on in education or training after leaving school, who are seeking assistance with travel should refer to the Council's Post 16 policy statement.

### **Travel Assistance Reviews**

31. All children and young people's eligibility for travel assistance will be regularly reviewed and at least annually. In most circumstances the review will take place at the child or young person's school and parents/carers must attend the review in order for travel assistance to continue. Non-attendance may result in travel assistance being ceased.
32. Travel assistance will also be reviewed at Key Stage reviews and when there is a significant change in circumstances, such as a change in home address or a change in the child or young person's needs. It is the responsibility of the parent/carer to notify the Council immediately of any changes that may affect the provision of travel assistance.
33. Any changes will be implemented from the beginning of the next school term, or sooner by mutual agreement following the completion of the assessment stage.

### **Cessation of Support**

34. The Council may review and remove travel assistance from students where it is established that details within the application were inaccurate or where the child or young person's individual circumstances have changed. Confirmation of the reason for any change would be made in writing.
35. Transport assistance may also cease at the written request of the parent who may have made alternative arrangements for their child or young person's travel to school.

### **Appeals**

36. There may be instances where some applications are declined or where a needs assessment has led to a change to support and parents may not agree with the Council's decision. In these cases' the Council offers parents a formal 2 stage appeal process.
37. Please note that parents are responsible for ensuring their child's attendance at school during any appeal period.

### **Complaints**

38. Darlington Borough Council welcomes and responds positively to all comments, compliments and complaints as a means of demonstrating its commitment to working in partnership with all stakeholders.
39. The complaints process is comprised of two stages after which the complainant should be advised to refer the matter to the Local Government Ombudsman.

A copy of the Complaints Procedure is available on request and further information is available from the Darlington Borough Council Intranet.

40. Although complainants can refer their complaints from the outset, or at any stage, to the Local Government Ombudsman, they will not normally be investigated until the Council has conducted its own investigation and made a response.

Officer A declines the home school travel application or offers travel arrangements the parent considers 'unsuitable'

Parent challenges officer A's decision (within 20 working days) on the basis of:

- Entitlement
- Distance measurement
- Route safety
- Consideration of exceptional circumstances (e.g medical/disability)

**Stage 1 (within 20 working days): Review by a senior officer**

Officer B (a senior officer) reviews officer A's decision and sends the parent a written notification of the outcome including:

- Detailed reasoning for the decision made
- Notification of option to escalate to Stage 2 (an appeal panel)

**Parent challenges (within 20 working days)**

Parent challenges Officer B's (the senior officer) decision

**Stage 2 (within 40 working days): Review by an appeal panel**

Appeal panel (Officer A or B must not sit on panel) hears written/verbal representation from parent. The appeal panel is independent of the processes to date and suitably qualified.

Appeal panel sends decision letter to parent (within 5 working days of the decision being made), including how to escalate the case to the Local Government Ombudsman (LGO).