

# SEND Travel Assistance Policy for Statutory School Aged Children



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## Document purpose

This policy sets out how East Sussex County Council (ESCC) will decide eligibility for travel support for children of statutory school age who have Special Educational Needs and Disabilities (SEND).

In formulating this policy ESCC has had regard to the statutory guidance relation to the duty set out in section 35B Education Act 1996.

## Accessibility

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## 1. Introduction

- 1.1. This policy explains East Sussex County Council's (ESCC) statutory responsibility in respect of travel assistance for children of statutory school age. It states how to apply for the travel assistance and how eligibility is determined and assessed.
- 1.2. A child is of compulsory school age from the start of term following their 5th birthday until the end of the school year in which they turn 16.

## 2. Local authority responsibility

- 2.1. School transport law is set out in the Education Act 1996 (as amended) ("the Act"). Schedule 35B of the Act sets out that SEND children are eligible for free transport when they cannot reasonably walk to school by reason of their special educational needs, disability, or mobility problem (including temporary medical conditions). SEND children may also be eligible for school transport as per the Home to School Transport Policy for all children, regardless of their SEND. This policy can be found at: [School transport policies – East Sussex County Council](#)
- 2.2. Eligible children only qualify for free transport to their nearest suitable school. For children with SEND, this is defined as the school named in section I of their Educational, Health and Care Plan ("EHCP"). Further information about who could be eligible for transport assistance can be found in section 3.
- 2.3. Statutory guidance states that local authorities are required to make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their SEND. These applications should be assessed on an individual basis to identify the child's particular transport requirements. For eligible children, the local authority must then make such travel arrangements as they consider necessary. Further information on how ESCC considers these applications can be found in section 8.
- 2.4. Applications for travel assistance are only considered when the child is attending their nearest suitable school. This is the nearest maintained school or academy to the child's home that can meet the child's SEND. If, by parental choice, a more distant school is attended, any transport shall remain the responsibility of the parent/carer. If the child has an EHCP, this may name the parents' or carers' choice of school, but this does not mean that ESCC must provide travel assistance if, in ESCC's view, the child's needs could be suitably met at a nearer school.

### 3. Criteria for travel assistance

- 3.1. Travel assistance is provided by ESCC to children living in East Sussex who meet the criteria as set out in the Home to School Transport Policy found on the following page:  
<https://www.eastsussex.gov.uk/educationandlearning/schools/transport/strategy/download/>
- 3.2. Where a child has SEND and does not qualify for travel assistance in accordance with the Home to School Transport Policy, parents/carers can apply for SEND travel assistance and the application will be considered based on the needs of the child.
- 3.3. The following gateway criteria must be met for an application for SEND travel assistance to be considered.
  - The child lives in East Sussex.
  - The child has a current EHCP.
  - The school or education setting is the nearest suitable school to the child's home address and named in the child's EHCP.
- 3.4. If these gateway criteria are met, ESCC will then consider the needs of the child to assess whether transport arrangements need to be made to those who cannot reasonably be expected to walk. The child's needs will be assessed to determine their ability to travel to school (either accompanied or unaccompanied). This will include consideration of travel by public transport, walking or by other reasonable means. Parents/carers will be expected to prioritise transporting the child over other commitments.

### 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 the East Sussex County Council 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.
- 4.2. A new application is required for everyone requesting SEND travel assistance as well as when circumstances change such as moving to a new school or moving home address.
- 4.3. 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 10 days for a decision to be communicated to an applicant.
- 4.4. Reimbursements for travel costs incurred before an application is approved will not be made.
- 4.5. 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 whether the child is eligible for transport as per the Home to School Transport Policy. If they are not, they will then consider the child's needs and their ability to walk to school, and whether it is reasonable and possible for them to do so either accompanied or unaccompanied by an adult. Applications will be assessed based on the evidence provided, but the officer may request additional information.
- 5.2. 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.
- 5.3. The general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so, for example, if a parent's disability prevents them from accompanying their child to school.
- 5.4. If you are prevented from accompanying your children because of a disability or medical condition, we may be able to provide travel assistance if all other solutions have been investigated. For example, if arrangements with another parent or discussions with the school about travel options have been unable to provide a solution. Where there remains one adult in the household that does not have a disability or medical condition, they will be considered available to accompany children to school irrespective of work or other commitments. You will need to provide medical evidence from a doctor which must not be older than three months from the date of application. Please note that a fee may be charged for supplying the medical evidence and you would need to pay any costs. Transport cannot be arranged until the medical evidence is provided. If transport is agreed, your case will be reviewed regularly.

## 6. What happens if travel assistance is approved

- 6.1. Consideration will be given to the most suitable travel assistance for the child. This will be one of the following:
  - Public transport or school coach service
  - Personal travel budget
  - Independent travel training
  - Minibus or taxi.
- 6.2. Public transport or school coach service: It is for ESCC to decide on the travel arrangements to get children between home and school at the beginning and end of the school day. In most cases, we provide a ticket for use on public transport or provide a seat on a hired coach. These options will always be considered first. The needs of the child will be assessed to determine whether these options are suitable before considering others. Where children are assessed as being able to travel

independently by public transport or by school coach service, the Home to School Transport Policy applies.

- 6.3. Personal travel budget (“PTB”): A parent or carer may be offered a PTB to provide financial assistance to organise transport to school. The amount of the PTB is based on the distance of a return journey from home to the nearest suitable school and is paid in monthly instalments. A PTB is offered at ESCC's discretion where it is cost effective to ESCC whilst ensuring families have the opportunity for increased choice and control. The offer of a PTB will be reviewed if there are concerns regarding a child's attendance at school.
- 6.4. 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. The training provides extra help or support to enable the child to make journeys alone using public transport (and walking or cycling as necessary) when the child has reached an appropriate age or stage of development. Children will be considered for an assessment for their suitability for ITT. At the end of the ITT, the child will be assessed on their ability to travel independently. If successful, the overall travel assistance provided will then be ceased or amended accordingly.
- 6.5. Minibus or taxi: This may be offered where a child is assessed as not being able to travel independently, by public transport or by designated school bus. Where ESCC will be providing the transport, the child will be risk assessed for the provision of safe and suitable transport arrangements.

## 7. Limitations of the travel assistance we provide

- 7.1. Where ESCC will be providing a taxi or minibus:
  - Transport is usually shared with other children and will usually only be provided at published school start and finish times. They may be expected to enable sharing with other children through early arrival or delayed collection if safe to do so.
  - Passenger assistants are provided on transport only when it is determined as being required for the needs of the child, and this requirement will be reviewed regularly.
  - In the morning, you will need to have your child ready at the agreed collection time. Drivers are required to wait for five minutes from the agreed time before leaving. It is also the responsibility of the parent or carer to get the child into the vehicle and the school's duty to get the child from the vehicle into the school building.
  - In the afternoon, you will need to make sure that a responsible person is at home to receive your child at the agreed time. Drivers are required to wait for five minutes after the agreed drop-off time before leaving, as delays could impact other children and their families.

- 7.2. 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 as appropriate
- 7.3. 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.
- 7.4. If the child 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 parental/carer visits for meetings.

## 8. Appeal process

- 8.1. Everyone has the right to appeal if they disagree with the initial decision. East Sussex County Council operates a two-stage appeal process for 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.
  - 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 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 this needs to be completed on the Stage 2 appeal form.
  - It is not usually possible for 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 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 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 child 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 parent/carer may be able to apply for a vacant seat: This is only possible for some routes to schools, 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 as follows (reviewed annually):
  - Primary school children: £78.50 per term based on a 6-term year or £471 per year
  - Secondary school children: £157 per term based on a 6-term year or £942 per year.

- 10.3. It may be necessary for the parent/carer to take their child 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.
- 10.4. Further information is available on our website at:  
[www.eastsussex.gov.uk/SENDtravel](http://www.eastsussex.gov.uk/SENDtravel)

## 11. Travel assistance for early years

- 11.1. Children below compulsory school age attending the nearest suitable special school for assessment purposes may be entitled to home to pre-school transport if it's decided that it is necessary. The officer will consider the individual circumstances of each case and 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.
- 11.2. 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.
- 11.3. Low income families are required to contribute half of the amount - £342 in 2021/22. To qualify as Low Income, the child must be eligible for Free School Meals. More information on eligibility can be found on the Council's website at <https://www.eastsussex.gov.uk/freeschoolmeals>
- 11.4. 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.
- 11.5. 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.

## 12. Travel assistance for post-16 SEND students

- 12.1. Once young people with 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.
- 12.2. Further information on the assistance we provide to over 16s and how to apply can be found on our web pages and in the following policies:
- 16 to 19 SEND travel assistance policy:
  - Post-19 SEND travel assistance policy
- These can be found on the following page:  
<https://www.eastsussex.gov.uk/educationandlearning/schools/transport/strategy/download/>



## 13. Changes to this policy

- 13.1. If East Sussex County Council makes any change to this policy which is assessed as likely to have an impact on current and prospective children, ESCC will inform the immediately affected parents/carers 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.

## 14. Summary of the application process

- 14.1. A Summary of the overall process follows:

1. Apply
  - a) Use the online form to apply.
  - b) 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 child and their needs.
  - 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 child'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.