

Special Educational Needs and Disability Home to School Transport Policy

Sept 2021

1 – Introduction

This policy will enable the Council to carry out its duties in relation to home to school transport so that children and young people are safe and able to achieve their full potential in education, learning and future employment.

It describes the approach that will be taken for providing home to school transport for children and young people with special educational needs and/or disabilities who live within the statutory walking distance of the nearest appropriate school. It applies to children of statutory school age and should be read alongside the Home to Mainstream School Transport Policy, the policy that outlines the general home to school transport principles that apply to all children and young people.

2 - Legal Framework and Entitlement

Under section 508 (B) of the Education Act 1996 the Council must provide free transport to and from school for a child if they are of compulsory school age and the shortest walking route between their home and the nearest qualifying school is more than the legal walking distance.

The legal walking distance between home and the nearest qualifying school for children under the age of eight years is two miles. The legal walking distance for children over the age of eight year is three miles.

In addition the Council must provide free transport to and from school for children of statutory school age who live under the legal walking distance from the nearest qualifying school where it would be unreasonable to expect them to walk because of their special educational needs, disability or difficulty with mobility.

The law allows the Council 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 to attend school, for example depending on their age by accompanying their child.

The Council must provide additional assistance for families who have a low income. This is detailed in the Home to Mainstream School Transport Policy.

3 – Parental preference

Parents are entitled to express a preference for the school they would like their child to attend. Transport assistance is provided to the nearest qualifying school and this may not always be the school the child or family believe to be the best school for the child. It is possible that the preferred school is named in a child's education, health and care plan however this does not mean necessarily the Council accepts this is the nearest qualifying school or that the Council will be responsible for providing transport to school. Parents/carers 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

4 – How do we assess your claim?

Each application will be assessed on a case by case basis using the supplied evidence which needs to demonstrate how the child or young person's special educational need and/or disability prevents them from walking from home to school.

In making a judgement about the most appropriate method of transport and support the Council 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

Parents/carers are required to submit a completed application form for home to school transport. Until this has been submitted and approved, it is the responsibility of parents/carers to ensure their child attends school. This process can take up to six weeks.

Transport assistance will be considered as part of any new education, health and care and needs assessment.

It is also important to bear in mind that the decision to provide transport is based on the child's needs. Unfortunately, this means that the Council is not able to take the following into account:

- 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)

An education, health and care plan does not mean necessarily that a child is eligible for transport assistance. Children who attend a special school or an SEN unit also might not be eligible for transport assistance.

The Council will not provide transport assistance for children attending a nursery school or a pre-school class or setting.

5 - What transport support will be put in place?

There are a range of different transport options, which may not be door to door transport. These include:

- a bus pass for use on public transport
- travel training to enable an older child to walk or take public transport on their own
- a place on a dedicated school bus
- a shared taxi or minibus
- an individual taxi.

Group pick up points will be used, where appropriate, for a child travelling on a dedicated school bus or a shared taxi or minibus. A personal assistant might be provided for children travelling on a dedicated school bus, in a shared taxi or minibus or by individual taxi.

The Council could also provide, with parent/carer agreement, a mileage allowance or personal transport budget (Travel Assistant Grant) or a walking escort.

The Council will do all that it can to support the development of independence skills and a child's preparation for adulthood. Independent travel training will be provided free of charge to all children where appropriate. The offer of independent travel training will be made based on the needs of each child and their travel requirements.

6 - Travel Times

Home to school transport will be arranged to make the journey as straightforward as possible for all children. Every effort will be made to try to make sure that a child 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 exceed these time scales where special schools are concerned, particularly where children attend a school some distance from their home.

7 - Pick- up and Set-down points.

Parents/carers are responsible for their child's safety in getting to and from the pick-up and set-down point. They are also responsible for their child while they are waiting for transport and when they have been dropped off at the end of the day. Parents/carers are advised not to leave their child unattended while waiting for a vehicle in case the vehicle does not arrive.

Parents/carers 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 should be ready 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 it is not possible for a vehicle to wait beyond the agreed departure time window.

8 - 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 at this address, should be provided when transport is agreed. This address must be within five miles of the normal drop off point.

If a situation arises where a child needs to go to the emergency alternative address, this can only happen if authorised by the Integrated Transport Service. If it is not possible to drop the child 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 a review of the transport arrangements.

9 – Travel Assistance Grant

Where it is agreed that a child is entitled to home to school transport, parents/carers who are able to transport their children to school may request a Transport Assistance Grant from the Integrated Transport Service. In this situation the parent/care would arrange transport for the child to travel to and from school, rather than the Council. The grant will be entirely at the discretion of the Council and only provided where it supports the efficient use of resources. It is unlikely to be available where existing suitable transport is in operation locally.

The Travel Assistant Grant is designed to help parents/carers make any arrangements needed and can be used in any way to facilitate their child's access to education. It is paid over eleven months directly into the bank account of parents/carers. The grant is based upon the one-way distance to school on the shortest appropriate route and will be determined by the Integrated Transport Service. The only exception to this is for a journey over twenty-five miles.

The Travel Assistant Grants are grouped into bands according to the distance between the child's home and their school, these are as shown below:

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.

The bands cover the basic cost of transporting a child to and from school. Parking, subsistence, and other costs are not provided. Where a grant is offered partway

through the school year, or where attendance at school is on a part-time timetable, the total payment provided will be on a pro rata basis. The terms and conditions of the grant will be fully detailed in the Transport Assistance Grant agreement letter.

If a parent/carer 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.

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

10 - 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 require 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 about whether to provide a passenger assistant will be made as part of the transport assessment.

Factors that will be taken into consideration about whether a passenger assistant is required are likely to include:

- 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
- the need for continual care and supervision where a child has severe or complex medical needs
- 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 travelling in the same vehicle. Any assessment for an individual passenger assistant will be based on the detailed supporting evidence that is provided.

Passenger assistants are trained to look after the general welfare of children 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 and which may include advice and guidance from relevant health professionals. Examples of this type of enhanced support include the administration of buccal recovery medication from a measured prefilled syringe, vagal nerve stimulation using a wand or front of mouth oral suctioning. Training is provided for staff about emergency procedures as these are required.

A passenger assistant may supervise more than one child on a journey.

Consideration will be given to the deployment of a regular carer as a passenger assistant where a child is in receipt of a social care package of support where this provides the most effective support for the child and is an efficient use of resources.

11- Keeping Journeys Safe for all

Home to school transport should be a safe environment for everyone involved. A review of the transport arrangements will take place where a child regularly acts in a manner that creates risks for other users of the vehicle. Any reasonable adjustments will be put into place where the presenting behaviours result from their disability.

Transport may be suspended temporarily where an incident has occurred that presents a serious risk to others. In this situation a review will take place and the suspension will continue until 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.

12- Route Reviews

Over time the children travelling to a school change, 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.

Generally parents/carers will not be consulted as part of a route review. This is to enable route reviews to be carried out in a timely and efficient manner. A child's needs will be a primary consideration within any such review and there may be occasions when a consultation with parents/carers and/or the school is required, for example where a child is particularly sensitive to change.

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

- changes to the contractor employed.

- changes to passenger assistant provision.
- changes to timings.

Advanced notice will be given of changes, but some may need to be made at very short notice, for example because of termination of a contract with a vehicle operator or sickness.

Changes to transport arrangements will be discussed during the annual review of a child's education, health and care plan, to support their preparation for adulthood.

13 - Appeals

Parents/carers can appeal against a decision not to provide transport or against the arrangements made.

The Student Support Appeals Committee will consider any written information provided in support of an appeal. Parents/carers are not permitted to attend Student Support Appeals Committee in person., The Student Support Appeals Committee decision is final, unless there is some significant change in the child's circumstances which means the appeal should be reconsidered.

Appeal forms and more information about how to do this can be found [here](#).