

**LONDON BOROUGH
OF BROMLEY**

**SEN Transport
Policy**

Version 3.

15 June 2015

SEN Transport Policy

Contents

	Page
1. Introduction	3
2. Scope	3
3. Core Principles	3
4. Eligibility	4
5. School Travel Assistance Options	6
6. When Travel Assistance is not Offered	6
7. Provision of Passenger Assistants	7
8. Journey Times	7
10. Transport to Residential Provision	7
11. Young People (aged 16-19) with SEN	8
12. Student Transport (aged over 19)	9
13. Travel Assistance Reviews	9
14. Cessation of Transport	9
15. Appeals	9
16. Complaints	9

Travel Assistance Policy

1. INTRODUCTION

- 1.1 Bromley Council recognises the pressures faced by the parents of children with Special Educational Needs and undertakes to provide statutory transport services in accordance with the Department for Education Guidance on Home to School Travel and Transport Assistance:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/331654/Home_to_school_travel_and_transport_statutory_guidance.pdf
- 1.2 This Policy has been written with the intention of removing ambiguity and reassuring parents that they will receive the services to which they are entitled. The Policy also aims to clarify eligibility, when and how transport may be provided, and what to do if parents do not agree with an outcome.

2. SCOPE

- 2.1 The policy relates to travel assistance from the Council for children living within the boundaries of the London Borough of Bromley and describes how the policy applies to:
- Children with a Statement of Special Educational Needs / Education Care & Health Plan, medical needs or disabilities.
 - Children aged 5-16 without a Statement of Special Educational Needs/ Education Care & Health Plan, medical needs or disabilities.
- Please note that whilst there is no statutory entitlement to travel assistance for children under 5, this Policy takes statutory school age to include those children who have taken up the legal right to start schooling from the start of term after a child's fourth birthday.*
- 2.2 In addition, local authorities also have a duty to facilitate access to full-time education for young people aged 16-19 and this may include assistance with travel in certain circumstances.
- 2.3 This policy does not apply to young people or adults starting a course of further education at age 19 or over. They are advised to consult the college concerned about the availability of travel assistance or, in the case of those with learning disabilities, contact their Preparing for Adulthood Advisor or the Council's Adult Social Care department.

3. CORE PRINCIPLES

- 3.1 Bromley Council is committed to ensuring that each child can fulfil their potential and is supported to do so. The aim of this policy is to support all children with Special Education Needs (SEN) to lead lives which are as independent as possible. Where possible, children will be supported to achieve greater independence through the development of independent travel skills and the use of public transport. The Council will work closely with parents and schools and expects all parties to play a supportive role in the development of this key life skill.

- 3.2 The Council promotes sustainable modes of travel such as walking, cycling and use of integrated public transport and aims to reduce traffic congestion, the environmental impact of vehicle journeys and improve road safety. Where agreed, travel assistance for 'eligible children', will be provided in a safe manner that will take into account: the Council's statutory duties, the specific needs of the child, the legally recognised walking distances and appropriate use of its resources. Travel solutions provided will support initiatives that lead to reducing the volume and length of vehicle journeys.
- 3.3 The legal responsibility for ensuring that a child attends school lies with the parent or carer and this includes accompanying a child to school where necessary. In the event that parents are working or otherwise unavailable at the time their child travels to and from school it remains the parents' responsibility to make arrangements to ensure that their child attends school.
- 3.4 If both of the child's parents are, by reason of disability unable to ensure that their child attends school, or are unable to make suitable alternative arrangements, eligibility for travel assistance will be considered on the individual circumstances, with regard to the Equality Act 2010.
- 3.5 A child becomes of compulsory school age when she / he reaches the age of five and must start school in the term following their fifth birthday. Compulsory school age ceases on the last Friday in June in the school year in which the child reaches the age of 16.
- 3.6 The completion of a Statement of SEN / or an Education Care & Health plan does not confer an automatic entitlement to travel assistance. Many pupils with a statement of SEN /EHC plan do not receive nor require specialised travel assistance. In circumstances where the Council does not have a statutory duty to provide transport, parents of children with a statement of SEN /EHC plan are required to make arrangements for their child to attend school in the same way that parents of pupils without a statement do.
- 3.7 Under the Education Act 1996 and the Education and Inspections Act 2006, local authorities have a duty to provide assistance with travel to and from qualifying schools/college for children aged 5-16 in certain circumstances. The Council has no duty to provide transport but 'shall make such arrangements for the provision of transport and otherwise as they consider necessary'. This gives the Council discretion to provide travel assistance. A duty only arises if transport is referred to on a child's Statement of SEN/ EHC plan or the Council requires a child to attend a school which is not within the DfE walking distance of the child's home.
- 3.8 Children of school age (including students in full time education up to the age of 18 years, or 19 if in full time education) are entitled to free travel on buses and trams from Transport for London. This is considered suitable for the majority of pupils and young people attending school and sixth forms. Further information is available from: www.tfl.gov.uk.

4. ELIGIBILITY

- 4.1.1 Some children with SEN may experience problems with mobility or have other needs such that they are unable to access public transport safely. This policy is intended to provide clarity regarding eligibility for travel assistance.
- 4.1.2 The Council will assist parents with travel assistance in accordance with its statutory duties where children have significant SEN, a disability or mobility restrictions such

that travel assistance is essential to access their specialist provision.

- 4.1.3 In assessing any application for travel assistance, eligibility will be based on the needs of the eligible child, accompanied as necessary by a parent and will not normally take into account work or other family commitments such as the attendance of siblings at different schools.
- 4.1.4 No dispensation can be made for personal domestic arrangements or parents who are working at the time their children travel to and from school. Parents are expected to make full use of the separate legislation introduced to ensure flexibility for working parents or utilise the support of others to accompany their children as necessary.
- 4.1.5 Support services (such as pre and after school clubs at some schools) are available to families to manage the conflicting priorities of their domestic arrangements. It is expected that parents will have explored alternative support services to assist them in meeting any conflicting priorities that may arise, before applying for transport assistance.
- 4.1.6 All decisions will be based upon clear medical / specialist advice and evidence of need for the eligible child only. Eligibility criteria will be kept under review and subject to legislative change; consultation with user groups from time to time and as services are developed.
- 4.1.7 Details of the proposed application process are shown at Appendix 2.

4.2 Travel Assistance for Pupils with a Statement of SEN / EHC Plan

4.2.1 Where the child lives further than the statutory walking distance between home and their specialist provision, travel assistance will be offered. The Council will apply the Department for Education (DfE), distance criteria, for all applications for travel assistance for specialist provision.

4.2.2 DfE recognised walking distances

- Children aged up to 8 years old: Over 2 miles from home to school
- Children aged above 8 years old: Over 3 miles from home to school

Additionally, transport assistance will be provided where the pupil has an SEN /EHC plan and

- has been assessed as requiring transport assistance to access their specialist provision and / or;
- the Council has determined and named the special provision in the statement as being the nearest available special provision that is able to meet the child's needs and / or;
- the child's health needs are such that upon written medical advice, (date within the last twelve months) travel assistance is necessary to access their specialist provision

4.2.3 For children with SEN from low income families (those who are entitled to free school meals or who are in receipt of the maximum level of working tax credits) the eligibility criteria are varied:

- For children between the ages of 8 years and 11 years from low income families the 3 mile walking distance is lowered to 2 miles
- Young people of compulsory school age over the age of 11 years from low income families may be eligible for travel assistance to any of their nearest three relevant educational establishments where those schools are between 2 miles (measured using the shortest walking route) and 6 mile, (measured using the Shortest driving route) from the family home.

4.2.4 Travel assistance can only be provided at the beginning and end of the normal school day, and only to the special provision named on the statement.

4.2.5 Where a child's health needs are such that upon written medical advice, (date within the last twelve months), the pupil is unable to attend the standard school day, consideration will be given to providing assistance outside of the standard school day. It is expected that parents will support the facilitation of these additional journeys as necessary.

4.3 School Travel Assistance Options

4.3.1 Options that may be offered where travel assistance is agreed include:

- Reimbursement of agreed public transport costs, (where concessional fares or free transport appropriate for the age and disability of the young person) not applicable
- Supported travel training and use of public transport
- Payment of a personal budget at the Council's standard rates for parents to transport their children to the special school
- Travel assistance via the Council's contracted transport providers with or without a passenger assistant. This may be on a shared basis and from a designated collection point which may or may not be the home address.

4.3.2 Bromley Council supports the development of Children's travel skills and confidence to make journeys safely on their own. Bromley Council currently offers an Independent Travel Training Programme in partnership with schools and parents to train and support some young people (for whom this could be a viable option) to access public transport and travel independently.

4.3.3 Assistance will be provided for as long as the child's needs are such that given all the circumstances they continue to require travel assistance to access their specialist provision. All transport assistance will be regularly reviewed and at least annually.

4.4 Circumstances when Travel Assistance is Not Provided

4.4.1 Please be aware that, in accordance with national guidelines, travel assistance is not provided in the following situations:

- Where parents choose a school which is not the nearest suitable provision which the Council considers to be appropriate to meet the needs of the child or young person
- In the event a child has to be taken to or from school outside of their normal school attendance times due to illness, any type of appointments including

Doctors or any other specialists, interviews, assessment days, exclusion or for any other reason

- Amended timetables due to behaviour or suspension issues arising or a later collection following any form of detention or attendance at out of school time clubs
- Attendance at school outside of the published School Term Timetable and daily timetable regardless of whether the pupil is travelling on their own
- Parental attendance at annual reviews, meetings or any school events
- Transport to and from work placements or any off site provision

4.4.2 It is the responsibility of the School to organise and provide pupil's transport for curriculum activities including examinations, during the school day. In these cases travel assistance will be provided at the beginning and end of the normal school times only.

4.5 Passenger Assistants

4.5.1 Passenger assistants are provided for all primary school aged children and, depending on individual circumstances, for pupils of secondary school age. Any exceptional requirements will be based on evidenced need and discussions with schools and parents.

4.5.2 Where it would be unsafe for a child to travel without one, a passenger assistant will be provided subject to written medical / professional advice dated within the last twelve months. This is usually where a child exhibits severe challenging behaviour or where the child has a severe or complex medical condition requiring continuous support.

4.5.3 Where a passenger assistant is necessary for health reasons, parents and schools will be required to work with the health services to secure the appropriately qualified carer for transport purposes.

4.5.4 Parents or their nominees will be expected to accompany their child and undertake the role of passenger assistant where the pupil is the sole pupil attending a specific provision.

4.5.5 For all residential school placements parents will be expected to undertake the role of passenger assistant if necessary.

4.6 Journey Times

4.6.1 Geographically, Bromley is the largest London Borough; whilst this can sometimes make it difficult to ensure journey times comply with statutory guidance (for pupils attending primary schools not normally expected to exceed one hour and for pupils at secondary schools no longer than one hour and fifteen minutes) routes are planned to ensure compliance for schools located in Bromley. Unfortunately these limits cannot apply to schools located outside the London Borough of Bromley regardless of the age of the child. These timings do not take into account any waiting time.

4.7 Children attending Residential Special Provision

4.7.1 We encourage parents to take responsibility for taking and collecting their children when they attend residential provision. This strengthens the parent / school relationships and ensures regular personal contact is maintained with the school.

- 4.7.2 The Council will consider all factors and provide suitable travel assistance dependent on need and ability to access and use public transport or other available transport solutions.
- 4.7.3 Any travel assistance offered, will synchronise with the placement terms and in the majority of cases parents will be expected to undertake all weekend journeys, unless the use of any available transport solution provides better use of public funds.
- 4.7.4 Travel assistance for pupils at residential schools may include:
- Use of transport service provided by the school to a station or central pick up point. (Parents are responsible for collection and drop off from any designated station / localised pick up points)
 - Reimbursement of public transport costs
 - A personal budget paid at the Council's standard rates
 - Only in very exceptional cases and where this is not the best use of public funds, travel assistance via the Council's / contracted transport providers or shared with another Council with or without a passenger assistant, from a designated meeting point may be offered. (Parents are responsible for collection and drop off from any designated station / localised pick up points).
- 4.7.5 Parents may choose to undertake the whole journey themselves; however any reimbursement offered will be limited to the lower of the cost the Council would have paid to the School / another Council, personal budget or public transport costs.

4.8 Young People Aged 16 – 19 with Special Educational Needs

- 4.8.1 Most pupils of this age would be expected to use public transport and travel independently in view of the beneficial effects of developing the pupil's life skills. Public transport for pupils in full time education within the TFL area is free on buses and trams and concessionary fares apply for Tube, Overground and Rail transport.
- 4.8.2 The Council accepts that for a small minority this may not be possible. Applications will be considered against the following criteria:
- The student is aged between 16 and 19 and is on a course of further education at a school or designated further education college recognised by the Department of Education
 - The course is deemed to be suitable and will provide an educational benefit to the student – as assessed by the student's transition worker / adult placement officer, nominated by the local authority
 - Where the need and reasons for specific travel assistance has been identified / evidenced in the student's statement of Special Educational Needs or Transition Plan
 - Students must live more than 3 miles from school or college and be unable to undertake the journey by free public transport
 - Applications for students who have a disability or learning difficulty that would make it not reasonably practicable or introduce unreasonable levels of risk for them to undertake a journey to school or college of less than 3 miles will also be considered. Applications will be assessed on their own merits

- If a student has been provided with the highest rate of mobility allowance or the family have access to a mobility vehicle, then additional travel assistance will not be provided.

4.9 Students over the age of 19 with SEN attending Further Education Colleges

- 4.9.1 There is no duty for local authorities to provide travel assistance to students over the age of 19 except where they are completing a course that they have already started before their 19th birth date.
- 4.9.2 The Assistant Director for Education Services and or their nominated officer may exercise discretion for any applications for pupils with an EHC plan or where exceptional circumstances are shown.

5. TRAVEL ASSISTANCE REVIEWS

- 5.1 All children and young people's eligibility for travel assistance will be regularly reviewed and at least annually. In most circumstances the review will take place at the child or young person's school and parents/carers must attend the review in order for travel assistance to continue. Non-attendance may result in travel assistance being ceased.
- 5.2 Travel assistance will also be reviewed at Key Stage reviews and when there is a significant change in circumstances, such as a change in home address or a change in the child or young person's needs. It is the responsibility of the parent/carer to notify the Council immediately of any changes that may affect the provision of travel assistance.
- 5.3 Any changes will be implemented from the beginning of the next school term, or sooner by mutual agreement following the completion of the assessment stage.

6. CESSATION OF SUPPORT

- 6.1 The Council may review and remove travel assistance from students where it is proven that details within the application were inaccurate or where the child or young person's individual circumstances have changed. Transport assistance may also cease at the written request of the parent who may have made alternative arrangements for their child or young person's travel to school.

7. APPEALS

- 7.1 There may be instances where some applications are declined and parents may not agree with the Council's decision. In these cases the Council offers parents a formal 2 stage appeal process detailed in appendix 1.
- 7.2 Please note that parents are responsible for ensuring their child's attendance at school during any appeal.

8. COMPLAINTS

- 8.1 Bromley Council welcomes and responds positively to all comments, compliments and complaints as a means of demonstrating its commitment to working in partnership with all stakeholders.
- 8.2 The Education Care and Health Services complaints process is comprised of three

stages after which the complainant should be advised to refer the matter to the Local Government Ombudsman.

- 8.3 Although complainants can refer their complaints from the outset, or at any stage, to the Local Government Ombudsman, they will not normally be investigated until the Council has conducted its own investigation and made a response.
- 8.4 A copy of the Complaints Procedure is available on request and further information is available from:

Email: socialcarecomplaints@bromley.gov.uk

Telephone: 020 8313 4491

Address: Civic Centre,

FREEPOST MB 1658

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Appendices

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Education, Care and Health Services

Civic Centre, Stockwell Close, Bromley, BR1 3UH

Telephone: 020 8464 3333 Fax: 0208 313 4620

Direct Line: 0208 313 4076 Internet www.bromley.gov.uk

Email: sentransport@bromley.gov.uk

Your Reference: Our Reference: 03c. Appeal Form 01

SEN Home to School/College Transport Appeal

If you wish to appeal against the decision not to provide SEN home to school transport for your child please complete and return this form within 20 working days of receipt of the date of the Local Authority's transport decision. You will also need to send your documentation in support of your appeal at this stage.

Details of the home to school/college transport policies and review procedures can be found at:

link to Bromley website (SEN Transport Policy page) to be added in

It is advisable to read the policies before you make any appeal request – this will help you understand the transport eligibility criteria and grounds on which you are able to appeal the Council's decision.

You are able to appeal the Council's decision under one of the following criteria

The transport arrangements offered
The child's eligibility
The distance measurement in relation to statutory walking distances
The safety of the route

The Appeals Process

The Appeal form and any supporting documentation will be sent to the Stage 1 reviewing officer with the details set out in the original decision letter. The Stage 1 review officer will review your appeal based on the information you have provided and with reference to the Council's statutory duties and the Bromley SEN Transport Policy.

Following Stage 1, if the decision is upheld and you remain dissatisfied with the outcome, you may escalate the appeal to Stage 2. Should you remain dissatisfied after the Stage 2 process you will be signposted to the Local Government Ombudsman.

Please Note; During the appeal process no travel assistance will be provided and it is the parents responsibility to ensure their children attend school.

Please return this form and any supporting documentation with it to:

INSERT ADDRESS HERE



Education, Care and Health Services

Civic Centre, Stockwell Close, Bromley, BR1 3UH

Telephone: 020 8464 3333 Fax: 0208 313 4620

Direct Line: 0208 313 4076 Internet www.bromley.gov.uk

Email: sentransport@bromley.gov.uk

Your Reference: Our Reference: **SENTransport Post 16**

Please read the attached notes **BEFORE** completing this form

STAGE 1 APPEAL SPECIAL EDUCATION NEEDS TRANSPORT DECISION

To be completed by the parent/guardian in **BLOCK CAPITALS**

This form should be completed **within 20 working days** of the date of the Council's home to school transport application decision letter and submitted to:

SEN Transport Review Officer
 London Borough Of Bromley
 Civic Centre
 Stockwell Close
 Bromley
 BR1 3UH

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Section 1: Child's Details

First Name	
Forename (s)	
Surname	
D.O.B (DD/MM/YYYY)	
Address	
Postcode	
Home Telephone Number	
Current School	
SEN Details	

Section 2: Sibling(s) Details (Please continue on separate sheet if necessary)

First Name	
Forename (s)	
Surname	
D.O.B (DD/MM/YYYY)	
Address	
Postcode	

Home Telephone Number	
Current School	

Section 3: All Parent(s) / Guardian(s) / Carer(s) Details.

First Name	
Forename (s)	
Surname	
D.O.B (DD/MM/YYYY)	
Address	
Postcode	
Home Telephone Number	
Mobile Phone Number	

1. Are the other parent(s) / guardian(s)/ carer(s) in receipt of any of the following:
(please delete as appropriate)

- Disability Living Allowance Yes/ No
- Mobility Allowance Yes/ No
- Mobility Vehicle Yes/ No
- Child Benefit Yes/ No
- Child Tax Credits Yes/ No

Any other benefits/ allowances/ maintenance payments? Yes / No

Please give details:

(if yes please state include a copy of the latest letter, from the Department for Work and Pensions or the agency confirming benefits)

2. Job titles of parent(s)/ guardian(s)/ carer(s) (Pease also provide details of employment /self-employment):

.....

3. Please provide Names of any parent(s)/ guardian(s)/ carer(s) who hold a current driving licence

.....

4. Number of cars owned by or accessible to parent(s)/ guardian(s)/ carer(s).....

Section 4: The Appeal

The nature of my appeal is regarding (Please cross box "x" as appropriate)

The transport arrangements offered	
My child's eligibility	
The distance measurement in relation to statutory walking distances	
The safety of the route	
Other	

If other please specify:

.....

16. Please explain why you believe the decision should be reviewed? *(Continue on separate sheet if necessary)*

17. Please give details of any new personal and/or family circumstances you believe should be considered when the decision is reviewed *(If reasons involve medical conditions, documentary evidence should be provided.) (Continue on separate sheet if necessary)*

Full Name (Including Title).....
Signature.....
Date:.....

Please Note: The decision of the Appeals Panel is binding on all parties and your signature on this Appeal Form is your agreement to be bound by the decision



Education, Care and Health Services

Civic Centre, Stockwell Close, Bromley, BR1 3UH

Telephone: 020 8464 3333 Fax: 0208 313 4620

Direct Line: 0208 313 4076 Internet www.bromley.gov.uk

Email: sentransport@bromley.gov.uk

Your Reference:
16

Our Reference: SENTransport Post

Please read the attached notes **BEFORE** completing this form

STAGE 2 APPEAL SPECIAL EDUCATION NEEDS TRANSPORT DECISION

To be completed by the parent/guardian in **BLOCK CAPITALS**

This form should be completed **within 20 working days** of the letter from the Council declining your stage 1 Appeal and submitted to:

SEN Transport Panel
London Borough Of Bromley
Civic Centre
Stockwell Close
Bromley
BR1 3UH

Section 1: Childs Details

First Name	
Forename (s)	
Surname	
D.O.B (DD/MM/YYYY)	
Address	
Postcode	
Home Telephone Number	
Current School	
SEN Details	

Section 2: The Appeal

The nature of my appeal is regarding (Please cross box "x" as appropriate)

The transport arrangements offered	
My child's eligibility	
The distance measurement in relation to statutory walking distances	
The safety of the route	
Other	

If other please specify:

.....
16. Please give any new information explaining why you believe the decision should be reviewed ? **(referring to the policy and outline the specific reasons (grounds) related to the policy that you are appealing against)** *(Continue on a separate sheet if necessary)*

17. Please give any further details of any personal and/or family circumstances you believe should be considered when the decision is reviewed *(If reasons involve medical conditions, documentary evidence should be provided.)* *(Continue on a separate sheet if necessary)*

Draft

Full Name (Including Title).....
Signature.....
Date:.....

Please Note: The decision of the Appeals Panel is binding on all parties and your signature on this Appeal Form is your agreement to be bound by the decision)

Proposed application and assessment process for all applicants

The application process is designed to be as simple as possible whilst ensuring that full consideration is given to the specific needs of the child or young person. Parents should allow up to 30 working days from the date of application to the start of any assistance provided.

The application process is dealt with in three stages

Stage 1: Application

The parent/carer must make a formal application for travel support before any assistance is considered. Application forms can be obtained from:

Add in web link to new application form

By phoningthe SEN Transport Application Assessment and Review officer, for young people with a statement of special educational needs.

Each application will be acknowledged within 5 working days of receipt of the application. An initial evaluation of the application will then determine whether assistance is likely to be approved, declined or whether further assessment is required. The parent/carer will be informed in writing of the outcome of the application.

Stage 2: Assessment

This stage will include the gathering and evaluation of written evidence and family circumstances. This may include a home visit, consultation with the child or young person's school/caseworkers and any other relevant specialists.

This stage will normally be completed within 15 working days following stage 1 depending on the complexity of the circumstances. It is possible at this stage that the application may be declined.

Stage 3: Implementation

It is for the Council to decide what type of travel assistance would suitably meet the needs for each individual child or young person. Once a decision has been made, the parent/carer will be invited in to complete the final paperwork and sign the necessary forms before the travel solution can be implemented. A firm offer and confirmation of travel assistance will normally be implemented within 10 working days from this stage.