

**Thurrock Council**

**Home to School Travel and Transport Policy 2021**

**Children aged 5 to 16**

**Version 1.01 17.05.2021**

# Contents

1.	Introduction.....	4
1.1.	General.....	4
2.	Eligibility – who benefits from free travel assistance .....	5
2.1.	Who is an eligible child? .....	5
2.2.	Statutory walking distances .....	5
2.3.	Special educational needs, a disability (SEND) or mobility problems.....	5
2.4.	Unsafe walking route .....	5
2.5.	Extended rights .....	6
2.6.	Choosing a school for reasons of religion or belief .....	6
3.	Types of free home to school travel arrangements .....	6
4.	Independent travel training .....	7
5.	What is a suitable school?.....	7
5.1.	Qualifying schools .....	7
5.2.	Pupils attending alternative educational provision .....	8
5.3.	Pupils who are excluded.....	8
5.4.	Children registered at more than one qualifying school.....	8
5.5.	Choice of school and the importance of attending the nearest suitable school .....	8
5.6.	Advice to parents on how to complete the admissions form when choosing a school in the normal admission round – to start from September 2021 – or at any other time of year .....	9
5.7.	Where there is no available place at the nearest suitable school .....	9
6.	Advantages of attending a local school and transferring to a closer school .....	9
6.1.	School catchment areas and feeder schools.....	10
7.	How do we assess eligibility? .....	10
7.1.	Measurement of routes.....	10
7.2.	Assessing route safety .....	11
7.3.	Accompaniment of a child on an unsafe route or a child with SEND or mobility problems..	11
8.	Situations where we do not make travel arrangements .....	11
9.	Suitability of travel arrangements .....	12
10.	Children with medical needs.....	12
11.	Safeguarding .....	12
12.	Training .....	13
13.	Behaviour on school transport.....	13
13.1.	Health and safety, safeguarding and operational issues .....	13
14.	Children who are Looked After by Thurrock Council .....	13
14.1.	Children looked after by other local authorities, placed within Thurrock .....	13
15.	Children moving in and out of the area and moving school .....	13
15.1.	Managed moves .....	13
15.2.	Child moving into Thurrock.....	14
15.3.	Internal moves – child moving within Thurrock.....	14
16.	Temporary circumstances affecting child and / or parent .....	14
17.	Pupils with special educational needs and disabilities (SEND) .....	14

17.1. Which children with SEND may qualify for free travel arrangements .....	14
18. Criteria for children with SEND who are "eligible" children .....	14
18.1. Children with an Education and Health Care Plan (EHCP) that names a school .....	14
18.2. Children with an Education and Health Care Plan (EHCP) that names two schools .....	14
18.3. Children with an Education and Health Care Plan (EHCP) that names one school .....	15
18.4. Children with an EHCP that does not name a school, or with no EHCP .....	15
18.5. How children are assessed .....	15
18.6. Parents accompanying their children.....	15
18.7. Transport for children with special educational needs, a disability or mobility problems .....	16
18.8. Children with SEND may qualify under other categories of eligible children .....	16
18.9. Discretionary awards .....	16
18.10. Special cases .....	16
19. Pupils with special educational needs and disabilities (SEND) who are between 16 and 19 (Post-16 SEND).....	17
20. Pupils with special educational needs and disabilities (SEND) who are between 19 and 25 .....	17
21. Families in temporary accommodation including refugees.....	17
22. Applications, awards and assessment reviews .....	18
22.1. How to apply.....	18
22.2. Decisions to make travel arrangements .....	18
22.3. Reviews .....	18
22.4. Changes in circumstances .....	18
22.5. Eligibility checks .....	18
22.6. Awards made in error .....	19
22.7. Fraud .....	19
22.8. Appeals .....	19
23. Complaints .....	19
23.1. Local Government Ombudsman.....	19
24. Discretionary Awards – asking us to use our discretionary powers.....	19
Appendix 1 – glossary.....	21
Legal references and definitions .....	21
Additional definitions .....	21
Appendix 2 – the appeals process .....	22
Flowchart of the review and appeals process .....	23

# 1. Introduction

This is the home to school travel and transport policy for Thurrock Council. It applies to pupils who are between 5 and 16 years-old who live in Thurrock. It includes information for parents of children with special educational needs, disabilities or mobility problems.

See our Post-16 Travel and Transport Statement, published annually on 31 May, for older pupils.

Definitions can be found in Appendix 1 and are marked with an asterisk\*. We aim to provide clear and accurate information. In writing our policy, we have referred to the current Department of Education Statutory Guidance.

We support schools and families by encouraging sustainable travel to school. We hope that most children and young people can travel by foot, bicycle or on public transport. These methods improve health and well-being and the environment.

More information about school travel schemes can be found using this link: [www.thurrock.gov.uk/school-travel](http://www.thurrock.gov.uk/school-travel).

We produce a Sustainable Modes of Travel Strategy, which can also be found on our website.

Parents are responsible for ensuring that their child attends school regularly. In most cases this includes getting the child to and from school and being responsible for any costs involved in this.

## 1.1. General

We must make such free home to school travel arrangements as we consider necessary to facilitate the attendance at school of eligible children resident in their area. The Department for Education defines the term "eligible child". We use that definition in this policy.

Travel arrangements mean getting a child to school for the beginning of the school day and returning a child to their home at the end of the school day. We do not make arrangements for travel between institutions during the school day, or to enable children to attend extra-curricular activities and other commitments outside school hours.

We do not have to make home to school travel arrangements for an eligible child if suitable home to school travel is provided free of charge by someone else, or if a parent chooses to make their own arrangements for the child's travel to and from school.

Where we make travel arrangements these may be to and from a collection point. Parents must get their child to the relevant collection point and collect them at the times required of them by the Council. This is part of the parent's duty to ensure that the child attends regularly.

Home to school travel arrangements are free of charge to the parent of an eligible child.

We use the word home to mean the place where the child usually lives. If there is doubt about this, we take the address of the parent to whom child benefit is paid. We use the

word "parent" to include carers who are not parents. A glossary and details of the law are included in this policy.

## **2. Eligibility – who benefits from free travel assistance**

### **2.1. Who is an eligible child?**

There are four categories of eligible children. A child is an eligible child if they are of compulsory school age\* (broadly ages 5 to 16 years-old) and fall within one of the following four categories, details of each are given below:

- statutory walking distances
- special educational needs, disability or mobility problems
- unsafe walking route
- extended rights

### **2.2. Statutory walking distances**

A child under the age of 8 is eligible for free home to school travel arrangements to their nearest suitable school if it is more than 2 miles from their home.

A child aged 8 years or over is eligible for free home to school travel arrangements to their nearest suitable school if it is more than 3 miles from their home.

### **2.3. Special educational needs, a disability (SEND) or mobility problems**

A child is eligible for free home to school travel if:

- they attend their nearest suitable school
- their school is within the statutory walking distance of their home
- they cannot reasonably be expected to walk to school because of their special educational needs, disability or mobility problems

More information about home to school travel arrangements for children with SEND or mobility problems can be found in the section headed "Pupils with special educational needs and disabilities (SEND)".

### **2.4. Unsafe walking route**

A child is eligible for free home to school travel if:

- they attend their nearest suitable school
- their school is within the statutory walking distance of their home
- they cannot reasonably be expected to walk there because the nature of the route means it would be unsafe for them to do so
- there is no reasonable alternative route within the statutory walking distance that would be safe for them to walk

See paragraph 7.2 for information about assessing route safety.

## 2.5. Extended rights

A child is eligible for free home to school travel arrangements if they are eligible for free school meals or if a parent with whom they live receives Working Tax Credit at the maximum rate and either:

- they are aged 8 to 10 years, attend their nearest suitable school, and it is more than 2 miles from their home
- they are aged 11 to 16 years, and attend one of their three nearest suitable schools, which is between 2 and 6 miles from their home
- they are aged 11 to 16 years, attend a school that is between 2 and 15 miles from their home that their parents have chosen on the grounds of their religion or belief and, having regard to that religion or belief, there is no suitable school nearer to their home

Where, during the course of a school year, a child ceases to be eligible for free school meals, or a parent ceases to receive maximum Working Tax Credit, we will continue to provide free home to school travel for the remainder of that school year.

Working Tax Credit is being phased out and replaced by Universal Credit. Those in receipt of Working Tax Credit, whose annual net earned income is no more than £7,300, are eligible for free school meals under the criteria for determining eligibility for free school meals introduced in April 2018 and will be eligible for extended rights.

## 2.6. Choosing a school for reasons of religion or belief

Unless a child is eligible under the extended rights provision of this policy (section 2.5), transport assistance to schools chosen for reasons of religion or belief will not be granted automatically, even though a school may offer a child a place. Applications can be made for discretionary transport assistance in certain circumstances using the link below:

[www.thurrock.gov.uk/home-to-school-travel-support/discretionary-transport-award](http://www.thurrock.gov.uk/home-to-school-travel-support/discretionary-transport-award)

When completing the application form, parents and carers must confirm they have chosen the particular school for reasons of religion or belief.

## 3. Types of free home to school travel arrangements

When we make free travel arrangements for a child we will choose the option that best meets its criteria, which include being sustainable and promoting good health and independence. We must consider cost as well as a range of other issues.

Where possible we will offer travel training so that children can gain confidence and life skills. Other possible options include either:

- a mileage allowance
- a pass for public transport
- a place on a specially contracted bus
- a personal walking assistant
- introduction to a "walking bus" arrangement

Travel arrangements can be arranged to and from pick-up points. We may also consider a personal travel budget or direct payments.

We will write a letter to parents that includes details of the transport their child has been offered.

## **4. Independent travel training**

Preparing for adulthood is a key part of the SEND reforms of 2014 and focuses on four outcomes:

- employment/education
- independent living
- community participation
- good adult health

Independent travel training can provide long-term benefits to individuals in terms of a skill for life, which may lead to greater social inclusion and improved employment prospects. We offer independent travel training for all pupils with SEND.

We will assess pupils first and offer independent travel training only where we believe a pupil is able to complete the programme. We will discuss the benefits of travel training with parents and provide assurances that their child will not lose any transport entitlements until they are confidently able to travel independently.

The programme is personalised to meet the young person's needs. It addresses journey planning and road safety as well as other transferable skills

## **5. What is a suitable school?**

We use the term 'suitable school' in this policy to mean a qualifying school (see paragraphs below for the definition of a qualifying school) that is suitable for the child's age, ability, aptitude, and any special educational needs they may have.

### **5.1. Qualifying schools**

To be eligible for free home to school travel, a child must attend a qualifying school.

Qualifying schools are:

- community schools
- foundation schools or voluntary aided and voluntary controlled schools
- academies or alternative provision academies
- community or foundation special schools
- non-maintained special schools
- pupil referral units
- maintained nursery schools
- city technology colleges
- city colleges for the technology of the arts

Additionally, for children with special educational needs, an independent school is a qualifying school if it is named in their Education, Health and Care (EHC) plan, or is the

nearest of two or more schools named in their EHC plan – further information is given within the SEND section of this policy.

We do not make travel arrangements to out of borough grammar or selective schools.

## **5.2. Pupils attending alternative educational provision**

A child may also be eligible for free home to school travel where we have arranged for them to receive suitable education at an alternative provision, because they are not at school for reasons connected with illness, exclusion or for some other reason.

We do this when the child would not be receiving suitable education unless such arrangements are made for them. All the other conditions would have to be met – for example, the distance between the child's home and school.

If the alternative provision arranges for a child to move between sites during the day, the provider will also arrange and fund any necessary transport.

If an academy or school has arranged for the alternative provision, they will make and fund travel arrangements.

## **5.3. Pupils who are excluded**

Where a child is excluded from school but remains on the register of that school and attends alternative provision, provided the other conditions are met, we will arrange transport to and from the alternative provision. We will not provide transport between sites during the school day.

## **5.4. Children registered at more than one qualifying school**

Provided all other criteria are met, we will arrange transport where a child is registered at two qualifying schools. We will arrange travel free of charge to whichever of the schools the child is attending on any school day.

Where a child is of no fixed abode and is registered at two or more qualifying schools, we will – as far as is reasonably practicable – provide free home to school travel to the nearest qualifying school at which they are registered on the days that they attend that school, provided all the other conditions for free travel arrangements are met.

## **5.5. Choice of school and the importance of attending the nearest suitable school**

The law says parents must be given the opportunity to express a preference for the school they wish their child to attend. They may name any schools but, to be eligible for free travel arrangements, in almost all cases they must attend the nearest suitable school with a place available, or where a place would have been available if the parent had listed that school in the application for a school place.

See information below on measuring nearest suitable school and how this is different from measuring distance for home to school transport.

## **5.6. Advice to parents on how to complete the admissions form when choosing a school in the normal admission round – to start from September 2021 – or at any other time of year**

To qualify for free home to school travel arrangements, all conditions must be met. To ensure that a child will satisfy the condition that they attend the nearest suitable school, parents must list as their chosen schools the three primary schools or six secondary schools nearest to them in order of distance from their home.

## **5.7. Where there is no available place at the nearest suitable school**

When a child cannot be offered a place at the nearest suitable school to their home address because of a lack of school places, we will make transport arrangements free of charge to the next suitable school with a place available as long as all the other conditions are met.

Parents should, if asked, provide evidence that they have applied for and been refused a place at the school which is the nearest school to their home address, and to any other schools that are closer than the school that has admitted them.

The child must remain on the waiting list for all nearer suitable schools and should take a place if offered to continue to qualify for travel arrangements. They should renew this application annually, to remain on the waiting list.

In some circumstances, parents may decide that it will not be in the best interests of their child to move school when a place becomes available at a school nearer to their home. If a parent decides that their child will not move school, they will have to arrange and fund travel to and from school themselves. Any arrangements we have previously made will cease and the parent will be notified of the date that this change will occur.

In most cases, free travel arrangements will not be made to a school if:

- there is a nearer suitable school that the parent did not list on the original admission application
- there is a nearer suitable school that was listed as a lower preference on the original admission application
- the parent has rejected an offer of a place at a nearer suitable school

Some families have "extended rights", giving them a greater choice of school. These apply to families who are defined by law as being on "low income". Details are given below.

Different rules apply if a child has special needs, disabilities or mobility problems or the route to school is unsafe to walk. Details are given in various paragraphs within this policy, below.

## **6. Advantages of attending a local school and transferring to a closer school**

Attending a local school – or transferring to a closer school – is:

- Better for children – reduced travel time means more time for other things and more energy. They can take part in out of school activities more readily.
- Better for parents – easier to enjoy a sense of community, less time travelling.
- Better for the environment – less traffic and fewer emissions.

## **6.1. School catchment areas and feeder schools**

Some primary, secondary schools and academies operate a catchment area. Some schools have feeder schools. The fact that you live in or out of a catchment area or have attended a feeder school is not relevant to eligibility for travel arrangements.

The same rules for eligibility for free travel arrangements apply and distance is measured in accordance with this policy.

## **7. How do we assess eligibility?**

### **7.1. Measurement of routes**

We assess distance between a child's home and their school by measuring the shortest route along which a child, accompanied as necessary, may walk safely. This is not necessarily the shortest distance by road. The route may also include footpaths, bridleways, other pathways and alternative entrances to the school.

We use the same method of measuring distance for the purposes of extended rights when assessing whether a child lives more than 2 miles from a school.

When measuring distance to a school preferred because of religion or belief, when the pupil benefits from extended rights, we will assess whether a child lives within 6 to 15 miles from their school by measuring road routes only.

We measure distance between home and school using a specialist computer program called 'Datamap'. This gives accurate walking distances from the gate of your home to the main gate of your child's school. We do not consider distances measured in any other way.

It is important to note that this method of measuring distance is different from the one used to measure distance between home and school for school admissions. Parents should use details given in the information on our admission pages when considering the nearest suitable school and how distance is measured for that purpose when choosing schools.

You can use Datamap to measure the shortest safe walking distance in miles from your home to schools within Thurrock, by going to:

[www.thurrock.gov.uk/home-to-school-travel-support/who-is-eligible](http://www.thurrock.gov.uk/home-to-school-travel-support/who-is-eligible)

This software calculates home to school distances and does not include unsafe routes. An unsafe route is a route to school along which a child, even when accompanied as necessary, could not walk with reasonable safety

For assessment of eligibility for children with SEND and mobility problems, please see SEND information below.

## **7.2. Assessing route safety**

We assess the distance between a child's home and their school to work out if it is further than the statutory walking distance by using the shortest route along which a child, accompanied as necessary, may walk safely. It may include roads, footpaths, bridleways and other pathways.

We consider a range of risks such as canals, rivers, ditches, speed of traffic and fields of vision for the pedestrian and motorist. We will consider whether the pupil could reasonably be expected to walk if accompanied by a responsible person, such as a parent or other adult.

Routes are inspected initially by our officers and, where it is not possible to make a decision, we will arrange for a panel to make a decision.

Where a route or part of a route is considered unsafe to be walked, travel arrangements will be provided for those pupils who would otherwise have to use that route to get to and from school because there is no alternative safe walking route.

When we assess, for the purposes of extended rights, whether a child lives more than 2 miles from a school, the route will be measured in the way described above. However, when we assess whether a child lives within 6 to 15 miles from their school, we measure road routes only.

We review unsafe routes regularly. We will re-inspect and declare the route safe once steps have been taken to remove the risk. Where a route previously considered unsafe becomes safe, entitlement to travel arrangements will be reviewed.

Parents have the right to appeal against a decision that the route is safe. Where the safety of a route is challenged, the local authority should arrange for an assessment of that route to be carried out, walking it at the times of day and on the days of the week that the child would travel.

## **7.3. Accompaniment of a child on an unsafe route or a child with SEND or mobility problems**

When assessing route safety and when assessing whether a child with special educational needs, a disability or mobility problems can reasonably be expected to walk to school, we will consider whether the child could reasonably be expected to walk if accompanied and, if so, whether a parent can reasonably be expected to accompany their child. We consider the child's age and any special educational needs that are relevant to their ability to walk to school safely.

Where a child does need to be accompanied, the general expectation is that they will be accompanied by a parent unless there is a good reason why it would not be reasonable to expect a parent to do so. For example, a parent's disability may prevent them from accompanying their child along a walking route that would be considered unsafe without adult supervision

## **8. Situations where we do not make travel arrangements**

Situations where we do not make travel arrangements include:

- pupils in Reception, but below compulsory school age\*
- travel to and from school to attend extra-curricular activities taking place before or after the normal school day
- Year 6 induction or transition days
- other induction or transition days
- travel for pupils who are currently in the borough on an exchange programme
- travel to and from different sites of the same mainstream, alternative or specialist provision
- travel to and from work placements
- travel to and from school where the parent is unable to take their children to school due to work commitments
- travel to and from school where a parent has children in more than one school

## **9. Suitability of travel arrangements**

We aim to comply with Department for Education (DfE) guidance that states travel arrangements should be suitable, safe and reasonably stress-free, so that children arrive at school ready for a day of study.

As a general guide, the maximum journey time should be 45 minutes for a child of primary school age, and 75 minutes for a child of secondary school age, including any time taken to walk to a pickup point, bus stop or train station. It is, however, recognised this may not always be possible.

Journeys for children with special educational needs, disability or mobility problems may sometimes need to be longer and more complex than for other children. We will do our best to ensure that journeys are no longer than necessary.

## **10. Children with medical needs**

When we make transport arrangements for a child with medical needs, we assess their individual needs and a risk assessment to consider how those needs might affect the child during their home to school journey. We put in place arrangements to manage those needs. We may consult parents, the child and the school and will consider information within the EHC plan.

We will ensure the driver of a vehicle providing the child's transport, and any passenger assistant involved in providing the child's transport, are aware of the needs and how to respond to them.

## **11. Safeguarding**

We ensure by our procurement process that the required safeguarding and suitability checks on the drivers of vehicles providing dedicated home to school transport, and any passenger assistants involved in providing home to school transport, have been undertaken.

We consider Department for Transport (DfT) guidance for taxi and private hire vehicle-licensing authorities on how to use their licensing powers to protect children and vulnerable adults.

## **12. Training**

We require contractors of school transport and their staff to have undertaken relevant training, and that this is up-to-date.

## **13. Behaviour on school transport**

What is expected of pupils travelling to and from school under our arrangements is set out in the offer letter sent to parents and in our code of conduct.

Schools should promote appropriate standards of behaviour through sanctions and rewards. When it is reasonable to do so, head teachers are able to take action against pupils whose behaviour is unacceptable, even outside school premises and even though they are not within the school's premises.

### **13.1. Health and safety, safeguarding and operational issues**

Where travel arrangements are made in the form of a seat on a bus, taxi, etc., parents are given information relating to health and safety, safeguarding, behaviour and operational issues as part of the offer. Our code of good practice can be found at:

[www.thurrock.gov.uk/school-and-college-transport-advice](http://www.thurrock.gov.uk/school-and-college-transport-advice)

## **14. Children who are Looked After by Thurrock Council**

It is the responsibility of the foster carer or residential care provider to ensure that Looked After Children placed with them attend school.

Looked After Children may be eligible for free travel arrangements if they qualify under the rules. If an arrangement has been made for the child to be taken to and from school and the cost of this has been agreed and is expressly included in the placement fee no other free travel arrangements will be provided because suitable arrangements already exist.

### **14.1. Children looked after by other local authorities, placed within Thurrock**

When another local authority places a looked after child within Thurrock, the cost of home to school transport will be agreed between the two authorities and paid for by the placing authority, in accordance with regulations governing this.

## **15. Children moving in and out of the area and moving school**

### **15.1. Managed moves**

If a child for whom free travel arrangements were previously made has changed school under a managed move parents should inform us of the change in circumstances and the award will be reassessed. A child may become eligible following a move, in which case a new application should be made.

## **15.2. Child moving into Thurrock**

If a child moves into the borough, parents should apply for free travel arrangements as soon as they have been accepted by a Thurrock school. They should bear in mind the information about choice of school given earlier in this policy.

## **15.3. Internal moves – child moving within Thurrock**

Parents whose child was previously benefiting from free travel arrangements should inform us of the change in circumstances and the award will be reassessed. A child may become eligible following a move, in which case a new application should be made.

In all cases, parents should bear in mind advice given in this policy on choice of school and the requirement to attend the nearest suitable school with a place available.

## **16. Temporary circumstances affecting child and / or parent**

We can use our discretionary powers to make temporary arrangements in circumstances such as illness of the person who usually takes the child to school, or a child suffering from a temporary medical condition. Parents should apply using the Discretionary Awards process.

## **17. Pupils with special educational needs and disabilities (SEND)**

### **17.1. Which children with SEND may qualify for free travel arrangements**

Many children with special educational needs or disabilities will be able to walk to school.

If a child cannot reasonably be expected to walk to school because of mobility problems or because of associated health and safety issues related to their SEND, and the child meets the criteria listed below, they will benefit from free travel arrangements.

## **18. Criteria for children with SEND who are "eligible" children**

### **18.1. Children with an Education and Health Care Plan (EHCP) that names a school**

Where the Education and Health Care Plan (hereinafter referred to as an "EHCP") names a school the child must attend that school.

### **18.2. Children with an Education and Health Care Plan (EHCP) that names two schools**

At times an EHCP may name two schools. We will name two schools in an EHCP when parents have chosen a school that is further than the nearest suitable school identified us. In such cases, no travel arrangements will be made to the more distant school.

Parents have the right to ask for a particular school to be named in their child's EHCP. The agreement between parents and the council that the child attends that school is made on the basis that parents will arrange and pay for travel. If parents do not do so, or cease to do so, the pupil will be expected to move to the nearer school.

If the lapse of time means that the nearer school can no longer admit the child due to lack of an available place the EHCP may have to be reviewed and we will consult with alternative nearer suitable schools.

On the condition that the parents pay the cost of transport to their preferred school, we will name that school in the EHCP unless we are of the view that the school would be unsuitable for the child's age, ability, aptitude or special educational needs, or the child's attendance would be incompatible with the efficient education of others or the efficient use of resources.

We will consider whether transporting the child to the preferred school would be compatible with the efficient use of resources. We will work out the cost of providing the child with free travel to each of the two schools, and then decide whether the additional cost of providing travel to the parents' preferred school is compatible with the efficient use of resources, having regard to the educational benefits and other advantages that the school will provide for the child.

### **18.3. Children with an Education and Health Care Plan (EHCP) that names one school**

We may decide to name the preferred school even though it is further away from the child's home than the nearest school that can meet the child's special educational needs. In such cases, we may decide that the parent will fund some or all of the transport to the school. We may also name the preferred school where we decide that it would be compatible with the efficient use of resources to provide free home to school travel to the parents' preferred school.

### **18.4. Children with an EHCP that does not name a school, or with no EHCP**

The child must attend the nearest suitable school with a place available in order to qualify as an eligible child.

### **18.5. How children are assessed**

We assess eligibility for children with SEND on an individual basis to identify what they need. The Entitlement Officer for Children's Transport looks carefully at each case asking for relevant information from the SEND team in line with the current process.

Travel arrangements, where necessary, will be given us in the way that best meets the pupil's needs, bearing in mind financial constraints, sustainability and the circumstances of the child in question. For example, a child's age may determine whether they are able to travel to school independently.

### **18.6. Parents accompanying their children**

For children with SEND – and those where the route may be unsafe to walk we must decide whether it is reasonable to expect the child to walk. This can include the question of whether it is reasonable to expect a parent to accompany them. We consider a range

of factors, including the age of the child. Usually we expect that a parent will accompany their child where necessary, unless there is a good reason why it is not reasonable to expect them to do so.

If a parent is unable to do this because they are disabled, we may use our discretion to provide travel arrangements.

### **18.7. Transport for children with special educational needs, a disability or mobility problems**

When making transport arrangements for children with special educational needs, a disability or mobility problems, we will identify and take account of their particular needs and ensure that the transport we provide meets those needs. For example, children with a high level of need might require the support of a passenger assistant on their journey, or if a child uses a wheelchair, walking frame or other mobility aid, it may need to be transported with them.

A child's needs will be reassessed from time to time – for example, as the child's needs change or if any changes are made to the travel arrangements. We will work with families to ensure that necessary change happens as smoothly as possible.

### **18.8. Children with SEND may qualify under other categories of eligible children**

Children with SEND who do not qualify under the above criteria may qualify for free travel arrangements via the other categories of "eligible child". Please see above for details.

### **18.9. Discretionary awards**

We may offer travel arrangements to children and young people with SEND who do not meet these criteria, using our discretionary powers. Please see above for details and, for information on how to apply, use the link below:

[www.thurrock.gov.uk/home-to-school-travel-support/discretionary-transport-award](http://www.thurrock.gov.uk/home-to-school-travel-support/discretionary-transport-award)

### **18.10. Special cases**

#### **18.10.1. Where the EHCP names a residential school as the only or nearest school:**

Travel arrangements will be made for the journey to and from school at the beginning and end of each of the three academic terms (3 terms per year) and each of the three half terms, other periods when the school is closed, and an additional return journey at the weekend for each half term.

It is expected that parents will be responsible for the cost of any additional journeys to and from school. Requests for additional journeys during term-time can be considered and assistance given using discretionary powers if the circumstances are exceptional.

Where children attend on a weekly boarding basis, transport will be provided at the start and end of each week and for other periods of school closure only.

### **18.10.2. Pupils with a temporary disability or medical condition/mobility problems**

Where pupils have a temporary condition that prevents them getting to school we may award make free travel arrangements on a temporary basis. Supporting medical evidence will be required. These arrangements will end when the temporary condition no longer exists. The medical assessment form is at:

[www.thurrock.gov.uk/home-to-school-travel-support/medical-evidence](http://www.thurrock.gov.uk/home-to-school-travel-support/medical-evidence)

## **19. Pupils with special educational needs and disabilities (SEND) who are between 16 and 19 (Post-16 SEND)**

We have published our policy statement of arrangements for the provision of transport we consider necessary to make for facilitating the attendance of persons of sixth form age receiving education or training. Sixth form age is 16, 17, 18 or 19 for those who started a course before the age of 19 and continue on the same course when they become 19. Our post-16 policy statement is at:

[www.thurrock.gov.uk/home-to-school-travel-support/policies-and-useful-information](http://www.thurrock.gov.uk/home-to-school-travel-support/policies-and-useful-information)

All awards for post-16 travel arrangements are discretionary.

## **20. Pupils with special educational needs and disabilities (SEND) who are between 19 and 25**

Travel may be awarded on a discretionary basis up to the age of 25 to adult learners. Details are given in our post-16 policy statement.

## **21. Families in temporary accommodation including refuges**

Sometimes we must temporarily rehouse a family while permanent housing is found, and the journey to the children's school from the temporary accommodation is longer than it is reasonable to expect a child to take. The child will no longer be attending their nearest suitable school. Sometimes the family remains in temporary accommodation longer than was originally planned.

In these circumstances the family may apply to transfer to their nearest suitable school or nearer suitable school.

Consideration will be given to make travel arrangements on a discretionary basis to the child's original school whilst they are waiting for permanent housing providing the distance criteria is met.

A discretionary award of transport in these circumstances will be considered and reviewed regularly. The review is carried out to support families to find alternative accommodation or make their own transport arrangements to the original school.

Parents need to provide evidence from the council or housing association stating that the family has been made unintentionally homeless and are subsequently in temporary accommodation awaiting permanent housing. The letter would also need to confirm the

temporary address and an estimate of the timeframe within which permanent housing is likely to be provided. Any transport provided will be for one month at a time.

Where a family is considered to be intentionally homeless they would not usually benefit from a discretionary award of home to school transport.

## **22. Applications, awards and assessment reviews**

### **22.1. How to apply**

The application form for travel arrangements is available online at:

[www.thurrock.gov.uk/home-to-school-travel-support/apply-for-support](http://www.thurrock.gov.uk/home-to-school-travel-support/apply-for-support)

Requests for a paper form can be emailed to the Awards and Benefits team at:

[awards@thurrock.gov.uk](mailto:awards@thurrock.gov.uk)

Applications should be made as soon as possible and by 31 May of each year to enable us to process the applications and make suitable travel arrangements for eligible pupils. Applications received after this date will be considered, although the process may be delayed so it may take us longer to arrange travel for your child.

Travel costs cannot be backdated.

### **22.2. Decisions to make travel arrangements**

An application is treated as complete once we receive all information we have asked for, included a completed application form and accompanying documents. Once a completed application is received we will inform you of our decision within 10 working days. Travel arrangements will begin as soon as is practicable after the decision is made.

Travel arrangements are made for a specified period, or until the application is reviewed. No arrangements will be made for more than one academic year. When the arrangement ends it is the responsibility of the parent to make a further application.

### **22.3. Reviews**

Assessments of the need for travel arrangements will be reviewed annually and more frequently where circumstances change within the year.

### **22.4. Changes in circumstances**

Parents must inform us of any changes in circumstances that may affect entitlement to travel arrangements, including a change of address, school, safety of the route, income (if qualifying under the extended rights given to low income families), changes in the health or SEND or associated needs of the child/parent or other member of the family that affects the child getting to school.

### **22.5. Eligibility checks**

We have a duty to ensure that it protects public funds. We may contact families during the academic year to ensure they are still eligible for travel arrangements.

## **22.6. Awards made in error**

Where a decision to make free travel arrangements has been made in error, we have the right to withdraw this 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, up to one term's notice will be given. If the error was discovered before the commencement of the academic year, the arrangements will be withdrawn straight away.

## **22.7. Fraud**

Where we become aware that a decision to make travel arrangements was made as a result of fraud these will be withdrawn immediately.

All monies paid will have to be repaid. Legal action to recover monies may be taken. Criminal proceedings may be taken, which may lead to conviction.

## **22.8. Appeals**

We have adopted the appeal procedure recommended by the Department for Education Guidance. This can be found at:

[www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance](http://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance)

## **23. Complaints**

Complaints about the service provided us relating to home to school transport can be made by using our complaints procedure. This is available at:

[www.thurrock.gov.uk/how-to-complain/general-complaints](http://www.thurrock.gov.uk/how-to-complain/general-complaints)

Our complaints process has two stages. You can make a complaint by email, phone or in writing:

- [complaints@thurrock.gov.uk](mailto:complaints@thurrock.gov.uk)
- 0800 021 3016
- Complaints, Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL

### **23.1. Local Government Ombudsman**

The Local Government Ombudsman may investigate some matters relating to home to school transport. Details are given in our appeals policy. This can be found at:

[www.lgo.org.uk/make-a-complaint](http://www.lgo.org.uk/make-a-complaint)

## **24. Discretionary Awards – asking us to use our discretionary powers**

In cases where the eligibility criteria are not met, we still have discretion to consider applications and offer assistance as it considers necessary. We will only consider it

necessary to make such arrangements for children who are not eligible for Discretionary Awards.

Applications should be made as soon as possible, using the form within the link below:

[www.thurrock.gov.uk/home-to-school-travel-support/discretionary-transport-award](http://www.thurrock.gov.uk/home-to-school-travel-support/discretionary-transport-award)

An award made as a Discretionary Award cannot be backdated.

Applicants must provide all evidence listed or requested by us. Where a form is incomplete and/or evidence is not provided as requested, within any given time limit, no award can be made.

Where a discretionary award is made parents may be asked to make a financial contribution to the cost. By law, we are able to charge for discretionary arrangements and have a duty to protect our resources.

[www.thurrock.gov.uk/home-to-school-travel-support](http://www.thurrock.gov.uk/home-to-school-travel-support)

Information about Discretionary Awards and how to apply may be found at:

[www.thurrock.gov.uk/home-to-school-travel-support/discretionary-transport-award](http://www.thurrock.gov.uk/home-to-school-travel-support/discretionary-transport-award)

# Appendix 1 – glossary

## Legal references and definitions

Words used in this policy are taken from the Education Act 1996 which defines them as follows.

Section 444(5) of the Act defines the statutory walking distances.

Schedule 35B of the Act defines:

- 'eligible children' – paragraphs 2-7 and 9-13
- 'qualifying school' – paragraph 15
- 'disabled child' – paragraph 15(4)
- 'religion and belief' – paragraph 15(6) and 509AD of the Act
- 'low income family' – paragraphs 9-14

Section 579 of the Act defines 'child'.

Section 509AC of the Act defines 'compulsory school age'.

The Equality Act 2010 defines 'religion or belief' for the purposes of this Act.

The Children's and Families Act section 10 defines 'SEN'.

## Additional definitions

Term	Definition
Compulsory school age	Between the ages of 5 and 16 years old "beginning at the start of the term following a child's fifth birthday" and "ending the last Friday in June of the school year in which they are 16".
Home	A child's home is the place where they are habitually and normally resident. Where a child lives between the homes of two parents, we take the address of the parent who receives child benefit. If there is doubt about the address where the child lives we will decide.
Philosophical belief	We adopt the interpretation of the Department for Education. For a philosophical "belief" to be worthy of protection, it must attain a certain level of cogency, seriousness, cohesion and importance; be worthy of respect in a democratic society; and not be incompatible with human dignity or the fundamental rights of the child. Examples of beliefs are humanism and atheism.
Road routes	Reference to road route should be taken to mean a route passable by a motor vehicle, and could include distance covered on additional transport – for example, via ferry.

## Appendix 2 – the appeals process

### How to make an appeal against a decision we have made:

- Stage 1 – consideration by the Education Awards and Benefits department
- Stage 2 – If you are unsatisfied with the result of your Stage 1 application and the explanation given, you may ask for your case to be reconsidered by the Education Transport Panel – applications will be considered administratively against the policy and either refused or agreed within 10 working days of the full information being received

The flowchart on the following page sets out the full review and appeals process.

## Flowchart of the review and appeals process

### Home to School Travel and Transport Review and Appeals Process:

- clear and transparent
- published annually on website
- details safe route assessment and review/appeal process



Officer A declines the application or offers travel arrangements the parent considers 'unsuitable'



### Parent challenges (within 20 working days)

Parent challenges officer A's decision on basis of:

- entitlement
- distance measurement
- route safety
- consideration of exceptional circumstances



### Stage 1 (within 20 working days) review by a senior officer

Officer B (a Senior Officer) reviews Officer A's decision and sends the parent a written notification of the outcome including:

- detailed reasoning for decision made
- notification of option to escalate to Stage 2 (an appeal panel)



### Parent challenges (within 20 working days)

Parent challenges officer B's (the senior officer) decision



### Stage 2 (within 40 working days) review by an Appeal Panel

- independent panel (Officer A or B must not sit on panel) hears written/verbal representation from parent
- the appeal panel is independent of the process to date and suitably qualified



Independent panel sends decision letter to parent (within 5 working days) including how to escalate the case to the Social Care and Local Government Ombudsman (SCLGO)