

# SEND travel assistance policy for 16 to 19 year olds



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## Document purpose

This policy sets out how East Sussex County Council (ESCC) will decide eligibility for travel support for learners aged 16 to 19 who have Special Educational Needs and Disabilities (SEND).

In formulating this policy ESCC has had regard to the statutory guidance on “Post-16 transport and travel support to education and training”.

## Accessibility

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## 1. Introduction

- 1.1. This policy explains ESCC's statutory responsibility in respect of travel assistance for students aged 16 to 19. It states how to apply for travel assistance and how eligibility is determined and assessed.
- 1.2. This policy applies to students over compulsory school age but under 19 (or those who began a course of education or training before turning 19 and are still attending that course). This refers to those in school years 12, 13 and 14.

## 2. Local authority responsibility

- 2.1. Once young people with special educational needs and disabilities (SEND), reach 16 years old, the help councils must give them with transport to school or college changes. They do not automatically get the free school transport that younger children are entitled to.
- 2.2. Statutory guidance states that if someone asks a council for transport assistance for a young person over 16 years old it must assess their situation and ensure that its decision to provide transport or other assistance is a reasonable one, taking into account all relevant matters. Councils are expected to target support at those who need it most. ESCC is committed to providing travel assistance to post 16 students with SEND, when their SEND and circumstances mean that they could not otherwise access their placement.
- 2.3. ESCC must prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or other support that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training. This can be found at:  
<https://www.eastsussex.gov.uk/educationandlearning/schools/transport/strategy/download/>.
- 2.4. The law concerning education transport is set out in the Education Act 1996 (as amended) ("the Act"). The Act divides children and young people into three groups: children of compulsory school age; young people of sixth form age; and adult learners. For sixth form age students, if transport assistance is requested, this will be assessed and provided where necessary. Section 509AC(1) states that sixth form age is determined as those who are (a) under the age of 19; or (b) began a course of education or training before the age of 19 and continues to attend that course.
- 2.5. Statutory guidance from the Department for Education 'Transport to education and training for people aged 16 and over' (2019) states that local authorities may ask learners and their parents/carers for a contribution to transport costs for young people of sixth form age.

### 3. Criteria for travel assistance

- 3.1. The following gateway criteria must be met for an application for travel assistance to be considered.
  - The student lives in East Sussex.
  - The student has a current Education, Health and Care Plan (“EHCP”).
  - The student will be attending the equivalent of a full-time education course (540 hours or more per year).
  - The placement is the nearest suitable college to their home address, and named in the student’s EHCP.
  - The student is unable to travel to the placement independently.
- 3.2. If these gateway criteria are met, ESCC will then consider the circumstances of the student and the family and their broader network, to assess whether it is necessary to provide transport for the student. Parents/carers will be expected to prioritise transporting the student over other commitments.

### 4. Contribution towards post-16 travel assistance

- 4.1. Where travel assistance is agreed, a contribution towards the cost of travel is required. The contribution is based on the current cost of a 'Freedom' bus ticket and is reviewed annually. In the academic year 2021/22 this is £684 per year.
- 4.2. Low-income families are required to contribute half of the amount - £342. To qualify as Low Income, the student must be eligible for Free School Meals. More information on eligibility can be found on ESCC’s website at <https://www.eastsussex.gov.uk/freeschoolmeals>
- 4.3. An invoice will be sent, and payment usually needs to be made in 10 monthly instalments. Payment will usually be made via Direct Debit except where another payment method has been agreed.
- 4.4. Transport will not usually be arranged until the first payment is made. Transport may be ceased if payments are not made on schedule - if this occurs ESCC will first contact the parent/carer to try and avoid this action.

### 5. Application process

- 5.1. The quickest and most secure way to make an application is online using the application form found in the following section of ESCC’s website: [www.eastsussex.gov.uk/SENDtravel](http://www.eastsussex.gov.uk/SENDtravel). On submission of an online application form, you will get an automated email acknowledgement. Alternatively, we can send you a paper copy of the form on request. Support with completing the application form can be provided by your assigned key worker or APO.
- 5.2. A new application is required for everyone requesting 16-19 travel assistance whether the student is remaining in the same school or moving to a new place of learning. In addition, a new application is needed for each new course or placement or when the student moves home address.

- 5.3. Applications will be considered to determine if the gateway criteria as set out in section 3 are met. More information may be sought to help with the decision. Information on how the decision is made can be found in the next section. It can take some time to reach a decision depending on the timing of the application and whether further information needs to be requested. On average it could take 20 days for a decision to be communicated to the applicant.
- 5.4. Reimbursements for travel costs incurred before an application is approved will not be made.
- 5.5. If you disagree with the decision, you can lodge an appeal. Further information on how to appeal can be found in section 9.

## 6. How decisions are made

- 6.1. All applications will be considered by an officer. They will consider the individual circumstances of each case and will not apply blanket policies or make assumptions about accompaniment. They will consider whether it is reasonably practical in the circumstances of each case for parents/carers to accompany the student or make the travel arrangements themselves. Applications will be assessed based on the evidence provided, but the officer may request additional information. The officer will consider whether it is necessary for ESCC to provide travel assistance in each case, rather than the student or family making their own travel arrangements.
- 6.2. The officer will use the information provided in the application, any other email correspondence with ESCC in relation to the provision of transport as well as verbal information provided during phone calls.
- 6.3. In considering the eligibility of the student to receive an offer and what offer should be made, the officer will consider the following and/or any other relevant factors:
  - Nature of the journey for the student/family for example, the distance, likely journey time, and complexity of the journey by road, public transport or on foot; whether the journey could be reasonably made if the student is accompanied.
  - Parent/carer/broader network availability to accompany for example, the current commitments of the parent(s)/carer(s) and broader network; whether the student's family or broader network is reasonably able to transport or accompany them, given all other factors. There will be consideration however that parents/carers will be expected to prioritise transporting the student over other commitments.
  - Available suitable vehicle and/or disability benefits for example, whether the family has a suitable vehicle, which may include a Motability vehicle; whether the student is receiving PIP with a component intended to support travel; any current social care support.
  - The student's needs relating to travel for example, whether the student has complex needs, and/or requires a second person on transport; if independent travel is a realistic goal, and whether this has been appropriately encouraged by the family.

- Other relevant factors, for example, the health of the parent/carer and the potential impact of providing transport or accompanying the student, given all other factors.
- 6.4. The following evidence may be required in addition to an application for travel assistance:
- Recent evidence from a relevant health and/or educational professional regarding the SEND of the student and how this impacts on the need for travel assistance, their ability to walk or travel on public transport, accompanied or otherwise.
  - Recent evidence from a relevant health professional regarding a parent/carer's health, if this means that they are not able to accompany or transport the student themselves.
  - Evidence from the parent/carer's employer regarding their work commitments, to include working hours, days, times, location of work and distance in miles from home to work and from the placement to work.
  - Written evidence to demonstrate other commitments, although broader caring responsibilities would not normally be considered as a reason why a parent/carer would not be able to transport the student, as the family would be expected to find alternative solutions in most cases.

## 7. What happens if travel assistance is approved

- 7.1. Consideration will be given to the most suitable travel assistance for the student. This will be one of the following:
- Personal travel budget
  - Independent travel training
  - Minibus or taxi.
- 7.2. Personal travel budget (PTB): A family may be offered a PTB to provide financial assistance to organise transport to school/college. The amount is based on the distance of a return journey from home to the nearest suitable school or college and is paid in monthly instalments.
- 7.3. Independent travel training (ITT): ITT is the process by which a person learns to make a journey between two places on their own and in safety – in this case the journey between home and school/college. The training provides extra help or support to make journeys alone using public transport (and walking or cycling as necessary) when the student has reached an appropriate age or stage of development. Students will be considered for an assessment for their suitability for ITT. Where students are assessed as being suitable for ITT and the student and/or their family/carer do not positively engage with ITT, an offer of travel assistance may be withdrawn. At the end of the ITT, the student will be assessed on their ability to travel independently. When the student has been assessed to have completed the ITT, and therefore able to travel independently, the travel assistance will be ceased.
- 7.4. Minibus or taxi: Where ESCC will be providing the transport, the student will be risk assessed for the provision of safe and suitable transport arrangements.

## 8. Limitations of the travel assistance we provide

- 8.1. Students will usually only be transported at published school/college start and finish times, and they may be expected to enable sharing with other students through early arrival or delayed collection if safe to do so; or students may need to arrive earlier or leave later than their taught hours in college.
- 8.2. An offer of travel assistance may be part-week or involve a pick-up or drop-off point, i.e. not door to door. This will, however, be assessed on a case-by-case basis, depending on the student's needs.
- 8.3. Travel assistance is not provided to work experience or dual placements, medical appointments, or other off-site visits. Responsibility for these remains with the parents/carers or school/college as appropriate.
- 8.4. Travel assistance to respite is also discretionary and can be requested. ESCC will separately consider requests for transport to respite under the same discretionary criteria, on term time days only. An additional charge may be made for transport to respite if approved.
- 8.5. If the student attends a residential school and qualifies for travel assistance, this will only be provided at the start and end of each half-term or each week depending on the boarding arrangements. This will be made clear when the application is approved. We do not provide transport at other times or for parent/carer visits for meetings.

## 9. Appeal process

- 9.1. Everyone has the right to appeal if they disagree with the initial decision. ESCC operates a two-stage appeal process for 16-19 SEND transport cases.
- 9.2. Stage 1 appeal:
  - A stage 1 appeal form needs to be completed to make an appeal.
  - All stage 1 appeals will be considered by the ISEND Travel Panel ("the Travel Panel") which consists of senior officers from across ESCC. The members of the Travel Panel will consider the appeal form; any information provided in support of the appeal; the application form; supporting information provided with the application; and any other correspondence used by the officer to reach a decision.
  - The stage 1 appeal will consider the financial circumstances of the family and potential impact of a declined application if relevant. The applicant will need to provide financial information on the appeal form if they want their financial circumstances to be considered.
  - In addition to completing a stage 1 appeal form it is possible to telephone one of our officers who will record your comments in writing and will pass this onto the panel members for their consideration.
  - We shall aim to provide you with a decision from your stage 1 appeal within 20 working days of receipt of the application. You will receive an email with the detailed reasoning for the decision. We will also inform you how to escalate your appeal to the next stage if you disagree with the outcome.

### 9.3. Stage 2 appeal:

- A stage 2 appeal form needs to be completed to make a Stage 2 appeal.
- All stage 2 appeals will be considered by the Discretionary Transport Appeal Panel (“the Appeal Panel”). This is made up of three elected County Councillors who are independent of officers and the Stage 1 appeal process. The Appeal Panel will consider the original application and the appeal forms together with any supporting documents or information provided to ESCC in relation to the application or the appeal. The Appeal Panel will also consider all verbal information made by the parent/carer (such as via phone calls) where it is provided before the deadline for the meeting. The Appeal Panel may have questions during a hearing and in that situation, they may ask for the supporting officer to seek clarification by making a telephone call to the parent/carer.
- The stage 2 appeal will consider the financial circumstances of the family and potential impact of a declined application if relevant. If the appeal refers to financial hardship, and the financial information was not completed on the stage 1 appeal form, this needs to be completed on the Stage 2 appeal form.
- It is not usually possible for students/parents/carers to attend Appeal Panel meetings in person. It may be possible to provide verbal representations at the meeting in exceptional circumstances where a student/parent/carer would face significant disadvantage in making their appeal without this. Examples of significant disadvantage could include having a relevant disability such as severe dyslexia or a learning difficulty that makes written communication difficult and where it has not been possible to access support to set out in writing the reason for appeal. It is possible to request to make verbal representations on the Stage 2 appeal form and the request will be considered by the supporting officer. It is expected that the verbal representation will be made via a telephone call or video call for a fixed duration at the start of the Appeal Panel hearing.
- The Appeal Panel will meet within 40 working days of receipt of the application. Within 5 working days of the meeting, you will be informed of their decision by with the detailed reasoning in writing. We will also inform you how to escalate your complaint to the Local Government Ombudsman (LGO) if you consider that there was a failure to comply with the procedural rules or if there were any other irregularities in the way the appeal has been handled.

### 9.4. More information about the appeals process as well as the appeal forms can be found on the school transport appeals webpage:

<https://www.eastsussex.gov.uk/educationandlearning/schools/transport/free/school-transport-appeals/>.

## 10. Ongoing provision of travel assistance

10.1. Travel assistance provided will be reviewed annually.

10.2. A new application must be made if the young person moves to a new home or other circumstances change.

## 11. Other travel assistance available if application declined

- 11.1. Where it is decided that travel assistance will not be provided by ESCC I, the parent/carer may consider applying for one of the following:
- 11.2. Mileage allowance: This scheme is only available to low-income parents/carers who have to travel long distances (over 10 miles) to transport a student to the college indicated in their EHCP. The mileage allowance given will be 25p per mile for one return journey per day and only for the miles beyond the first 10 miles of the journey from home. For example, where the distance from home to college is 15 miles, the allowance given will be calculated as 2 journeys x 5 miles x 25p. Proof of attendance will be sought from the school/college. The following criteria must apply for claims for mileage allowance to be considered:
- The family qualifies as low income using the same criteria for free school meals eligibility. Further information can be found at: <https://www.eastsussex.gov.uk/educationandlearning/schools/school-life/meals/free/>
  - The student is attending the college named in their EHCP.
  - The journey exceeds 10 miles between home and college.
- 11.3. Vacant seat scheme: Where it is decided that travel assistance will not be provided by ESCC, the parent/carer may be able to apply for a vacant seat: This is only possible for some routes to colleges and we can only give seats on our existing vehicles where there are spaces available. This means we are not able to offer a seat to everyone. The charge for the 2021/22 school year is £157 per term based on a 6-term year or £942 per year (reviewed annually). It may be necessary for the student to get themselves or be taken to an existing stop. If a change is made to the shared route which means that the cost of the vacant seat increases, this increase may be passed onto the parent/carer, or the offer of the vacant seat withdrawn. We will have to withdraw the vacant seat offer if we need the seat for someone else who qualifies for free transport or if we no longer have anyone on the route that qualifies for free transport. ESCC will give as much notice as possible however the minimum notice given will be one week. Further information is available on our website at: [www.eastsussex.gov.uk/SENDtravel](http://www.eastsussex.gov.uk/SENDtravel)

## 12. Changes to this policy

- 12.1. If ESCC makes any change to this policy which is assessed as likely to have an impact on current and prospective students, the Council will inform the immediately affected families at the earliest opportunity. Such changes may include, but are not limited to, changes required by the impact of further cost saving requirements placed upon the Council and further limitations on this discretionary support.

## 13. Summary of the application process

13.1. A Summary of the overall process follows:

1. Apply
  - a) Applicants should review our gateway criteria set out in section 3.1.
  - b) Use the online form to apply.
  - c) We can post you a paper form if you prefer.
  
2. Application considered
  - a) An officer will consider the application form and any supporting evidence.
  - b) We may contact you to find out more about the student and their circumstances.
  - c) We aim to inform you of a decision within 20 working days of receipt of the application form.
  
3. Decision
  - a) You will be informed in writing of the officer's decision.
  
4. Organise transport/set up parental contribution payments
  - a) If the officer determines that transport is necessary, a full risk assessment of the student's needs will be completed.
  - b) Financial contribution should be made before transport is finalised.
  - c) It can take up to 10 working days for the transport to be organised.
  - d) Direct debit to be set up
  
5. Stage 1 appeal
  - a) If you disagree with the decision, you can request a Stage 1 appeal.
  - b) Complete a Stage 1 appeal form.
  - c) All Stage 1 appeals are considered by the ISEND Travel Panel who meet monthly to consider cases.
  - d) You should receive a decision within 20 working days of receipt of the application form.
  
6. Stage 2 appeal
  - a) If you disagree with the Stage 1 decision, you can request a Stage 2 appeal.
  - b) Complete a Stage 2 appeal form.
  - c) All Stage 2 appeals are considered by The Discretionary Transport Appeal Panel.
  - d) The Appeal Panel will meet within 40 working days of receipt of the application form.
  - e) You will receive a written decision from the Appeal Panel within 5 working days of the meeting.