



worcestershire
county council

Education & Skills

Children's Services Transport and Travel Policy

2022/2023

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1. INTRODUCTION

Worcestershire County Council as the Local Authority responsible for education provision has agreed a policy for Home to School Transport & Travel assistance. The current policy was approved by the Cabinet of the County Council in May 2011 and is available on the WCC website or on application to the Education Travel Team and will apply until the policy is formally reviewed and any changes agreed by the Cabinet.

The policy has been prepared to take account of all legislative requirements including the most recent Education and Transport Acts. It also fits within the County Council's Local Transport Plan.

The intention is that this policy will enable the Authority to meet its statutory obligations and to address aspirations of 'Every Child Matters'.

Those covered by this policy include:

- Children of compulsory school age attending a maintained school, or 4 on 1st Sept.
- Those children registered at a maintained school, in a Reception class who have not attained compulsory school age;
- Students continuing with study at either a college or school Sixth Form;

The Authority will not generally provide transport assistance to children attending independent schools, apart from exceptional circumstances.

This document outlines Worcestershire County Council's policy for home to school transport services. It covers eligibility for free transport assistance, transport assistance available for those not entitled to free transport, applying for transport assistance, the appeals process and a code of conduct for pupils and students using transport arranged by the County Council. The policy applies to those on the roll of maintained schools from September 2019 and thereafter.

The aim of the policy is to provide high quality transport services as efficiently, economically and sustainably as possible to ensure that pupils get to school in a reasonable time, travel in a safe environment and arrive at school ready to learn. The policy is to be used in conjunction with the county's school admissions policy and the arrangements for the placement of pupils and students with Special Educational Needs.

Names of directorates, divisions, units or teams within the County Council may change during the life of this policy. Parents/carers will be notified of any changes in letters or publicity material as relevant or as part of an annual review of published information.

2. THE LEGAL FRAMEWORK

The law states that it is a parent's responsibility to ensure their child receives suitable education in relation to the child's age, ability and aptitude including any special educational needs they may have. To that extent, if parents decide to send their children to maintained schools, they have a duty to ensure their children get to these schools in the first place. However, there are specific provisions within the 1996 Education Act relating to the provision of home to school transport. The effect of these is that there are circumstances where the County Council, as the Local Authority responsible for education, has a duty to provide home to school transport. This duty only applies to those children for whom it is responsible; essentially these are children living within the county boundaries of Worcestershire. It may be that transport is required for a child living in Worcestershire to attend an out of county school or college but this will normally only be in circumstances when the establishment is the nearest to the home address or deemed to be appropriate for the child's needs.

In cases where there is such a duty to provide transport, the County Council will provide it free of charge. The County Council has a power to provide home to school transport or assistance with such transport – whether financial or otherwise. Where this power is exercised, the County Council may charge for some or all of the cost of any practical provision it makes.

The main source of these legislative provisions is S509 and succeeding sections of the Education Act 1996.

As regards the law this policy attempts to take into account the changing legislative framework and to explain:

- (i) The County Council's approach to the circumstances it regards as placing it under a duty to provide home to school transport;
- (ii) The policies the County Council will exercise in relation to its powers to provide home to school transport.

3. POLICY STATEMENT: DUTY TO PROVIDE FREE TRANSPORT

The circumstances when a duty to provide home to school transport arises are not straightforward. Sometimes there is a discretionary element in that the County Council has to decide if it is necessary to provide such transport – and only if the County Council considers it is necessary does a duty to provide it arise. In other circumstances the law actually decides it is necessary and the County Council must provide it. The following sections give guidance about the approach the County Council will take.

The Authority will consider only meeting these statutory requirements in provision of transport assistance and discretionary provision where WCC has been supportive in the past may not continue.

(a) Home to school transport for pupils attending a mainstream school

- (i) Pupils attending a school **other than** the nearest, designated (see Section 5 below) or re-designated (see 3(a) (v) below) one for their home address will not normally qualify for free transport even when the preferred school has 'specialist' status or is preferred on denominational grounds. (For Denominational Transport Assistance see section 4(a) below).
- (ii) Free Transport will be provided to those children of compulsory school age and attending the nearest, designated or re-designated school for the home address, provided the distance between home and school is in excess of the statutory requirement for the pupil's age.
- (iii) In some circumstances, the Authority may provide free transport to children who do not live in excess of the statutory walking distances, particularly if the nature of the route is such that it is considered unavailable* for a child, accompanied as necessary, to walk. * For a definition see 5(c) below.
- (iv) The Authority may provide free transport for individual pupils and students to the nearest or designated school where the named Community Paediatrician, for the area or school so recommends. A Senior Officer in Education & Skills will then review each recommendation on merit to determine entitlement on medical grounds where the above criteria are not applicable.
- (v) The Director of Education & Skills may designate an alternative school for an individual pupil in exceptional circumstances, thus enabling the provision of transport to be considered under the general school transport and travel policy. Such cases will involve pupils for whom no place can be made available at the nearest or designated school. Parents must have applied to the catchment area school at the normal point of transfer to be considered for transport assistance to any re-designated school. Each pupil is considered individually, therefore siblings of such affected pupils should apply to the catchment school for placement and not assume they will also be re-designated and entitled to transport.

(b) Low income families

The 2006 Education and Inspections Act introduced additional free transport eligibility criteria.

- (i) Pupils aged between 8 and 11 years (end of Year 6), will have entitlement to free transport if they live more than 2 miles but less than 3 miles from the nearest or designated school.
- (ii) Pupils aged between 11 and 16 (Years 7 to 11), will have entitlement to free transport for a choice of the three nearest schools between 2 and 6 miles.
- (iii) Families will be entitled to free transport if they wish their child to attend a particular secondary school on religious grounds and the nearest suitable denominational school (VA) is between 2 and 15 miles.
- (iv) The eligibility for free transport under the category of low income will be reassessed on an annual basis. If the financial circumstances alter and the

entitlement to free transport is no longer met, free transport will be withdrawn from the start of the new academic year.

(v) The qualifying criteria for low income is as follows:

- Maximum Working Tax Credit (no deductions due to income);
- Entitlement to Free School Meals (FSM) – (Pupil Premium Element) (FSM is assessed as Income Support, Job Seekers Allowance (Income Assessed only), Child Tax Credits only (not Working Tax Credits) maximum income and State Pension Credits.

(c) Special Educational Needs

- (i) Pupils will be awarded transport assistance as appropriate for the needs identified within their Education Health and Care Plan or Statement of Special Educational Needs. If determined, free transport or assistance with transport will be provided to the nearest suitable establishment indicated on the Statement or Plan on the basis of the individual child's needs.
- (ii) Passenger Assistant's will only be provided if there is an exceptional need for care or supervision and such provision is indicated on the transport form completed alongside the Education Health and Care Plan or Statement of Special Educational Needs.
- (iii) Some under five-year olds with significant Special Educational Needs may be entitled to travel assistance, this to be assessed by the SEND Inclusion and Assessment Team. As a general rule transport will only be provided to children of nursery age who have a recognised special educational needs and transport is assessed as being required to attend the nearest appropriate special school. Transport to a specialist unit or nursery assessment centre funded by the County Council will be provided free of charge for low income families see 3BV above. The current eligible establishments are:
1. Early Years Language Units at Cranham Primary School (Worcester), Batchley First School (Redditch), Charford First School (Bromsgrove), St Marys First School (Kidderminster) and Upton First School (Upton Upon Severn)
 2. Special school nursery classes at Batchley, Chadsgrove, Fort Royal, the Vale of Evesham School and Wyre Forest School
- (iv) Transport is only provided at the beginning and end of term and at half term for pupils attending residential establishments named in the Statement or Plan.

Greater detail on Home to School transport for pupils with Special Educational Needs is attached as Appendix 1.

(d) Looked after Children (LAC)

Wherever possible, LAC home to school transport arrangements should conform to the above principles.

Free transport may be provided to and from an alternative establishment to the nearest or designated school or to continue at the currently attended school, which is not the nearest or designated school, if in the opinion of the case-worker involved with the child it would be detrimental to the child's well being if he/she were to be moved to another school. Each case will be subject to the approval of the Social Care Team Manager or a delegated officer and as a general rule will be for a limited period. Such arrangements will usually only be considered for the first term/year.

4. POLICY STATEMENT: GENERAL POWERS TO PROVIDE TRANSPORT/ TRANSPORT ASSISTANCE

(a) Denominational (other than low income)

- (i) Transport assistance for pupils attending on religious or belief grounds will only continue for pupils who have previously benefited from transport assistance. No new applications for transport assistance under denomination grounds will be considered, unless the pupil is from a low income family.
- (ii) Transport assistance will be assistance with the cost of transport as per the provision guidelines in 6(g) (i) below. **The Council will not provide an individual taxi.**

The Authority is proposing to remove the dedicated school bus route service over time with pupils transferring on to the public service bus network.

(Pupils will receive free transport to a denominational school if this is the designated school for the catchment area and the criteria for statutory walking distance are met.)

(b) Post 16

- (i) This applies to Further Education establishments and High Schools where students are continuing at the Sixth Form of the designated school or attending the nearest establishment. WCC will no longer provide transport assistance to an alternative establishment, if the chosen programme level is available locally.

Transport assistance for Post 16 Students will consist of either a place on the contracted school bus or assistance with bus fare as part of the Seve7n Card Scheme.

Information on the current Seve7n Card Scheme is available on the website at - <http://www.worcestershire.gov.uk/severncard>

- (ii) The Authority will offer assistance towards costs for students provided they are:
- Within the age range of 16-19 on the 1st of September of the academic year of study;
 - Resident in Worcestershire and live more than 3 miles, measured by the nearest available walking route from the student's home to the NEAREST establishment to offer the required level of course.
 - Not applying for assistance to a course at the same and/or lower level, except for retakes.
- (iii) Students will cease to be eligible from the 1st September, following their 19th birthday even if they are continuing on the same course.
- (iv) Assistance will only be provided to students undertaking at least 15 hours of study and at least seven sessions per week.
- (v) Transport assistance will be assistance with the cost of transport as per the provision guidelines in 6(g) (i) below.
- (vi) Raising the Participation Age (RPA) does not mean raising the school-leaving age. Young people will not have to stay in school and have many options available to them regarding continuing in education, training and employment with training

(Assistance with transport may be provided on medical grounds where students are attending the nearest establishment and the named Community Paediatrician recommends. A Senior Officer in Children's Services will then review each recommendation on merit to determine entitlement on medical grounds where the above criteria are not applicable.)

(c) Post 19 transport (non special needs students)

Transport assistance could be offered on school coach services if a place is available under the Vacant Seat Payment Scheme or the Seven Card Scheme if attending one of the supporting Colleges: Worcester Sixth Form College or Worcester College of Technology.

(d) 16-25 transport for Students with Special Educational Need

Students with special educational needs at Post 16 level will be eligible to receive additional transport assistance up to the academic year in which they turn 25 years of age. Students will qualify for this extended assistance subject to approval by the SEND Transport Officer on the grounds of the student's Special Educational Need. Any transport assistance offered on Special Educational Needs grounds for Post 16 students will be offered in line with mainstream Post 16 policies above.

(e) Moving house during external examinations

WCC will no longer provide transport assistance for pupils who move address during year 10 & 11. This is considered a parental responsibility and consideration should have been made before the house move. However, transport assistance may be

offered on a school coach service if a place is available under the Vacant Seat Payment Scheme.

(f) Repeating a year of compulsory education

- (i) Some students may be required to repeat a year of their education. Examples of this could be time lost because of severe illness or where a decision was made earlier in the pupil's education to delay their transfer from one year group to the next. In this instance, transport assistance may be continued.
- (ii) The extended provision of transport or transport assistance will only be made to pupils or students who meet the usual entitlement criteria.

(g) Emergency temporary housing

WCC provides transport assistance for pupils who are suddenly or unexpectedly displaced or made homeless for the children to remain at their existing school. This support will be provided for a maximum of 1 term allowing family to make alternative arrangements for travel or education.

(h) School reorganisation

- (i) Changes to schools made by the Authority such as closure, amalgamation or relocation can have an impact on transport for individual pupils. As part of the changes to school provision, transport needs are assessed / reassessed.
- (ii) For those pupils or students attending the school at the time of the change special transport arrangements may be put in place to assist with the actual transition.
- (iii) However, once the change has been implemented any new pupils or students joining the school will be subject to the normal application of the transport policy.

(i) Bullying

- (i) Assessment for transport assistance will be considered in line with the Authority's Anti-Bullying Strategy. The bullying allegations need to be addressed by the school at which they are alleged to have taken place and parents are guided to make a non-curriculum complaint. Once the non-curriculum complaints procedure has been exhausted and if found that the bullying and school move has been upheld then the application will be reconsidered.
- (ii) If it is found that there was some substance to the bullying allegations, which the original school did not respond appropriately and a move was in the best interests of the pupil then consideration will be given to supporting transport to the new school as long as it is the designated or next nearest school. The original school may be recharged for the cost of the transport.
- (iii) If the pupil was not originally attending the designated school then travel assistance will only be considered if the new school is the designated school for the home address.

- (j) Fair Access Area Panel (FAAP) where pupils are placed on Managed Move arrangements, if successful following the 10 week trial period the new school will become the designated school and the pupil entitled to assessment for transport assistance under the Home to School Transport Policy. The FAAP are required to consider the implications of transport arrangements as part of the Managed Move and be aware of the Home to School policy on transport provision, i.e. taxi is not considered.

5. POLICY INTERPRETATION AND DEFINITIONS

(a) Designated school

Every address in Worcestershire is within a school catchment area and that school is then the designated school for that area.

- (i) Information regarding catchment area is available from the Pupil Admissions and Transfers Section, website: <http://e-services.worcestershire.gov.uk/SchoolSearch/>
- (ii) In the event of schools having an overlapping or shared catchment area the nearer school to the home address will be regarded as the designated school. (An exception exists in the Malvern Area as Callow End Village is equal distance to both Malvern high schools transport assistance is maintained to both schools).
- (iii) Where a shared catchment area has schools of differing transfer age groups, pupils will be considered for free transport to remain in the original pyramid. (Either 3 tier or 2 tier).

(b) Statutory walking distances

- (i) Statutory walking distances to the nearest or designated school are:
- Up to 2 miles for pupils up to the age of 8;
 - Up to 3 miles for older pupils.

Also refer to Section 3(b) above with reference to low income families.

- (ii) The nearest available walking route for measurement of statutory walking distance is taken from the front entrance of the pupil's home to the nearest school gate or access point to the school site, along a road or made up footpath. (Measurements in excess of 3 miles along the shortest driving distance).

(c) Available walking route*

- (i) A route is considered available to walk, if the pupil accompanied as necessary by an adult, taking into account highway conditions, can walk or be walked with reasonable safety to school. This process is based on the statutory 'Home to School Travel and Transport Guidance' produced by the department for Education and Skills (DfES) in 2007 and the Assessment of Walked Routes to School guidelines produced by Road Safety GB in 2011 which provides guidance

on interpretation of both case law and what is generally accepted as good practice in assessing various elements of the walking route between home and school.

- (ii) If a parent challenges the availability of a route for walking, the Authority will investigate applying the above guidance. An availability report will be produced taking into account the nature of road and crossing points. If the route, following investigation, is found to be unavailable for walking the Authority will award free transport and any charges for the current term will be reimbursed.
- (iii) The Authority will regularly review unavailable walking routes. If, following a review, a route is deemed to be available for walking, before transport entitlement is withdrawn, a letter will be issued to the parents advising them of the situation asking for any issues or concerns they may have. A Road Safety report will be produced taking into account the conditions of road safety and parental concern. The parents, school and the local councillors will be informed of the final decision, with notification of a date when free transport will be withdrawn. Parents will be given the opportunity to appeal against the decision and information on the appeals process will be provided at the time.

Parents will be given a full academic term to make alternative arrangements before entitlement is withdrawn.

(d) Direct Travel Payment/ Personal Travel Allowance

- (i) The Authority may offer a Direct Travel Payment or Personal Travel Allowance if we are unable to arrange transport / no alternative transport options are available or it can be offered at the Authority's discretion. A travel allowance will be offered, payable at the Authority's agreed transport rate, per return journey.
- (ii) Information about the Direct Travel Payment option can be found here:

<http://www.worcestershire.gov.uk/DTP>

(e) Exchange students

- (i) Travel assistance is not provided for visiting exchange pupils.
- (ii) They may be permitted to use a contracted coach or taxi service alongside a student receiving transport assistance from the Authority, only if:
 - At least 7 days notice is given before the arrival of the Exchange Student intending to use the transport provision;
 - There is enough spare capacity on the vehicle.
 - A payment is received under the Vacant Seat Payment Scheme.
- (iii) Exchange students will be allocated seats on a contracted coach or taxi service on a first-come first-served basis. If the Authority cannot allocate a seat on a contracted coach or taxi service then the host family will be expected to make transport arrangements for the exchange student for the duration of their stay.

(f) Disabled, single parents, split families and family carers

- (i) Where a parent is registered disabled then assistance will be judged on individual circumstances. Parents are expected to consider alternative arrangements, such as a supervised walking bus where available.
- (ii) For pupils whose parents reside at different addresses, the address advised by the school as the ordinary residence will be used for assessment purposes.

Assistance to and from both homes will not be provided. A seat may be offered under the vacant seat payment scheme for the other address (See section 6(e) below).

6. OPERATIONAL ARRANGEMENTS

(a) Days of week and evenings

Transport is provided to meet the requirement of attendance and only provided at the beginning and end of the school day. Subsidised transport is not normally provided for evenings or weekends, although there may be local bus services available. Provision may be made where there is no additional cost to the Authority.

(b) Getting to the boarding point

Pick up and drop off points are made as near to pupils/students home as possible. However, the Authority considers it reasonable for pupils/students to walk up to one mile to and from a designated boarding/drop off point. The suitability of the walking route to a boarding point is not a consideration for free transport it remains parental responsibility to deliver pupils to the allocated boarding point if the distance is reasonable. (Approximately 1 Mile)

(c) Applying for transport assistance

- (i) All applications for home to school transport must be applied for through the online service.

<http://www.worcestershire.gov.uk/schooltravel>

- (ii) Pupils applying for mainstream schooling will be advised how to apply with the offer of placement confirmation issued by the Pupil Admissions Service. Pupils applying on special needs grounds should apply through the SEN Services, P.O. Box 73, Worcester, WR5 2YA.
- (iii) Applications will be assessed and if free transport is approved, a pass will be sent to the home address before the start of the new term. To guarantee receipt before the start of the new academic year, completed applications must be submitted before the end of the previous summer term. If the application is unsuccessful, the notification will state the reason. Passes for Authority contract vehicles will be provided annually, however passes for some public service vehicles may be provided in three termly instalments. A Direct Debit payment option can also be offered for 3 termly passes.

(d) Appeals – Two Stage Process

- (i) Parents have the right to an appeal against the decision made by officers in Business, Environment and Community Services, on behalf of Children's Services on all aspects of the transport decision. The information on the two stage appeal process is provided at the time of refusal.
- (ii) All appeals should be made on the standard appeal form available online
<http://www.worcestershire.gov.uk/schooltransportappeal>
- (iii) All appeals are individually assessed by a Senior Officer in the Children's Services Directorate against the Authority's approved Home to School Transport & Travel Policy taking into account special circumstances. Where possible parents are asked to supply evidence to substantiate any special circumstance.
- (iv) Appellants are advised in writing, within 20 working days of receipt of the appeal outcome, with detailed reasoning, including what factors were considered, details of who was consulted and information of how to escalate to stage 2.
- (v) If the appellant is still not happy they can request that the complaint goes before a Corporate Relations Officer and should clearly state the reasons why they wish this to be considered further. The Panel will be convened within 28 working days of the request.
- (viii) The Panel sends a decision letter within 5 working days, including detail of how to escalate to (Local Government Ombudsman) LGO.
- (viii) Complaints with the way applications or appeals are handled should be taken through the Authority's complaints procedure.

(e) Vacant Seat Payment Scheme (VSPS)

- (i) If the Authority has spare capacity on a contracted coach or taxi service then those students not eligible for free transport may be considered for a seat under the Vacant Seat Payment Scheme (VSPS) at the discretion of the Authority. Payment for a vacant seat is set out in the contributions schedule.
- (ii) Initially, all requests under the VSPS will be placed on a Waiting List and after all eligible students have been allocated a place on the vehicle, vacant seats will be offered.

(iii) Waiting List Criteria

Applications on the VSPS waiting list are ranked according to the following priority order of criteria, and **not** on a first-come first-served basis:

- Resident in County
- Previously used the service (and had a Vacant Seat withdrawn)
- Siblings already travelling on the service
- Attendance at designated school
- Availability of alternative public transport services
- Attending the nearest establishment
- Living over 3 miles from the establishment (but not the designated establishment)
- Date of application (date of application is only considered if all other criteria are equal).

(iv) No commitment is given to provide students under the VSPS with continuous transport assistance as priority is given to eligible students requiring transport on specific services.

(v) If spaces on a contracted coach or taxi service are required for eligible students then vacant seats will be withdrawn.

(vi) The decision to withdraw a Vacant Seat will normally be based on the last seat allocated being the first to be withdrawn. The Authority will provide a minimum of 7 days notice in writing of its intention to withdraw a Vacant Seat and a pro rata refund can be made.

(f) Contribution policy

This is agreed either by the Cabinet of the County Council or by the Cabinet Member for Children's Services following consultation with the Director of Children's Services and published either on the County Council website, provided to all applicants and available on demand.

(g) Service provision

(i) Vehicle type

Transport provision will be awarded in the following order of sustainability/cost priority:

- Provision of a pass for public bus services;
- Provision of a pass for a contracted coach service;
- Provision of a pass for public rail services;
- A Personal Travel Allowance in lieu of free transport, paid at average Public Transport rate per mile one return journey (these payments are only available from the start of the school year in which the application is made and are not backdated)
- Provision of a seat in a taxi where deemed appropriate.

- (ii) When a pupil is allocated a pass for a public bus or rail service, in some instances the pupil may be required to stand.
- (iii) A pass for a subsidised coach is also the allocation of a seat. A seat belt will be provided.
- (iv) Where possible, journeys should not exceed 8 miles or 45 minutes travel time (for primary aged pupils) and 60 minutes travel time (for secondary aged pupils and students) and will be appropriate to the school times.
- (v) Where possible, the Authority will not drop off or collect pupils/students more than 20 minutes before or after the official opening or closing times of an establishment.

(h) Lost and stolen pass

- (i) Passes for contract vehicles and local bus service passes that are lost or stolen can be replaced on payment of an administration charge of £10.
- (ii) Severn Cards that are lost or stolen can be replaced on payment of an administration charge of £20.
- (iii) If a pass is lost for a Stagecoach vehicle, contact should be made with the local operator regarding replacement.
- (iv) No fee will be taken if a pupil can confirm the pass was stolen, by providing a crime reference number and detail of station reported.

(i) No Pass, No Travel

- (i) A 'No Pass, No Travel' scheme applies in Worcestershire. The 'No Pass, No Travel' scheme was introduced to:
 - Tackle health and safety concerns about overloaded vehicles;
 - Prevent unauthorised students from using subsidised transport services;
 - Ensure students use the correct service to which they have been allocated.
- (ii) Drivers are expected to check student passes daily and pupils not carrying a valid pass should **not** attempt to board school transport, as they will be refused.
- (iii) It is parental responsibility to ensure that their child has successfully boarded school transport each morning.

(j) Monitoring officers

- (i) The Authority's Monitoring Officers inspect any form of transport provision. The primary purposes of these inspections are to ensure:
 - Students are using the correct service;
 - Unauthorised students are not using subsidised transport services;
 - Operators are providing authorised drivers on subsidised transport services;

- Operators are providing appropriate vehicles on subsidised transport services;
- Operators are running to the correct timetable;
- The Authority's register of students using a particular subsidised transport service is correct.

(ii) Monitoring Officers acting on behalf of the Authority may ask to inspect a student's travel pass, in addition to the standard check undertaken by the driver.

(k) Coach operators guidance

Operators are provided with guidance notes to assist in the operation of service and procedures for checking passes, dealing with emergencies and behavioural issues.

(l) Behaviour on buses

- (i) Guidance notes for student behaviour whilst using any form of transport provision are issued with the pass. These have regard to the discipline on journeys and rights to refuse travel.
- (ii) For minor instances of misbehaviour or bullying a warning letter, followed by a temporary ban for repeat occurrences will be sent to the parent or carer, copied to the school. A ban is usually for the period of two weeks.
- (iii) For more serious incidents, such as violent behaviour that causes a threat to the operation of the vehicle or damage to the vehicle itself, a ban may take effect immediately after the incident has been reported. In some instances, transport assistance may be withdrawn. The Authority will liaise with the school and the operator as to what action is appropriate following more serious issues.
- (iv) Where transport assistance has been withdrawn, the Authority may consider reinstating provision after a Review Meeting involving the parents, Headteacher, the operator and a representative from the Authority. This may involve a phased reinstatement of transport.
- (v) If a pupil or student has been issued with a ban of any length, it is a parent's responsibility to transport the pupil or student to and from school for the duration of the ban and the Authority will not provide assistance with any additional costs of doing so.

(m) School generated changes to the opening and closing times of schools

Where a school/college has elected to open/close at an alternative time that does not follow their usual hours, it is the responsibility of the school/college to make alternative transport arrangements for the pupils/students. It is also the responsibility of the schools/colleges to meet any additional costs incurred by re-arranging transport services to meet alternative school times. With schools having greater freedom regarding term times and start dates, it remains the responsibility of each school to advise the Transport Planning Team of any changes, costs incurred by failure to advise may also be re-charged to the school.

APPENDICES

- 1. SEN Policy**
- 2. Pupil Assistants Policy**

Transport Policy for Students with an Education Health and Care Plan or Statement of Special Educational Needs

Qualification by reason of Special Educational Needs

Where a child is attending their designated school which the Authority considers to be suitable to meet his/her special educational needs and where transport is not usually provided because that school is within the statutory walking distance, transport assistance may be made available because a child's special educational needs make the distance criterion irrelevant.

Decisions as to eligibility will be made on an individual basis as part of the Statutory Assessment process. Being the subject of an Education Health and Care Plan or Statement of Special Statement of Special Educational Needs or attending a special school does not automatically entitle a pupil to transport assistance.

Factors to be taken into consideration will include:

- **Mobility**
 - Does the child have a physical or medical difficulty that rules out either walking to school, use of public transport or suitable public transport is not available – for example, a wheelchair user or a child who requires specialist-seating arrangements.
- **Behaviour**
 - This will involve asking whether or not the child's behaviour is so disruptive that he/she would be deemed highly vulnerable or at serious risk of danger to themselves or others if they were to walk to school, even if accompanied. In general this category will only apply to those pupils with severe learning difficulties, severe autism or severe emotional, behavioural and social difficulties.

Where a pupil is eligible the mode of transport provided will normally be a minibus, coach, adapted vehicle or taxi, as deemed appropriate by the County Council.

Parents/carers of children who are in receipt of Personal Independence Payment (PIP) could provide this evidence in support of their case for transport on grounds of the child's special educational needs. Being in receipt of Personal Independence Payment (PIP) does not automatically entitle a child to transport assistance.

Pupils attending in county and out of county residential establishments

Transport to and from home will be provided for pupils attending residential establishments as part of their Education Health and Care Plan or Statement of

Special Educational Needs at the beginning and end of each term and half term. WCC will not provide support for:

- Pre-admission assessments (in and out of county)
- Subsequent case conferences/reviews
- Specific boarding arrangements.

Pupils under compulsory school age

The Authority does not have a statutory duty to provide transport for pupils who are below compulsory school age.

However, the Authority may provide free transport for those children of nursery age who have an Education Health and Care Plan and are attending the nearest appropriate special school or specialist unit funded by the County Council and meet the needs criteria.

Free travel assistance may also be provided for those nursery age children who do not have an Education Health and Care Plan but are attending the nearest special school, unit or specialist nursery assessment unit as agreed by the Authority for assessment purposes.

Each application will be considered on its individual merits. Decisions as to entitlement to transport will be made based upon distance and the child's special educational needs.

SEN Policy Post 16

In line with the mainstream post 16 policy, pupils with an Education Health and Care Plan or Statement of Special Educational Needs attending their nearest appropriate special school, specialist unit funded by the County Council or mainstream school, will be expected to make a contribution towards their transport costs.

Passenger Assistants

Passenger Assistants will only be provided where there is an exceptional need for care or supervision. Free transport does not automatically mean a passenger assistant will be provided.

Please refer to the Authority's separate Passenger Assistant Policy document for further information, available in Appendix 2.

Additional notes

1. Withdrawal of transport (safety/behaviour issues)

In exceptional circumstances it may be necessary to withdraw entitlement to transport for a defined period because of a passenger's extreme behaviour, rendering the continuation of transport unsafe for themselves, the driver, passenger assistant, or other passengers. Such a decision will be based on a reassessment of risk conducted by the Integrated Transport Services.

In such circumstances parents/carers will remain responsible for arranging transport for their child to and from school until the matter has been fully reviewed. The Authority will not be able to make alternative educational arrangements in the meantime.

2. Child moving out of catchment for his/her designated school

Where a child moves out of the catchment area for their current maintained school (the school named in Part 4 of their Statement or Section i placement in the Education Health and Care Plan) the Authority will normally expect the child to move to the designated school for their new address, provided that the Authority is satisfied that the school can meet the child's needs as defined in the Education Health and Care Plan or Statement of Special Educational Needs.

In these circumstances, if the child moves school, entitlement to transport, if required, will be assessed according to the above criteria.

If the child remains at the same school then provided the Authority deems that the child's special educational needs can be met at a more local school, transport will not be provided. The continuation of the place at the non-catchment school will require the parent/carers to take responsibility for arranging any transport to and from school. An exception may be made where a child is undertaking an external examination course, during the last two years of compulsory education, at the time of moving to a new address who needs to be able to complete the course of study before changing schools and the new address is situated beyond the defined walking distance.

3. Child moving from Language Units/Bases into mainstream schools

In some circumstances it becomes appropriate for a child to transfer from a Language Unit, Base or special school to a mainstream school.

Should a decision be taken, usually through the Annual Review Process, that this is appropriate for a child, the Authority will normally seek to place the child at their nearest designated (catchment) school for their home address (provided the Authority is satisfied that the local school can meet the child's needs). Transport to attend this new provision will be reassessed. Should parents/carers wish the child to attend a different school then this will be on the basis that they are responsible for arranging transport for the child to and from that educational provision.

How are applications for transport made?

Where the Authority determines that a child is eligible for transport based on their special educational needs there will be no need for parents/carers to make an application for transport. Instead, the Authority will automatically notify the Worcestershire Integrated Transport Unit that the child is eligible for transport and the Passenger Transport Group will then make contact with the parents/carers to make the necessary arrangements.

Review process

For pupils with Statements of Special Educational Needs or Educational Health and Care Plans, an Annual Review of the Statement/plan must take place. As part of this process the travel arrangements and entitlement to transfer for the individual will also be

reviewed. This will provide an opportunity to consider whether, for example, the need for a passenger assistant is still appropriate or if it would be preferable for the student to travel to school by public transport. The review process also enables the Authority to receive feedback on transport directly from the service users on any issues or concerns that they may have.

Transport Provision

Transport provision will be awarded to meet the individual need of each pupil as identified on the statement/ plan but in the following order of sustainability/cost priority:

- A Direct Travel Payment.
- Independent Travel Training (age and need related)
- Provision of a pass for public bus services
- Provision of a contracted coach service/minibus service
- Provision of a seat in a taxi where deemed appropriate.

Corporate Passenger Assistant Policy

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1. Scope

This policy document is published by Worcestershire County Council to explain how passenger assistants are provided in association with transport for adults and children who are receiving services from the Council.

The document is intended for the widest public audience, and refers to other document sources for supplementary detailed information.

There are separate documents explaining how transport is provided.

2. Legal requirements

There is no specific legal duty on the County Council to provide passenger assistants for those to whom it provides transport in connection with education or social care services. However, the Council has a duty of care to all those for whom it provides such transport and fulfilling that duty may involve the provision of an assistant.

This policy sets out the criteria on which decisions will be taken about whether an assistant should be provided in any given situation. Essentially, these decisions will revolve around assessing the safety needs of all the relevant travellers – be they service users or staff.

3. Principles

The County Council will endeavour to:

- set out clear rules for providing transport and passenger assistant services
- ensure the safety of staff and each service user or group of service users who meet the criteria for the provision of transport
- incorporate existing best practice in its provision of transport and passenger assistants using its resources in the most efficient and effective way
- provide transport services tailored to the needs of individual service users and carers
- ensure that information on assessed needs is easily accessible and available to all those involved with the provision of the transport service, including any changes to needs identified
- ensure that all parties understand their roles and responsibilities
- promote, encourage and actively support service users to travel independently where appropriate; this may involve providing an alternative helper other than a passenger assistant
- offer, promote, encourage and actively support the use of Direct Payments for service users to arrange their own transport; this may include the provision of a passenger assistant as appropriate

Please refer to Direct Payments Policy and Procedure, and the accompanying guidance on calculating Direct Payments for transport.

NB – Not all passenger assistants are employed directly by the WCC, some are provided by the operator, however all are ISA certified.

4. Eligibility criteria

4.1 Introduction

Decisions on whether a passenger assistant will be provided will be made by a team leader or team manager in the Directorate involved with the service user.

Entitlement to a passenger assistant will be based on the assessment of a service user's individual needs and each case will be decided based on the criteria in 4.2 below.

4.2 How we decide

Entitlement to transport does not automatically mean a passenger assistant will be provided.

Passenger assistance will only be provided where there is a specific assessed need for care or supervision.

The decision by the Council on the suitability of transport arrangements and whether a passenger assistant will be provided will be reached following an assessment of needs in the light of evidence received. Such evidence should include information relating to:

- medical/health and safety related issues, including risk to self or others
- mobility
- challenging behaviour and where a passenger has severe learning or physical difficulties, the need for continual care and supervision
- age, e.g. children under the age of 8 years with an Education Health and Care Plan or Statement of Special Educational Needs will usually need a passenger assistant
- length of journey and vehicle type and size.

Where a service user or carer feels that a decision on eligibility is unreasonable or inconsistent with the Council's policies as set out in this document, they may ask for the decision to be reviewed.

The request should be made in writing to the Head of Service, or their nominee, responsible for the team, which carried out the assessment. The review will be carried out by a separate team or individual appointed by the Head of Service or their nominee. The request should include any evidence in support of the request, such as a professional report or recommendation.

A decision by the Head of Service or their nominee on the request will be provided in writing.

5. Payment for passenger assistants

Children and young people under the age of 18 years will not be asked to make a contribution.

Adults will not be asked to make an additional contribution for any passenger assistant provision in accordance with the County Council's Fairer Charging Policy for Non-Residential Services.

6. Roles, responsibilities and duties of Passenger Assistants

Where the service user's need for a passenger assistant has been identified, the assistant will travel with the service user between destinations determined appropriate by the Council.

The assistant will assist with entry to and exit from the vehicle, will ensure a safe journey for the service user and other passengers, will provide a caring environment whilst on the vehicle, and will act as an extended communication channel between locations.

The assistant provides personal care/supervision from an agreed pick-up point to an agreed drop-off point. The assessment and care plan should identify any additional needs beyond the services provided by a passenger assistant, and should ensure that the appropriate service is commissioned.

The assistant may often supervise more than one service user on a journey, consistent with providing the appropriate level of service for each individual while they are on the vehicle.

All assistants and drivers provided for service users' transportation will comply with the County Council Code of Good Practice for Transport. First aid may only be given by a passenger assistant trained to do so.

Some service users may be at risk of anaphylactic shock. Risks will be minimised by not allowing anyone to eat on vehicles, except diabetics controlling their blood sugar levels.

The assistant will not generally administer any form of medication to service users.

The assistant will only administer any form of medication in an emergency, and only to a service user who has a known medical condition, and who has the appropriate medication or specific care plan with them; and then only when the passenger assistant has been trained to administer the medication or specific care plan.

7. Roles and responsibilities of users and carers

Service users and carers should provide details of all pertinent information about the service user to the assessor or care manager involved with the service user and requesting the transport.

Once transport has been arranged, service users and carers should provide full details of any changes in the service user's circumstances to the Directorate requesting the transport and the Directorate providing the transport, as soon as possible.

Service users and carers should tell the passenger assistant of any information specific to the particular journey and anything which needs to be passed on to others at the destination.

Service users and carers must be ready and available at arranged pick-up and drop-off times to ensure a safe handover.

8. Selecting, training, screening and reviewing

This will be undertaken by the Council to ensure that the needs of the individual service user are met, and will include Independent Safeguarding Authority checks.

If there are any doubts about an ISA check it should be referred to the Service Development Manager (Safeguarding) who will provide a written professional opinion to enable a full risk assessment to be undertaken.

9. Operational risk assessments

In accordance with the County Council's Health and Safety Policy, the Directorate requesting the transport will take responsibility for carrying out an initial assessment of the service user's personal, medical and passenger assistant needs in respect of transport.

The results of this assessment will be conveyed to the Directorate providing the transport for their information and action.

The Directorate providing the transport may carry out individual and group assessments of risk and specific needs during the process of setting up and arranging the transport, and subsequently for the transport operation, to ensure risks are minimised as far as is reasonably practicable.

Further detailed information is provided in the Corporate Risk Assessment Practical Guidance, (ref. 7).

10. Communications, emergency and reporting procedures

As part of our commitment to providing safe transportation for its service users, the Council has in place procedures to be followed in the event of an emergency.

All vehicles are equipped for two-way communication with their operational bases.

In an emergency the driver or passenger assistant will follow their local guidance and contact the statutory emergency services, if appropriate, and their operational base and the Passenger Transport Group for further instructions.

All incidents and emergencies, including near misses, will be reported to the Transport Planning and Commissioning Service in accordance with normal County Council procedures and the Health & Safety Policy (ref. 6).

11. Review of eligibility and needs

The need for a passenger assistant will be reviewed if there are significant changes in the service user's circumstances or needs, and otherwise annually as part of the overall assessment of needs.

This will be undertaken by the Council to consider whether the basis for entitlement has changed, whether the level of provision is appropriate and to ensure that the needs of the service user are being met.

The results of this annual assessment will be conveyed to the Passenger Transport Group to inform subsequent risk assessments.

12. Comments, compliments and complaints

In common with all the services provided by the Council, we have a procedure for considering all comments, compliments and complaints about the services we provide. This allows service users and their carers to make representations about our actions, and for an advocate to act on their behalf.

For further information about the procedure please refer to the public information leaflet Compliments, Comments - Worcestershire County Council.

You can contact us by emailing us via our website, telephoning the Consumer Relations Unit on 01905 766365, or visiting your local Advocacy Service.

13. Document update and review

This document will be reviewed every three years, and when significant or legislative changes may affect this policy, to ensure that it reflects accurately the Council's policy towards the provision of passenger assistants associated with transport for those who are receiving services.

14. References

The following documents provide more detailed information on this subject:

1. Worcestershire County Council, Policy on the Provision of Transport.
2. Worcestershire County Council, Children's Services Directorate Policy - Transport for Children with Education Health and Care Plans or Statements of Special Educational Needs.
3. Worcestershire County Council, Direct Payments Policy and Procedure.
4. Worcestershire County Council, Charging Policy for Non-Residential Services.
5. Worcestershire County Council, Corporate Health and Safety Policy.
6. Worcestershire County Council, Corporate Risk Assessment Practical Guidance.
7. Worcestershire County Council, Compliments, Comments - Make your views known.

21st May 2019