

## For consultation : Home to School travel assistance policy

### London Borough of Hackney

#### Home to School Travel Assistance Policy

##### 1. Children aged 5 - 16

###### 1.1 Introduction and general arrangements.

This is the policy for the arrangements Hackney Council (the Council) makes for home to school travel for children and young people living in Hackney, including those with special educational needs or disabilities. It applies to children of compulsory school age (5-16 years) and to other children or young people where the council has the discretion to provide support, such as young people aged 16 or over who are in education or training.

By law, parents are responsible for ensuring that their children attend school regularly. This means that they must take all the action necessary to enable their child to attend school. For most parents, this includes making arrangements for their child to travel to and from school.

By law, the Council has a duty to make suitable travel arrangements for some groups of children, free of charge, unless they can access suitable alternative arrangements that are also free of charge. The law refers to these children as “eligible children” and defines which groups of children are “eligible”.

The Council will not make travel arrangements for most children in Hackney because they can either walk to school or use free public transport. All children under the age of 16 can travel free on London buses and trams. The TfL website provides information about eligibility and how to obtain the relevant Oyster card.

The travel arrangements we make will, as far as possible, be sustainable. Sustainable travel improves physical and environmental well-being. It includes walking, using passenger assistants where necessary, cycling, public transport and car sharing. We may offer travel training to pupils to help them to use sustainable travel options.

We aim to provide clear and accurate information. This policy has regard to the Department of Education publication “*Travel to school for children of compulsory age, Statutory guidance for local authorities*” (June 2023). We refer to this as the Guidance. We use the phrase “travel assistance” to cover the range of travel arrangements we make. This and other definitions are given at the end of this document.

The Council decides on the method of travel assistance it will provide. As a public body, we must use our resources effectively. Travel assistance is provided in the way that best promotes independence for the child. It will always be suitable, taking into consideration the needs of the child, as well as the Guidance on, for example, journey time. The offer may include travel training, a personal travel budget paid to a parent, a school bus or a shared taxi.

Any travel support provided is only to cover the return journey from home to school for the compulsory part of the school day.

## 1.2 How does a child qualify for home to school travel assistance?

Free home to school travel assistance is for eligible children of compulsory school age, who live within the borough, to get to and from school each day. Free travel assistance will be provided to the nearest suitable school that has a place available.

To receive travel assistance a child must:

- Live within the London Borough of Hackney **and**
- Be of “compulsory school age”. This is between 5 to 16 years old **and**
- Attend a qualifying, suitable school **and**
- Belong to **at least** one of the categories of eligible children.

Categories of eligible children are as follows:

- 1) Children who live beyond the statutory walking distance, where:
  - o The child is under the age of 8 and the distance to the nearest suitable school is more than 2 miles from home;
  - o The child is aged 8 or over and the distance to the nearest suitable school is more than 3 miles from home.
- 2) Children whose route to school is unsafe: The walking route to the nearest suitable school is unsafe and there is no reasonable alternative within the statutory walking distance to that school which would be safe to walk.
- 3) Children with special educational needs, a disability or a mobility difficulty: The child attends their nearest suitable school, it is *within* the statutory walking distance from their home, and they cannot reasonably be expected to walk there because of their special educational needs, disability or mobility difficulties (*see Section 2 onwards for more information*).
- 4) Children from low-income families: The child is eligible for free school meals, or the parent with whom they live gets maximum Working Tax Credit, and:
  - o They are aged 8 to 10 years, attend their nearest suitable school and it is *more than 2 miles* from their home; or
  - o They are aged 11-16 years and attend *one of their three nearest* suitable schools which is between 2 and 6 miles from their home; or
  - o They are aged 11-16 years, attend a school that is between 2 and 15 miles from their home that their parents have chosen on the grounds of *religion or belief* and there is no suitable school nearer to their home.'

### **1.3 Other cases where a child may qualify for travel assistance**

#### **Pupils attending a qualifying school outside the statutory distances.**

Pupils who attend a qualifying school or other place at which they receive statutory education, outside the statutory walking distance (2 miles if aged 5 – 7 years and 3 miles if aged 8 or over) where there are no suitable arrangements for boarding at or near school, and who do not have a suitable nearer alternative nearer educational placement on offer.

#### **Pupils attending a qualifying school outside the statutory distances chosen because of religion or belief.**

Pupils who attend a qualifying school or other place at which they receive statutory education, which is outside the statutory walking distance (2 miles if aged 5 – 7 years and 3 miles if aged 8 or over) that their parents have chosen on grounds of religion or belief, and who do not have a suitable alternative nearer educational placement on offer. (In these circumstances, the parents must demonstrate that they have applied for, and been refused, a place at other equivalent nearer schools or educational establishments).

#### **Disabled parent**

Where there are pupils whose parent's disability may prevent them from accompanying their child to their school, even where it is within statutory walking distances, the local authority may provide free travel support for those pupils.

### **1.4 The travel offer**

The Council is not required to arrange travel for an eligible child where:

- Suitable free travel is provided by someone else, for example, their school or a local transport authority, such as Transport for London (TfL).
- A parent chooses to make their own arrangements for the child's travel to and from school.

Children under the age of 11 travel free on London's buses and trams, with or without an adult, at any time, and do not need a ticket. Children under the age of 11 also travel free on London Underground, DLR (Docklands Light Railway), overground and TfL rail without a ticket if they're accompanied by a paying adult.

Unaccompanied children aged 11 to 15 years must get an 11-15 Zip Oyster Photo card to travel free on buses and trams and at child rate on Tube, DLR and London Overground services using an Oyster card.

The Council's own travel offer may be to meet any additional costs of the child rate fare on the tube, DLR, overground or TfL rail using an Oyster card.

### **1.5 Scope of travel assistance**

Any travel assistance provided is to cover the return journey from the pupil's home to school and back again at the beginning and end of the school day only. 'Home' is where the child is habitually and normally resident. If the child spends some of the

week at a different address, the Council will not provide travel to and from two separate addresses.

## **1.6 Definitions:**

### **Suitable schools and qualifying schools**

A school is 'suitable' if it provides education appropriate to the age, ability, aptitude of the child, and any special educational needs they may have.

Qualifying schools are:

- Community schools, foundation schools, voluntary aided and voluntary controlled schools
- Academies (including those which are free schools, university technical colleges, studio schools and special schools)
- Alternative provision academies
- Community or foundation special schools
- Non-maintained special schools
- Pupil referral units
- Maintained nursery schools (where attended by a child of compulsory school age); and
- City technology colleges and city colleges for the technology of the arts.

For children with special educational needs, an independent school is a qualifying school if it is the only school named in their Education, Health and Care plan (EHCP), or the nearest of two or more schools named in the EHC plan.

### **1.7 Measuring distance**

The Council will consider the safety of the route when measuring statutory walking distance. This will be measured by the shortest route by which a child, accompanied as necessary, may walk safely.

Under 'extended rights' provision, the distances will be measured using road routes.

## **2. Special Arrangements - Children with Special Educational Needs and Disabilities (SEND), aged 5-16 years.**

### **2.1 Introduction**

This section sets out the special arrangements for home to school travel for children aged 5-16 years with special educational needs, disability or mobility difficulties.

Many children with special educational needs or disabilities can walk to and from school. Others can travel using Transport for London (TfL) free of charge, including those with an Education, Health and Care plan (EHC plan).

### **2.2 Which children with SEND will qualify for travel assistance?**

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 they meet the criteria listed below, they may benefit from free travel assistance, if there are no other suitable arrangements for travel free of charge available to them.

### **2.3 Children with no EHC plan, or an EHC plan that does not name a school**

A child is eligible for travel assistance if:

- they attend their nearest suitable school, and
- it is **within** the statutory **walking** distance of their home, and
- they could not reasonably be expected to walk there because of their special educational needs, disability or mobility problem, even if they were accompanied by their parent.

To be eligible on these grounds, a child does not need to:

- have an Education, Health and Care plan (EHC plan) or
- have travel to school specified in their EHC plan if they have one; or
- attend a special school; or
- live beyond the statutory walking distance.

Not every child with an EHC plan or who attends a special school will be eligible for free travel to school.

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

The child must attend the named school. For children who have an Education, Health and Care plan (EHC plan), parents can express a preference for a school that is not their nearest suitable school. The preferred school and a school that the local

authority considers is suitable and which is nearer to the child's home can both be named in Section I of an EHC plan.

If the local authority decides it would be 'compatible with the efficient use of resources' to provide free home to school travel to the parents' preferred school (the school that is further away), it should name only that school in the child's EHC plan. That means that if the difference in cost is not significant, then the local authority may name the parents' choice of school in the Plan.

If, however, the local authority decides that the cost of providing travel to the parents' choice of school is significantly more expensive than the nearer school, it may name both schools in the EHC plan on the condition that the parents pay the cost of travel to their preferred school.

If the parent's circumstances subsequently change and they are no longer able to arrange or pay for the transport, the Council may review the EHC plan to reconsider whether naming the parent's preferred school is incompatible with the efficient use of resources. If that is the case, then they may amend the plan to name a different school that would be appropriate for the child's needs.

## **2.5 How are children with SEND assessed?**

We assess eligibility for children with SEND on an individual basis to identify their travel assistance requirements. Members of the SEN and Transport teams look carefully at each case, asking for and considering relevant information. Assistance, where necessary, will be given by the Council in the way that best meets the pupil's needs, sustainability, and the circumstances of the child in question.

The aim of the assessment is to find out whether a child's special educational needs (including any emotional or behavioural difficulties), disability or mobility difficulties are such that they cannot reasonably be expected to walk to school even when accompanied by a parent, or, to use public transport to get to and from school.

The assessment is based on the information provided by the parent that is asked for in the application form. The team will refer to the Education Health and Care plan where one is in place and may consult with the school, the parent and, if appropriate, the health service.

The travel needs of every child should be assessed at best annually during their school career. If the child has an Education, Health and Care plan, then this should take place at the annual review. As children mature, then more independent forms of travel may be appropriate for them.

## **2.6 Children with medical needs.**

We carry out an assessment of individual needs and a risk assessment for children for whom we make travel arrangements, to consider how those needs might affect the child during their journey.

## **2.7 Parents accompanying their children.**

For children with SEND (and those where the route may be unsafe to walk), the Council must decide whether it is reasonable to expect the child to walk if accompanied, and if so, whether it is reasonable to expect a parent to accompany them. 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.

The Council must consider cases where the parent says there are good reasons why they are unable to accompany their child, or make other suitable arrangements for their journey, and decide based on the circumstances of each case.

The circumstances that the Council will consider may include, but are not limited to, whether the parent has a disability or mobility problem that would make it difficult for them to accompany their child, and the parent's reasons for not being able to accompany their child or make other suitable arrangements.

Reasons such as the parent's working pattern or the fact they have children attending more than one school, on their own, will not normally be considered good reasons for a parent being unable to accompany their child. It is reasonable to expect the parent to make suitable arrangements to fulfil their various responsibilities (for example, their responsibilities as an employee and as a parent).

## **2.8 The travel offer.**

Hackney Council's travel offer for children with SEND who qualify for travel assistance following assessment might be one of the following:

- Independent Travel training. Preparing for adulthood is a key outcome for children with SEND. It is important for employment/education, independent living, community participation and good adult health. We offer independent travel training to pupils with SEND. We assess pupils first and offer the training only where we believe that a pupil can complete the programme. We will discuss the benefits of travel training with parents and reassure them that their child will not lose any travel entitlements until they are confidently able to travel independently. The programme is personalised to meet the needs of the child.
- Personal Travel budgets. The Council offers Personal Travel budgets to parents or groups of parents to enable them to make their own arrangements to get their children to and from school, but only if parents agree to it. Two return journeys a day are paid for plus an allowance to cover the costs of a passenger assistant if one would have been required.
- A seat on a bus or minibus that is either provided by the Council or is contracted by the Council to provide a service to the nearest suitable school, sometimes picking up pupils and setting them down at collection points close to home.

- In some cases, a seat in a taxi (either a shared taxi or a solo taxi) where this is either because of the child's particular special educational needs or behavioural difficulties or where it is the only practical solution.

## **2.9 What journeys are covered?**

Where travel assistance is given, it is provided for the journey to and from school for the compulsory part of the school day. It does not include travel to and from activities before or after school, medical appointments, a child needing to leave school early due to illness, travel between school sites or buildings during the school day or travel to work experience.

## **2.10 Pick up points.**

Travel assistance may be offered to and from pick-up points close to home. Parents must get their child to the relevant pick-up 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 school regularly.

## **2.11 Special cases:**

### **Pupils with EHC Plans where a residential school is named.**

Where the EHC plan names a residential school as the only or nearest school, travel assistance will be provided at the beginning and end of each of the three academic terms. It will also be provided at each of the three half terms and other periods when the school is closed. It is expected that parents will be responsible for the cost of any additional journeys to and from school.

Where children attend on a weekly boarding basis, travel assistance will be provided at the start and end of each week when the school is open.

### **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 travel assistance on a temporary basis. Supporting medical evidence will be required. The assistance will end when the temporary condition no longer exists.

### **Pupils attending alternative educational provision because of exclusion or other reasons.**

Travel assistance may be given for those attending Alternative Provision if they qualify for travel support under this policy.

### **Pupils attending at more than one qualifying school.**

If all other criteria are met, travel assistance may be given where a child is registered at two qualifying schools to the school attended on any particular day.



## **2.13 We do not make free travel arrangements to or for the following:**

- Independent fee-paying schools (other than independent non maintained special schools).
- Travel to and from school to attend extra-curricular activities taking place before or after the normal school day.
- Induction or transition days.
- Travel within different sites at the same school.
- Travel to and from work placements.
- Travel to and from school where a parent cannot take their child to school because of work commitments.
- Travel to and from school where a parent cannot take their child because they have children in different schools.

## **3. Service standards.**

### **3.1 Health and safety, and safeguarding.**

Where travel assistance is awarded in the form of a seat on a bus or a taxi, parents are given information relating to health and safety, safeguarding, behaviour and operational issues as part of the offer.

### **3.2 Suitable travel arrangements.**

Travel arrangements should be suitable, safe and reasonably stress free. As a rule, 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. Sometimes, however, especially for children with complex needs, journeys need to be longer than this.

### **3.3 Safeguarding.**

The Council ensures that the required safeguarding and suitability checks are carried out on the drivers of vehicles providing organised home to school transport and on any passenger assistants that are employed.

### **3.4 Training.**

The Council ensures that drivers and passenger assistants on organised transport have undertaken the appropriate training and that this is kept up to date. The training includes the handling of emergencies, an awareness of disabilities, including hidden disabilities, an awareness of discrimination, of safeguarding and of recognising, supporting and managing children with a range of disabilities and special educational needs.

### **3.5 Passenger assistants.**

Passenger assistants are provided on vehicles where there are individual children and young people who have severe physical or learning difficulties and/or

challenging behaviours, where the child's safety requires it and as determined during the assessment phase. They are provided where they are necessary for the safe operation of the vehicles and/or the care of a child or young person. Parents/carers may act as passenger assistants.

### **3.6 Vehicle safety.**

The Council ensures that its own vehicles and those provided by its contractors are appropriate for the type of journeys planned. In no circumstances will the number of seated passengers exceed the number of seats available for passengers.

Contractors must pass a number of quality and safety tests before they can join the Council's contracts framework. Contracts are awarded via mini-competitions and bids are assessed on both price and quality.

### **3.7 Behaviour on school transport.**

The Council reserves the right to withdraw free travel on transport it has arranged, where a child or young person's behaviour is such that it is unacceptable, after considering their additional needs. Parents will be informed by letter about the behaviour. Before travel assistance is withdrawn, we will seek to resolve the issue through a meeting with the school, parents and provider. If, however, the behaviour is so extreme that it constitutes an immediate or ongoing risk to the child or to others on the vehicle, then transport can be withdrawn immediately.

Further, the Education and Inspections Act 2006 empowers headteachers to take action to address unacceptable behaviour even when this takes place outside the school premises and when pupils are not under the legal control of the school, but where it is reasonable to do so. In the Department for Education's view, this would include behaviour on school buses, or otherwise on the route to and from school, whether the pupils are in school uniform.

A leaflet sent out with the travel offer letter to parents sets out what is expected of pupils travelling to and from school under arrangements made by the Council.

#### 4. Asking the Council to use its discretionary powers.

4.1 The Council may make an award of travel assistance for a pupil who does not meet the criteria of “eligible child” of compulsory school age, using its discretionary powers, as it considers necessary to facilitate their attendance at school.

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

4.2 Where it thinks it is necessary, the Council may use its discretion to provide free travel assistance for those children who do not meet the eligibility criteria for travel assistance. Examples include:

- Looked After Children and children with further special circumstances who may be supported. The Council may facilitate the attendance at school of vulnerable children through travel assistance where it is appropriate, each request being assessed individually.
- Children with a temporary medical condition where the usual travel to school arrangements are impeded by the medical condition. The parent must submit evidence, including medical evidence, showing why the child is unable to walk to school and the likely period of their incapacity.

4.3 The Council will also exercise its discretion in the award of travel assistance in some circumstances where the child is below compulsory school age (5-16 years). These are:

- **‘Rising 5s’**: these are 4-year-olds who are attending a reception class in an infant or primary qualifying school as ‘rising 5s’- their 5<sup>th</sup> birthday occurs during the term in which they start school.
- **Children of pre-school age (3- and 4-year-olds)** who have *significant special educational needs*, who may already have an EHCP or who are being assessed for an EHCP and who are attending a suitable specialist school setting. There is no automatic support for children in this category. The Council may provide travel assistance where it thinks it is necessary. In these cases, the parent must submit evidence to show why they or other members of the family are unable to accompany the child or take them to and from the school or setting. If travel assistance is provided in these cases, it will be free of charge. The principal offer may be that of a travel budget.

The principal area of the Council’s discretionary travel support is for young people aged 16 or over. This is set out below.

## 5. Post 16 travel policy

### 5.1 Introduction

Local authorities are responsible for ensuring there is travel assistance for 16–18-year-olds. The intention of the sixth form age transport duty is to ensure that learners of sixth form age can access the education and training of their choice. The sixth form age duty applies to young people of sixth form age (with or without EHCPs) and to adult learners with Education Health and Care plans up to age 25 where they are continuing a course they started *before* their 19th birthday.

There is a duty towards adult learners. An adult learner is a person who starts a course of study *after* their 19<sup>th</sup> birthday, including those with Education, Health and Care plans.

The duties of local authorities are set out in statutory guidance '*Post 16 travel and transport guidance to education and training*' (2019). It applies to all post-16 students or trainees attending:

- a school
- a further education institution
- an authority maintained or assisted institution providing higher or further education
- an establishment funded directly by the Education and Skills Funding Agency
- a learning provider that is funded by the local authority to deliver accredited programmes of learning (including colleges, charities and private learning providers)
- a place of work or apprenticeship.

The intention of the adult transport duty is to ensure that those with the most severe disabilities and with no other means of transportation can undertake further education and training after their 19th birthday.

A local authority is required to set out the types of support available for students aged 16 years or over in their Post 16 travel policy statement. This specifies the arrangements for the provision of transport, or otherwise that the authority considers necessary to make, to facilitate the attendance of all persons of sixth form age receiving education or training (Section 509AA of the Education Act 1996).

The policy statement must be published by the end of May each year to help students with their choice of course for the following September.

### 5.2 TfL and other travel support

16+ Oyster Photo Card Students

Students who are 16 – 18, live in London and are in full time education, can apply for free travel on buses and public transport using a 16+ Oyster photo card if they are:

- Under 19 on the 31st August prior to the start of the current academic year.
- Living in a London Borough; and
- In full-time education (as defined under the scheme).

This enables students to travel for free on buses and trams. Students can also get reduced travel fares on the Tube, DLR and London Overground Services. Students may apply for an Oyster Card through the Transport for London website.

Students can apply for 16-19 bursary funding through their school or college for help with travel.

### **5.3 Hackney's post 16 travel support**

The Council can provide travel assistance itself *where it thinks it is necessary*. In Hackney, there is discretionary travel support for sixth form age students (aged 16-18 years) with or without special educational needs or disabilities and for adult learners (starting a course following their 19<sup>th</sup> birthday) with special educational needs or disabilities. This is set out as follows:

### **5.4 Eligibility – all students aged 16-18 years.**

The student must live in the London borough of Hackney.

The student must attend one of the following:

- a school – a maintained school or academy with a 6<sup>th</sup> form in Hackney
- a further education institution or a sixth form college in Hackney
- an authority maintained or assisted institution providing higher or further education
- an establishment funded directly by the Education and Skills Funding Agency, e.g., independent specialist providers for learners with learning difficulties, special educational needs or disabilities
- a learning provider that is funded by the Hackney Council to deliver foundation or other accredited programmes of learning (including colleges, charities and private learning providers)
- a place of work traineeship or apprenticeship in Hackney.

Eligibility may also extend to students who attend a full-time course (12 hours of lessons or sessions or more a week) at one of the above types of institution outside Hackney because the chosen course of study is not available in Hackney or if there are other exceptional educational, curricular or social reasons why study must be outside Hackney.

### **5.5 For students aged 16-18 years, without an Education, Health and Care plan.**

Additional eligibility criteria for students without an Education, Health and Care plan are that:

- the educational establishment must be more than 3 miles from their home.
- the student must be eligible for free school meals; in receipt of the maximum level of Working Tax Credit or Universal Credit with an annual net income of no more than £15,400.

The income and distance thresholds may be waived for students/Trainees with learning difficulties/disabilities, including but not restricted to students with an EHC plan.

### **5.6 The travel offer.**

The Council will pay for travel expenses between home and school or other educational institutions up to a maximum of £390.00 per year for those using public transport.

### **5.7 For students aged 16- 25 years, with an Education, Health and Care plan.**

To receive travel assistance, a student must:

- Live within the London Borough of Hackney, **and**
- Be between 16 and 25 years of age, **and**
- Hold an Education, Health and Care plan, **and**
- Attend the nearest suitable college or school that provides an approved course of study named in the EHC plan.
- Travel assistance may be available for students aged 16-18 who start a course of study before their 19<sup>th</sup> birthday and who have special educational needs and disabilities who:
  - Are attending a full-time course, normally at the nearest school or college provision to their home.
  - This will be subject to an individual assessment, as with children with special educational needs or disabilities of compulsory school age.
  - Travel assistance will not normally be provided for students aged 16-18 with special educational needs and disabilities undertaking a residential course, except for journeys to and from the placement before and after any break in the provision for holidays.
  - Even if the student remains at the school named in their EHCP beyond their 16<sup>th</sup> birthday, they must apply for travel assistance.

### **5.8 The travel offer.**

The offer of travel assistance is as follows:

- Independent Travel training.
- Personal Travel Budgets, including cash payments towards the costs of public transport.

- Supported public transport (e.g., accompanied by a travel buddy).
- A seat on a bus, minibus or, only where the Council thinks it is necessary, a taxi organised by the Council.

The Council's policy is that post 16 students with SEND will travel independently wherever that is possible, rather than on transport that is organised by the Council. Support will be provided through travel training and buddy schemes and through personal travel budget payments that cover the use of private vehicles, taxis or through cash payments that cover any additional costs of public transport. Travel assistance will be provided free of charge to those who qualify.

If the student changes their course of study within the first year, they should let the Council know. If it takes the student longer than the normal course length to complete the course, then travel assistance will still be provided. Travel assistance will not usually be provided for a second or subsequent course of study.

### **5.9 Adult learners**

An adult learner is a person who starts a course of study after their 19<sup>th</sup> birthday. They are neither a child nor a person of sixth form age and, in the case of a 'relevant young adult', will have an Education, Health and Care plan.

The intention of the adult transport duty is to ensure that those with the most severe disabilities with no other means of transportation can undertake further education and training after their 19<sup>th</sup> birthday to help them move towards more independent living.

Councils must make arrangements for the provision of transport or travel assistance, *as they consider necessary*, in respect of:

1. Adults who are aged 19 or over, to facilitate their attendance at further or higher educational institutions (FE and HE, where they are maintained or assisted by the local authority) or institutions within the further education sector (such as FE colleges).
2. Relevant young adults (i.e., those with an Education Health and Care plan that can be maintained up to the age of 25) receiving education or training at institutions outside both the further and higher education sectors (such as independent specialist colleges). For these young adults, support is only provided where the local authority has secured for those adults the provision of education or training at those institutions and the provision of boarding accommodation that is linked to that education or training.

In making that decision on whether transport provision is necessary, local authorities must take account of the relevant circumstances, including the age of the adult and the nature of the route which the adult could reasonably be expected to take.

Students or their representatives should demonstrate why they are unable to use public transport or why parents, carers or other family members are unable to provide transport.

## **5.10 The travel offer.**

If the Council *does* consider it necessary to make such travel arrangements, then any organised transport provided (a taxi or minibus) must be provided free of charge. A personal travel budget may also be offered.

Even if the Council *does not* consider it necessary to arrange to provide free transport to adult learners receiving education or training at the institutions mentioned above, they have a discretion to pay some or all the reasonable travelling expenses if no other arrangements have been made.

In Hackney, adult learners may be referred also to Adult Services who may be able to offer travel assistance.

## **6. Applications, awards, reviews, appeals and complaints**

### **6.1 How to apply**

Information on how to apply is available in the Pupil Benefits handbook and on the Local Offer.

You must apply for travel support if you are beginning at a new school. You must re-apply for travel support if you change address.

Parents may apply by completing an online application form at:  
<https://education.hackney.gov.uk/content/help-home-school-travel>

Parents who qualify because of their income must reapply each academic year to determine eligibility by income.

The application for travel assistance for 5–16-year-olds with special educational needs, disabilities and mobility issues is an online application:  
[www.hackneylocaloffer.co.uk/kb5/hackney/localoffer/advice.page?id=XATR8-VsbNE](http://www.hackneylocaloffer.co.uk/kb5/hackney/localoffer/advice.page?id=XATR8-VsbNE)

For all post 16 students, there is an on-line application form at:  
<https://education.hackney.gov.uk/content/apply-travel-assistance>

The application form for post 16 travel support is also available on the Local Offer and can be downloaded. You must apply for travel support if you are post 16, even if you are planning to stay at the same school.

Applications should be made as soon as possible after the award of a place.

Applications must be received by 1 July at the latest to guarantee an assessment for travel support for the start of the autumn term in September of that year.

Awards of travel assistance cannot be backdated.



## **6.2 Awards of travel assistance**

The Council processes all applications as soon as practicable. Awards will be made from the date the completed form and supporting evidence is received.

Any award of travel assistance will be made for a specified period, or until it is reviewed. No award will be for more than one academic year. When an award of travel assistance ends it is the responsibility of the parent or student to make a further application.

## **6.3 Reviews**

The Council makes the decision on the mode of travel and transport. We can review the travel arrangements of individuals or groups of pupils or students at any time during the school year. If, because of that review, an alternative more cost- effective form of travel is identified for the pupil or student that is both appropriate and suitable for them, then that becomes their mode of travel. If the parent does not accept the alternative offer, then the Council can withdraw travel assistance altogether.

## **6.4 Changes in circumstances.**

Parents must reapply for travel assistance for their child if there are any changes in circumstances that may affect entitlement to travel assistance. These include a change of address, school, safety of the route, 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.

## **6.5 Eligibility Checks.**

The Council has a duty to ensure that it protects public funds. The Council may contact families during the academic year, to ensure they are still eligible for travel assistance.

## **6.6 Awards made in error.**

Where an award of travel assistance has been made in error, the Council has 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 assistance will be withdrawn straight away.

## **6.7 Fraud.**

Where an award of travel assistance has been made as a result of fraud it 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.

## **6.8 Best Value.**

The Council is under a general duty of Best Value to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The Council has fiduciary duties towards residents.

## **6.9 Appeals.**

The Council has adopted the review and appeal procedure recommended in the Guidance. This can be used for parents who wish to challenge a decision about

- Travel arrangements offered
- Their child’s eligibility
- The distance measurement in relation to statutory walking distances and
- The safety of the route.

This can be found at Appendix A. Parents must make their written request for a review within 20 working days of receipt of our decision.

## **6.10 Complaints.**

Parents and schools can contact Hackney SEND travel assistance on 020 8558 4283. Email [transport@hackney.gov.uk](mailto:transport@hackney.gov.uk)

Formal complaints about the service provided by the Council relating to home to school transport can be made by using the Council’s complaints procedure.

This is available at <https://hackney.gov.uk/complaints>

## **6.11 Definitions.**

Compulsory school age:

- Set out in section 8 of the Education Act 1996 and the Education (Start of the Compulsory School Age) Order 1998. A child reaches compulsory school age on the prescribed day following their fifth birthday or on their fifth birthday if it falls on a prescribed day. The prescribed days are 31 December, 31 March and 31 August. A child ceases to be of compulsory school age on the last Friday in June in the academic year in which they reach age 16.

Disability:

- Defined in section 6 of the Equality Act 2010. A person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial and long term effect on their ability to carry out normal day to day activities.

Education Health and Care (EHC) plan:

- An Education, Health and Care (EHC) plan details the education, health and social care support that is to be provided to the child or young person who has special educational needs or a disability. It is drawn by the local authority after an EHC needs assessment of the child or young person has determined that an EHC plan is necessary, and after consultation with relevant partners. Home to school travel arrangements are not normally considered to be special educational provision.

Home:

- A child's 'home' is the place where he/she is habitually and normally resident. Where their parents do not live together and the child spends part of the week with each parent, councils are not expected to provide travel to and from two separate addresses.

Nearest suitable school:

- Taken to mean the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEN that the child may have.

Parent:

- References to 'parent' or 'parents' include birth parents, adoptive parents, foster parents, carers or other legal guardians with parental responsibility.

Philosophical Belief:

- 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, e.g., via a ferry.

Special educational needs (SEN)

- Defined in section 20 of the Children and Families Act 2014. A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her.

Qualifying school:

Qualifying schools are:

- community schools, foundation schools, voluntary aided and voluntary controlled schools

- academies (including those which are free schools, university technical colleges, studio schools and special schools);
- alternative provision academies;
- community or foundation special schools;
- non-maintained special schools;
- pupil referral units;
- maintained nursery schools (where attended by a child of compulsory school age); and
- city technology colleges and city colleges for the technology of the arts

### **References to definitions made in law.**

Section 444(5) of the Education Act 1996 (the Act) defines 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 section 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 the Education Act 1996.

The Children's and Families Act 2014 section 10 defines 'SEN'.

## **Appendix A**

### **Appeals.**

#### **How to request a review/appeal of a decision about travel assistance:**

With regard to-

- travel arrangements offered;
- their child's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the safety of the route.

#### **Stage one: Review by a senior officer.**

A parent has 20 working days from receipt of the local authority's home to school travel decision to make a written request asking for a review of the decision.

The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.

Within 20 working days of receipt of the parent's written request a senior officer reviews the original decision and sends the parent a detailed written notification of the outcome of their review, setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed e.g., Road Safety GB);
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about how the parent can escalate their case to stage two (if appropriate).

#### **Stage two: Review by an independent appeal panel.**

A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two. Within 40 working days of receipt of the parents request an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days), setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed e.g., Road Safety GB);

- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about the parent's right to put the matter to the Local Government and Social Care Ombudsman.

The independent appeal panel members are independent of the original decision-making process (but are not required to be independent of the local authority) and suitably experienced (at the discretion of the Council), to ensure a balance is achieved between meeting the needs of the parents and the local authority, and that road safety requirements are complied with, and no child is placed at unnecessary risk.

#### **Further action following a review.**

There is a right of complaint to the Local Government and Social Care Ombudsman, but only if there has been a failure to comply with the procedural rules or if there are other irregularities in the way the appeal has been handled.

Information can be found on the [www.lgo.org.uk](http://www.lgo.org.uk) website.

It may be possible to ask a court to judicially review a decision of the independent panel if it can be shown that this was flawed on public law grounds.