

Education Transport Policy

Effective from
April 2011



**ESSEX COUNTY COUNCIL
STATEMENT OF EDUCATION TRANSPORT POLICY**

CONTENTS	Page
Introduction	4
Provision for children of compulsory school age	4/5
Provision for children below compulsory school age	6
Provision for children above compulsory school age	6
Provision for children who are not entitled to transport	6/7
Provision for children with a statement of special educational Need	7
Provision for children who are baptised in the faith of the denominational school they are attending	7
Provision for children attending a selective school	8
Motability Allowance	8
Exceptions to policy	8
Hazardous route assessment criteria and procedures	9
Appeal procedures	9
Behaviour of pupils travelling on school/college transport	9
Provision of escorts (passenger assistants) on education transport	10
Authority to travel	10
The issue of replacement tickets	10
Withdrawal of transport provided in error	10
Provision of transport for after-school activities	10
Provision of transport for foreign exchange students	10
Provision of transport for Year 6 Induction/Transition Days	10
Provision of transport to children who move school in years 10 and 11 or when they are above compulsory school age	11
Payment of fuel reimbursement rate	12
Income assessment	12
Bibliography	11

Annex Number	Content	Page Number
1	Transport policy for children of compulsory school age	13-16
2	Post 16 Mainstream Transport Policy	17-24
3	Post 16 Special Educational Needs Policy	25-32
4	Protocol for school transport in respect of looked after children between Essex Social Services and Learning Services	33
5	Home to School Transport a policy statement in respect of pupils with special educational needs	34-39
6	Hazardous route assessment criteria and procedures	40-41
7	Income assessment for applications for home to school transport and other grants and allowances	42-43
8	Key decision taken in March 2006 Change in policy for the provision of School Transport in circumstances where the nature of the home to school route changes	44
9	Escort Criteria	45

**ESSEX COUNTY COUNCIL
STATEMENT OF
EDUCATION TRANSPORT POLICY**

Introduction

The County Council has a duty to make arrangements to provide free home to school transport for some children of compulsory school age and discretion whether to provide transport for others.

This document sets out Essex County Council's Home to School Policy and describes how the Council fulfils its duties and exercises its discretionary powers as required under the Education Act 1996.

Parents have a legal duty and a responsibility to ensure that their statutory aged children attend school regularly and to make any necessary arrangements to ensure that they attend.

Essex County Council will provide assistance with transport for children of compulsory school age resident within the administrative area of Essex County Council to facilitate their attendance at a school who meet the criteria set out below.

Provision for children of compulsory school age

Essex County Council in accordance with its statutory duty will provide free home to school transport for children of compulsory school age to the designated school (usually a maintained school or Academy) for their home address who meet the 'qualifying distance' criteria which are:

- 2 miles or more for children below the age of eight
- 3 miles or more for children aged eight and above

For children aged eight the change in entitlement to free transport will be implemented from the start of the school year in which the child attains the age of eight. For most children this will be from the start of year four.

It was resolved that where a pupil is admitted to a school which is nearer to the home address than the Authority's designated school but is still beyond the Authority's agreed walking distances, then free transport should be provided on request. These distances will be measured via the nearest available road route.

There may be occasions, usually during the course of an academic year, when a child cannot be offered a place at the designated school for the home address. In these circumstances, the LA will, subject to the qualifying distance being met, provide transport to the next nearest school with space to admit. In that particular case the next nearest school with a space to admit effectively becomes the 'designated' school. For transport to be provided in this particular instance the parent must provide evidence that they have applied for and been refused a place at the school which is the designated school for their home address and any other schools closer than the school offering admission.

However, at the normal time of admission where a parent gains a place for their child at their preferred school, either having not applied to their designated school or having given the designated school a lower preference, then transport will not be provided on this basis.

Parental working commitment is not a criterion that will be considered in providing transport.

A statement of policy for the transport of children of compulsory school age is attached at Annex 1.

Following the publication of the Education and Inspections Act 2006 and in addition to the above criteria, statutory entitlement will be extended to those from low income groups. Children from low income groups are defined as those who are entitled to free school meals, or those whose families are in receipt of their maximum level of Working Tax Credit (WTC).

One of the aims of the Education and Inspections Act is to secure fair access to schools – especially for children from low income groups, where lack of affordable transport can act as a barrier to choice.

Children aged above the age of 8, but under the age of 11, from low income families residing in Essex will be entitled to travel assistance where they live more than two miles from and are attending their nearest qualifying school. If your child is 11 or over and is a registered pupil at one of the 3 nearest qualifying schools which is more than 2 miles, but not more than 6 miles, from their home and if your child normally lives with you and you are a low income family entitled to free school meals or *the maximum rate of working tax credit* then the Council must make arrangements for free home to school transport.

To be a qualifying school it must have a place available.

If your child is a registered pupil at a school which is more than 2 miles, but not more than 15 miles from home; and if you have expressed a wish, based on your religion or belief, that he or she attend that school; then if having regard to your religion or belief, there is no nearer suitable qualifying school to your home; and you are a low income family entitled to free school meals or maximum rate of working tax credit, then the Council must make arrangements for free home to school transport.

Provision for children below compulsory school age

It was resolved that the practice of providing home to school transport at the beginning and end of the school day for pupils admitted to mainstream infant and primary schools as 'rising 5's' be endorsed. Transport will not be provided to assist with midday journeys for part-time early years admission.

Provision for children above compulsory school age

At the meeting of the Education Committee held on the 6 April 1998 a post 16 charging policy was agreed. This policy is as set out in a separate statement attached at Annex 2.

The Post 16 charge for academic year 2010/11 was £485.

Provision for children who are not entitled to transport

Recognising that the Authority's discretionary powers should not be unreasonably fettered by its general policy, Senior Officers of The Schools Childrens and Families Education Transport and Awards Service are authorised to prepare a case for consideration of the appeal committee and agree requests for home to school transport due to exceptional circumstances.

The overriding expectation is, nevertheless, that parents should discharge their responsibility to get their child(ren) to school and as such officers will need to be satisfied that the parent has demonstrated why they cannot for social, medical, financial or personal reasons discharge that responsibility. Some examples of grounds that might be relevant in this consideration are:

- (i) medical circumstances, generally of the child
- (ii) aggressive anti social behaviour
- (iii) enforced rehousing of a family out of school catchment area
- (iv) threat of assault or abduction of a child
- (v) difficult family circumstances e. g. numerous children attending different schools
- (vi) Social Services request for support of fostering/respice arrangements
- (vii) placement at 'out catchment' schools on social/educational grounds
- (viii) mother and child requiring protection at a refuge
- (ix) bullying, generally with evidence of physical harm.
- (x) borderline catchment area cases

This list is not prescriptive or comprehensive.

For children who are 'looked after' there is a protocol which states that The Schools Children and Families Education Transport and Awards Service will give consideration to the provision of transport on exceptional grounds for looked after children in years 10 and 11. All other cases will be the responsibility of The Schools Children and Families Children's Social Services. This protocol is attached at Annex 3.

At the meeting of the Education Committee on the 13 July 1981 it was agreed that a charge be levied for concessionary seats based on a standard charge per term for each of the first two children in a family, the third and subsequent children to travel free.

The Cabinet member for Children's Services and Schools decided on the 1 July 2002 that the provision of concessionary seats on home to school transport is on the basis that any available seats will be allocated in date order of receipt. If there are more applications received on a single day than there are concessionary seats available, priority will be given to any students in National Curriculum years 10,11,12 or 13, oldest first and thereafter to other students with a sibling already travelling or allocated a concessionary seat and thereafter youngest first from September 2002 onwards. At the meeting of the full Council in 2007 the charge for a concessionary seat was raised from £100 to £110 a term with effect from September 2007. This charge to be waived for those on Income Support or Job Seekers Allowance (Income Based) or for those whose income is at or below these levels, for which supporting evidence is required. In the event that a family having more than two children travelling on concessionary seats the family would not be charged for the transport of more than two children.

Provision for children with a statement of special educational need

A child of compulsory school age about whom the Authority maintains a statement of special educational needs will be entitled to free home to school transport in accordance with the general policy for the provision of transport to children of compulsory school age.

A full policy statement is attached at Annex 5.

Provision for children who are baptised in the faith of the denominational school that they are attending

In considering entitlement to transport a council has to take into account any wish of a parent for their child to be provided with education at a particular school on grounds of the parent's religion or belief. There is no statutory entitlement to transport, as attendance at a denominational school is through parental choice.

- A charge was introduced for the transport of children attending the denominational secondary school of their faith. This charge was set at £110 a term £330 for the year and will be subject to annual review.

This charge will be waived for those families who qualify under the low income policy

- free transport will continue to be provided for those children for whom the denominational school is the nearest secondary school to their home address or is nearer than the designated non denominational secondary school for their home address as measured by the nearest road route subject to a qualifying distance of 3 miles or more as measured by the nearest available route.

- Under this discretionary charging policy for a family having more than two children travelling at the same time of compulsory school age the family would not be charged for the transport of more than two children.

Provision for children attending a selective school

The following policy was determined.

- free transport will continue to be provided for families who qualify under the Low Income policy and who live 2 miles or more from the school as measured by the nearest available walking route.
- free transport will be provided for those children for whom the selective school is the nearest secondary school to their home address as measured by the nearest road route or is nearer than the designated secondary school for their home address as measured by the nearest available road route subject to a qualifying distance of 3 miles or more as measured by the nearest available walking route.

Motability Allowance

The parents of some pupils may be in receipt of the higher rate mobility component (HRMC) of the Disability Living Allowance (DLA). The Motability Scheme, that supplies vehicles, adapted or unadapted, in return for the DLA, usually on contract hire terms. The Council may take receipt of the HRMC of the DLA or possession of a motability vehicle into account when deciding whether to use its discretion to provide free home to school transport. Each case will be considered on its merits. The receipt of the HRMC, of the DLA or the possession of a motability vehicle are not taken into account where the Council is under a duty to provide free home to school transport.

Exceptions to policy

At the meeting of the Education Committee on the 20 September 1993 it was resolved that pupils from the parishes of Ongar, Fyfield and Willingale be entitled to free transport to Sawyers Hall College (formally Hedley Walter School), Brentwood County High School and Shenfield High School as well as to their catchment school subject to the qualifying distance criteria being met.

At the meeting of the Education Committee on the 9 December 1996 the practice of providing transport for Essex pupils living in Bures who attend Bures CE VC Primary School or Stoke-by-Nayland Middle School or Great Cornard Secondary school be continued, subject to the qualifying distance criteria being met.

Hazardous route assessment criteria and procedures

At the discretion of the Cabinet Member for Schools, Children and Families officers are empowered to consider routes from home to school and determine whether they are available to be walked, accompanied as necessary, based on the criteria and procedure set out in Annex 6. In the event of a borderline case, or where such a determination is challenged the matter is referred to cabinet members for decision. Transport will be provided if the route is deemed to be unavailable to be walked, accompanied as necessary.

In March 2006 the Cabinet Member for Education decided that with immediate effect where the nature of a home to school route changes consequent upon highway works or other related factors such that it becomes 'available' all children entitled to free home to school transport at the time of the change, will continue to be provided with free home to school transport until they complete their statutory educational career at that school. However, free transport will not be provided for their siblings. A copy of the key decision is attached at annex 8

Appeal procedures

In the event that a parent appeals against the decision not to provide transport on exceptional grounds the decision will be reviewed by Head of Service, Schools Children and Families Education Transport and Awards Service. If a parent appeals against this decision then there will be a right of appeal to the Director for Commissioning Schools Children and Families. Their decision is final.

Behaviour of pupils travelling on school transport

There are Notes of Guidance available on line setting out the expectations for the following groups in respect of pupil behaviour on home to school transport:

- Notes of guidance for Students and Parents / Guardians
- Notes of guidance for Drivers and Escorts

The County Council will continue to introduce innovative approaches aimed at improving pupil behaviour. These initiatives include:

- A training video for operators and drivers to raise awareness of issues and good practice
- The use of an interactive theatre company to raise awareness of issues and expected behaviour with schools and pupils
- Provision of CCTV on designated contract vehicles

Provision of escorts (passenger assistants) on education transport

It was resolved that with effect from 26th April 2011 escorts should only be provided for children with special educational needs as appropriate.

It was determined that escorts on special educational needs contracts should be vetted and satisfactorily complete an Essex County Council training programme.

The following policy was adopted at the meeting of the Cabinet on the 7th December 2010 in respect of escort provision for mainstream education transport contracts:

1. existing escort provision on mainstream primary and secondary contracts be withdrawn

Withdrawal of transport provided in error

At the meeting of the Executive Board on the 13 December 2000 it was agreed that where children are provided with home to school transport in error, or where there is a change to the route such that the school becomes under distance for transport provision, that provision be withdrawn after first considering the circumstances of each case to determine whether there are exceptional reasons for provision to continue. Where it is decided to withdraw transport, one terms notice is given. This approach has been supported by the courts in the case of *Rootkin v Kent County Council* (1981).

Provision of transport for after school activities

It was agreed that the County Council should assist schools to make late and out of school hours arrangements, with any additional costs arising being financed through the schools' delegated budget.

Provision of transport for Foreign Exchange Students

It has been agreed that Essex County Council will not fund additional cost associated with the transportation of Foreign Exchange Students during their exchange programme. We would encourage schools to speak with the operators of Essex County Council Contracted Vehicles to make arrangements for these students. Any additional costs arising should be financed through the schools delegated budget or by parents and carers.

Provision of transport for Year 6 Induction/ Transition Days

It has been agreed that Essex County Council will not fund additional cost associated with the transportation of those students from year 6 who attend induction days at their secondary schools. We would encourage schools to speak with the operators of Essex County Council Contracted Vehicles to make arrangements for these students. Any additional costs arising should be financed through the schools delegated budget or by parents and carers.

Provision of transport to children who move school in years 10 and 11 or when they are above compulsory school age

It was agreed that, transport would no longer be provided automatically for children in years 10 and 11 or post-16 whose home address changes such that the establishment they attend is no longer the designated establishment. Instead, consideration will be given on an individual basis to provision being made as an exception to normal County Council policy.

Sometimes, families and children, through no choice of their own, experience serious disruption in their home circumstances. This can cause particular difficulty for a young person in their GCSE examination years if they have to move address and are not able to remain at their previous school where they have started a course of study. This does not apply to planned moves, where parents are making a choice to move to a new area.

In order to help young people achieve their full potential and to succeed in their GCSE examinations, where a child who is attending school in Essex in years 10 and 11 has to move in exceptional circumstances to a new address in Essex they will be provided with transport from their new address to their previous school. Exceptional circumstances will be defined; for example death of a parent, move from family home because of family issues such as repossessions, family violence.

Payment of fuel reimbursement rate

At the meeting of the Education Committee on the 19 December 1988 it was recommended that where older students, who are entitled to free transport, find it convenient to travel to school or college by their own vehicle that reimbursement of their expenses be based on the cost of fuel necessary for them to travel to and from their place of study.

At the Executive Board on the 13 December 2000 it was agreed that the policy and reimbursement rates as set out in report XEC/146/00 be agreed for implementation for all new cases with effect from 1 April 2001. The fuel reimbursement rate to be reviewed as and when there is a significant change in the price of fuel and the vehicle rate to be increased in line with any changes in the Inland Revenue rate.

In July 2009 it was decided by the Cabinet Member for Education to review the rate at which Fuel Reimbursement was paid due to increase in fuel costs and running of a car over the previous year. Following this review the recommendation was made to increase our payments 17p per mile for ordinary cases of reimbursement and 40p per mile for exceptional cases. It was also decided that this should be paid for the return journey the parent made from home to school and school to home, including the journey where the child was not in the vehicle.

Income assessment

All references to Income Support and Family Credit in policy statements to be replaced by income support and receipt of other qualifying benefits or income where the income for the family is at or below the level that would qualify for the payment of Job Seekers Allowance (Income Based). A detailed statement of the income assessment process is set out at Annex 7.

Bibliography

Home to School Transport Guidance DFS 2007
Education Act 1996 as amended

SCHOOLS, CHILDREN AND FAMILIES EDUCATION TRANSPORT AND AWARDS SERVICE

TRANSPORT POLICY FOR CHILDREN OF COMPULSORY SCHOOL AGE

General

The County Council will provide free home to school transport for children to the designated school for their home address who meet the 'qualifying distance' criteria which are:

- 2 miles or more for children below the age of eight
- 3 miles or more for children aged eight and above

For children aged eight the change in entitlement to free transport will be implemented from the start of the school year in which the child attains the age of eight. For most children this will be from the start of year four.

The 'qualifying distances' will be measured by the nearest available route, that is a route between the home address and the designated school that can be walked by a child accompanied as necessary by an adult, in reasonable safety.

The route and its availability will be determined by the County Council.

The County Council will also provide free transport for children who attend a school closer than the designated school for the home address as measured by the nearest available road route. The 'qualifying distance' criteria will however still need to be met.

The statutory entitlement will be extended to those from low income groups. Children from low income groups are defined as those who are entitled to free school meals, or those whose families are in receipt of their maximum level of Working Tax Credit (WTC).

Children aged above the age of 8, but under the age of 11, from low income families will be entitled to travel assistance where they live more than two miles from their nearest qualifying school.

From September 2008 free transport will be available to those children aged above 11 from low income families where their child is admitted to one of their three nearest qualifying schools where they are more than 2 miles but less than 6 miles from their home address.

This policy applies only to children who are resident in the area administered by Essex County Council. Free transport may take the form of a seat on a contract bus, a ticket for a public bus or train or reimbursement of fuel costs for the use of a car in limited circumstances.

Denominational Education

The County Council will provide transport for children attending the designated denominational school of their faith who meet the qualifying distance criteria, or a nearer denominational school of their faith as measured by the nearest available road route again for those who meet the qualifying distance criteria on payment of a charge for those of secondary school age and free for those of primary school age. The charge for those of secondary school age will be payable termly in advance at the rate determined by the Cabinet.

Free transport will be provided for those children for whom the denominational school is the nearest secondary school to the home address or is closer to the home address than the designated non denominational secondary school as measured by the nearest available road route for those who met the qualifying distance criteria. The charge will also be waived for children with a statement of special educational need where transport is deemed to be necessary to enable the statement to be implemented.

This charge will also be waived for families who qualify for Low Income or qualifying benefits or other income that is at or below the level that would qualify for the payment of Job Seekers Allowance (Income Based).

The designated denominational school for the home address of the child will be determined by the County Council in liaison with the relevant Diocese.

Evidence that the child has been admitted to the faith of the school attended will need to be provided at the time of application for transport as determined by the County Council in liaison with the relevant Diocese.

Free transport will also be available to those children aged between 11 and 16 from low income families attending the nearest school to their home address preferred by reason of a parent's religion or belief where they are more than 2 miles but less than 15 miles from their home address.

Selective Education

The County Council will make provision for the transport of children to selective schools who reside 3 miles or more from the school as measured by the nearest available route whose family qualify under the Low Income support or qualifying benefits whose income is at or below the level that would qualify for Income Based Job Seekers Allowance.

Free transport will be provided for those children for whom the selective school is the nearest secondary school to the home address or is closer to the home address than the designated secondary school as measured by the nearest road route for those who meet the qualifying distance criteria.

Children with a statement of special need

If a child has Special Educational Needs/disability or with a mobility problem and is registered at a qualifying school within walking distance of their home; and the Council have not made suitable arrangements to enable him/her to become a registered pupil at a school nearer his home; then, having regard to those problems the Council believes that he/she cannot reasonably be expected to walk to school, it must make arrangements for free home to school transport.

Where a child about whom the County Council maintains a statement of special educational needs is not entitled to free transport under the general policy, the Authority will nevertheless exercise discretion where the child has exceptional needs which would make it unreasonable to expect the child to walk to school, accompanied as necessary.

Exceptions to Policy

This general policy may be varied by the County Council from time to time in specific exceptional circumstances, the details of which can be provided on request.

Fuel Reimbursements

In exceptional cases the County Council may offer an entitled student fuel reimbursement for transportation from home to school instead of providing the student with a taxi or public transport ticket. Parents/Carers will not be able to apply solely for fuel reimbursements. An assessment will be made at the time of allocating transport and where it is appropriate an offer will be made to the parent/carer. If the parent/carer is in a position to assist with all or part of the journey reimbursement will be paid. Reimbursements are paid at 17p or exceptionally 40p per mile for the outward and return journey am and/or pm. An assessment is made at the time of application to determine the level of reimbursement you will be entitled to. If the student requires specialist equipment or specialist vehicles in order to undertake the journey you may be entitled to the higher rate. The majority of claims will be paid at 17p per mile. Reimbursements are made to the parent/carer for the return journey, i.e. the journey to the school with the student and the return journey home and vice versa. Reimbursement forms (provided by the County Council) and fuel receipts with V.A.T. dated before the journey took place are required in order for your claims to be processed.

However, if a parent/carer requests reimbursement but there is a suitable County Council contract vehicle that the student would be able to travel on, the student would be allocated the contract vehicle and reimbursement would not be considered unless suitable evidence was provided or the County Council contract was discontinued. If reimbursement was agreed it would be as an exception to the policy and therefore we would pay the rate of 17p per mile for the journey in which the student is in the vehicle. It is important to note that reimbursement will only be considered where the cost to the County Council of providing reimbursement is the same or less than the cost of organised transport.

In July 2009 it was decided by the Cabinet Member for Education to review the rate at which Fuel Reimbursement was paid due to increase in fuel costs and running of a car over the previous year. Following this review the recommendation was made to increase our payments 17p per mile for ordinary cases of reimbursement and to 40p per mile for exceptional cases. It was also decided that this should be paid for the return journey the parent made from home to school and school to home, including the journey where the child was not in the vehicle.

In July 2010 it was decided by the Head of Strategic Transport and Awards to change the process of providing reimbursement to families to cut down on the administration time taken to determine the payment of mileage. It was decided that parents would receive a payment in advance for the period of their transport entitlement, for a school term, up to a maximum of one academic year. This would reduce administration time in processing claims and would be an incentive for parents to receive payment in this way. Any sickness absence incurred during a term will be deducted from the next termly payment.

Annex 2

Post 16 Transport Policy for 2010/11 (01.09.10 – 31.08.11)

Purpose

The purpose of the Post 16 Transport Policy is to ensure that all young people aged 16-19 have the opportunity to continue their education following the completion of their statutory school years. Essex County Council Members have agreed that no student should be expected to pay more than £485 per year to travel to a suitable establishment to continue their studies.

Policy

The policy of the County Council is to offer assistance with the provision of transport, to students who are under 19 years of age on 1 September of the academic year in which their course begins, to attend a full time Post 16 course of education. Assistance with transport is only available to students who live more than three miles distance from the nearest appropriate establishment by the shortest available route. The nearest appropriate establishment is determined as the nearest maintained establishment at which the course, or the majority of the course, is offered. A maintained establishment is a School Sixth Form or a College funded by the Young People's Learning Agency (YPLA). Participation in the Post 16 transport scheme is subject to payment of a charge, termly in advance, or by instalments via Direct Debit. Transport assistance is awarded for one year only and must be applied for at the beginning of each academic year. Receipt in any one year does not guarantee continued assistance.

Students who have a statement of Special Educational Needs when they complete their statutory education are not covered by this policy. Assistance for these students is provided under the **Post 16 Special Educational Needs Transport Policy**.

Motability Allowance

The parents of some pupils may be in receipt of the higher rate mobility component (HRMC) of the Disability Living Allowance (DLA). The Motability Scheme, that supplies vehicles, adapted or unadapted, in return for the DLA, usually on contract hire terms. The Council may take receipt of the HRMC of the DLA or possession of a motability vehicle into account when deciding whether to use its discretion to provide free home to school transport. Each case will be considered on its merits. The receipt of the HRMC, of the DLA or the possession of a motability vehicle are not taken into account where the Council is under a duty to provide free home to school transport.

Amplification of the policy

Age

To be eligible for assistance under the Post 16 transport scheme (the scheme) a student must be under 19 years of age at the beginning of the first year of their course. For courses starting in the autumn term the academic year starts on 1 September. For the avoidance of doubt, a student who has already attained or will attain the age of 19 on or before 31 August in the calendar year of their first application for assistance with Post 16 transport will not be eligible for support from the scheme. Any student aged 19 or over on 31 August in the calendar year of their application, will only be eligible to apply for support if they can demonstrate explicitly that their course is a continuation of one on which they have already successfully completed the first year of study, having started the course prior to attaining the age of 19. The onus will be on the student to prove continuous study.

If a student is 19 or over and is attending a course as part of a formal or informal care plan, and is not eligible for support from the Post 16 transport scheme, they will need to seek support from an alternative funder/provider for the transport necessary to enable them to access that course. Parents or Carers should contact Social Care Direct on 0845 603 7630, **Email** essdirect@essexcc.gov.uk, **Fax:** 0845 601 6230, **Text Phone** 0845 758 5592

Full time Post 16 course of education

This is defined as a full time programme funded by the Young People's Learning Agency (YPLA) in a School Sixth Form, Further Education Unit or College and would require a programme with a minimum of 450 guided learning hours, which runs for a full academic year. Assistance from the scheme is only available to provide a student with transport from home to school or college. Assistance is not available from the scheme for any other transport associated with the course e.g. travel to work experience placements, educational visits and other off site activities, which are the responsibility of the school or college and the student. It may be possible to apply for other forms of assistance and students should enquire at the school or college they are attending.

Transport to work placements

Assistance is not available from the scheme for any other transport associated with the course e.g. travel to work experience placements, educational visits and other off site activities, which are the responsibility of the school or college and the student. It may be possible to apply for other forms of assistance and students should enquire at the school or college they are attending. Where the course the student is studying is on a split site (i.e. one day in Colchester Institute, Colchester and one day at Colchester Institute, Clacton) we would look to provide transport as an exception to the current policy. This would be agreed on an individual case by case basis. There would be no automatic entitlement to assistance.

Nearest appropriate establishment

To be eligible for assistance under the scheme, a student must be attending a full time course at the nearest appropriate establishment and must live 3 miles or more from that school or college by the shortest available walking route, as determined and measured by the County Council. However, preference will be given to travel to establishments within the boundary of Essex (including Southend and Thurrock) i.e. a student would not be required to travel to a school or college outside the Essex boundary (including Southend and Thurrock) even if it was nearer to their home than the nearest school or college within Essex.

Therefore, to be entitled to assistance the student must attend the nearest publicly funded school or college offering the course to be studied. The word course for the purpose of the scheme refers to the qualification achieved (e.g. BTEC, NVQ, A Level) and not the description of the course in the school or college prospectus. If the student is going to study a multi subject course such as 'A' Levels, 'AS' Levels or GCSE's they would be expected to attend the nearest school or college offering 50% or more of those subjects, for example 2 out of 3 subjects, or 2 out of 4 subjects. Any appeal against a refusal to grant assistance with Post 16 transport on the grounds of nearest appropriate establishment will be considered, on the basis of school or college course information, by officers whose decision will be final.

A student who was entitled to home to school transport for their statutory school years, continues to be entitled to travel assistance (on payment of the charge), if they wish to continue their post 16 education at that school, whether this is the nearest establishment offering the course or not. However, if the student was awarded transport to school as an exception to the usual home to school transport policy, there is no automatic entitlement for assistance to continue. Such cases will be assessed under the Post 16 Transport Policy. If additional information is submitted to support such applications, this will be taken into consideration at the time of assessment. It should be noted, however, that in many cases transport assistance is awarded in Years 10 and 11 to allow a student to continue an examination course. Such cases are therefore only exceptional until the examination course is complete, i.e. the end of Year 11.

Where a student has been entitled to transport to a specialist school for their statutory school years they will continue to be entitled to transport as it will be considered that this school is the nearest establishment that offers the course they are pursuing and can best meet the needs of the student.

If a student is refused transport as they are not attending the nearest appropriate establishment they may appeal against this decision on the basis that the cost to Essex County Council for transport to the establishment of the student's choice is the same or less than the cost of provision to the nearest appropriate establishment. In these cases the charge will still be payable.

Where a student is applying to a course and a selective (grammar) school is deemed to be closer to their home address than their chosen establishment we would discount the selective (grammar) school due to the limited number of students accepted at Post 16 Level.

Where a student changes address during their Post 16 course and requires a change in their transport arrangements, they must re-apply to the scheme and will be re-assessed using their new address details. All the policy criteria will continue to apply. For example, if the chosen establishment is no longer the nearest offering the course the student will no longer be entitled to assistance. If there are exceptional reasons why the address change is necessary an application may be made for special consideration (see appeals)

Payment of a charge

Students who fulfil the County Council's criteria for assisted transport will have to contribute to the cost of their transport, unless they satisfy the conditions for the charge to be waived. All participants in the scheme will be required to pay an annual charge. (£485 payable in advance in three instalments of £184, £184 and £117; alternatively where students are submitting an application before 24th June 2011 payment of the charge in 7 instalments of £43 by direct debit with an initial deposit of £184 can be arranged).

The only basis on which a request to waive the charge will be considered are if:

- the household is in receipt of Child Tax Credit/Working Tax Credit with an annual income of less than £16,190*,
- Income Support
- Jobseekers Allowance (Income Based)
- Employment and Support Allowance – Income related
- Pension Guarantee Credit
- or if the household income is below £16,190* or equivalent to/less than Jobseekers Allowance (Income Based).

*subject to approval by central government

The charge is waived solely on the assessment of weekly household income. There are no grounds on which an individual is exempt from the charge. For the purposes of the assessment of household income, this includes all sources of income to the household as a whole and only Disability Living Allowance will be disregarded. Documentary evidence demonstrating income and benefit entitlement must be provided to support such a request.

If you are liable to pay the charge at the time of your application and your circumstances change part way through the year you may be eligible to request that the charge is waived. If this is agreed you will be entitled to receive a refund for any charge you have paid from the date your claim was processed by the Benefits Agency. You will not be entitled to receive a refund for that whole term.

In addition to this if you are eligible to have the charge waived at the time of your application and your circumstances change during the year you must let us know immediately as you may be required to pay the charge for part of that academic year. The County Council will randomly contact families during the academic year, to ensure they are still eligible to have the charge waived.

Residence

To qualify for assistance from the scheme a student must ordinarily be resident in the UK with settled status, living within the administrative boundaries of Essex County Council at the time of their application. Applications for courses starting in the autumn term should be received by 24th June 2011 and for courses starting in the spring term, by 25th November 2011. Transport assistance will not be awarded for the summer term only.

The DCSF has determined that asylum seekers and refugees and their children must be provided with transport in accordance with policy to access provision appropriate to their age, abilities and aptitudes. Such applicants will be considered for assistance under the terms of the scheme provided they are living within the administrative boundaries of Essex County Council at the time of their application.

Progression

It is not necessary for students to demonstrate Academic progression to qualify for assistance under the scheme.

Reimbursement of Travel Costs

If a correctly completed application for travel assistance is not received until after the Autumn or Spring cut off dates, students will not be entitled to apply for a reimbursement of travel costs incurred whilst their application is being assessed or transport is being arranged. Where a student meets the entitlement criteria and applies before the cut off date for the term in which they are applying, they will be entitled to a refund of reasonable transport costs if Essex County Council transport has not been arranged for the start of the term. Written evidence of such travel costs must be provided, e.g. original bus tickets, not photocopies.

Reimbursement of the Charge

If transport assistance is no longer required part way through a term, a partial reimbursement of the charge may apply, provided all tickets/passes have been returned and are received within the timescales stated in the table below. When calculating a reimbursement for tickets/passes received after the first day of a term an administrative charge of £60 will apply. The following levels of refund will be payable after the administration charge has been taken:

Length of time ticket/pass has been used	Refund Due
Autumn Term	
Up to 4 weeks	£124.00
4 to 8 weeks	£64
Over 8 weeks	Nil
Spring Term	
Up to 4 weeks	£124.00
4 to 8 weeks	£64.00

Over 8 weeks	Nil
--------------	-----

No reimbursement will be paid during the summer term.

Fuel Reimbursements

In exceptional cases the County Council may offer the parent/carer of an entitled student fuel reimbursement to transport their child(ren) from home to school/college instead of providing the student with a taxi or public transport ticket. Parents/Carers will not be able to apply for fuel reimbursements. An assessment will be made at the time of allocating transport and where it is appropriate an offer will be made to the parent/carer. If the parent/carer is in a position to assist with all or part of the journey reimbursement will be paid. Reimbursements are paid at 17p to the parent/carer for the return journey, i.e. the journey to the school or college with the student and the return journey home and vice versa. Reimbursement forms (provided by the County Council) and fuel receipts dated before the journey took place are required in order for any claims to be processed. If the parent/carer receives reimbursement but they are required to pay the £485 contribution they will be reimbursed once the claims exceed this amount. For example if the applicant is due to receive £595 in reimbursement for the year they will receive £110 (£595 - £485).

If a parent/carer requests reimbursement but there is a suitable County Council contract vehicle that the student would be able to travel on, the student would be allocated the contract vehicle and reimbursement would not be considered unless suitable evidence to support the case was provided or the County Council contract was discontinued. It is important to note that reimbursement will only be considered where the cost to the County Council of providing reimbursement is the same or less than the cost of organised transport.

In July 2009 it was decided by the Cabinet Member for Education to review the rate at which Fuel Reimbursement was paid due to increase in fuel costs and running of a car over the previous year. Following this review the recommendation was made to increase our payments 17p per mile for ordinary cases of reimbursement and to 40p per mile for exceptional cases. It was also decided that this should be paid for the return journey the parent made from home to school/college and school/college to home, including the journey where the child was not in the vehicle.

In July 2010 it was decided by the Head of Strategic Transport and Awards to change the process of providing reimbursement to families to cut down on the administration time taken to determine the payment of mileage. It was decided that parents would receive a payment in advance for the period of their transport entitlement, for a school term, up to a maximum of one academic year. This would reduce administration time in processing claims and would be an incentive for parents to receive payment in this way. Any sickness absence incurred during a term will be deducted from the next termly payment.

Independent Travel Training

Students who are assessed as able to receive Independent Travel Training with the County Council's Travel Trainers will be given this training. This will help the students become more independent and confident in their everyday lives and give them skills for life. If the training is successful the student will be provided with the appropriate ticket for the transport and route they have been trained on and will be expected to use this method to get from home to school/college. Taxis will not be provided to students once training has been successfully completed.

More information can be found by visiting www.getonthemove.org.uk

Allocation of Transport

The transport provided to students will be the most cost effective to the County Council. In the majority of cases this will be a public bus pass. Where a student is travelling a substantial distance to attend the establishment of their choice it is expected that the student will have considered the amount of journey time they will have to undertake in order to attend. Taxi transport will only be allocated once all other options have been considered. Students who travel on contract bus routes or who are transported by taxi with other students have minimal choice as to the time they may travel on outward or return journeys. Transport services cannot be tailored to meet individual timetables, but consideration will be given whenever possible to minimise inconvenience to students.

Enquiries

Officers within the Transport and Awards Team are responsible for the assessment and entitlement of applications for Post 16 Transport Assistance. If a student qualifies for Transport Assistance under the policy, their details will be sent to the Passenger Transport Co-ordination Centre (PTCC) where officers are responsible for allocating the most appropriate transport and notify the applicant in writing of the award offered. It is important that students and parents address any enquiries related to the assessment of applications to Transport and Awards and queries about the arrangement of transport to PTCC.

Further information about home to school/college transport for students of Post 16 age can be found by visiting www.getonthemove.org.uk

Appeals

Staff in SCF Transport and Awards will provide in writing the reasons for the rejection of an application at the point of assessment. If you wish to appeal against this decision an appeal form will be made available which will include a list of suggested documentary evidence to be produced to support the appeal. All appeals against a refusal of assistance should be made to SCF Transport and Awards. Appeals will be considered by officers in SCF Education Transport and Awards. It is our target to reach a decision on all appeals within 10 working days of receiving all of the required documentary evidence.

Each appeal is considered on its individual merits and is not intended to set a precedent for any similar case. If the appeal is turned down, that decision is final and other than communication of the decision and the reason behind it, no further correspondence will be entered into, unless the appellant produces further evidence to be considered.

Any concerns about the way in which transport is provided should be taken up with the Passenger Transport Co-ordination Centre.

Monitoring Information

Essex County Council is committed to ensuring that applications are assessed on the basis of entitlement alone. A monitoring form is attached to the back of each application. Completion of this form will help us to ensure that our policy and procedures are effective in avoiding discrimination. The information you provide will be used for monitoring and statistical data purposes only.

Post 16 Special Educational Needs Transport Policy 2011/2012 (01.09.11 – 31.08.12)

Purpose

The purpose of the Post 16 Special Educational Needs Transport Policy is to ensure that all young people, aged 16-19, with Special Educational Needs have the opportunity to continue their education following the completion of their statutory school years. This policy will be effective for academic year 2011/2012. It has been established to ensure that all students with Special Educational Needs whether they choose to continue their education at school or college, are assessed in the same way. Essex County Council Members have agreed that no student should be expected to pay more than £485 per year to travel to a suitable establishment to continue their studies.

Policy

The policy of the County Council is to offer assistance with the provision of transport, to students with Special Educational Needs who are under 19 years of age on 1 September of the academic year in which their course begins, to attend a full time Post 16 course of education. Assistance with transport is only available to students who live more than three miles distance from the nearest appropriate establishment by the shortest available route. The nearest appropriate establishment is determined as the nearest maintained establishment at which the course, or the majority of the course, is offered. A maintained establishment is a School Sixth Form or a College funded by the Young People's Learning Agency. Where a student has a statement of Special Educational Needs, the school named in this statement will be considered to be the nearest appropriate establishment. This will include some independent specialist schools and schools or specialist colleges outside the borders of Essex.

Participation in the Post 16 transport scheme is subject to payment of a charge, termly in advance, or by instalments via Direct Debit. Transport assistance is awarded for one year only and must be applied for at the beginning of each academic year. Receipt in any one year does not guarantee continued assistance.

Where a student has a school or specialist college named in their statement and they will be attending that school or Specialist College until they are 19, an application form will only need to be completed in the initial year of their course. In order to gain assistance for the second and third years of the course a confirmation letter will be sent to each student every year to confirm they still require assistance and to request up to date benefit information or payment for assistance. This will ensure that transport will be available in the subsequent years of the course at the beginning of September.

Students who no longer have a statement of special educational needs and attend a mainstream school or college for the Further Education will be required to apply for transport on an annual basis as there is more likelihood of a students' course changing during their time at the school or college.

Where a student's mobility needs require it, transport can be awarded as an exception to the policy.

Students who do not have a statement of special educational needs when they complete their statutory education are not included in this policy. Assistance for these students is provided under the **Post 16 Transport Policy**.

Amplification of the policy

Age

To be eligible for assistance under the Post 16 Special Educational Needs transport scheme (the scheme) a student must be under 19 years of age at the beginning of the first year of their course. For courses starting in the autumn term the academic year starts on 1 September. For the avoidance of doubt, a student who has already attained or will attain the age of 19 on or before 31 August in the calendar year of their first application for assistance with Post 16 transport will not be eligible for support from the scheme. Any student aged 19 or over on 31 August in the calendar year of their application, will only be eligible to apply for support if they can demonstrate explicitly that their course is a continuation of one on which they have already successfully completed the first year of study, having started the course prior to attaining the age of 19. The onus will be on the student to prove continuous study.

If a student is 19 or over and is attending a course as part of a formal or informal care plan, and is not eligible for support from the Post 16 transport scheme, they will need to seek support from an alternative funder/provider for the transport necessary to enable them to access that course. Parents or Carers should contact Social Care Direct on 0845 603 7630, **Email** essdirect@essexcc.gov.uk, **Fax:** 0845 601 6230, **Text Phone** 0845 758 5592

Full time Post 16 course of education

This is defined as a full time programme funded by the Young People's Learning Agency in a School Sixth Form, Further Education Unit or College or Specialist College. This would require a programme with a minimum of 450 guided learning hours, which runs for a full academic year. Assistance from the scheme is only available to provide a student with transport from home to school or college.

Transport to work placements

Assistance is not available from the scheme for any other transport associated with the course e.g. travel to work experience placements, educational visits and other off site activities, which are the responsibility of the school or college and the student. It may be possible to apply for other forms of assistance and students should enquire at the school or college they are attending. Where the course the student is studying is on a split site (i.e. one day in Colchester Institute, Colchester and one day at Colchester Institute, Clacton) we would look to provide transport as an exception to the current policy. This would be agreed on an individual case by case basis. There would be no automatic entitlement to assistance.

Nearest appropriate establishment

To be eligible for assistance under the scheme, a student must be attending a full time course at the nearest appropriate establishment and must live 3 miles or more from that school or college by the shortest available walking route, as determined and measured by the County Council. However, preference will be given to travel to establishments within the boundary of Essex (including Southend and Thurrock) i.e. a student would not be required to travel to a school or college outside the Essex boundary (including Southend and Thurrock) even if it was nearer to their home than the nearest school or college within Essex.

Therefore, to be entitled to assistance the student must attend the nearest school or college offering the course to be studied. The word course for the purpose of travel assistance refers to the qualification achieved (e.g. BTEC, NVQ, A Level) and not the description of the course in the school or college prospectus. If the student is going to study a multi subject course such as 'A' Levels, 'AS' Levels or GCSE's they would be expected to attend the nearest school or college offering 50% or more of those subjects, for example 2 out of 3 subjects, or 2 out of 4 subjects. Any appeal against a refusal to grant assistance with Post 16 transport on the grounds of nearest appropriate establishment will be considered, on the basis of school or college course information, by officers whose decision will be final.

If a student has been entitled to transport to a specialist school for their statutory school years and they are continuing their education at this school they will continue to be entitled to transport (on payment of the charge) as it will be considered that this school is the nearest establishment that offers the course the student is pursuing and that can best meet their needs.

If the student was originally awarded transport to school as an exception to the usual home to school transport policy, there is no automatic entitlement for assistance to continue. Such cases will be assessed under the Post 16 Transport Policy for Students with Special Educational Needs. If additional information is submitted to support such applications, this will be taken into consideration at the time of assessment.

Where a student has been entitled to transport to a specialist school for their statutory school years and they have decided to move to another establishment to complete their schooling they will not automatically be entitled to transport. Their application will be assessed according to the Post 16 Transport Policy for Students with Special Educational Needs and from the information we have received from their school.

If a student is refused transport as they are not attending the nearest appropriate establishment they may appeal against this decision on the basis that the cost to Essex County Council for transport to the establishment of the student's choice is the same or less than the cost of provision to the nearest appropriate establishment. In these cases the charge will still be payable.

Where a student changes address during their Post 16 course they must re-apply to the scheme and will be re-assessed using their new address details. All the policy criteria will continue to apply. E.g. if the chosen establishment is no longer the nearest offering the course the student will no longer be entitled to assistance. If there are exceptional reasons why the move is necessary an application may be made for special consideration (see appeals)

Payment of a charge

Students who fulfil the County Council's criteria for assisted transport will have to contribute to the cost of their transport, unless they satisfy the conditions for the charge to be waived. All participants in the scheme will be required to pay an annual charge. (£485 payable in advance in three instalments of £184, £184 and £117; alternatively where students are submitting an application before 24TH June 2011 payment of the charge in 7 instalments of £43 by direct debit with an initial deposit of £184 can be arranged). The only basis on which a request to waive the charge will be considered, is if the household is in receipt of a qualifying benefit and the weekly household income is at or below the income level of a similar family/household which is in receipt of job seekers allowance (income based). Documentary evidence demonstrating income and benefit entitlement must be provided to support such a request.

The other basis on which the charge can be waived is where the household is in receipt of:

- Child Tax Credit/Working Tax Credit with an annual income of less than £16,190*,
- Income Support,
- Job Seekers Allowance (income based),
- Pension Guarantee Credit
- or the household income is below £16,190* subject to approval by central government) or equivalent to/less than Job Seekers Allowance (income based).

**subject to approval by central government*

The charge is waived solely on the assessment of weekly household income.

There are no grounds on which an individual is exempt from the charge. For the purposes of the assessment of household income, this includes all sources of income to the household as a whole and only Disability Living Allowance will be disregarded.

If you are liable to pay the charge at the time of your application and your circumstances change part way through the year you may be eligible to request that the charge is waived. If this is agreed you will be entitled to receive a refund for any charge you have paid from the date your claim was processed by the Benefits Agency. You will not be entitled to receive a refund for that whole term.

In addition to this if you are eligible to have the charge waived at the time of your application and your circumstances change during the year you must let us know immediately as you may be required to pay the charge for part of that academic year. The County Council will randomly contact families during the year to ensure they are still eligible to have the charge waived.

A full list of qualifying benefits is provided in the Post 16 Special Educational Needs Transport Guidance Notes.

Hearing Impaired Students

Students with Hearing Impairments will be eligible to transport assistance to the nearest educational establishment to their home address that can offer them a deaf peer group as well as the nearest establishment that offers their course. The charge will still be applicable in these cases unless the student is in receipt of benefits or the income level outlined above.

Allocation of Transport

The transport provided to students will be the most cost effective to the County Council. In the majority of cases this will be a public bus pass. Where a student is travelling a substantial distance to attend the establishment of their choice it is expected that the student will have considered the amount of journey time they will have to undertake in order to attend. Taxi transport will only be allocated once all other options have been considered. Students who travel on contract bus routes or who are transported by taxi with other students have minimal choice as to the time they may travel on outward or return journeys. Transport services cannot be tailored to meet individual timetables, but consideration will be given whenever possible to minimise inconvenience to students.

For student's who attended a specialist school prior to year 12, their transport needs will be reassessed prior to entry into Further Education. This means that the transport provision a student may have received prior to year 12 could be different when they reach Further Education. This assessment will include the necessity of providing an escort to travel with the student on a vehicle. Escorts will only be provided to those students who have a recognised need to be allocated one and on the basis that sufficient evidence to support their claim has been provided where it has been requested.

Parental Choice

Where a parent/carer has decided that they do not wish for their child to go to the school or college that SENCAN have decided best meets the student's needs and decide to seek a placement at an alternative establishment, transport will not be provided. The Implications of transporting their son/daughter to an establishment other than the school which has been assessed as best meeting the needs of the student should be considered and alternative arrangements should be made.

Independent Travel Training

Students who are assessed as able to receive Independent Travel Training with the County Council's Travel Trainers will be offered this training. This will help the students become more independent and confident in their everyday lives and give them skills for life. If the training is successful the student will be provided with the appropriate ticket for the transport and route they have been trained on and will be expected to use this method to get from home to school/college. Taxis will not be provided to students once successful training has been completed.

More information can be found by visiting www.getonthemove.org.uk

Residence

To qualify for assistance from the scheme a student must ordinarily be resident in the UK with settled status, living within the administrative boundaries of Essex County Council at the time of their application.

Applications for courses starting in the autumn term should be received by 24th June 2011 and for courses starting in the spring term, by 25th November 2011. Transport assistance will not be awarded for the summer term only.

The DCSF has determined that asylum seekers and refugees and their children must be provided with transport in accordance with policy to access provision appropriate to their age, abilities and aptitudes. Such applicants will be considered for assistance under the terms of the scheme provided they are living within the administrative boundaries of Essex County Council at the time of their application.

Comment [ECC1]: Dates will need updating

Progression

It is not necessary for students to demonstrate Academic progression to qualify for assistance under the scheme.

Reimbursement of Travel Costs

If a correctly completed application for travel assistance is not received until after the Autumn or Spring cut off dates, students will not be entitled to apply for a reimbursement of travel costs incurred whilst their application is being assessed or transport is being arranged. Where a student meets the entitlement criteria and applies before the cut off date for the term in which they are applying, they will be entitled to a refund of reasonable transport costs if Essex County Council transport has not been arranged for the start of the term. Written evidence of such travel costs must be provided, e.g. original bus tickets, not photocopies.

Reimbursement of the Charge

If transport assistance is no longer required part way through a term, a partial reimbursement of the charge may apply, provided all tickets/passes have been returned and are received within the timescales stated in the table below. When calculating a reimbursement for tickets/passes received after the first day of a term an administrative charge of £60 will apply. The following levels of refund will be payable after the administration charge has been taken:

Length of time ticket/pass has been used	Refund Due
Autumn Term	
Up to 4 weeks	£124.00
4 to 8 weeks	£64
Over 8 weeks	Nil
Spring Term	
Up to 4 weeks	£124.00
4 to 8 weeks	£64.00
Over 8 weeks	Nil

No reimbursement will be paid during the summer term.

Fuel Reimbursement

In exceptional cases the County Council may offer an entitled student fuel reimbursement for transportation from home to school/college instead of providing the student with a taxi or public transport ticket. Parents/Carers will not be able to apply solely for fuel reimbursements. An assessment will be made at the time of allocating transport and where it is appropriate an offer will be made to the parent/carer. If the parent/carer is in a position to assist with all or part of the journey reimbursement will be paid. Reimbursements are paid at 17p or 40p per mile for the return journey. An assessment is made at the time of application to determine the level of reimbursement you will be entitled to. If the student requires specialist equipment or specialist vehicles in order to undertake the journey you may be entitled to the higher rate. The majority of claims will be paid at 17p per mile. Reimbursements are made to the parent/carer for the return journey, i.e. the journey to the school or college with the student and the return journey home and vice versa. Reimbursement forms (provided by the County Council) and fuel receipts dated before the journey took place are required in order for your claims to be processed. If you request reimbursement and you are required to pay the £485 contribution you will be reimbursed once your claims exceed this amount. For example if you are entitled to receive £595 in reimbursement for the year you will receive £110 (£595 - £485).

If a parent/carer requests reimbursement but there is a suitable County Council contract vehicle that the student would be able to travel on, the student would be allocated the contract vehicle and reimbursement would not be considered unless suitable evidence was provided or the County Council contract was discontinued. If reimbursement was agreed it would be as an exception to the policy and therefore we would pay the rate of 17p per mile for the journey in which the student is in the vehicle.

Enquiries

Officers within the Transport and Awards Team are responsible for the assessment and entitlement of applications for Post 16 Transport Assistance. If a student qualifies for Transport Assistance under the policy, their details will be sent to the Passenger Transport Co-ordination Centre (PTCC) where officers are responsible for allocating the most appropriate transport and notify the applicant in writing of the award offered. It is important that students and parents address any enquiries related to the assessment of applications to Transport and Awards Team and queries about the arrangement of transport to PTCC.

Further information about home to school/college transport for students of Post 16 age can be found by visiting www.getonthemove.org.uk

Appeals

Staff in Transport and Awards will provide in writing the reasons for the rejection of an application at the point of assessment. If you wish to appeal against this decision an appeal form will be made available which will include a list of suggested documentary evidence to be produced to support the appeal. All appeals against a refusal of assistance should be made to Education Transport and Awards. Appeals will be considered by officers in the Special Educational Needs and Children with Additional Needs Service (SENCAN). It is our target to reach a decision on all appeals within 10 working days of receiving all the required documentary evidence.

Each appeal is considered on its individual merits and is not intended to set a precedent for any similar case. If the appeal is turned down, that decision is final and other than communication of the decision and the reason behind it, no further correspondence will be entered into, unless the appellant produces further evidence to be considered.

Any concerns about the way in which transport is provided should be taken up with the Passenger Transport Co-ordination Centre.

Annex 4

SCHOOL TRANSPORT IN RESPECT OF CHILDREN LOOKED AFTER

1. This relates to children who are looked after by the local authority and are:
 - (a) the subject of a Statement of Special Educational Needs; or
 - (b) currently in years 10 and 11 and move placement and where it is in their best interests to maintain continuity of education.
2. SCF Education Transport and Awards Services will consider and usually agree to commission and fund transport for children as in 1(a) and (b) above.
3. Social Workers should notify the Team Manager, Statutory Assessment Process concerning statemented children and the Head of Service SCF Strategic Transport and Awards concerning children without statements in years 10 and 11, immediately following a placement move being agreed.
4. Social workers should give two weeks' notice of the need for, or change to, transport to school, along with full details of the child concerned.
5. Where the circumstances of the move prevent two weeks' notice being given, social workers should liaise directly with the Passenger Transport Co-ordination Centre (PTCC) who will provide appropriate transport as soon as possible. Where PTCC cannot provide a service through existing contracted providers, they will endeavour to identify alternative transport providers, vetted and approved to other directorates, and will fund this transport provision in the intervening period in order to minimise cost and disruption to children's education.
6. Where PTCC are unable to provide any appropriate transport in less than two weeks, the Social Services team will fund transport costs for a maximum of ten school days.
7. Children who have a Statement of Special Educational Needs will usually be maintained at their existing school for continuity. However, consideration may be given to a change of school where this is in line with the provisions of the Statement and on the basis of professional advice, and endorsed by a review.
8. Children in 1(a) and (b) above who maintain more than one home base, through receipt of respite care, will be covered and their transport costs will be funded by Schools, Children and Families Directorate. However, the two week notification period should rarely be shortened due to the planned nature of respite episodes.

Annex 5

HOME TO SCHOOL TRANSPORT A POLICY STATEMENT IN RESPECT OF PUPILS WITH SPECIAL EDUCATIONAL NEEDS

Introduction

This policy statement refers to children, whether in mainstream or special provision, about whom the LA maintains a statement of special educational need or meet other specific criteria in relation to pre-school provision.

Home to School Transport Policy for Children with SEN

a) Children of compulsory school age

A child of compulsory school age who resides within the administrative boundary of Essex County Council will be entitled to free home to school transport funded by Essex LA if she/he:

- (i) is attending the nearest appropriate school, or one which is nearer; and
- (ii) is residing the following distance from the school by the nearest available walking route, measured from the front gate (or property boundary) to the nearest school gate:

2 miles or more for children below the age of eight
3 miles or more for children aged eight and above

Children with statements who live closer to the nearest appropriate school, and who do not therefore qualify under the above criteria, may however be entitled to free home to school transport on exceptional grounds of their individual needs. Entitlement based on special needs will be assessed by the SEN Transport and Awards Assessors. If agreed this will be reviewed as part of the annual review of the statement.

Types of Special Educational Need (SEN) that may require transport

There are a number of different types of SEN which, when combined with other circumstances, might prompt the LA to give positive consideration to a request for free home to school transport.

It is not possible within a policy statement to outline comprehensively all of the circumstances where free home to school transport might be agreed but particular consideration will be given to pupils with one or more of the following:

- (i) physical difficulties or vulnerability
- (ii) emotional and behavioural difficulties or emotionally vulnerable
- (iii) emotional and behavioural difficulties which might cause attendance problems
- (iv) sensory difficulties
- (v) severe or profound Learning difficulties

b) Young people over 16

In September 2006 the policy for home to school transport for Post 16 Students with Special Educational Needs was amended. Details of this policy can be found within Annex 3 of this document.

Those students continuing in Education at Post 16 age will no longer have transport written into their statements. For those students continuing their education within a school environment, the statement will remain sole for educational needs. For those students attending college for the Post 16 Education, all statements will cease at the end of year 11.

Procedures for the provision/consideration of home to school transport for children with Special Educational Needs.

All home to school transport is provided by the Passenger Transport Co-ordination Centre in accordance with a defined Service Level Agreement with the Schools Children and Families Education Transport and Awards Service that includes the provision of transport to children with a statement of special educational need.

Respite Care Transport requests

All such requests are the responsibility of Education and Social Care and arrangements are made by the Passenger Transport Co-ordination Centre once approved by Education Transport and Awards Service.

Childrens Support Service (CSS)

Transport provision for children about whom the LA maintains a statement of special educational needs who attend Children Support Services (CSS) will be on the same basis as for children attending school.

Transport provision for any child, whether with a statement or not, attending a Childrens Support Centre will be considered by Transport and Awards SEN Assessors.

Pre-school provision

For pre-school children with special educational needs attending: a special school early years class, a designated nursery in a mainstream school or pre-school provision in a sensory impairment unit attached to a mainstream school, transport will be provided subject to the distance criteria or, if they live less than 2 miles from the nearest appropriate placement, depending on the nature of their special educational needs.

For pre-school children with special educational needs attending other provision the LA will consider whether to exercise discretion to provide free transport having regard to the child's individual needs.

In all cases the decision whether to exercise discretion will be taken by SCF Transport and Awards SEN Assessors on a case by case basis.

Standards for staff and vehicles used to transport children with special educational needs

There is no specific legislation that relates to the carriage of passengers with special needs. However, the County Council has adopted the following practices:

- use of licensed operators only
- all operators are interviewed, to assess suitability to be included on an approved list
- all operators are required to submit current insurance details
- the following Department of Transport Codes of Practice have been adopted
 - The Safety of Passengers in Wheelchairs on Buses (VSE 87/1)
 - Seat Belts and Child Restraints
- transport is planned bearing in mind each individual child's needs, taking into consideration safety, comfort and dignity
- transport is monitored by the Quality Operations Team, the school and parents and enforcement action taken as necessary
- escorts are employed, if necessary, to look after the travelling needs of their passengers
- all escorts are issued with an identification badge confirming they have a satisfactory enhanced CRB check
- training is available and required for drivers and escorts

The links to our publications are:

http://www.essex.gov.uk/Travel-Highways/Public-Transport/Tender-Opportunities/Documents/Students_Guardians_guide.pdf

http://www.essex.gov.uk/Travel-Highways/Public-Transport/Tender-Opportunities/Documents/Students_Guardians_guide.pdf

Provision of escorts (passenger assistants)

Escorts will only be provided following the outcome of an assessment of the child's Special Educational Needs in order to meet the needs of the children travelling to and from school. This determination will be made by the SCF Transport and Awards team in liaison with the Passenger Transport Co-ordination Centre.

Facilitating inclusion in main stream provision for children attending Special Schools

Where a child with a statement of special educational needs on roll at a special school is attending a designated mainstream secondary school for whole day sessions as part of a formal integration programme, transport will be provided. All entitlement decisions, to be made, by SCF Transport and Awards Assessors in consultation with SENCAN.

Attendance at residential schools

Free transport will be arranged for children with a statement of special educational need attending a residential school in accordance with the pattern of school attendance. This will normally be at the start and finish of each period of residence, that is:

- Termly boarders
transport at the start and end of the school holidays, including half terms and official closed weekends
- Weekly boarders
transport every weekend and at the start and end of the school holidays including half terms

Where a boarding school requires a child to go home for a period, which would not form part of the above arrangement, the school/parent is responsible for the travel costs.

Entitlement to transport will be determined by SCF Transport & Awards in consultation with SENCAN.

Transport for visits to residential, out county or Other LA schools

Parents/Guardians

Travel expenses will be paid for parents/guardians or up to two adults with parental responsibility (but not siblings) of children at residential schools. Expenses are allocated in the form of travel warrants or fuel reimbursement and are available for:

- formal interviews and assessments arranged via the LA
- visits to schools if exceptionally agreed by SCF Transport and Awards in consultation with SENCAN
- annual review meetings

In exceptional circumstances, SCF Transport and Awards Assessors will consider approving transport for parents where the child is hospitalised or where the nature of the illness necessitates them being returned home.

The LA will pay for overnight accommodation (but not meals) if it is not possible, in the judgement of SCF Transport and Awards in consultation with SENCAN, to complete the journey in one day. Taxi fares to and from the nearest station will also be considered on production of a receipt.

OfSTED Inspections

The LA does not provide transport to enable parents to attend OfSTED inspection meetings for parents at any school.

Transport for health purposes

Transport is not provided to facilities which are essentially health provision (e.g. child development groups run by Health Authorities, speech therapy, occupational therapy, hospital appointments, doctor or dental appointments etc.). For children placed in residential schools, whether Essex LA or independent, no provision is made for visits to hospitals.

Child and Family Consultation Service

In most circumstances the LA would expect provision to be made in the school environment. If attendance at the Child and Family Consultation Service is included in the statement or is subsequently agreed, transport may be provided. However SENCAN in consultation with Transport and Awards may consider approving transport to a clinic pending completion of a statutory assessment, in order to enable as much information as possible to be available. Local officers of SENCAN must ensure that they consult with Transport and Awards.

Reintegration/Integration

Full day reintegration: the LA will accept responsibility for transport costs and provision, for the inbound journey at the start of the day and the homebound journey at the end of the day.

Part time reintegration: the LA will accept responsibility for journeys at the start and end of the day. Journeys during the school day are the responsibility of the school that the child is on roll at.

Illness at school

The responsibility for the transport home of any child who is taken ill at school must primarily lie with the parent, and the LA will not pay for transport. Exceptionally, the LA will provide transport where a very 'frail' or disabled pupil requires specialist transport at short notice.

Any transport provided by the LA should normally be the regular transport with the escort who knows the pupil. The school should satisfy themselves that they have made every effort to contact the parents to ensure that they are available to receive the child at home or to collect the child from school if possible. Where the regular transport is not available, the school must themselves be satisfied that reasonable and appropriate supervision is given to the pupil and, if necessary, a member of staff should travel with the pupil.

Exclusion from school

The LA will not reimburse any additional transport costs incurred as a result of a decision taken by the school to exclude a pupil.

Swimming

The school is responsible for all transport costs associated with swimming.

Court appearances (residential schools only)

The LA will meet the transport costs if the pupil has to return home from a residential school (and/or return to school) in order to make a formal appearance in court.

Payment of fuel allowances

Consideration will be given to the payment of fuel allowances to parents transporting their children to and from school and who qualify for free home to school transport depending upon individual circumstances and whether or not such an arrangement will be more cost effective than the provision of transport by the County Council. Such consideration will be undertaken by Transport and Awards Assessors on an individual basis.

Appeals procedure

Appeals in relation to the refusal to provide home to school transport will be considered by the SCF Strategic Head of Education Transport and Awards Service. Letters of appeal should be addressed to the Customer Services Officer, SCF Strategic Transport and Awards Service, Schools, Children and Families Directorate, E Block, County Hall, Chelmsford CM11GS. Any appeal against the decision of the Head of Service will be considered by Director for Commissioning Schools Children and Families.

Complaints procedure

The Schools Children and Families Services customer care policies will apply.

References

Special Educational Needs Action Plan for Essex 2008 - 2012
Home to School Transport for children with special educational needs
Good Practice Guide
Department of Transport Codes of Practice:
The Safety of Passengers in Wheelchairs on Buses (VSE 87/1)
Seat Belts and Child Restraints

Hazardous Route Assessment Criteria and procedures

Introduction

“The Education Act 1996 says that where children live within “statutory walking distance” of their nearest qualifying school, local authorities are under a duty to make travel arrangements where the nature of the route is such that a child can not be reasonably expected to walk (accompanied as necessary) in reasonable safety. Guidance made under the Act describes the factors that a local authority may take assessing the comparative risk of a route. They include the following criteria.”

Criteria

1. In assessing the availability of a particular route, it is assumed that a child will be accompanied by an adult and consideration is therefore given only to dangers that would arise from traffic or highway conditions.
2. Where a pavement or roadside strip of reasonable width and condition, exists, this will be assumed to provide an available route for that part of the journey.
3. Where, on a lightly trafficked or narrow road, a verge exists, which is not easy to walk on, but which can be stepped on to by the child and accompanying person when vehicles are passing, it will be assumed to provide an available route for that part of the journey.
4. Routes may also lie along roads having neither pavement nor verge. On such roads, consideration will be given to the width of the carriageway, traffic speed and composition (such as the frequency of heavy goods vehicles) and to visibility. Where the carriageway is not subject to a width restriction, there is reasonable visibility in the direction from which the traffic flows that allows approaching traffic to be seen in sufficient time and the road is lightly trafficked without a significant number of HGV's passing it will be assumed to provide an available route for that part of the journey. In cases of doubt a visual inspection will be undertaken of the route to assess the level of risk.
5. Consideration will also be given to the relevant accident record of the route with particular regard to those involving pedestrian movements during relevant periods of the day.
6. Where road crossings are necessary, the availability of facilities to assist such crossing will be taken into consideration. Where no facilities exist an assessment of the risk attendant on traffic speed and flows and sight lines will be undertaken by visual inspection.
7. Unsurfaced public footpaths and bridleways which could become impassable for significant periods in winter will not normally be assumed to be available. However surfaced routes which otherwise are available but which flood occasionally will be deemed to be available but in accordance with law this will provide a statutory defence against any prosecution for non attendance of a child at school on the dates that the route is impassable.

Assessment procedure

1. Pavement/footway Where an adequate pavement or footway exists the route is available.
2. Safe visibility Where there is no pavement/footway there should be adequate visibility which will allow sufficient time for avoiding action to be taken, bearing in mind the speed of the traffic for the route to be safe.
3. Crossing points Where it is necessary to cross a road and there is a designated crossing point or where there is a step off point with adequate visibility which will allow traffic to be seen in sufficient time bearing in mind the speed of the traffic the route will be safe.
4. Assessment The availability of a route will be determined in accordance with the above procedure by officers. If there is any doubt the decision will be determined by members with no further right of appeal.
5. Traffic flows An assessment of the traffic flows and the nature of the traffic using the route at the relevant times of day will be commissioned from consultants and will be available as part of the determination process.
6. Review All routes assessed as available to be walked accompanied as necessary will be reviewed if there is a change in circumstances such as a higher speed limit or new road layout or physical improvements. If there is no change in circumstances the decision can be reassessed at 5 year intervals on request.

INCOME ASSESSMENT FOR APPLICATIONS FOR HOME TO SCHOOL TRANSPORT AND OTHER GRANTS AND ALLOWANCES

Background

The County Council has policies in place where the charges for the following are waived or no charge is made in the event that a family is on qualifying benefits:

Home to School Transport

- Transport to selective schools
- Post 16 transport
- Post 16 Special Educational Needs Transport

Other Grants and allowances

- Necessitous clothing allowance

The policy basis

All of the policies in respect of the above are couched in terms of families who are on income support. All of the policies with the exception of post 16 transport have been updated since 1999, were developed prior to changes in the benefit regulations in 1999, at which time family credit was replaced by working family tax credit.

The implications of the change in Benefit Regulations

The introduction of working family tax credit brought more families into scope as the income levels were increased above the thresholds that applied for the payment of family credit. Such a development would have increased the number of families in scope for an exemption from the payment of a charge or the receipt of a grant or allowance that was consequent upon being in receipt of a qualifying benefit. This would have had significant implications for the County Council in terms of increased expenditure.

The basis for an assessment following the change in benefit regulations

The change in benefit regulations with the replacement of family credit by working family tax credit with effect from 4 October 1999 has necessitated the introduction of a revised basis for the assessment of applications following its introduction. This assessment is based upon an assessment of the families' income. In the event that the income is at or below the income level that would trigger the payment of Job seekers Allowance (Income Based) the charge is waived. Such an assessment was not previously made as all families on the qualifying benefit of family credit were exempted from a charge without an assessment of their income being made. This change was implemented with the approval of the cabinet member from September 2000 onwards, this being the start of the first full academic year following the introduction of the new benefit regulations which were implemented partway through the academic year 1999/2000.

Financial Implications

The introduction of the income assessment has been undertaken within existing staffing resources and has held the cost of waived charges and the provision of grants and allowances at previous levels before the change in the benefit regulations.

Conclusions

Although the policy for the provision of home to school transport and the other grants and allowances remains unchanged the change in benefit regulations has necessitated the introduction of an assessment of income for the reasons stated above with effect from September 2000. Although this change has been implemented following consultation with the Cabinet member this report sets out the arrangements that are in place for the information of the Executive Board together with the consequent change in the wording of the existing policies to formalise the impact of the change in the benefit regulations.

**KEY DECISION TAKEN
BY THE CABINET MEMBER FOR EDUCATION, LEISURE AND THAMES GATEWAY**

**Originating Officer: Graham Ranby, Planning and Admissions
Manager. Ext: 30704**

**Change in policy for the provision of School Transport in circumstances
where the nature of the home to school route changes**

I hereby grant to take the decision to continue to provide transport provision for those children that have been provided transport due to a walking route being deemed available when it has previously been considered unavailable to be walked.

Background

The County Council is obliged by law to provide free home to school transport for children under the age of 8 years who live 2 miles or more from their designated school and those aged 8 and above who live 3 miles or more, in each case the distance is measured by the nearest available route. An available route is one along which a child can walk to school in reasonable safety accompanied as necessary.

Where it is deemed that the route (and any alternatives) from home to school, which is less than the statutory distance is not 'available', free home to school transport is provided. From time to time highway works such as the provision of a new footpath or pedestrian crossing are carried out on an unavailable route which then changes the nature of that route such that it becomes 'available'. In circumstances such as this the current policy is to give parents of children affected by this change of availability (and therefore their children's right to transport) one term's notice of the withdrawal of transport.

I have reviewed this policy with officers and hereby take the decision that with immediate effect where the nature of a home to school route changes consequent upon highway works or other related factors, all children entitled to free home to school transport at the time of the change (and only those children) will continue to be provided with free home to school transport, until they complete their statutory educational primary or secondary phase career at that school.

The policy for the withdrawal of free transport where that has been provided in error will not change as a result of this decision.

<i>Signature</i>	<i>Date</i>
Director of the Schools Service	
Cabinet Member for Education	March 2006

Escort Criteria

Escorts will not automatically be provided.

The provision of an escort is subject to evidence of need provided by the information given on the application form. Typically, such evidence in writing might include an Educational Psychologist's report for a child with behaviour difficulties or a report from an Occupational Therapist or Medical Professional for a child with mobility difficulties.

For any child entitled to transport, an escort will be provided to accompany him/her to school if it is considered that the health and safety of the child, driver or anyone else travelling in the vehicle would be at risk if not provided. This arrangement will be reviewed annually, since the need for an escort may change, as the child grows older.

Escorts are normally provided where the child has:

- A severe physical condition
- A medical condition requiring immediate treatment
- Severe behavioural difficulties

Schools and health professionals should not give parents expectations that requests for an escort will be agreed automatically by the Local Authority. All decisions will be based on the facts provided to the Transport and Awards Manager or Assessors, who will consider each individual case, taking into account the needs of the child, the availability of appropriate transport and any significant increase in costs.

This booklet is issued by

Essex County Council, Education Transport and Awards, Schools,
Children and Families

You can contact us in the following ways:

By post:

Education Transport and Awards
PO Box 4261
Chelmsford
Essex
CM1 1GS

By telephone:

0845 603 2200

By email:

educationawards@essex.gov.uk

Visit our website:

www.essex.gov.uk/schooltransport

Published February 2011

The information contained in this document can be translated, and/or
made available in alternative formats, on request.