

Education Transport Policy 2018/19 for Post 16 Learners with an Education, Health and Care Plan for (SEN).

**Version 1.0
April 2018**

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1 Introduction

This document outlines the Council's Policy for providing assistance with education transport for young people over the age of 16 who are resident in Bracknell Forest, who have an Education, Health and Care Plan. It is not a definitive statement of the law but takes into account legislation, relevant guidance, regulations, recommended practice and the Council's own experience. Transport to and from school is provided in accordance with various statutory provisions such as the Education Act 1996, as amended by subsequent enactment and the Equality Duty pursuant to the Equality Act 2010.

We provide transport to assist in enabling young people to attend school, college or their place of education. Decisions are made based on the young person's individual circumstances.

It should be noted that there is no transport provided for young people over the age of 16 who do not have an Education, Health and Care Plan (EHCP). For those families who experience financial difficulties they should contact the further education establishment to access funds via their bursary scheme.

Whilst the Local Authority is committed to supporting Post 16 education, the Council does not have a statutory duty, only a discretionary power, to offer transport for a student Post 16. There is no automatic entitlement to assistance for home to school or college transport once learners are over the age of 16.

This Policy on occasion may be changed in the light of changes in legislation and other such circumstances. In considering the date of implementation of any future change, the Council will consider the effect on students whose school or college attendance or travel arrangements were made in good faith in the light of this or previous policies. However, the Council reserves the right to implement any change of policy before the end of the school or college career of any particular child or young person.

The Council will only consider students who are residents of Bracknell Forest for transport assistance.

Throughout this Policy we use the term *parent* to mean one or both parents and to include the young person's main carer(s). We use the term 'assistance' in this Policy because in some cases Bracknell Forest may meet only a part of the cost, or because we need to make it easier for a young person to attend a school or college.

It still remains the responsibility of parents in all circumstances to ensure their young person attend school or college.

THIS POLICY SUPERCEDES ALL PREVIOUS POLICIES AND APPLIES ONLY TO THE ACADEMIC YEAR 2018/19

1.1 Key Contact Numbers

THE INTEGRATED TRANSPORT UNIT

Commercial Centre
Old Bracknell Lane West
Bracknell
RG12 7QT
Telephone: 01344 352002

corporate.transport@bracknell-forest.gov.uk

THE SPECIAL EDUCATIONAL NEEDS POST 16 (SEN) TEAM:

Time Square
Market Street
Bracknell
RG12 1JD
01344 354039

Sen.education@bracknell-forest.gov.uk

2 The Council's Approach

The Council seeks to support all Post 16 students to continue with their education and training by negotiating preferential rates of travel with some rail and bus operators. Through running this scheme and providing information about the Bursary funding available to support student access to education through their Post 16 education provider (FE Colleges and school 6th Forms), the Council considers it has met its statutory duties with regard to the majority of students.

The Council will now only consider providing support and assistance with transport costs in exceptional circumstances. Therefore, parents and carers should ensure that they are aware of the cost of transport and take this into account when making choices for their young person's Post 16 education.

Council Officers will provide both parents and young people with advice both verbally and in writing about the transport options available to them and further education colleges can also assist students with information regarding transport. In addition, the Council provides independent travel training schemes to enable young people (often with learning difficulties and/or disabilities) to travel on public transport independently and safely. Information on this can be accessed through the school or through the Integrated Transport Unit.

Transport assistance is normally only provided for education between the hours of 9am and 4pm which will generally be considered the standard school or college day. Transport will only be provided to one site or educational establishment destination.

3 General Entitlement

There is no automatic entitlement to assisted transport once a student is over the age of 16. However, cases will be decided on an individual case and the Authority will consider any supporting evidence provided as part of a request together with a completed transport application form.

If eligible, transport will only be provided to the nearest suitable education and /or training provider for learners, and is subject to funding in relation to the published eligibility criteria outlined below.

Assistance with transport will not be provided if it is deemed that suitable provision is available at a closer learning provider as measured from the home address.**

****The nearest suitable learning provider is the closest school or college to the home address able to meet the young person's educational needs. If parents choose to send their young person to a school or college which is not the nearest suitable, assistance with transport will not be provided by the Council. These distances are measured by the nearest available walking route, and verified by the Council, or its agents, by appropriate means which might include the use of computer generated mapping systems. The Council views these distances as an exact measure and they cannot be considered as marginal. The measurements are taken from the curtilage (the front edge of a property) of the home to the main entrance of the learning provider.**

3.1 Eligibility Criteria

To qualify for consideration students must be a Bracknell Forest resident, aged between 16 and under 25 and continuing full time (12 hours a week minimum) further education at one of the following:

- A school (including Academies).
- A further education institution.
- An Authority maintained or assisted institution providing higher or further education.
- An establishment funded directly by the YPLS (e.g. Independent Specialist Providers) for learners with learning difficulties and/or disabilities.
- A learning provider that is funded by the Local Authority which leads to a positive outcome (this could include colleges, charities and private learning providers).

In order to be considered for assistance, students must have an Education, Health and Care Plan and fall into **one** of these categories:

- Have an offer of a place at a local Post 16 provider which the Local Authority agree can make the appropriate educational/training provision and are not able to travel independently or safely.
- Be able to demonstrate a need for additional time in education to complete education and training at their current educational establishment and are not able to travel independently or safely.
- Show that the provision requested is not available at an establishment closer to their home address.
- Have entitlement based on the criteria as a Low Income Family.

4 Low Income Entitlement

The law makes provision for young people of the families on low income to receive transport assistance, subject to the payment of the appropriate contribution, in the following circumstances:

Low Income is defined as a family or young person that is either entitled to free school meals.

Applicants will be required to provide relevant documents to prove their eligibility to assistance with transport.

Once eligibility on income grounds has been confirmed the young person will be considered eligible (on these grounds) for the school year for which the assessment has been made. However, if other circumstances change, for example they move house, then eligibility will be re-assessed. It is parent's responsibility to inform the Integrated Transport Unit of any change of circumstances. Income assessments will be carried out on an annual basis.

Those students who are over 19 years and receive benefits in their own rights will be assessed as an individual on the grounds of low income.

5 Choosing a Provider

For young people meeting the eligibility criteria, the Council will only provide assistance with transport costs to the nearest College, 6th Form, Learning Provider considered by the Local Authority to be able to meet the students identified needs. This may not be your choice of preferred educational provider.

Assistance with transport will not be provided if it is deemed that suitable provision is available at a closer learning provider as measured from the home address.

In cases where a parent wishes to choose a different education provider, discounted or discretionary fares with some public transport providers may be available through the Integrated Transport Unit. Alternatively an application can be made directly to the education provider's Bursary Fund which is available for low income families.

Transport assistance may be given when the student continues to attend the Special School or School with a 6th Form, subject to a contribution towards the costs.

6 Contribution to Travel Costs

If a learner meets the Council's eligibility criteria and travel assistance is agreed a specified contribution toward the travel costs will be required for all learners before transport arrangements are put in place by the Integrated Transport Unit.

Payments can be received by the Council either by a one off payment, termly or via monthly direct debit.

The table below sets the necessary payments required for all Post 16 SEN learners meeting the eligibility criteria for the academic year: 2018/19

REQUIRED CONTRIBUTION TOWARDS THE COST OF ASSISTED TRANSPORT			
	Annual	Termly	Monthly
Post 16 learners with SEN/LLDD meeting the government eligibility criteria for Free School Meals	£540.00	£180.00	9 instalments of £60.00 (October – June)
Post 16 learners with SEN/LLDD not entitled to Free School Meals	£690.00	£230.00	1 instalment of £74.00 followed by 8 instalments of £77.00 (October – June)

6.1 Transport Requests

All transport requests must be made by completing the online application form which is available at http://bracknell-forest.gov.uk/school_transport. Applications must be made annually and will be reviewed to assess whether or not assistance with transport is still required. In cases where it is not clear if the appropriate criteria are fully met, an appeal can be made through the published appeals process. In any event, the provision will cease at the end of the academic year in which the student is 25.

If the need for assistance with transport is agreed then the Integrated Transport Unit will arrange transport to the appropriate educational establishment **subject to payment of the appropriate contribution.**

There is no guarantee that the transport provided will be the same as when the learner attended school and every encouragement will be made towards independent travel by public transport. However, should there be a need for additional support for the student due to a particular disability then this will be taken in to consideration.

Students travelling to a place of further education where the Integrated Transport Unit already provides transport may be offered a seat in that vehicle. However, students should be aware that the transport will only operate at the times arranged by the Integrated Transport Unit for existing students and no changes or additional transport will be provided to meet the needs of Post 16 students.

7 Preferential Rate Scheme

The Council has arrangements with local bus and train operators for the purchase of annual season tickets at preferential rates. The Council will, following receipt of a one-off payment, be able to purchase tickets directly from some transport providers at reduced rates.

Payments will vary according to the method of transport required and in the case of rail passes, the rail mile distance also affects the cost.

The parent/young person should check for themselves the cost of season tickets and compare the rates that the Council can obtain before selecting the best value for their own travel arrangements.

Details will be provided to any student and are only available to students travelling by rail or on registered bus routes. (These include routes to Charters School).

In addition, if attending Bracknell and Wokingham College there is an existing arrangement with Courtney Buses for student travel cards. Further details regarding this arrangement can be obtained directly from the College.

If, having purchased an annual ticket for transport it is then decided that your child no longer wishes to attend this setting, refunds will be available on the following basis:

- Notification received by the Integrated Transport Unit in writing prior to the end of the Autumn Term – refund of 2 terms
- Notification received by the Integrated Transport Unit in writing prior to the end of the Spring Term – refund of 1 term

8 No Transport Provision

Transport will not normally be provided in the following circumstances:

- If the student does not fulfil the criteria
- If there is a change of address following issue of a final EHCP
- If the parent/carer request a place that is not the nearest appropriate establishment at which a place is available
- For young people with an EHCP where the parents have agreed to make provision for transport
- For breakfast, after school clubs or school trips
- To work experience placements or other extra curricular activities
- To dental or hospital appointments
- To clinical, medical or non-educational appointments
- In the event of detention and/or exclusions
- To attend meetings following exclusion
- To attend open days and 'taster sessions' at a setting
- Following continued inappropriate behaviour occurring on transport
- In the event that a young person is unwell

It is the parents' responsibility to provide transport on these occasions.

9 Individual Requirements

9.1 Home Address

Transport to and from school will normally be determined from a single permanent residence. This is normally the address where the young person spends most time with the parent/carer and has been used for admission purposes. The Council must be notified in writing of all changes of home address.

9.2 Change of Address

If there is a change of address for a student then parents must inform the Integrated Transport Unit immediately. If necessary the Integrated Transport Unit will reassess the young person's entitlement to transport. Proof of residency will be required to ensure the correct entitlement for the young person.

Please note that a change of address does not mean an entitlement to transport, although in exceptional cases, the Council may consider that continuing attendance at the current setting to be in the young person's best interest. In such cases transport will be considered to ensure attendance. Consideration will also be given as to whether the change of address was entirely outside any parental control. This decision is at the discretion of the Council.

Where the change of address affects the designation of the nearest suitable school or college named in Section I in an Education, Health and Care Plan and parents choose to continue the current placement, parents will be responsible for making suitable transport arrangements and the Plan will be amended accordingly in Section I.

9.3 Moving Into Bracknell Forest

Families moving into Bracknell Forest will be subject to the criteria as outlined in Section 2 of this policy

9.4 Medical Conditions

If a student has a temporary or enduring medical condition making it impossible to walk to their education provider then assistance may be provided. Applications for assistance on this basis will need to be supported by appropriate evidence from the medical profession. Evidence required by the Council may include, but may not be restricted to, a letter from the young person's General Practitioner or Consultant or both and must be supplied at no cost to the Council.

If you feel the young person may be eligible you need to contact and discuss this with the Post 16 SEN Team.

The Council reserves the right to require the young person to be examined by its own medical adviser and may choose to seek comment from the educational institution or school attended by the child or young person. In an exceptional case the Council may choose to substitute the advice from its own adviser for that submitted by a parent. Provision of the assistance will be reviewed from time to time as appropriate.

Example of a short term medical condition – broken leg

Example of a long term/permanent medical condition – brittle bone disease

9.5 Parents' Disabilities

Assistance is not normally provided for a young person in respect of the disability of either or both of his or her parents. However, each application will be considered on its own merits at the discretion of the Council and in compliance with the Equality Act 2010.

10 General Requirements for Parents / Carers and Young People Using Transport

10.1 Behaviour on Transport

Parents, schools, students, transport contractors and the Council, working in partnership, all share responsibility for ensuring that acceptable behaviour is maintained to ensure safe and stress free transport for all.

The provision of transport maybe withdrawn either for a period of time or permanently should a student misbehave whilst being transported to or from school. Normally a warning letter will be sent to parents/carers prior to transport being withdrawn. However, in the event that any incident is considered serious enough, following an investigation by the Integrated Transport Unit, the withdrawal of transport may be immediate. In this instance the responsibility for ensuring attendance at school will remain with the parent/carer of the student.

10.2 Emergency Contact Details

Parents/carers need to provide email addresses, contact telephone numbers, including alternative numbers in the event of the operator or Council being unable to contact the parent/carer before transport can be provided.

11 Decisions, Reviewing of Decisions, Complaints and Appeals

11.1 Decisions

Decisions as to the eligibility for transport and other practical matters of transport for students with Education, Health and Care Plans will be taken by the Council's SEN Officers with particular authorisation to do so.

11.2 Complaints / Appeals Process

Informal

If a parent is unhappy with a decision that has been made, we recommend in the first instance that this is raised with the SEN Officer that has made the decision. This should be via the telephone.

If there is a significant change in circumstances (ie. change of college), the parent will again raise this with the SEN Officer.

Appeals Process

No appeals will usually be considered regarding the contribution required or the mode of transport provided. The method of transport is provided by the Council's Transport Unit

based on the best available, taking into account the young person's needs and the requirement to offer best value.

Parent/carers do have the ability to challenge the decision made by Officers on the grounds of:

- Their young person's eligibility
- The distance measured
- The safety of the route

Only one appeal will be given for each transport application unless there have been a significant change in circumstances.

Stage One

- A parent/carer has 20 educational days from receipt of the Local Authority'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/carer believes the decision should be reviewed and give details of any personal and/or family circumstances the parent/carer believes should be considered when the decision is reviewed. If the request is based on medical reasons relating to the child or young person, then professional supporting evidence must be provided at this stage for it to be considered as part of the appeal.
- This written request should be made to THE SEN MANAGER, Bracknell Forest Council, Time Square, Market Street, Bracknell, RG12 1JD and clearly marked POST 16 SEN TRANSPORT APPEAL, or emailed to Education.Transport-Appeals@bracknell-forest.gov.uk and clearly marked SEN POST 16 TRANSPORT APPEAL
- Within 20 educational days of receipt of the parent/carer's written request the SEN Manager reviews the original decision and sends the parent/carer a detailed written outcome setting out:
 - the nature of the decision reached
 - how the review was conducted
 - 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
 - information about escalation to Stage Two (if appropriate)

Stage Two

- A parent/carers has 20 educational days from receipt of the Local Authority's Stage One decision to make a written request to escalate the matter to Stage Two.
- This written request should be made to Democratic Services, Bracknell Forest Council, Time Square, Bracknell, RG12 1JD or by email to committee@bracknell-forest.gov.uk clearly marked POST 16 SEN TRANSPORT APPEAL.
- Parent/carers should be aware that no appeal at Stage Two will be considered until such time as Stage One has been completed.
- Within 40 educational days an independent appeal panel considers written and verbal representations from the parent/carers and Officers and gives a detailed written outcome within 5 working days of their meeting setting out:
 - the nature of the decision reached
 - how the review was conducted
 - 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
 - information about escalation to the Local Government Ombudsman
- The independent appeal panel members are independent of the process to date and suitably experienced, ensuring that a balance is achieved between meeting the needs of parent/carers and the Local Authority.

Local Government Ombudsman

A parent/carers who remains dissatisfied after following this procedure may further complain to the Local Government Ombudsman, but only if complainants consider that there was a failure to comply with procedural rules or if there are any other irregularities in the way the appeal was handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may apply to judicial review. The Ombudsman can be contacted at:

PO Box 4771, Coventry CV4 0EH (tel. 0845 602 1983)

Further information is available on the Ombudsman's website: www.lgo.org.uk

11.3 Special Educational Needs and Disability Tribunal

Where the student in question holds an Education, Health and Care Plan, it may be that a disagreement about transport is part of a wider question of school provision and placement. As mentioned elsewhere in this Policy, in such an instance, it may be necessary for the matter to be considered by the Special Educational Needs and Disability Tribunal. **Please note that this body does not hear appeals specifically about transport**, although it may consider it as part of a wider appeal regarding placement. Officers of the Special Educational Needs Team will discuss the appropriate means of appeal in each case as necessary.

Special Educational Needs & Disability Tribunal
1st Floor, Darlington Magistrates' Court
Parkgate, Darlington
DL1 1RU

Telephone: 01325 289350
Fax: 0870 739 4017
sendistqueries@hmcts.gsi.gov.uk

Corporate Complaints Policy
Parents can also follow the council's Complaints Procedure by contacting:

Complaints Manager
Education Transport
Bracknell Forest Council
Easthampstead House
Town Square
Bracknell RG12 1AQ
Tel: 01344 352000

Local Government Ombudsman
Complaints/ Issues can also be raised with the Local Government Ombudsman at:

PO Box 4771, Coventry CV4 0EH (Tel. 0845 602 1983)

CONTACTS

Berkshire College of Agriculture

The college operates their own bus service to the college and students can purchase passes directly from the college. For more information

Tel: 01628 827482

Email: enquiries@bca.ac.uk

Bracknell and Wokingham College

Further Education College offering a range of full and part time courses.

Tel: 0845 330 3343

Email: study@bracknell.ac.uk

Farnborough College of Technology

Further Education College offering a range of full and part time courses.

Tel: 0845 330 3343

Email: info@fam-ct.ac.uk

Farnborough 6th Form College

6th Form College covering a wide range of full time courses.

Tel: 01252 688200

Email: admin@farnborough.ac.uk

Henley College

Further Education College offering a range of full and part time courses.

Tel: 01491 579988

Email: info@henleycol.ac.uk

Strodes College

Further Education College offering a range of full and part time courses.

Tel: 01784 437506

Email: info@strodes.ac.uk