

Travel assistance policy for compulsory school aged children with an Education, Health and Care plan (EHC plan)



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Document purpose

This policy sets out how East Sussex County Council (“the Council”) will decide eligibility for travel assistance for children of compulsory school age who have been issued with an Education, Health and Care plan.

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

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1. Introduction

- 1.1. This policy explains the Council's statutory responsibility in respect of travel assistance for children of statutory school age (up to and including Year 11 pupils) with an Educational, Health and Care plan ("EHC plan"). 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.
- 1.3. Separate policies set out the provision for children of compulsory school age without an EHC plan, young people of sixth form age and adult learners. Find out more online at <https://www.eastsussex.gov.uk/education-learning/schools/transport/strategy>

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 children of compulsory school age, regardless of their SEND. This policy can be found at: <https://www.eastsussex.gov.uk/education-learning/schools/transport/strategy>
- 2.2. Eligible children only qualify for free transport to the nearest suitable school that can meet the child's SEND. For children with an EHC plan, this is stated as the school named in section I of their plan. If, by parental choice, a more distant school is attended, any transport shall remain the responsibility of the parent/carer. Whilst the child's EHC plan may name the parents' or carers' choice of school, this does not mean that the Council must provide travel assistance if, in the Council's view, the child's needs could be suitably met at a nearer school. This will be made clear in Section I of the EHC plan. 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. Information on transport arrangements can be found in section 6.

3. Criteria for travel assistance

- 3.1. Travel assistance is provided by the Council to children living in East Sussex who meet the criteria as set out in the Home to School Transport Policy for children of compulsory school age found on the following page: <https://www.eastsussex.gov.uk/education-learning/schools/transport/strategy>
- 3.2. Assistance will only be provided when the child is attending their nearest suitable school as agreed by the Council.
- 3.3. Where a child with an EHC plan does not qualify for travel assistance due to age and distance or extended rights eligibility (as defined in the Home to School Transport Policy), parents/carers can apply for SEND travel assistance. The application will be considered based on the needs of the child looking at whether they could reasonably

be expected to walk to school because of their special educational needs, disability or mobility problem. The assessment assumes the child is accompanied by a responsible adult.

- 3.4. 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.
- 3.5. Reasons such as the parent's working pattern, caring responsibilities or the fact they have children attending more than one school will not normally be considered good reasons for a parent being unable to accompany their child. These apply to many parents, and, in most circumstances, it is reasonable to expect the parent to make suitable arrangements to fulfil their various responsibilities (for example, their responsibilities as an employee and as a parent).
- 3.6. If a parent is prevented from accompanying their child on the home to school journey because of a disability or medical condition, we will consider an application for 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 usually 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.
- 3.7. Children in the care of a local authority or a fostering agency are treated no differently from other children regarding eligibility for assistance with transport.
- 3.8. Travel assistance to respite care is discretionary and can be requested. The Council will separately consider requests for transport to respite during term time provided the placement has been arranged by the Social Care team. An additional charge may be made for transport to respite if approved.

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 Council 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 application 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, and travel assistance arranged 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 9.

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 because they live beyond the statutory distances listed in the Home to School transport policy. If they do not qualify on distance, the officer will 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 the Council in relation to the provision of transport as well as verbal information provided during phone calls.
- 5.3. Occasionally a child will have more than one address, for example, because they live with parents who have different addresses. In this situation, the address used for determining transport will be the one at which the child spends most of their time including weekends and school holidays as well as during the week. The Council may consider factors such as where the child is registered with a doctor, which parent receives child benefit or which address was used when the school place was offered to decide which address to use. In cases where parents state the child splits their time equally between addresses, the Council will use the address which is closer to the school attended for transport eligibility purposes.

6. What happens if travel assistance is approved

- 6.1. Applications are processed in three stages.
 - Stage one - determining eligibility. Officers will decide if there is an entitlement under the policy and aim to reach a decision within 10 working days of receiving an application. This may take longer depending on the complexity of the child's circumstances.
 - Stage two - assessing needs on transport. A full needs assessment will be completed detailing the child's needs on transport and any medical issues they may have to ensure they are safely transported. The time this takes will vary depending on the needs of the child. The applicant will be kept up to date with the progress of this stage.
 - Stage three - setting up transport. An officer will determine which mode of travel is appropriate based on the needs assessment and will set this up. This can take up to 15 working days depending on the complexity of the needs of the child.
- 6.2. Whilst every effort will be made to complete the transport arrangements as quickly as possible, you will need to make your own travel arrangements until this is set up. We will not reimburse for any costs incurred during this time.
- 6.3. It is for the Council to identify the most suitable, cost-effective mode of transport to get pupils between home and school, taking account of any special arrangements to support the child's particular needs. Once this task has been completed, the Transport Hub will contact parents by email or telephone to advise them of the arrangements. Parents are not able to choose which form of transport or specific vehicle their child will travel on. If you disagree with the type of assistance being offered, you should contact the Transport Hub (email specialist-transport.cts@eastsussex.gov.uk or phone

01273 335 067) to discuss your concerns. If they are unable to resolve your query, you can then raise a complaint (see section 15 below)

- 6.4. As a general guide, the maximum journey time for a child of primary school age should be 45 minutes each way, and 75 minutes each way for a child of secondary school age, including any time taken to walk to a pick-up point. However, there will be circumstances in which this is not possible, for example in rural areas where children live in remote locations, where a child needs to travel a long way to the school named in their EHC plan, or when journey times are extended by traffic delays.
- 6.5. Transport will be one of the following:
 - Independent travel training
 - Personal travel budget
 - Public transport or school coach service
 - Minibus or taxi.
- 6.6. 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 supports the child to gain additional independence by providing 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 and we expect parents/carers to positively engage with this process. At the end of the ITT, the child will be assessed on their ability to travel independently. When the student has been assessed to have completed the ITT, the travel assistance will be re-assessed and may be ceased or amended accordingly.
- 6.7. Personal travel budget ("PTB"): A parent or carer may be offered a PTB that provides financial assistance to organise transport to school themselves. 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 the Council's discretion where it is cost effective to the Council 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.
- 6.8. Public transport or school coach service: Children assessed as being able to travel by bus, coach or train will be provided with a season ticket or permit to enable them to travel between home and school at the beginning and end of the school day.
- 6.9. 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 coach or where suitably timed public transport does not exist. Where the Council will be providing the transport, the child will have their travel needs assessed for the provision of safe and suitable transport arrangements. This type of transport is shared with other children unless the needs assessment determines that this is not reasonable.

7. Occasions when travel assistance is not supplied or withdrawn

- 7.1. Our duty is to provide travel assistance to get children to and from school at the beginning and end of the school's published day. It is the responsibility of parents, carers or schools to arrange and pay for transport at other times.
- 7.2. Transport will not be provided for the following:
- Temporary addresses. This is a domestic matter for families to resolve.
 - School-to-school placements. This is the responsibility of the school where the child is on roll.
 - Journeys to and from other destinations. Transport is not offered to or from points other than the school/education centre and home or pick up/drop off points.
 - Dissatisfaction with the nearest suitable/designated school. If a child has experienced difficulties at the nearest suitable/designated school and has moved schools for this reason, this does not create an entitlement to free transport.
 - To take account of work/business commitments or domestic difficulties of parents/carers.
 - To accommodate attendance at school breakfast club, after-school activities or homework clubs.
 - Before or after medical appointments
 - To accommodate work experience or out of school educational placements
 - For pre-course visits, 'taster' days or parents' evenings/visits
 - In the event of sickness where a child has to be collected from school
 - In the event of a fixed term exclusion where a child requires collecting from school
 - Specific exam timetables that start or finish outside of the normal school day.
 - School trips or educational visits
 - Part-time attendance
- 7.3. It is the Council's policy to withdraw any transport that has been issued in error. If we find it necessary to withdraw your child's transport, we will write to you giving you the reason. We will also give a minimum of 2 weeks' notice to enable you time to make your own alternative arrangements.

8. Operational practices and service limitations

- 8.1. The Council's transport is shared with other children unless the needs assessment determines that this is not reasonable. Examples of reasons for agreeing that a child needs to travel in a vehicle without other passengers are where it's agreed that the safety of the child, driver and/or fellow passengers would be compromised. This will be established during the needs assessment and for children new to transport we would expect that shared transport should be attempted in the first instance.
- 8.2. The Council cannot guarantee the travel arrangements e.g. passenger assistant/driver will stay the same throughout the child's academic career. You will need to

be prepared for this possibility although we will give as much notice as possible when making changes. You should also be prepared for unforeseen circumstances such as illness or vehicle breakdown.

- 8.3. 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 the responsibility of the parent or carer to get the child into the vehicle and the school's responsibility to get the child from the vehicle into the school building.
- 8.4. In the afternoon, you will need to make sure that a responsible person is at home to receive your child at the arranged time unless it has been agreed between the Council and parent/carer in advance that this is not necessary. Drivers are required to wait only for five minutes after the agreed drop-off time before leaving, as delays could impact other children and their families. Failure to make sure that a responsible person is at home to receive the child may result in the child being taken to a safe place. Costs associated with looking after or transporting your child due to a parent or carer not being ready to receive the child will be passed on to the family. It is also the parent or carer's responsibility to collect their child from the safe place or arrange and pay for their travel home.
- 8.5. 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.
- 8.6. Seat belts must be worn where fitted. In addition, children and young people must not smoke or vape on school transport, drop litter inside the vehicle, eat or drink in the vehicle or stand up or move around in the vehicle whilst it is moving. For some children the needs assessment determines that an additional harness is required for the safety of the child. In these situations, we would be unable to transport a child without the parent's agreement that a harness could be used.
- 8.7. All personal equipment, e.g. musical instruments, laptop, tablets, mobile phones etc, should be secured in a suitable bag. If a child or young person causes damage to a vehicle, the operator may require parents to reimburse them for any repairs. If a child misbehaves persistently on a school vehicle, the Council reserves the right to take appropriate action to protect other users of the service. This may involve, among other steps, asking the school to take disciplinary action against the child including issuing a temporary ban from transport.
- 8.8. If the vehicle breaks down, the driver will call for assistance. Children must follow the instructions of the driver. It is normal for children to wait in the vehicle, with the driver and/or escort, until a replacement vehicle arrives.
- 8.9. Children sharing with other children may have to arrive early or have a delayed collection, if safe to do so.
- 8.10. Parents should make contingency plans in the event of transport not turning up or where there are unavoidable delays.
- 8.11. 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. Transport is not supplied at other times or for parental/carer visits for meetings.

9. Appeal process

9.1. Applicants have the right to appeal if they disagree with the initial decision. In line with government guidance, the Council operates a two-stage appeal process. The following process must be followed:

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 the Council. 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.

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 the Council 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 and Social Care Ombudsman (LGSCO) if you consider there was a failure to comply with the procedural rules or if there were any other irregularities in the way the appeal was handled.
 - If the Appeal Panel is not satisfied it has enough information to reach a decision it may send a letter containing its provisional view on a stage 2 appeal and/or requesting further information. This is called a 'minded to' letter. Where necessary, this letter will be sent within 5 working days of the Appeal Panel meeting. A 'minded to' letter is an opportunity for the appellant to comment on the Appeal Panel's provisional view of the stage 2 appeal, to answer any questions or points of clarification raised in the letter and to provide any further information requested. The letter will set out how long you have to respond to it, but this is usually 7 days. The Appeal Panel will then meet to finally determine your stage 2 appeal taking into account any response to its 'minded to' letter.
- 9.4. More information about the appeals process as well as the appeal forms can be found on the school transport appeals webpage:
<https://new.eastsussex.gov.uk/education-learning/schools/transport/send-transport/travel-assistance-appeals/stage-1-appeals>

10. Review of travel provision

- 10.1. A new application must be made if the child moves to a new home or other circumstances change.
- 10.2. Failure to inform us of a change of circumstances may result in parents or carers having to pay back for costs incurred by the Council. We will also make regular checks to ensure the eligibility criteria continue to be met.
- 10.3. The mode of travel assistance being offered will also be reviewed regularly to make sure that the service provided continues to be appropriate for the child's needs and the most cost effective for the Council.

11. Vacant seat scheme

- 11.1. Where it is decided that travel assistance will not be provided by the Council, the parent/carer may be able to apply for a vacant seat. This is only possible for some routes to schools. We can only give seats on our existing vehicles where there are spaces available and when it does not increase the cost to the Council. This means we are not able to offer a seat to everyone.
- 11.2. The charge for the 2023/24 school year is as follows (reviewed annually):

- Primary school children: £94.35 per term based on a 6-term year or £566.10 per year.
 - Secondary school children: £188.70 per term based on a 6-term year or £1,132.20 per year.
- 11.3. It may be necessary for the parent/carer to take their child to an existing pick up point. 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. The Council will give as much notice as possible however the minimum notice given will be one week.
- 11.4. Further information is available on our website at: www.eastsussex.gov.uk/SENDtravel

12. Travel assistance for early years children

- 12.1. 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 child or make the travel arrangements themselves.
- 12.2. 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 2023/24 this is £570 per year.
- 12.3. Low-income families are required to contribute half of the amount - £285 in 2023/24. To qualify as Low Income, the applicant must meet the same eligibility criteria as for Free School Meals. More information on eligibility can be found on the Council's website at <https://www.eastsussex.gov.uk/freeschoolmeals>
- 12.4. 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.
- 12.5. 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 the Council will first contact the parent/carer to try and avoid this action.

13. Travel assistance for post-16 SEND students

- 13.1. Once young people with SEND reach school leaving age, 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.
- 13.2. 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:
- travel assistance policy for 16-19-year-olds with an Education, Health and Care plan (EHC plan)

- travel assistance policy for post-19-year-olds with an Education, Health and Care plan (EHC plan)

Visit <https://www.eastsussex.gov.uk/education-learning/schools/transport/strategy>.

14. Policy changes

- 14.1. The Council reserves the right to make minor amendments or corrections to this policy without consulting on them.
- 14.2. Where proposals to change the policy may affect children's eligibility for transport, we will consult for a minimum of 28 days during term time. Consultees will include schools, parents of children who will (or may) be affected by the proposed changes, including those whose children attend school in a neighbouring authority, and those whose children may be affected in the future.
- 14.3. Wherever possible, changes will be phased in so that children who begin attending a school under one set of travel arrangements continue to benefit from those arrangements until they leave that school.

15. Complaints

- 15.1. The Council is here to help and support the people of East Sussex. Services are provided as efficiently as possible and it is expected that staff are helpful, polite and explain things clearly whether on the telephone, in writing or face-to-face.
- 15.2. Sometimes things go wrong, and parents or carers may not be happy with the service they have received. We welcome comments, good and bad, as an opportunity to put things right and improve our services. Parents should let us know if they feel that the Council has failed to do something, done something wrong or acted unfairly or impolitely. We cannot investigate matters that are subject to the two-stage appeals process.
- 15.3. Complaints regarding the service provided on a vehicle organised by the Council, or concerns about transport arrangements should be directed to:
Email: compliance.cts@eastsussex.gov.uk or telephone 01273 335 577
- 15.4. Complaints can also be made to the Children's Services Customer Relations Team.
[Feedback and complaints about Children's Services | East Sussex County Council](#)
- 15.5. You can also submit your complaint by email CS.Customerrelations@eastsussex.gov.uk or by post to: East G, County Hall, Lewes, BN7 1UE.

16. Summary of the application process

- 16.1. 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 10 working days of receipt of the application form, but some applications can take longer to process.
3. Decision
 - a) You will be informed in writing of the officer's decision.
 4. Needs assessment
 - a) If the officer determines that transport is necessary, a needs assessment whilst travelling will be completed.
 5. Organise transport
 - a) On completion of the needs assessment, it can take up to 15 working days for suitable transport to be organised.
 - b) Parent notified of the travel arrangements.
 6. 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.
 7. 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.