

Special Educational Needs and Disability Home to School Transport Policy

Sept 2021

1 – Principles

The purpose of this document is to explain Lancashire County Council's policy and provision for home to school transport for children and young people with special educational needs and disabilities.

This document should be read in conjunction with the Home to Mainstream School Transport Policy and the Post 16 Transport Policy which outline the general home to school transport principles which apply to all children and young people.

2 - Legal Framework

Under section 508 (B) of the Education Act 1996 the Local Authority must provide free transport to and from school for a child if they are aged 5 to 16 and the shortest walking route between their home and the nearest qualifying school is more than the legal walking distance. The Local Authority must provide additional assistance for families who have a low income. This is detailed in the Home to Mainstream School Transport Policy.

This policy only applies to children aged 5 to 16 who live under the legal walking distance from the nearest qualifying school but because of their special educational needs, disability or mobility, it would be unreasonable to expect them to walk to school. Having an education and health care plan (EHCP) or attending a special school or SEN unit does not automatically provide entitlement to travel assistance under this policy.

3 - Entitlement

The Authority must provide transport assistance to compulsory school aged children and young people with special educational needs and disabilities who could not reasonably be expected to walk to their nearest qualifying school because of their special educational needs, disability or mobility problem.

There is a general expectation that when walking, a child will be accompanied by their parent/carer.

An EHCP is not itself the criteria for transport under the Special Educational Needs and Disabilities Transport Policy. All transport applications will be considered on an individual basis, based on the special educational needs and/or disability evidence to determine if the child or young person could not reasonably be expected to walk to the nearest qualifying school.

It is also important to bear in mind that the decision to provide transport is based on the child or young person's needs. This means that Lancashire County Council are not able to take the following into account when considering home to school transport entitlement.

- Parents' work or other commitments.
- Attendance by siblings at other schools.
- A journey from one educational establishment to another.
- Ad hoc visits to other schools, colleges or other establishments.
- Out of hours clubs (breakfast club, after school activities)

The Local Authority will not provide free transport if a child is attending a nursery school or a pre-school class.

4 – Parental preference

Parents are entitled to express a preference for the school they would like their child to attend. For pupils with an EHCP, this may be recorded in Part I of the plan. Naming a school in Part I of an EHCP is not an automatic acceptance by the County Council that this is the nearest qualifying school nor that the Council will be responsible for transporting the child to the school. Parents are therefore advised to think carefully about how their child or young person is going to get to the school they prefer, if this is not the nearest qualifying school

5 – How do we assess your claim?

Each application will be assessed on an individual basis using the supplied evidence which needs to demonstrate how the child or young person's special educational need and/or disability inhibits their ability to walk to and from school. The law allows the Local Authority to assume that a parent must do those things which are reasonably practicable to be done and which an ordinary prudent parent would do in assisting their child or young person to attend school, for example depending on their age accompanying your child.

It is a parental responsibility to submit the completed application. Until an application has been submitted and approved, the approval process can take up to six weeks, it is the parental responsibility to ensure their child attends school.

Transport will be discussed as part of the assessment process for a new EHCP, and a periodic review of transport will be conducted by the Integrated Transport Service.

6 - What transport support will be put in place?

Lancashire County Council values and works towards improved outcomes that support independence for pupils with EHCPs.

In line with the preparation for adulthood agenda that supports greater independence, the Council provides free training and resources for a structured independent travel training programme. The Local Authority will promote, encourage and actively support children and young people to travel independently where appropriate and may provide support and training through an independent travel training programme and then a free/subsidised travel pass for the child or young person to use on public transport.

In making a judgement about the most appropriate method of transport and support the Local Authority will consider:

- age and maturity of the child or young person
- ability and aptitude of the child or young person
- any special educational needs or disabilities
- the length of the journey
- whether the child or young person is physically able to walk the distance from home to school and/or an agreed pick up and drop off point.
- whether the child or young person needs to be accompanied and whether it is possible for the child or young person to be accompanied.

- the type of vehicle the child is travelling on if transport is agreed

Suitable transport support to enable eligible children and young people to get to school may involve a child receiving a travel pass together with assistance to access the public bus network or could be the provision of a contracted vehicle such as a minibus or taxi to and from an agreed pick up and drop off point.

Where it is considered that your child or young person cannot travel with other children or young people or where an individual passenger assistant is required this will only be provided where there is substantial evidence that demonstrates a child or young person may be at risk or may pose a risk to others on the same route. Any request for individual travel or an individual passenger assistant must be supported by detailed evidence that demonstrates the risk to themselves and/or others.

7 - Travel Times

Home to school transport will be arranged to be as non-stressful as possible.

When the Local Authority is arranging home to school transport, every effort will be made to try to make sure that the parent or the child or young person does not have to travel for more than:

- 45 minutes if they attend primary school: or
- 75 minutes if they attend secondary school.

These are one-way journey times.

In some circumstances it may be necessary to increase this timeframe where special schools are concerned, particularly where children or young people are placed outside of Lancashire's borders or where children and young people are placed some distance from their home.

8 - Pick-up and Set-down points.

Parents are responsible for their child or young person's safety in getting to and from the pick-up and set-down point. They are also responsible for their children or young person while they are waiting for transport and when they leave the transport at the end of the day. Parents are advised not to leave their children or young people unattended while waiting for a vehicle if the vehicle does not arrive.

Parents will be advised of the arrangements for the transport provided. The time window given is the departure time at any given pick-up point. Children and young people should be ready for collection at their scheduled pick-up point at least five minutes before the scheduled departure window to ensure that they do not miss their transport.

Unforeseen circumstances do occur on the road and transport network, and the provided time window is the best estimate available and is not a guarantee.

Journeys are planned carefully so that they arrive at school on time, therefore transport will not wait beyond the agreed departure time window.

9 - What if a child needs to go to a different address?

All home to school transport is arranged based on a single agreed pick up and drop off point. A single emergency alternative address and nominated adult who is responsible

for the child or young person at this address, will be provided when transport is agreed. This address must be within five miles of the normal drop off point.

If an emergency occurs where a child needs to go to the emergency alternative address, this can only take place if authorised by the Integrated Transport Service. If it is not possible to drop the child/young person at the main address, an attempt will automatically be made to use the emergency alternative address.

Frequent use of the emergency alternative address will result in the transport provided being reviewed.

10 – Travel Assistance Grant

Where one or more children or young people have been assessed as entitled to home to school transport, parents who are willing to transport their children or young people to school themselves may request a Transport Assistance Grant from the Integrated Transport Service, instead of transport being provided by the Local Authority. The grant will be entirely at the discretion of the Local Authority and only provided where it is the most cost-effective option for Lancashire County Council to meet its statutory duties. It will therefore not automatically be given and is unlikely to be available where existing suitable transport is in operation locally. The Local Authority may offer the provision of a transport grant where it determines this is appropriate.

The grant payment is designed to help parents make any arrangements needed and can be used in any way to facilitate their children's or young people's access to school. It is paid over 11 months directly into a parent's bank account. The grant payable is based upon the one-way (except band 6) distance to school on the shortest appropriate route and will be determined by the Integrated Transport Service. The bands are based on a child's proximity to school and will cover the basic cost. Where a grant is offered partway through the school year, or where attendance at school is on a part-time timetable, 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. Parking, subsistence, and other costs will not be met. The terms and conditions of the grant will be fully detailed in the transport grant agreement letter.

If a parent wishes to stop receiving a grant, a reapplication for transport is required due to this change in circumstances, which can take up to six weeks to be approved and implemented, and it is the parental responsibility to continue to provide transport and ensure their child or young person attends school during this time.

Band 1 – Up to 5 miles

Band 2 – Over 5 miles up to 10 miles

Band 3 – Over 10 up to 15 miles

Band 4 – Over 15 up to 20

Band 5 – Over 20 up to 25

Band 6 – Over 25 miles - £0.45 per mile (or current Lancashire County Council Business Mileage allowance) to and from the school and based on a standard return trip.

No reduction in the grant for infrequent non-attendance will be made. For regular and frequent non-attendance, the Local Authority reserves the right to make a pro-rata reduction to the grant and review the provision of a grant.

11 - Passenger Assistants

There is no specific duty on the Council to provide passenger assistants for children carried on home to school transport. However, fulfilling a duty of care to passengers and others may involve the provision of a passenger assistant.

A passenger assistant may be provided to accompany a child with significant needs arising from a medical condition or a disability and where there is an exceptional need for supervision. The decision on whether to provide a passenger assistant will be made as part of the transport assessment taking a number of factors into account.

Such factors may include information relating, but not limited, to:

- medical issues
- health and safety related issues, including risk to self or others
- the child's mobility
- any challenging behaviour arising from the child's special educational needs or disabilities
- where a passenger has severe learning or physical difficulties, the need for continual care and supervision
- age and capability
- length of journey
- the vehicle type and size.

A passenger assistant will only be provided where there is substantial evidence that demonstrates a child may be at risk or may pose a risk to others on the same route, if they travel without supervision. Any assessment for an individual passenger assistant must be supported by detailed evidence that demonstrates the risk to themselves and/or others.

Passenger assistants are trained to look after the general welfare of passengers on their home to school journeys and will not normally provide first aid or administer any form of medication. There may be certain circumstances where an enhanced level of support is required, for example in cases where a child has a severe medical condition which may require support during the journey. In these cases, a formal risk assessment may be carried out and appropriate supplementary support put in place. For example, buccal recovery medication from a measured prefilled syringe, vagal nerve stimulation using a wand and front of mouth oral suctioning.

In an emergency situation a passenger assistant will call 999 and as best as they can place the child in a comfortable and safe position.

In cases where a child has a severe medical condition and requires support during transportation, professional medical advice will be sought as to what level of support is required.

A passenger assistant may supervise more than one child on a journey, consistent with providing the appropriate level of service for each individual while they are on the vehicle.

Where a child requires a passenger assistant and has a regular carer through a Social Services package and using this carer would not place an undue burden on public expenditure and ease the transport for the child, the Inclusion Service and Integrated Transport Service will liaise to facilitate the use of this carer as the transport passenger assistant.

12- Keeping Journeys Safe for all

Home to school transport should be a safe environment for everyone involved. Passengers who persistently act in a manner that creates risks for other users of the vehicle, will have their transport reviewed and reasonable adjustments put into place if the behaviour is as a result of their disability. Following an incident that presents a serious risk to others, transport may be temporarily suspended whilst a review is carried out and safe and suitable alternative provision is found. If following a review and reasonable adjustments, the misbehaviour or risk remains, in extreme cases, a removal from transport may be permanently made, and any such decisions will be made in full consideration of the Department for Education's statutory guidance on Home to School Transport and the Equality Act 2010.

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13 - Route Reviews

Over time the children and young people travelling to a school changes, some children will leave, and new children will join. Sometimes the needs of the children travelling also change.

The Integrated Transport Service regularly review transport operators and individual transport routes to make sure that they meet the needs of the children travelling as much as possible, as well as delivering best value for public money. Where routes are fulfilled by external contracts such as taxi and bus operators, routes are planned and retendered in accordance with procurement regulations.

Consultation with parents will not take place as part of a route review. This is to enable route reviews to be carried out in a timely and efficient manner and to avoid raising parental expectations that preference for a particular form of provision will override the cost-effectiveness or efficiency.

However, where a child's special educational needs indicate that he or she is particularly sensitive to change, the impact of any proposed change will be considered. This may involve discussion with the school or the parent.

Parents may receive notification at any time that the type of transport provision for their child's school transport is to be changed as a result of a review. Changes may involve:

- changes to the contractor employed.
- changes to passenger assistant provision.
- changes to timings.

Notice will be given of changes wherever possible, but some may need to be made at very short notice, for example as a result of termination of a contract with a vehicle operator or sickness.

14 - Appeals

Parents can appeal against a decision not to provide transport or against the detailed arrangements made, if they feel there are exceptional circumstances.

The Student Support Appeals Committee will consider any written information you give them to support your appeal, but they will not allow you to give your information in person. The Student Support Appeals Committee decision is final, unless there is some significant change in your circumstances which means we should reconsider the appeal.

Appeal forms are available from local area education offices or downloadable from the council's website.