

SEND travel assistance policy for Post 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 19 to 25 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” and in relation to the duty set out in section 508F Education Act 1996.

Accessibility

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1. Introduction

- 1.1. This policy explains ESCC's statutory responsibility in respect of travel assistance for adult learners. It states how to apply for travel assistance and how eligibility is determined and assessed.
- 1.2. Adult learners are those aged 19 and over who started their programme of learning after their 19th birthday and for whom an Education, Health and Care Plan is maintained.

2. Local authority responsibility

- 2.1. Statutory guidance states that if someone asks a council for transport assistance for a young adult over 19 years old it must assess their situation and decide whether to provide transport or financial support reasonably, 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 19 learners with SEND, when their SEND and circumstances mean that they could not otherwise access their placement.
- 2.2. 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 adult learners, councils must 'make arrangements they consider necessary to facilitate their attendance'. Statutory Guidance 'Post-16 transport and travel support to education and training' (January 2019) notes that the overall intention of the adult transport duty is to ensure that 'those with the most severe disabilities with no other means of transportation can undertake further education and training after their 19th birthday to help them move towards more independent living.'
- 2.3. Section 508F of the Act requires local authorities to make transport arrangements they consider "necessary" to facilitate the attendance of relevant young adults (defined as adults for whom an Education Health and Care Plan ("EHCP") is maintained) at institutions where the local authority has secured the provision of education for the adult learner concerned. When a council finds it is 'necessary' to provide transport for the young adult under section 508F, then the transport must be provided and be free of charge (the Act, section 508F(4)).

3. Criteria for travel assistance

- 3.1. The following gateway criteria must be met for an application for travel assistance to be considered.
 - The adult learner lives in East Sussex.
 - The adult learner has a current EHCP.
 - The adult learner 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 learner's EHCP.
 - The adult learner is unable to travel to the placement independently.
- 3.2. If these gateway criteria are met, ESCC will then consider the circumstances of the adult learner including any support their parent/carer and their broader network are able to provide, to assess whether it is necessary to provide transport for the adult learner.

4. Application process

- 4.1. 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. 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
- 4.2. A new application is required for everyone requesting post-19 travel assistance whether the adult learner is remaining in the same college or moving to a new place of learning. In addition, a new application is needed for each new course or placement or when the adult learner moves home address.
- 4.3. 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.
- 4.4. The application needs to make clear whether the learner is living independently from their family and what support that family is able to offer in respect of travel to college. If the learner is living with family, the officer will use this information to decide if it is necessary to provide travel assistance.
- 4.5. Reimbursements for travel costs incurred before an application is approved will not be made.
- 4.6. If you disagree with the decision, you can lodge an appeal. Further information on how to appeal can be found in section 8.

5. How decisions are made

- 5.1. 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. 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.
- 5.2. The officer will use the information provided in the application, a financial statement provided as part of the application and any other email correspondence with ESCC in relation to the provision of transport as well as verbal information provided during phone calls.
- 5.3. In considering the eligibility of the adult learner 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 adult learner 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 adult learner is accompanied.
 - Parent/carer/broader network ability to provide transport support, e.g. accompanying the learner on some journeys; transporting the learner on certain days.
 - Available suitable vehicle for example, whether the adult learner has a vehicle for their use, which may include a Motability vehicle.
 - The adult learner's needs relating to travel for example, whether the adult learner has complex needs, and/or requires a second person on transport; if independent travel is a realistic goal.
 - Any income available to the young adult that can reasonably be expected to be used to fund transport to and from college. This may include, for example, a college bursary, disability benefits or the mobility component of personal independence payments (PIP).
 - The financial circumstances of the adult learner and potential impact of a declined application. A financial statement will be requested in support of the application to determine reasonable outgoings on essential items.
 - Advice from the college, for example, whether independent travel training is part of the learning programme.
 - Other relevant factors.
- 5.4. 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 adult learner and how this impacts on the need for travel assistance, their ability to walk or travel on public transport, accompanied or otherwise.
 - A copy of the care and support plan (if applicable).
 - Where the parent/carer is stated as being the primary carer/advocate for the adult learner, further evidence may be required regarding the support with transport they are able to provide (if any).

6. What happens if travel assistance is approved

- 6.1. Consideration will be given to the most suitable travel assistance for the adult learner. This will be one of the following:
 - Personal travel budget
 - Independent travel training
 - Minibus or taxi.
- 6.2. Personal travel budget (PTB): An adult learner, parent or carer may be offered a PTB to provide financial assistance to organise transport to college. The amount is based on the distance of a return journey from home to the nearest suitable college and is paid in monthly instalments.
- 6.3. 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 college. The training provides extra help or support to make journeys alone using public transport (and walking or cycling as necessary) when the adult learner has reached an appropriate age or stage of development. Adult learners will be considered for an assessment for their suitability for ITT. Where learners are assessed as being suitable for ITT and the learner and/or their family/carers 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.
- 6.4. Minibus or taxi: Where ESCC will be providing the transport, the adult learner will be risk assessed for the provision of safe and suitable transport arrangements.

7. Limitations of the travel assistance we provide

- 7.1. Adult learners will usually only be transported at published college start and finish times, and they may be expected to enable sharing with other adult learners through early arrival or delayed collection if safe to do so; or adult learners may need to arrive earlier or leave later than their taught hours in college.
- 7.2. 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 adult learner's needs.
- 7.3. Travel assistance is not provided to work experience or dual placements, medical appointments, or other off-site visits. Responsibility for these remains with the adult learner/parent/carers or school/college as appropriate.
- 7.4. 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. A charge may be made for transport to respite if approved.
- 7.5. If the adult learner 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.

8. Appeal process

8.1. Everyone has the right to appeal if they disagree with the initial decision. ESCC operates a two-stage appeal process for post-19 SEND transport cases.

8.2. 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 young adult 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, and if this detail has not already been provided in support of the application.
- 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.

8.3. 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 learner/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 learner/parent/carer.
- The stage 2 appeal will consider the financial circumstances of the young adult and potential impact of a declined application if relevant. If the appeal refers to financial hardship, and the financial information was not provided at an earlier stage, this needs to be completed on the Stage 2 appeal form.

- It is not usually possible for learners/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 learner/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.

8.4. 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/>

9. Ongoing provision of travel assistance

- 9.1. Travel assistance provided will be reviewed annually.
- 9.2. A new application must be made if the adult learner moves to a new home or other circumstances change.

10. Vacant seat scheme

- 10.1. Where it is decided that travel assistance will not be provided by ESCC, the adult learner/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.
- 10.2. 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 adult learner 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 adult learner, 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.
- 10.3. Further information is available on our website at:
www.eastsussex.gov.uk/SENDtravel

11. Changes to this policy

- 11.1. If ESCC makes any change to this policy which is assessed as likely to have an impact on current and prospective adult learners, the Council will inform the immediately affected adult learners 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 ESCC and further limitations on this discretionary support.

12. Summary of the application process

12.1. 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 learner 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
 - a) If the officer determines that transport is necessary, a full risk assessment of the learner's needs will be completed.
 - b) It can take up to 10 working days for the transport to be organised.

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.