

**Travel assistance policy for children and young people in education or training, age
0-25**

2019/20

Draft Policy for Consultation

This policy has been reviewed in accordance with the Department for Education Guidelines.

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1. OVERVIEW

1.1. Introduction

This policy is written for parents and young people to explain the arrangements that Camden Council makes to support travel arrangements for children and young people (CYP) with special educational needs and/or disabilities (SEND) up to the age of 25.

It covers travel arrangements for children and young people aged 5 to 16 and for young people with complex special educational needs and disabilities up to the age of 25, whilst they remain in education or training.

Camden believes that support for eligible children and young people to develop independent travel skills helps enable them to take part, in education, employment, life and leisure activities within their communities.

Camden promotes the use of sustainable travel options and to support this we promote greener options for any travel assistance that we fund or organise.

Parents have a legal duty to make necessary arrangements to ensure their children attend school regularly.

An Education Health and Care Plan (EHCP) does not give the child an automatic entitlement to free travel. If a school has been named in the EHC Plan in accordance with parental preference and is not the nearest suitable school, transport will be the parents responsibility.

1.2. Scope of the policy

This policy and guidance is relevant to residents of Camden who are:

- Parents/carers of a child with special educational needs and/or a disability aged 5-16, who attends education provision. Most (but not all) of these children and young people will have an EHC plan, and the policy explains the criteria that will apply.
- A young person aged 16 and above, or their advocate, who attends education and has special educational needs or a disability, and the criteria apply. Most of these young people will have an EHC plan.
- A carer or foster parent of a child who is looked after by Camden (LAC under the Children Act) and who also has special educational needs and/or disabilities, and who lives in Camden. We cannot provide travel assistance for LAC for whom another LA is responsible unless they agree to fund the costs, even if they are placed in Camden.

Camden children and young people who are the subject of a 'care order' and placed with foster carers outside of Camden are outside of the scope of this policy. The authority where the child attends schools will need to liaise with Camden regarding any requests to fund transport arrangements. Carers should contact their allocated social worker for support and advice.

1.3. What is the legal basis for this policy?

Any duty on Camden to provide travel assistance is set out in the Education Act 1996, as amended by the Education and Inspections Act 2006. Schedule 35B of the Education Act defines eligible children (those who qualify for travel assistance) as children with special educational needs, disabilities or mobility problems, who live within the walking distance, but cannot be expected to walk or access public transport.

Camden Council has considered the statutory legal framework and statutory guidance in formulating this policy. These include the Education Act 1996 and the requirements of the SEN and Disability Code of Practice (2015). Further details can be found on the DfE website using these links: [home to school](#) and [post-16 travel assistance](#). The statutory guidance encourages Councils to "...review travel policies, arrangements and contracts regularly to ensure best value for money is achieved". Camden's policy aims to ensure that we identify those children and young people who are in need of assistance with their travel arrangements, making decisions that are fair and equitable and promote greater independence by providing life skills to help them prepare for adulthood.

The policy will be reviewed annually and will take account of any legislative or policy changes on home to school or post-16 travel assistance.

1.4. Sustainable Travel

Camden Council seeks to reduce harm to the environment, for example minimising carbon emissions. Camden is well resourced with transport links and the majority of children and young people attending education provision are able to walk to school or access free public transport

There are also concessions, including free or discounted bus travel, for young adults, over 18, who are in in full time education or enrolled on an apprenticeship.

If travel assistance is agreed, the Council will arrange for the most appropriate, sustainable and cost-effective form of travel assistance, in some cases we will arrange for an independent travel training assessment to determine this.

2. WHAT ARE THE ELIGIBILITY CRITERIA?

2.1. Overview

Parents/carers have a legal responsibility to ensure their child's attendance at school. This policy outlines the support available in cases where a child's needs are such that prevent them from being able to walk, cycle or access public transport even with an adult to accompany them

An EHCP does not give the child an automatic entitlement to free travel. If a school has been named in the EHC Plan in accordance with parental preference, and is not the nearest suitable school, transport will be the parents responsibility.

Where the Council agrees to provide travel assistance, it will be reviewed each year as part of the annual review of the EHC plan with the explicit focus on moving to greater independence as the child becomes older. In addition, we will always review travel assistance eligibility when:

- the family address changes
- the school attended changes
- at phase transfer (from primary to secondary , secondary to post 16 and transfers between post 16 institutions)

If following review, the Council believes that travel assistance is no longer required, it may be withdrawn, subject to a minimum of 6 weeks' notice. Such a decision would be subject to the appeal procedures set out in section 6 of this policy.

The criteria we consider when making a decision about a child or young person's eligibility to receive transport assistance are set out in the following sections.

2.2. Criteria for Children under 5 years old

There is no legal requirement for the Council to make special arrangements for children under the age of 5 to travel between home and school. The Council expects that children under the age of 5 will be taken to their educational provision by a parent or guardian.

Camden Council has used its discretionary powers to expand the policy for children under the age of 5 attending a specialist provision to enable them to be considered under the same criteria as school aged children, from the start of their first term in **Reception year**.

2.3. Criteria for Children and young people attending school

The two primary considerations for determining eligibility for travel assistance are the **individual needs** of the child or young person, and the **distance** they live from the nearest suitable school:

Individual Needs

- Does the child or young person have physical, learning and/or mental health needs which mean they cannot walk, travel by wheel chair, cycle or access public transport even if accompanied by a responsible adult? For more details see the application form available on the web link below in section 4.

Distance

- Does the child or young person live more than the statutory 'walking distance' from the nearest suitable school (This means a child who lives beyond the statutory 'walking distance' of 2 miles, for pupils below the age of 8, and 3 miles for those aged 8 and over).

Home to school when a closer suitable alternative has been offered

- The distance criteria applies when a child cannot be placed by the Council at a suitable school within walking distance, or by accessible public transport. Supported travel will only be provided for travel to a qualifying school. A qualifying school means one that can meet a child's needs and is nearest to their home. The Council will not agree to pay the transport costs for a child if a nearby school can meet the child's needs but parental preference is for a school which is further away, The Special Educational Needs Code of Practice (2015) says a parent's preferred choice of school may be further away from the child's home than another school that can meet the child's special educational needs. In such cases the Council could name a nearer school if naming a further school was an unreasonable use of public expenditure. The Council could also agree to name the preferred school on condition the parent agrees to meet the transport costs. If at any point the parent then said they would not meet the transport costs the Council would review the placement and make a decision based in accordance to the statutory framework

How we measure distance

- We measure distance using online mapping tools, which measure the actual distance travelled (i.e. not a straight line or "as the crow flies" between home and school). Please note that that walking routes are often shorter than driving routes.

2.4. Temporary medical needs

A child who is able to attend school but unable to travel because of medical treatment, is not eligible for travel assistance under this policy. Support and advice for parents of children of statutory school age who have a temporary medical condition that

prevent them from walking or accessing public transport is however available from the Reintegration Officer in the School Inclusion Team on 0207 974 1654.

2.5. Young people attending post 16 provision

When young people with SEND move from schools to further education colleges at age 16 or over, their existing travel assistance arrangements will end. All young people in full-time education up to the age 18 are entitled to free transport on buses and trams, plus concessionary rates on other public transport within London. Camden Council considers that this is sufficient to meet the transport needs of most of our students.

A small number of young people may require additional help to develop their independent travel skills. Independent travel training will be considered during key stage 4 and every year once a young person is attending college.

In general, travel assistance will only be agreed for the nearest appropriate college. Where a young person decides to attend college that is further away and offering a comparative course, funding for travel assistance will not usually be agreed.

For a young person aged 16 or above in education, being in full-time education is defined as:

- At least 15 hours of guided learning per week
- Being enrolled in an education college or other training provider.

The following travel assistance options are available for post 16 learners:

- Free and discounted TfL transport for young people aged 16-18
- A disability pass for 18-25
- The option of a Personal Transport Budget
- Direct transport provision in highly exceptional circumstances

2.6. If a child attends a specialist educational residential placement

A specialist residential school is a specialist education provision, which caters for pupils with SEND, who receive overnight accommodation. These are made for a very small number of children and young people, where the Council cannot meet all of the child or young person's education, health and care needs locally. This may be over a 38 week school year, or may be for a 52 week year.

Up to 51 weeks

The Council will reimburse the parents or nominated carer at HMRC rates (<https://www.gov.uk/government/publications/rates-and-allowances-travel-mileage-and-fuel-allowances/travel-mileage-and-fuel-rates-and-allowances>) for one journey

to and from the setting for journeys taken at the start and end of each term or half term.

The Council will reimburse the parents (or nominated carer), to accompany their child to and from school via public transport or by car:

- for journeys taken at the start and end of term,
- for half-term holidays

Reimbursement will be dependent on production of valid receipts.

52 weeks

There is no eligibility for transport where a child or young person is placed in 52 week per year provision. Parents/carers should speak to the child's social worker to arrange any authorised visits.

2.7. Eligibility for assistance with travel for disabled young people aged 18 or older who are in full time Further Education

Disabled young people aged 18 or older who are attending a College of Further Education will be referred to Camden's Children and Young People with Disabilities Service for an assessment under the Care Act.

If the young person is eligible under the Care Act, they may be eligible for assistance with travel to and from a place of education, if taking part in the educational activity will also support the young person to achieve the agreed adult social care outcomes.

The Care Act requires the Council to 'prevent, reduce and delay' the need for care and support. This means that the Council must consider if a person is able to travel independently and also consider if the young person can be supported to develop the skills to enable them to travel independently, for example through a period or periods of travel training.

When determining eligibility for assistance with travel for disabled young people the Council will work to the following principles wherever possible:

- it is always in the young person's best interests to travel independently
- travel training should always be offered if the assessor considers that the young person has the potential to develop the skills required to travel independently.
- If, after a period of travel training, it is determined that a young person does need assistance with travel to education, consideration will be given to a full range of travel options. These options reflect the core principle of promoting independence and could include where the provision of a travel pass (if needed and available), further independent travel training support, travel buddying, reasonable use of a motability vehicle, the London Taxi Card Scheme and Capital Call, which is a complementary service to Taxi card. The Council will offer the most cost effective assistance that can meet the eligible need. It may be possible to choose to take this assistance as a direct payment or Personal Travel Budget.

2.8. Examples of ineligibility

This policy only covers transport from home to education setting (school/college). Transport will not be provided for:

- children and young people to attend extra school activities
- children and young people to attend GP, medical or dental appointments
- children and young people to attend breakfast clubs
- There is no statutory responsibility to make travel provision for children under 5 and we do not provide travel assistance to nursery settings. However, if a child attends a specialist school or additionally resourced provision, the Council will consider requests for children under 5 on the same basis as if they were at school.

2.9. Travel costs of parents/carers accompanying children

Parents are expected to accompany children to school (or to make arrangements for them to be accompanied by an authorised adult) if this is necessary for the child's safety. Any travelling expenses for the parent are the responsibility of the parent. The Council does not provide assistance with travel costs for adults accompanying children to school unless there are exceptional circumstances. Where a parent or carer through illness, incapacity, or some other reason finds it unusually difficult to accompany a child to school, they can request a Care Act assessment of their needs relating to their ability to carry out their caring responsibilities.

2.10. Other parental circumstances

Travel assistance is made on the basis of the individual child's needs and cannot take in to account individual parental circumstances. Please be aware that the following are not taken into account when considering applications:

- A parent's work or childcare arrangements
- Taking other children in the family to and from school
- Temporary pick up and or drop off at a different place: travel arrangements are agreed for the child or young person's main residence to their place of education only. We are not required to make arrangements for a child or young person to be picked up and/or dropped off at a different address.
- The DfE has confirmed that being in receipt of the higher rate of the mobility component of Disability Living Allowance does not necessarily confer eligibility for free school transport but neither does it preclude it if the child is an eligible child.

3. TRAVEL ASSISTANCE – A RANGE OF OPTIONS

For children and young people who are able to access it, *Transport for London* provides free or subsidised travel. Further information is available from www.tfl.gov.uk. For young adults who can access public transport, further information is published annually on the [School Admissions](#) web pages.

For children and young people who are unable to access public transport, Camden makes use of a range of travel assistance solutions to best address the individual needs of children and young people, but which also utilises existing networks, to promote independence and which represent the most cost effective and sustainable mode of transport.

Before requesting travel assistance, parents may wish to consider:

- Do you have access to a blue badge for your child? Your child may be more settled if you are able to take them to school.
- Are there travel arrangements that you are able to make with family, friends or neighbours whose child attends the same school?

3.1. Different forms of travel assistance we will consider

If a child is eligible for travel assistance, the following forms of assistance are considered:

- a. Funding for the provision of a travel card (Oyster or Freedom Pass) for the parent/ carers to enable them to accompany their child where they have access to free travel on London Buses and where parents' consent.
- b. Public transport with or without an escort. When people are eligible for Freedom passes they can fund their own transport.
- c. Use of family car (see personal transport budget, below)
- d. Independent travel training support, which could take place from year 6 onwards and which could include assistive technology
- e. A travel buddy to accompany a pupil on the journey from home to school and return.
- f. A Personal Transport Budget which allows for a range of more flexible and creative options and promote the independence of the child/young person.
- g. A taxi or school bus provided by Camden Accessible Travel Solutions team (CATS) which includes contracts with taxi companies. In these cases, full details of local operational policies will be provided to families. These will describe how provision will be made, the responsibilities of parents/carers and the circumstances in which the service can be withdrawn. Further information is available from www.camden.gov.uk/cats or alternatively by contacting Camden Accessible Travel Solutions on: 020 7974 6723 or cats@camden.gov.uk.
- h. The use of a motability car.
- i. The London Taxi card Scheme.

- j. If a young person is aged 18 on 31 August and still in full time education, they may also be eligible for a 16+ Zip Oyster Card to get free bus and tram travel. They will need to show evidence of eligibility. See section 2.6 that explains what 'full time education' means in FE colleges.

3.2. Escorts/passenger attendants

Where the Council has decided that it is necessary to provide assistance with travel, we will, in addition, consider whether it is necessary to provide an escort to supervise the child/young person's journey. This will depend on, amongst other matters:

- their age
- medical needs (for example a child with uncontrolled epilepsy may require an escort)
- mental capacity (for example some children and young people with profound and multiple difficulties may require continuous support and attention)
- level of behaviour difficulties
- level of physical difficulty (should they need continuous support and attention)

3.3. Personal Travel budget with direct payment for travel assistance

If travel assistance is agreed, the Council will consider a request for a Personal Budget. If this is via a direct payment then a personal budget direct payment agreement form will need to be signed.

A personal budget will only be agreed where:

- the young person is eligible to receive transport assistance under this policy
- it is an efficient use of the Council's resources
- the child or young person achieves and sustains good attendance

A mileage allowance may be offered. The agreement will specify the payment schedule, either monthly, half termly or termly depending on parent/carer preference. For young people over 18 in college settings a direct payment for transport may be provided by social care as part of social care support (see 2.7 above). If a young person (from the age of 18) is assessed as eligible for Adult Social care support under the Care Act they may be allocated a Personal Budget as a direct payment.

3.4. Independent Travel Training or 'travel buddies'

For young people who receive any travel assistance under this policy, consideration will be given to their need to become independent travellers in preparation for adulthood and achieving maximum independence. In some cases this may be provided by the school. Camden commissions an accredited travel training programme which enables pupils who are eligible for transport assistance, to develop the skills needed for independent travel. The training provider also offers trained travel buddies who work as travelling partners for children and young people with

special educational needs to assist them in walking or using public transport, when that is needed.

The Council will also consider the provision of supported access for walking or public transport, where this is appropriate, and in particular when this is considered to promote independent travel.

Please note that where there is no consent from parents for their children to engage in a travel training assessment within one term of it being offered, we will provide a mileage allowance at HMRC rates for one journey to and from the educational placement where there is still eligibility for travel assistance.

3.5. Alternative arrangements

In addition, Camden Council provides wider travel assistance schemes for children and young people with special educational needs and/or mobility related difficulties. These include freedom passes, disabled parking permits, taxicard, ScootAbility and plusbus. Information on these and how to apply can be found at: www.camden.gov.uk/cats or alternatively by contacting Camden Accessible Travel Solutions on 020 7974 6435 or cats@camden.gov.uk

4. COMPLETING AN APPLICATION

Parents/carers or young people will be able to discuss transport options with their SEN Assessment Coordinator when they are issuing or amending an EHC plan. However, consideration of travel assistance requires parents/carers or young people to formally request this by completing an application form. Please note that in some cases transport can take up to 6 weeks to arrange. In these cases parents/carers will remain responsible for ensuring their child's attendance until such arrangements are in place.

4.1. Who to contact?

1. Download the application form on the Council's website at www.camden.gov.uk/sen or <http://cindex.camden.gov.uk/kb5/camden/cd/localoffer.page?localofferchannel=7>

The application form provides details of the evidence that should be submitted in support of the application.

2. Call the Council on 020 7974 6500 (and state that the call is in relation to SEND transport).

4.2. What evidence will the Council look at?

All cases will be considered on their individual merits in line with this policy and in accordance with statutory guidance. The following documentation will be considered as part of the assessment when determining eligibility:

- An EHC plan and annual review reports for a child or young person with special educational needs – the Council's SEN team has a copy of this so it does not need to be included with the application.
- Relevant professional reports that the parent / carer should provide:
 - Information from a medical consultant (not a GP) that demonstrates the specific impact of a child's disability on their capacity to access public transport
 - Information from a social care initial or core assessment/CAF/Early Help Assessment if appropriate
 - Evidence from a medical consultant (not a GP) if parent/carer indicates that they are medically unfit to be able to take their child to school.
- Information about the nature and reasonableness of the route i.e. journey times, changes, safety, nature of the pavement and roads, congestion, other passengers etc. .
- Where travel training is available, an existing Travel Training Plan (or assessment being undertaken).
- Any other information submitted during the application.

5. IF TRAVEL ASSISTANCE IS AGREED

As detailed in section 3.1, travel assistance can take several forms. This section sets out some of our key policies and procedures where travel assistance is provided.

5.1. Safeguarding

In providing travel assistance to children and young people, Camden will ensure that all decisions are reflective of the Council's safeguarding duties as described in current policies.

All drivers and escorts on buses and taxis provided by Camden Accessible Transport Solutions have mandatory enhanced Disclosure and Barring Service (DBS) checks and display their approved bus driver status badge.

5.2. Behaviour Agreements

Parents and pupils share responsibility for ensuring that acceptable behaviour is maintained to ensure a safe and stress free journey for all on school transport.

Travel arrangements are provided on the understanding that a child behaves in a reasonable manner during the journey. If a child demonstrates behavioural difficulty giving persistent cause for concern (i.e. threatens the health and safety of themselves, other children, the driver or passenger assistant) and all attempts to modify the child's behaviour have been resisted, travel assistance will be reviewed. Where despite all efforts it is no longer feasible for the child or young person to be on council provided transport we will provide a personal transport budget as an alternative.

5.3. Finance Agreements

Where a direct payment or personal budget is provided, this must be used to secure good attendance for the child or young person. Direct payments and personal budgets will be reviewed annually, or earlier if there is evidence that suggests funding is no longer required to support travel arrangements.

5.4. Changes to arrangements

Please be aware that there will be occasions when the Council will need to make changes to routes or pick up times or locations or the mode of transport assistance (from a bus to independent travel training or a personal budget for example). Parents/carers will be notified of any changes in advance.

Parents/carers should please bear in mind that providers, drivers and escorts can change. Where the Council knows of these changes parents/carers will be notified in advance. It is not always possible to notify parents of changes due to ill health or

absence. For children or young people who prefer continuity parents/carers should consider a personal budget which allows for greater choice and control.

6. APPEALS PROCESS

6.1. What if I am unhappy with the Council's decision not to provide free travel for my child?

The SEN Team will consider additional representations, which may enable them to reconsider their earlier decision. There is a 2 stage appeals process:

6.2. Appeals stage one: review by a senior officer

Parents/carers who wish to formally appeal against the decision for a child or young person under 18 years of age should submit a completed appeal form which can be obtained from, and should be returned to:

SENIOR SEN OFFICER
Special Education and Inclusive Intervention Service (SEIIS)
London Borough of Camden
5 Pancras Square
London
N1C 4AG
Tel: 020 7974 6500
Or to: SENTransportRequests@camden.gov.uk

A parent has 20 working days from the date of the Council's home to school transport 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 will review the original decision and will reply detailing the outcome of their review, setting out how the decision was reached and the review was conducted.

The outcome of the review may be to:

- uphold the appeal, or
- not uphold the appeal and continue to refuse travel assistance.

The Council will not consider requests for a further transport application within the academic year unless there has been a significant change of circumstances.

6.3. Appeals stage two: review by panel

A parent has 20 working days from receipt of the Council's stage one written decision notification to submit 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/or 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 of the appeal panel meeting), setting out:

- the nature of the decision reached
- how the review was conducted (including the standard followed e.g. road safety considerations)
- information about other departments and/or agencies that were consulted as part of the process
- the factors that were considered
- the rationale for the decision reached, and
- information about the parent's right to put the matter to the Local Government Ombudsman.

Stage two appeals will be heard by a panel of 3 members chaired by a Lay member. The decision of the panel will be considered binding on the Council and there is no further right of appeal.

Parents/carers may wish to attend this hearing or may submit representations in writing for the Panel's consideration.

The Panel can allow an appeal if:

- (i) the Council had not applied its Home to School Transport Policy correctly
- (ii) there are exceptional grounds to justify making an exception.

6.4. The Local Government Ombudsman

If a parent/carer believes the Council has failed to follow correct procedures or if there were any irregularities in the way the appeal has been handled, they have the right to complain to the Local Government Ombudsman.

If the parent or young person over 16 considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

6.5. Where can I get further advice?

The following organisations do not have access to alternative funding for home to school or college travel, but may be able to offer parents/carers advice in connection with their application:

- The Co-ordinator, Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS), Kentish Town Community Centre, 17 Busby Place, London, NW5 2SP. Tel: 020 7974 6264 SENDIASS@camden.gov.uk
- The Co-ordinator, KIDS – Camden, Kentish Town Health Centre, London NW5 2BX. Tel: 0207 359 3635.

6.6. Useful Contact Numbers:

Special Educational Needs Team

SEIIS

London Borough of Camden
5 Pancras Square
London N1C 4AG

Telephone: 0207 974 6500

SENTransportRequests@camden.gov.uk

Camden Accessible Travel Solutions

7 York Way
London N1 0BE

Telephone: 0207 974-6723

TravelSolutions@camden.gov.uk

Children & Young People Disability Service 0-25 Years

Duty Manager

London Borough of Camden
5 Pancras Square
London N1C 4AG

Telephone: 020 3317 2201

dutydct@camden.gov.uk;

6.7. Links to relevant websites

Legal context	https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance
Camden's Local Offer for children and young people with SEND aged 0 – 25,	localoffer.camden.gov.uk
Local offer travel and transport page containing the application form and other guidance	http://cindex.camden.gov.uk/kb5/camden/cd/localoffer.page?localofferchannel=7
Link to the DfE guidance on home to school travel assistance for children and young people with SEND	home to school and post-16 travel assistance .

Care Act guidance	https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance
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