



# Home to School/College and Adult Learner Transport Policy

**2019 - 2020**

**Policy for providing home to school/college travel  
assistance for children and young people and  
arrangements for adult learners**

# SANDWELL – HOME TO SCHOOL /COLLEGE AND ADULT LEARNER TRANSPORT POLICY

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## 1 INTRODUCTION

This document sets out Sandwell Metropolitan Borough Council's (the Council) policy for providing home to school /college travel assistance for children and young people and arrangements for adult learners.

It sets out the circumstances in which the Council will provide free or supported home to school/college travel assistance and provides advice regarding the travel assistance and/or support that is available.

The policy is determined in accordance with the relevant provisions of the Education Act 1996, amended by the Education and Inspections Act 2006, the Department for Education's Home to School Transport Guidance<sup>1</sup> and the DfE/DoH SEN Code of Practice<sup>2</sup>.

The Council will endeavour to offer school places within reasonable access of pupils' homes, and in planning school places the Council will take into account the accessibility of provision to help ensure reasonable journey times for pupils/students and to enable as many pupils/students as possible to walk (or cycle) to and from school/college and reduce the number of car journeys, in line with the Council's Sustainable School Travel Strategy and commitment to protecting the environment<sup>3</sup>.

Sandwell Council aims to provide suitable, safe, efficient and cost-effective travel assistance/support to those pupils/students who qualify under this policy and every effort will be made to ensure that children and young people are supported to develop their independent travel skills<sup>4</sup>.

## 2 PUPILS OF COMPULSORY SCHOOLAGE<sup>5</sup>

For eligible pupils at a qualifying school (both being as defined under Schedule 35B of the Education Act 1996) travel assistance will be provided from reasonably near home to reasonably near school and will provide for the journey to school in the morning and returning at the end of the school day. Travel assistance will not be provided at other times e.g. lunchtimes or outside of normal school hours. The distances referred to in this policy are the statutory walking distances as defined under S444(5) of the Education Act 1996. Parents are responsible for ensuring their child is accompanied as necessary to/from transport e.g. to or from the bus stop.

Travel assistance will be provided for eligible pupils using the most **cost effective and suitable means** for the child/young person, taking into account their age, any special needs/medical conditions or disabilities and their abilities and the route. Where appropriate this may include local bus or rail services, or payment of a personal budget. The Council is responsible for determining suitable travel assistance /support and will review this on a regular basis to ensure that it continues to meet the needs of the pupil.

All travel assistance provided on behalf of the Council adheres to the Council's conditions of contract, and all staff undertaking travel assistance contract work will have been subject to criminal background checks. They are issued with a photo ID badge, which must be worn at all times to indicate they are undertaking this work for Sandwell Borough Council.

<sup>1</sup><http://www.thelocaloffer.co.uk/files/files/DfE%20-%20Home%20to%20School%20Transport%20Guidance%20for%20LAS%20-%20July%202014.pdf>

<sup>2</sup><https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

<sup>3</sup>[http://www.sandwell.gov.uk/info/200284/roads\\_travel\\_and\\_parking/932/safer\\_and\\_sustainable\\_travel\\_team](http://www.sandwell.gov.uk/info/200284/roads_travel_and_parking/932/safer_and_sustainable_travel_team)

<sup>4</sup>[http://www.sandwell.gov.uk/info/200284/roads\\_travel\\_and\\_parking/3145/independent\\_travel\\_training](http://www.sandwell.gov.uk/info/200284/roads_travel_and_parking/3145/independent_travel_training)

<sup>5</sup>Transport will be provided for eligible pupils from the 1<sup>st</sup> January 1<sup>st</sup> April or 1<sup>st</sup> September following their 5<sup>th</sup> birthday. Transport will cease for eligible pupils at the end of the academic year in which they reach 16 years of age.

Where travel assistance is arranged by the Council, they will try to ensure that the total **journey time** does not exceed 45 minutes each way for a pupil of primary school age or 75 minutes each way for a pupil of secondary school age.

#### Provision for all eligible pupils

Pupils will qualify for free home to school transport if:

- They are ordinarily resident<sup>6</sup> in Sandwell; and
- They are aged between 5 and 8 years and their home is more than 2 miles from their nearest suitable school; or
- Aged 8 – 16 years and their home is more than 3 miles from their nearest suitable school.

The nearest suitable school may be:

- the nearest qualifying school suitable for the child's age and ability that has a place (usually at the time of admission) and may be a school in a neighbouring Borough; or
- the Sandwell Academy, Wood Green Academy or Oldbury Academy if the pupil has a place as a result of the pupil's abilities in the academy's specialist subjects; or
- the school is the nearest school in which the religious education provided is that of the religion or denomination in which the pupil has been baptised

#### Additional provisions for Pupils in receipt of Free School Meals (FSM) or where a parent with whom the pupil resides receives Maximum Working Tax Credits (WTC)

Pupils will qualify for free home to school transport if:

- They are in receipt of FSM or the family with whom the pupil resides is in receipt of the maximum WTC; and
- They are ordinarily resident in Sandwell; and
- They are aged between 8 and 11 years and their home is more than 2 miles from the nearest suitable school
- Aged 11 -16 years and the school is between 2 and 6 miles away from their home and there are not three or more suitable nearer schools
- Aged 11-16 and live more than 2 but not more than 15 miles away from their school where this is the nearest suitable school preferred on grounds of religion or belief.

#### Unsafe walking route

Pupils will qualify for free school transport if:

- They are ordinarily resident in Sandwell; and
- They are aged 5 – 16 years and attending their nearest suitable school; and
- Live within walking distances but their available walking route is unsafe for a child, **accompanied as necessary**, taking into account the age and ability of the child and nature of the route
- The Council will use [RoadSafetyGB guidelines](#) in assessing whether a route should be considered unsafe, which takes into account vehicles, speed, and pedestrian facilities.

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<sup>6</sup> **Sandwell resident:** A child is deemed to be a Sandwell resident when their home, defined as the place where the child is habitually and normally resident, is within the borough of Sandwell. When a child lives at more than one address it is at the address at which the child spends 50% (or more) of their time that they are deemed to be resident. This would ordinarily be the address the child is registered at whilst attending school and where applicable the address of the parent who is in receipt of child benefit or child tax credits for the child.

### Change of address during GCSE years

Free travel assistance may be provided when a pupil moves home if:

- The pupil is in Year 10 or Year 11, and
- Transfer to a school closer to home is impractical because of syllabus (or other exceptional) requirements, and
- The distance between home and school by the shortest available walking route is 3 miles or more.

### Exceptional circumstances

The Council may choose to provide travel assistance in exceptional circumstances.

Such applications will be considered on an individual basis and will be subject to regular review. Applications for travel assistance in exceptional circumstances must be supported by relevant professional documentation.

Although not an exhaustive list of exceptional circumstances, dependent on the evidence, the following situations may be considered exceptional:

- Child safeguarding issues
- Enforced relocation
- Mental Health concerns for the child

## 3 PUPILS OF COMPULSORY SCHOOL AGE WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITIES (SEND)

Pupils with special educational needs and/or a disability or mobility problem will qualify for free travel assistance if:

- They are ordinarily resident in Sandwell; and
- They are aged 5-16 years of age and attending their nearest suitable school; and
- Cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs or disability. (Note this is based on the needs of **the child**)<sup>7</sup>

For a pupil with an EHCP the parent or pupil's **preferred school** might be further away from their home than the nearest school that can meet their SEN. In such a case, Sandwell can name the nearer school if it considers it to be appropriate for meeting the child or young person's SEN. If the parents prefer the school or college that is further away, the Council may agree to this but may ask the parents to provide some or all of the transport funding.<sup>8</sup>

**If a residential school** is named in the pupil's EHCP as being the most appropriate to meet needs, the pupil will be provided with a maximum of six (6) return journeys between home and school.

The need for travel assistance/support and the type of transport /support provided will be considered on an individual basis and reviewed annually (or more frequently in the case of travel assistance provided for **temporary medical conditions/disability**), taking into account the pupils physical, medical, social, behavioural and/or communication needs. This review would be part of the annual review for children with an EHCP and for children with SEN every 12 months – the first review being 12 months after transport commences.

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<sup>7</sup> In determining whether a child cannot reasonably be expected to walk the Local Authority will consider whether the child could reasonably be expected to walk if accompanied and if so if it is reasonable to expect a parent to accompany them.

<sup>8</sup> DfE/DOH (2015 SEND CODE OF PRACTICE PARA 9.214)

Sandwell has a programme of **independent travel training**, and all children/young people are encouraged to develop their independent travel skills to enable them to use public transport where this is suitable to/from home and school. Following a successful application for travel assistance an independent travel training assessment will be offered in the form of a planned one to one travel training programme, this includes an assessment of any risks. Where this involves public transport a West Midlands Travel pass will be provided on completion of travel training.

All eligible pupils from year six (transition year to secondary school), will be expected to undertake travel independence training unless they are assessed by professional advisors, as being unlikely to benefit from such training. The travel training programme will only be offered to those pupils who have been assessed as suitable to take part. Details of the Independent Travel Training Programme can be obtained from the SEN service on 0121 5698240 or the Independent Travel Training Team on 0121 5694144.

Where travel assistance/support is provided it will use the **mode that is most cost effective and appropriate to the child/young persons age and individual needs**, which may include bus/rail services, taxi/private hire car, or payment of travel allowance/personal budget.

**Escorts/passenger assistants** are not usually provided on home to school transport, unless a child's (or children's needs) mean that additional supervision is required.

#### 4 PUPILS/STUDENTS AGED 16-19

Sandwell Council is responsible for promoting the effective participation in education and training of young people who are subject to the duty to participate (which applies to those who start their programme of learning before their 19<sup>th</sup> birthday). The Council has discretion to determine what transport and financial support are necessary, but must not differentiate between providers or institutions in its arrangements i.e. sixth forms, colleges, academies etc

In determining what they consider necessary – the authority must have regard to:

- The needs of those who could not access education or training if no arrangements were made (so specific consideration of SLDD, NEETs, young parents)
- The need to ensure young people have reasonable opportunities to choose between different establishments
- The distance from home to establishments of education and training
- The journey time to access different establishments
- The cost of transport to the establishments in question
- Alternative means e.g. Cycle or moped schemes
- Non-transport solutions

Within Sandwell, and the West Midlands area, post 16 students have access to a wide range of travel assistance support options including:

- commercial bus and rail services,
- supported public transport services and
- concessionary fares. In addition,
- financial support including the 16-19 bursary scheme<sup>9</sup> may be available and
- many colleges and schools provide their own transport.

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<sup>9</sup> DfE/DOH (2015) SEND CODE OF PRACTICE 9.217 Transport costs may be provided as part of a Personal Budget where one is agreed and included in the EHC plan as part of the special educational provision.

The Council publishes a transport policy statement that sets out the transport arrangements and financial assistance they consider necessary to make for 16-18 learners, and for those undertaking apprenticeships and traineeships<sup>10</sup>. More information on local support/ travel assistance can be found at:

[http://www.sandwell.gov.uk/downloads/file/28462/post\\_16\\_policy\\_statement\\_2019-20](http://www.sandwell.gov.uk/downloads/file/28462/post_16_policy_statement_2019-20)

## 5 STUDENTS/LEARNERS AGED 16-25 WITH SEND,<sup>1112</sup>

Sandwell Council has a duty to encourage, enable and assist the participation of young people/adult learners with special educational needs and disability up to the age of 25 in education and training. In addition to the travel assistance/support available for all students aged 16-19 (see above) the Council publishes a local offer<sup>13</sup> setting out services for pupils and young people with SEND and Disabilities and this includes information on the arrangements for travel to and from schools and post 16 institutions.

In determining whether home to school or college travel assistance/support is necessary for those aged 16-25 with SEND the Council will consider:

- whether the institution is the nearest appropriate one offering a suitable course on a full-time basis (i.e. a minimum of 16 hours of guided learning across at least 3 days a week),
- the establishment's provision must be an essential requirement to fulfil the learning outcomes identified in the learner's Education, Health and Care Plan,
- what other travel arrangements have been considered and why they are not suitable i.e. why they are unable to use public transport if this is available,
- what funding is available from the institution (there would be an expectation that the student has applied for that funding),
- if there is a family member/carer who is able to transport the student and why it would not be a reasonable arrangement to make,
- if the student is in receipt of higher rate mobility component of the Personal Independent Payment, or
- if there is a Motability vehicle that could be expected to be used.

The type of travel assistance/support provided for eligible students will be considered on an individual basis and reviewed annually (or more frequently in the case of travel assistance provided for temporary medical conditions/disability), taking into account the student's physical, medical, social, behavioural and/or communication needs. This may include local bus or rail services, contracted taxi/minibus provision or payment of a personal budget. This review would be part of the annual review for young people with an EHCP and every 12 months from the point of travel assistance being provided for a young person with SEN.

Travel assistance will normally take the form of either:

- A pass for public transport (by bus or train). For students with learning difficulties and disabilities independent travel training may be offered to enable use of public transport,
- Payment of the travel costs through a mileage allowance or personal travel budget for families to make their own arrangements. The mileage for this payment will be calculated based on the shortest driving route (avoiding toll roads) using Google maps, (this will only be offered as a form of assistance with parental consent)
- Any other suitable method making the best use of all resources (including financial) which are available.

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<sup>10</sup> Education Act 1996 s 509 inserted by s84 of the Education and Inspections Act 2006

<sup>11</sup> Education and Skills Act 2008 & Children and Families Act 2004

<sup>12</sup> Apprenticeships, Skills, Children and Learning Act 2009

<sup>13</sup> <http://www.sandwell.gov.uk/send>

Where the authority has secured boarding accommodation outside the further and higher education sectors for adults under 25 with an EHCP an individual assessment will be undertaken by Adult Social Care Services as to whether transport is considered necessary (as above) and if it is it will be provided free of charge.

## 6 COMPLAINTS<sup>14</sup>

Complaints/concerns from schools, parents or carers regarding home to school/college and/or adult learner transport provided by private vehicle operators can be raised directly with the Passenger Transport Unit by emailing: [travel\\_assistance@sandwell.gov.uk](mailto:travel_assistance@sandwell.gov.uk)

## 7 APPEALS<sup>15</sup>

Officers assess all applications for travel assistance entitlement against the current Home to School Transport Policy.

Parents are advised in writing of the outcome within 10 working days from receipt of their original application. If a parent disagrees with the decision, then they may contact:

### **For pupils with SEN or an EHCP:**

SEN Operations Manager, SEN Service, Connor Education Centre, Connor Road, West Bromwich, B71 3DJ

### **For all other pupils:**

Senior Officer Education Benefits and Transport, Sandwell Metropolitan Borough Council, PO Box 16230, Sandwell Council House, Freeth Street, Oldbury, B69 9EX.

The appeals process has two stages:

Stage One: Unsuccessful applicants may ask for their decision to be reviewed by a senior officer, by putting their request in writing highlighting the relevant part of the policy that they feel has not been adhered to also stating the reason for the appeal within 20 working days from receipt of their original refusal. (The senior officer would not have been involved in the original decision)

Once received, the senior officer will review the original travel application and the home to school transport decision and reply within 20 working days. If this response is deemed unsatisfactory then you may take your concerns further to stage two.

Stage Two: You now have 20 working days from receipt of the senior officer's stage one decision to make a written appeal; this request will then be heard by an independent appeals panel. A response will be sent to you within 20 working days from receipt. (Panel members would not have been involved in any previous decision making).

Ombudsman: After stage two, if you feel that the local authority have failed to comply with the appeals procedures or if there are any other irregularities in the way your appeal was handled then you may complain to the Local Government Ombudsman at [www.lgo.org.uk/forms](http://www.lgo.org.uk/forms)

## 8 WITHDRAWAL OF TRANSPORT/TRAVEL SUPPORT

The Council may withdraw transport/travel support if an application is found to have been based on fraudulent or misleading information or where circumstances change, and the pupil/student/learner is no longer eligible.

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<sup>14</sup> DfE/DOH SEND CODE OF PRACTICE Local Authority complaints procedures 11.86 All local authorities have responsibility to consider complaints about decisions made in relation to the following: • school transport

<sup>15</sup> <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

Wilful abuse and/or violence towards staff and or other service users, or damage to vehicles or equipment, will not be accepted. Pupils' or students' behaviour that results in any of the above may result in transport /support being withdrawn and/or charges for damages being passed to those responsible.