

Travel assistance policy for 16-19-year-olds 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 support for learners aged 16 to 19 who have Special Educational Needs and Disabilities (SEND).

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

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1. Introduction

- 1.1. This policy explains the Council’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.
- 1.3. Separate policies set out the provision for children of compulsory school age and adult learners over 19 years of age. Find out more on our web page:
<https://www.eastsussex.gov.uk/education-learning/schools/transport/strategy>

2. Local authority responsibility

- 2.1. Once young people with special educational needs and disabilities (SEND) leave 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.
- 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. The Council 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. The Council 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/education-learning/schools/transport/strategy>
- 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 EHC plan.
 - The student will be attending the equivalent of a full-time educational course which allows for appropriate progression.
 - The placement is the nearest suitable college to their home address and named in the student's EHC plan.
 - The student does not have the ability to travel independently.
- 3.2. If these gateway criteria are met, the Council 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. The Council thinks it is reasonable for parents/carers to prioritise transporting the student over other commitments. Further information on how this will be considered can be found in section 6 below.
- 3.3. Students in the care of a local authority or a fostering agency are treated no differently from other students with regard to eligibility for assistance with transport.
- 3.4. Travel assistance to respite care is also discretionary and can be requested. The Council will separately consider requests for transport to a respite care placement under the same discretionary criteria, on term time days only. An additional charge may be made for transport to respite if approved.

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 2023/24 this is £570 per year.
- 4.2. Low-income families are required to contribute half of the amount - £285. 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 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 the Council 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 the Council'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 Assessment and Planning Officer (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.
- 5.4. On average it could take 20 days for a decision to be communicated to the applicant. It can take additional time to reach a decision depending on the timing of the application and whether further information needs to be requested.
- 5.5. Reimbursements for travel costs incurred before an application is approved, and travel assistance arranged will not be made.
- 5.6. If you disagree with the decision, you can lodge an appeal. Further information on how to appeal can be found in section 11.

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 on the evidence provided, but the officer may request additional information. The officer will consider whether it is necessary for the Council to provide travel assistance in each case, rather than the student or family making their own travel arrangements. In some cases, the officer will seek advice from the senior officers attending the ISEND Travel Panel (see section 11.2 for further details about this panel).
- 6.2. 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.
- 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. Parents/carers will be expected to prioritise transporting the student over other commitments such as (but not exclusively):
 - taking pre-school aged children to nursery;
 - voluntary work;
 - undertaking work commitments that can reasonably be carried out at times other than at college start and end times, for example when self-employed or on flexible work contracts.

unless doing so is unreasonable in all the circumstances.

- 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.

6.5. Occasionally a student 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 student spends most of their time including weekends and college holidays as well as during the week. The Council may consider factors such as where the student is registered with a doctor or which parent receives child benefit. In cases where

parents state the student splits their time equally between addresses, the Council will use the address which is closer to the school/college attended for transport eligibility purposes.

7. What happens if travel assistance is approved

- 7.1. 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 20 working days of receiving an application. This may take longer depending on the complexity of the decision.
 - Stage two - assessing needs on transport. A full needs assessment will be completed detailing the student'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 student. 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 then will set this up. This can take up to 15 working days depending on the complexity of the needs of the student.
- 7.2. 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.
- 7.3. It is for the Council to identify the most suitable, cost-effective mode of transport to get pupils between home and college, taking account of any special arrangements to support the student'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 14 below)
- 7.4. Consideration will be given to the most suitable travel assistance for the student. This will be in the form of:
 - Independent travel training
 - Personal travel budget
 - Minibus or taxi.
- 7.5. 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 supports the student to gain additional independence by providing extra help or support to make journeys alone using public transport (and walking or cycling as necessary). Students will be considered for an assessment for their suitability for ITT and we expect parents/carers to positively engage with this process. 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 or amended accordingly.

- 7.6. Personal travel budget (PTB): A family may be offered a PTB which provides financial assistance for families to organise transport to school/college.
- 7.7. Minibus or taxi: Where the Council will be providing the transport, the student will have their travel needs assessed for the provision of safe and suitable transport arrangements. This type of transport is shared with other students unless the needs assessment determines that this is not reasonable.

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.

9. Occasions when travel assistance is not supplied or withdrawn

- 9.1. The Council will only provide travel assistance to get students to and from college at the beginning and end of the college's published day. It is the responsibility of parents, carers or colleges to arrange and pay for transport at other times.
- 9.2. Transport will not be provided for the following:
 - Temporary addresses. This is a domestic matter for families to resolve.
 - Journeys to and from other destinations. Transport is not offered to or from points other than the college/education centre and home or pick up/drop off points.
 - To take account of work/business commitments or domestic difficulties of parents/carers.
 - To accommodate attendance at college breakfast club, after-school activities or homework clubs.
 - Before or after medical appointments
 - To accommodate work experience or off-site educational placements
 - For pre-course visits, 'taster' days or parents' evenings/visits
 - In the event of sickness where a student has to be collected from college
 - Specific exam timetables that start or finish outside of the normal college day
 - College trips or educational visits

- 9.3. It is the Council's policy to withdraw any transport that has been issued in error. If we find it necessary to withdraw a student's transport, we will write to the parent/carer giving the full reasons. We will also give a minimum of 2 weeks' notice to enable time to make alternative arrangements.

10. Operational practices and service limitations

- 10.1. The Council's transport is shared with other students unless the needs assessment determines that this is not reasonable. Examples of reasons for agreeing that a student needs to travel in a vehicle without other passengers are where it's agreed that the safety of the student, driver and/or fellow passengers would be compromised. This will be established during the needs assessment.
- 10.2. The Council cannot guarantee the travel arrangements e.g. passenger assistant/driver will stay the same throughout the college course. 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.
- 10.3. In the morning, you will need to have the student ready at the agreed collection time. Drivers are required to wait for five minutes from the agreed time before leaving. Where required, it is the responsibility of the parent or carer to get the student into the vehicle and the college's responsibility to get the student from the vehicle into the building.
- 10.4. In the afternoon, you will need to make sure that a responsible person is at home to receive the student 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 students and their families. Failure to make sure that a responsible person is at home to receive the student may result in the student being taken to a safe place. Costs associated with looking after or transporting the student due to a parent or carer not being ready to receive the student will be passed on to the family. It is also the parent or carer's responsibility to collect the student from the safe place or arrange and pay for their travel home.
- 10.5. Passenger assistants are provided on transport only when it is determined as being required for the needs of the student, and this requirement will be reviewed regularly.
- 10.6. Expected behaviour on college transport - Seat belts must be worn where fitted. In addition, students must not smoke or vape on college 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 students the needs assessment determines that an additional harness is required for the safety of the student. In these situations, we would be unable to transport a student without the parent's agreement that a harness could be used.
- 10.7. All personal equipment, e.g. musical instruments, laptop, tablets, mobile phones etc, should be secured in a suitable bag. If a student causes damage to a vehicle, the operator may require parents to reimburse them for any repairs. If

a student misbehaves persistently on a 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/college to take disciplinary action against the student including issuing a temporary ban from transport.

- 10.8. Vehicle breakdowns - If the vehicle breaks down, the driver will call for assistance. Passengers must follow the instructions of the driver. It is normal for students to wait in the vehicle, with the driver and/or passenger assistant, until a replacement vehicle arrives.
- 10.9. Students sharing with other students may have to arrive early or have a delayed collection, if safe to do so.
- 10.10. Parents should make contingency plans in the event of transport not turning up or where there are unavoidable delays.
- 10.11. If the student attends a residential college 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.

11. Appeal process

- 11.1. Applicants have the right to appeal if they disagree with the initial decision. The Council operates a two-stage appeal process.
- 11.2. 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. 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.
- 11.3. 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, 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 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 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.
- 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.

11.4. 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>

12. Review of travel provision

- 12.1. A new application must be made if the student moves to a new home or the family's circumstances change.
- 12.2. Failure to inform us of a change of circumstances may result in having to pay back for costs incurred by the Council.
- 12.3. 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 student's needs and the most cost effective for the Council.

13. Other travel assistance available if application declined

- 13.1. Where it is decided that travel assistance will not be provided by the Council, the parent/carer may consider applying for one of the following:
- 13.2. 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 EHC plan. 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/freeschoolmeals>
 - The student is attending the college named in their EHC plan.
 - The journey exceeds 10 miles between home and college.
- 13.3. Vacant seat scheme: 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 colleges and we can only give seats on our existing vehicles where there are spaces available and where the proposed addition does not negatively affect existing travellers or the safety of the vehicle. This means we are not able to offer a seat to everyone. The charge for the 2023/24 school year is £188.70 per term based on a 6-term year or £1,132.20 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. We 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

14. Policy changes

- 14.1. If the Council 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 the support given.

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 online 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) Applicants should review the 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, 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. Pay parental contribution
 - a) Financial contributions will need to be set up before transport is finalised.
 - b) Contributions can be made in full or in instalments via Direct Debit
 6. 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.
 7. 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.
 8. 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.