

**Education Transport
Policy 2016/17 for
Children with a Statement
of Educational Needs
(SEN) or Education
Health Care Plan**

**Version 1.0
March 2015**

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1 Introduction

This document outlines the Council's Policy for providing assistance with education transport for children and young people resident in Bracknell Forest, who have a statement of special educational needs or Education Health Care Plan. 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.

The Council provides school transport to assist children and young people to attend school or their place of education in line with their statutory responsibilities or at their discretion. Decisions are made based on the child or young persons individual circumstances.

This document explains the council's policy for the provision of school transport to children of statutory school age, as from 1 September 2016. This date is chosen to allow adequate notice for people affected by it and in line with legislative requirements.

Decisions will be taken in accordance with this Policy where those decisions will come into effect when this Policy is in force.

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 children and 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 pupils resident in their area for transport assistance.

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

It still remains the responsibility of parents in all circumstances to ensure their children attend school.

This policy supersedes all previous policies and applies only to the academic year 2016/17

1.1 Key Contact Numbers

THE INTEGRATED TRANSPORT UNIT

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Old Bracknell Lane West

Bracknell

RG12 7QT

Telephone: 01344 352002

Fax: 01344 353235

corporate.transport@bracknell-forest.gov.uk

THE SPECIAL EDUCATIONAL NEEDS (SEN) TEAM:

Time Square

Market Street

Bracknell

RG12 1AX

01344 354048

01344 354001

Sen.education@bracknell-forest.gov.uk

2 Statutory Free School Transport

Decisions in relation to eligibility for home to school transport for children with statements of special educational needs made under s.324 of the Education Act 1996 or an EHCP made under S 37 Children and Families Act 2014 are normally made by officers of the Special Educational Needs Team of the council as part of the assessment of a pupil's needs in line with the criteria set out below.

The type of transport provided such as a bus pass or a taxi is determined based on the needs of the individual child. In determining the type of transport assistance to be provided, the council will also wish to encourage the independence of the pupil as far as practicable and to ensure that provision is cost effective e.g. making use of shared transport.

The Local Authority strongly recommends parents consider home to school transport issues when determining their school preferences. For instance choosing a school which is not the nearest qualifying* school will, bar exceptional circumstances, mean that assistance from home to school is not available. Further parents will need to consider any practical implications of choosing a particular school, for instance if siblings attend a different school.

Transport is normally only provided at the beginning and end of the school day and from home to school.

2.1 Mainstream Schools Entitlement

Transport assistance will only be provided to all pupils of compulsory school age who are in full time attendance at **mainstream schools** in the following circumstances:

- Pupils aged under 8 if they attend the nearest qualifying* school and live more than two miles from school.
- Pupils aged 8 and under 16 (except for those from low income families – see below) where they attend the nearest qualifying* school and live more than three miles from school.

Miles from schools are defined in terms of walking distances from the perimeter of the home address to the front gates of the School.

There is no statutory responsibility on Local Authorities to provide transport for children under compulsory school age i.e. those attending pre-schools or nursery provisions.

***The qualifying school is the designated area school or the nearest suitable** school with places to the home address. Transport will only be provided under these sections where there is a school place for the child.**

****The nearest suitable school is the closest school to the home address able to meet the child's educational needs. If parents choose to send their child to a school which is not the nearest suitable school, free transport will not be provided by the council.**

2.2 Low Income Families Entitlement

The law additionally makes provision for children (of compulsory school age) of those families on low income to receive transport assistance in the following circumstances:

- Pupils from low income families*** aged 8 but under 11 are provided with transport assistance if they attend their nearest qualifying* school and they live more than two miles from the school.
- Secondary pupils aged over 11 and under 16, from low income families, who are attending one of their three nearest qualifying** schools, which is more than two miles, but less than six miles from their home will be entitled to free transport provision.

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 of the home (e.g. the front edge of a property) to the main entrance of the school.

*****Low Income Family' is defined as a family that is either entitled to free schools meals, or whose families are entitled to the maximum level of Working Tax Credit**

Applicants will be required to provide relevant documents to prove their eligibility to free transport. In the case of those receiving maximum Working Tax Credit they will have to submit their latest Tax Credit Award Notice from HM Revenue and Customs. Other documents will be required and details should be obtained from the Integrated Transport Unit before applying.

Once eligibility on income grounds has been confirmed the pupil 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.

2.3 Low Income Families and Denominational Schools Entitlement

Pupils from 'low income families' (as defined above) are also entitled to transport assistance in the following circumstance:

- Pupils from low income families, attending the nearest suitable school*** preferred on grounds of religion or belief, where they live more than two miles, but not more than 15 miles from that school will be entitled to free transport provision. Distance is measured using the Bracknell Forest Geographical Information System (GIS) taking a straight line between the home address and the schools. This is based on the co-

ordinates of the school and the home as defined in the local Land and Property Gazetteer and based on the Ordnance Survey's national system.

*****In this instance the nearest suitable school is the closest school to the home address of the parents practising faith. If parents choose to send their child to a school which is not the nearest suitable school, free transport will not be provided by the council,**

The council will consider, on an individual basis, whether transport to a denominational school should be provided for a particular child in exceptional circumstances. A preference for being educated in accordance with a particular religion or belief (as defined by S.10 of Equality Act 2010) will not usually constitute exceptional circumstances.

2.4 Local Authority Special Schools and Resource Units within Bracknell Forest entitlement

Transport assistance will only be provided to all pupils of compulsory school age who are in full time attendance at the nearest suitable special school or resource unit maintained by the Local Authority named in their statement of special education needs in the following circumstances:

- Pupils up to the age of 8 years who live over 2 miles from the special school or resource unit
- Pupils aged 8 and under 16 (except for those from low income families – see above) who live more than 3 miles from the special school or resource unit
- Year 12 up to the end of Year 14 for those children who continue to attend a special school who live over 3 miles from that special school

2.5 Local Authority Special Schools and Resource Units outside Bracknell Forest

Where there is no appropriate school or resource within Bracknell Forest available, children attending the nearest suitable special school or resource unit maintained by another Local Authority named in their statement of special education needs, are entitled to assistance with home to school transport in the following circumstances:

- Pupils up to the age of 8 years who live over 2 miles from the special school or resource unit
- Pupils aged 8 and under 16 (except for those from low income families – see above) who live more than 3 miles from the special school or resource unit
- Year 12 up to the end of Year 14 for those children who continue to attend a special school who live over 3 miles from that special school

2.6 Independent Schools

Where there is no appropriate school, special school or resource unit maintained by Bracknell Forest Council or another Local Authority available, children attending the nearest suitable Independent Special School which is named in their statement of special education needs or Education Health Care Plan, are entitled to assistance with home to school transport in the following circumstances:

- Pupils up to the age of 8 years who live over 2 miles from the special school or resource unit
- Pupils aged 8 and under 16 (except for those from low income families – see above) who live more than 3 miles from the special school or resource unit
- Year 12 up to the end of Year 14 for those children who continue to attend a special school who live over 3 miles from that special school

2.7 Pre-Schools

There is no automatic entitlement for free Home to School Transport for children under compulsory school age even though they have been issued with a statement or Education Health Care Plan for Special Educational Needs. Transport will only be provided for a child if they are attending a pre school within a special school or resource unit if this is the nearest and most suitable school.

2.8 Discretion

Some children with SEN and/or a disability may, by reason of their SEN and/or disability, be unable to walk even relatively short distances to school. Similarly, children with a mobility problem caused, for example, by a temporary medical condition such as a broken leg, may also be unable to walk to school.

Consideration to the provision of transport for pupils living under the distances outlined above will only be made on the following basis:

- Medical condition of the child (see Section 3.7)
- A decision on the safety of route (see Annex A)

2.9 No Transport Provision

Transport will not normally be provided in the following circumstances:

- If the pupil does not fulfil the criteria
- If there is a change of address following issue of a final, final amended statement or EHCP
- If the parent/carer request a place that is not the nearest appropriate school at which a place is available

- For children with a statement of SEN or EHCP where the parents have agreed to make provision for transport as a condition of the LA naming the preferred school in the child or young persons statement or EHCP
- For 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 school meetings following exclusion from school
- To attend open days and 'taster sessions' at school
- Following persistent misbehaviour occurring on transport
- In the event that a child is unwell at school

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

2.10 How to apply

If your child is undergoing statutory assessment for special education needs you should discuss any transport requirements with the SEN Team.

If your child has a statement of special educational needs or an Education Health Care Plan and you feel that he or she may be entitled to transport you should discuss this with the SEN Team.

3 Individual Requirements

3.1 Pupil's home address

Transport to and from school will normally be determined from a single permanent residence. This is normally the one where the child 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.

3.2 Change of address

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

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 school to be in the child's best interest. In such cases transport will be considered to ensure attendance, for example during the final year of GCSEs or whether there are no suitable places at the nearest school to the home address. 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 named in part 4 of a pupil's statement or Section I in an Education Health Care Plan and parents choose to continue the current school placement, parents will be responsible for making suitable transport arrangements and the statement will be amended accordingly in Part 4 or Section I in an Education Health Care Plan.

3.3 Moving into Bracknell Forest

Families moving into Bracknell Forest will be subject to the criteria as outlined in section 2.

3.4 Siblings

Siblings of children with statements of special educational needs or Education Health Care Plans do not have an entitlement to home to school transport as a result. Further to this, if this Policy has changed since any older sibling received free transport (e.g. for transport to denominational schools or there has been a change to the designated area), then the younger sibling will be subject to the Policy in force at the time of their application and anticipated start date.

3.5 Pupils living in temporary accommodation

If a pupil and its family/carer are placed in temporary accommodation by the council, consideration will be given to the provision of transport for a limited period but not exceeding six (6) weeks. Beyond 6 weeks will only be considered on an individual basis in exceptional

circumstances. This means each case will be considered based on the individual circumstances (e.g. reasons for the displacement, age of the child(ren), likely timescales, parent/carer's circumstances). The case will be investigated fully and all the relevant authorities (e.g. Social Care, the Police, etc) will be consulted. This transport will cease when the family have been offered suitable accommodation within Bracknell Forest and be subject to the criteria outlined in section 2.

3.6 Changing Schools

When considering changing a child's school parents should contact the Special Educational Needs Team to discuss. They will be able to advise on the impact of any change on entitlement to home to school transport.

3.7 Medical Conditions

If a pupil or young person has a temporary or enduring medical condition making it impossible to walk to school or college, 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 child or young person's general practitioner or consultant or both and must be supplied at no cost to the council.

If you feel your child may be eligible you need to contact and discuss this with the SEN Team.

The council reserves the right to require the child or 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.

If the pupil is attending a non-designated school, parents may be required to pay their usual daily cost as a contribution towards the council's costs.

Example of a short term medical condition – broken leg

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

3.8 Parents' disabilities

Assistance is not normally provided for a child or 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.

4 Travel Arrangements

4.1 Boarding and Alighting Points

Where the child can be expected to walk to their transport provision then appropriate boarding and alighting points will be determined by the Integrated Transport Unit. Pupils are expected to walk a reasonable distance to and from home to meet their transport. The maximum distance to a boarding point for any pupil will not normally exceed one mile.

Parents are responsible for their children's safety in getting to and from the boarding and alighting point at the appropriate time. They are also responsible for their children when they are waiting for transport and when they leave the transport at the end of the day.

Boarding arrangements for individual pupils will not be altered without prior agreement with the Integrated Transport Unit, in consultation with the relevant school, and then only for reasons restricted to child's personal safety. Bus passes will then be reissued as appropriate by the Integrated Transport Unit.

4.2 Mileage Reimbursement

In some cases, transport to and from school may be provided by parents themselves.

However this option is only available where there are not any existing contracted home to school transport routes. The council may reimburse mileage at a rate to be considered annually, taking into account yearly inflation, for the home to school journeys only, i.e. reimbursement of mileage is only available for the mileage when the child is in the vehicle (see Schedule of Charges).

Where a parent makes their own arrangements and seeks reimbursement this must be agreed in advance with the Authority before any such arrangement commences.

If a parent chooses not to use the available contracted route then no reimbursement will be available.

The council reserves the right to withdraw the option to pay reimbursement if, at a later stage, a contracted route is available or circumstances change.

In cases where public/commercial transport is available, the council may reimburse mileage on request when it is cost effective to do so, or public transport fares.

See section 7.2 for further information.

4.3 Fare Paying Scheme

Pupils who are not entitled to free transport who enquire about transport to schools will be directed to apply for a seat on a public transport route. Pupils may be given the option to apply for a fare paying seat on one of the council's contracted services.

Where spare capacity exists on current vehicles that have been contracted to provide home to school transport for entitled pupils, the council may make these seats available for purchase by non-entitled pupils, subject to the following:

- The seat being withdrawn with FIVE days' notice should it be required for an entitled pupil
- Larger and/or extra vehicles will not be contracted specifically for fare payers.
- These seats will be allocated on a first come first served basis
- The council's decision on this will be final.

The council may need to withdraw a fare paying seat for a number of reasons, including

- A seat is required for an entitled pupil
- A route is down-sized (ie. a smaller vehicle is being used to operate a route)
- The unacceptable behaviour of the pupil

Should the council need to withdraw a fare paying seat the withdrawal of the service will be in the following order

1. Non Bracknell Forest Residents
2. Bracknell Forest Residents on the basis of last on, first off

Details on current rates for this scheme can be obtained found in the Schedule of Charges. The publication of a scheme seat price does not guarantee availability of a seat.

5 Transport to Alternative Sites

5.1 Work Experience Placements and Off-Site Activities

Transport is not normally provided for work experience placements or any other off-site courses/activities. This applies to all pupils whether they have special needs or not. If any special travel arrangements are needed it will be for the parent or the school to make them at their own expense.

Free Transport is provided for pupils at the beginning and end of the school day only. It will not normally be provided for additional activities, e.g:

- **After school activities;**
- **Induction / open day / interview visits;**
- **Medical and dental appointments;**
- **Parental / Carer attendance at school;**
- **Respite Care;**
- **Removal from school following an exclusion**
- **In the event that a child is unwell at school.**

5.2 Pupils excluded from school

A pupil permanently excluded from a school will be provided with assistance to his or her new school provided it is in line with the criteria set out in Section 2. Exceptional arrangements may be made if the pupil attends a Pupil Referral Unit or similar establishment, and these may include assistance with part-time attendance at other educational establishments as required by his or her particular needs.

5.3 Transport to Pupil Referral Unit

Although the council offers transport assistance, it is still the responsibility of parent/carers in all circumstances to ensure their children get to school this includes the Pupil Referral Unit. Even where transport is provided parent/carers still have a responsibility for the behaviour of the child and will need to play a part in the process.

Transport to the Pupil Referral Unit for those pupils who are not attending mainstream schools will be only provided at the start and the end of teaching sessions.

Transport may be withdrawn from pupils who regularly fail to attend the PRU with the responsibility for attendance being the child's parents.

5.4 Clubs, detention and extended school

If a pupil receiving assistance at school, for any reason, either before the start of the normal school day or after the end of the normal school day, the responsibility for conveying that pupil lies with his or her parent/carer and at the expense of the parent/carer.

5.5 Education otherwise than at school (EOTAS)

Where parents have made the choice to educate their child other than at school, no assistance will be available from the council in connection with any transport need arising.

Where the council arranges for a pupil to have education other than in school, the council will provide transport subject to normal eligibility rules on home to school transport.

5.6 Personal Transport Budget

What is a Personal Travel Budget?

A Personal Travel Budget (PTB) is a sum of money paid to parents or carers of children with Special Education Needs (SEN) who are eligible for free school travel. Having a PTB gives families the freedom to make their own decisions and arrangements about how their child will get to/from school each day.

Who can get a PTB?

You can apply for a PTB if your child is eligible for free school travel. If you apply for a PTB, the Council will need to be satisfied that you have a suitable plan in place to get your child to/from school. Additionally, the Council will need to check that your child's attendance at school is acceptable (they are meeting the average attendance level for a child of their age group). A suitable plan is one that provides appropriate transport that allows your child to get to school on time, safely and ready to learn. The Council reserves the right to decline applications if no suitable plan is in place or there is a risk that a child's attendance at school could be adversely affected.

What are the benefits of PTB's for families?

- ✓ freedom and flexibility to make travel arrangements that best meet their families needs and circumstances
- ✓ choice and control over how funding to support their child's needs is spent
- ✓ opportunities to share with other parents and potentially increase buying power
- ✓ an new alternative to the traditional services that the council provide

How much will my PTB be?

The PTB will take account of where you live, what school your child attends and their travel needs. PTB's will be reviewed each year to take account of changing costs and any changes to your child's travel needs. The final amount of PTB to be paid will not be agreed until Council staff have received feedback from parents.

What sort of travel arrangements should I make for my child?

You can make whatever travel arrangements you like as long as you meet your responsibilities under your contract with the Council. Your options include:

- Purchasing a travel pass for you and your child and using public transport *
- Walking with them to school *
- Cycling with them to school *
- Drive them using your own vehicle *

* If you cannot do these things with/for your child, you could ask a family member, friend, someone else you trust, or, pay a carer to do it for you

- Arrange shared travel arrangements with other parents, such as shared driving responsibilities, walking buses or joint taxi bookings
- Overcome other barriers that may prevent you accompanying your child to school, e.g. travel/childcare arrangements for siblings

It is important that you ensure the arrangements you make for your child's travel are reliable. Your child's education will suffer if they are regularly late for school and schools do not have the facilities to look after children at the end of the day if you are late arriving to collect them.

How will the PTB get paid?

Payments will be made from the council into your designated bank account in eleven equal monthly instalments between September and July. You will need to provide us with your bank details when you sign the contract.

Will I regularly need to show the council how I am spending the PTB?

No. We want to keep the flexibility and control with you, and we will therefore keep monitoring to a minimum. We will monitor your child's attendance and check to see that they arrive at school on time and fit to learn.

What happens if I sign up for a PTB and then can't get my child to school?

PTB's are voluntary and if you find that you can't keep up the commitment, you will be able to leave the scheme. You will need to give notice of at least 8 weeks to exit the scheme. This allows sufficient time for alternative travel arrangements to be made by the Council. If you find you are having difficulties with your travel arrangements, we may be able to help you by providing advice or adjusting the amount of your PTB if your circumstances have changed.

If I sign up for a PTB can I then cancel my contract with the Council?

You will be able to withdraw from the scheme, but you will have to give the Council 8 weeks notice so they have plenty of time to make alternative arrangements for your child.

Can the Council withdraw my PTB for any reason?

The Council could cancel your PTB if:

- Your child's attendance is unacceptable and/or they are late for school
- You move home and your child is no longer eligible for free school travel
- You have not made safe travel arrangements for your child
- Your child leaves the school

Will it have an impact on other benefits?

No, PTB's do not affect any other benefits you might receive.

How will the rate be calculated?

The Council will take the distance of the shortest journey between your home and the published address of the school and allow 2 return journeys per school day – please see example below:

- If the distance between your home and school is 10 miles we would allow 40 miles per day travel
- The mileage would be multiplied by 55p per mile making a daily payment of £22.00. This in turn would be multiplied by 190 (the number of school days per academic year) making a total annual payment of £4,180.00.
- Payment would be made in 11 instalments of £380.00 per month – no payment is made in August.

How is the distance calculated?

The distance will be the shortest distance between the home and the school irrespective of what route is taken.

6 General Requirements for Parents / Carers and children using transport

6.1 Behaviour on school transport

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

The provision of transport maybe withdrawn either for a period of time or permanently should a pupil 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 child.

6.2 Transport provided in error

Where free transport has been provided in error by the Council, or, where there have been material changes to the route to school, provision will be withdrawn. However, transport will continue until the end of the term in which the error was notified, in order to allow parents/carers to make alternative arrangements.

6.3 How transport assistance will be offered

In all instances, assistance will be offered in the most cost-effective manner taking into account the route to be covered. The following are the kinds of assistance available.

- Accompaniment of a learning support assistant during a walk to school
- A car mileage allowance paid to the parent /carer
- A pass for use on public transport (which may be a bus or a train)
- A council contracted hire vehicle (which may be a coach, minibus or taxi)
- Travel training
- A Personal Transport Budget

A passenger transport assistant/escort may be provided, but there is no legal requirement that one should always be provided. Passenger transport assistants/escorts are not normally provided for students over the age of eight attending mainstream schools even if they have a statement of special educational needs or Education Health Care Plan unless deemed necessary by the SEN team. The continued provision of a passenger transport assistant/escort will be discussed at the child's annual review.

There is no requirement that a type of transport once given should be maintained: the type may be changed at short notice.

However the council will try to ensure continuity of vehicle, driver and passenger transport assistant/escort, but this cannot be guaranteed.

In certain circumstances parents of pupils with a statement of special educational needs or Education Health Care Plan may be offered the option of a mileage reimbursement. Such circumstances may include there being no suitable contracted routes or operators or their child requiring a high level of medical or social attention. In these instances confirmation will be required by both the SEN Team and the School and will be reviewed annually. Such an arrangement will be deemed to cover all attendant costs of the transport, including the presence of a second adult as an 'escort'. See section 7.2 for further information.

Assistance will be provided for the journey between a pupil's home address or pick-up point and the pupil's registered school. It will not be possible to vary the pick-up or drop-off points. However transport may be provided to respite care and registered child-minders if this can be done without additional cost to the council. Any such requests must be made in writing. A pupil may be required to walk to a pick-up point, which will be within the statutory walking distance.

6.4 Emergency Contact Details

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

6.5 Collection and Return Points

A parent/carer will be expected to have the child ready for collection by the specified time. The vehicle will wait only for a maximum of three minutes beyond the arrival time, after which time the responsibility for ensuring attendance at school will be with the parent/carer. The parent/carer will be expected to be at home to receive the child at the end of the day. A child may not be taken to alternate address given by the parent if they are unavailable.

In the event there is no parent to receive their child, the driver will deliver the child into the care of Children's Social Care. The parent/carer will then need to make arrangements to collect the child at their own expense. In the event that the pupil cannot be taken to Children's Social Care the driver will proceed to the nearest open police station. These measures will be taken only as a last resort. Concurrently with this, every attempt will be made to contact the parent/carer by telephone.

Where a variation from the usual pattern is exceptionally agreed, this will not be treated as a precedent, whether for that child, that address or that circumstance.

6.6 Standards required of all staff providing education transport

The driver and any passenger transport assistant/escort will be required to carry identification at all times. The vehicle will also be expected to have an operational means of contact with its base such as a mobile telephone or two-way radio. It is expected that amongst other things, this will be used to alert the vehicle's operational base to any significant delay so that schools and parents may be informed.

If a pupil is taken ill in the course of journey, the vehicle will either divert to the nearest hospital with an accident and emergency department, or will stop and summon assistance. Arrangements for other pupils in the vehicle to complete their journeys will be made as quickly as possible.

It is a requirement that drivers and passenger transport assistants/escorts should have general training in the requirements of the pupils whom they convey. In addition, the vehicle operator will be expected to carry individual information including school's and parents/carers contact details, guidelines for working with the pupil in the light of his or her special educational needs, and warnings of any medical conditions. All such information held by the operator and the council is subject to the Data Protection Act.

Drivers and passenger transport assistants/escorts will be expected normally to call in person to introduce themselves to a new pupil and his or her family in advance of the first journey to school. It is accepted that this may not be possible in all instances, such as if an arrangement has to be made quickly, or in the case of a substitute driver or passenger transport assistant/escort. Parents and schools are asked to see the identification of any unfamiliar driver before entrusting a child to his or her care.

The council undertakes relevant checks including enhanced Disclosure and Barring Service for all potential drivers and passenger transport assistants/escorts.

The duties of the driver and passenger transport assistants/escort are limited to the vehicle only. The parent/carer is expected to take the child to and collect the child from the vehicle. At school, a member of the school staff is expected to collect the child from the vehicle and take the child to the vehicle.

7 Transport Provision

Those children eligible for home to school transport may be provided with a bus pass, or shared transport within a taxi or minibus. It is anticipated that some parents of children with statements of special education needs or Education Health Care Plans will wish to transport their children to school for which a mileage allowance may be applied for, however, mileage reimbursement will only be made available to parents if there are no contracted routes to the school.

Prior to transport being arranged parents will need to complete an application form detailing the special travel requirements of their child. An appropriate type of transport will then be provided in consultation with the SEN team. These arrangements will be reviewed annually.

It is critical that parents provide up to date telephone numbers, including alternative numbers for use in the event of the operator or the council being unable to contact the parent. In the event of any telephone numbers changing parents should contact either the Integrated Transport Team or SEN team to advise.

7.1 Public Transport

Depending on needs it may be appropriate to encourage pupils to use public transport e.g. to encourage increasing independence for teenagers. In such cases bus or train passes would be provided.

7.2 Parents' own vehicle

Parents/carers of pupils with special educational needs may have the option of being offered a mileage reimbursement/allowance in certain circumstances, these include:

- There are no contracted routes serving the establishment that the pupil will be attending or
- no operator can be found to operate the route or
- There are no suitable public transport routes or
- Pupils who need a high level of medical attention or care

The council may reimburse mileage at a rate to be considered annually, taking into account yearly inflation, for the home to school journeys only. It is only payable when the pupil is in the car e.g. for the trip taking the pupil from home to school and the trip bringing the pupil home from school. It does not cover the parent/carer's return trip when the pupil is not in the car. The rate is fully inclusive and will cover all eventualities, including when a second parent/guardian/carer is required to act as "escort". The council will determine the mileage that can be claimed and payments will be made on a termly in arrears basis.

This option will be reviewed annually and may be withdrawn should circumstances change i.e. a contracted route to the establishment becomes available.

The provision of mileage reimbursement is entirely at the discretion of the Council.

7.3 Transport arranged by the Local Authority

Where transport has been arranged by the council a parent will be expected to have the child ready for collection by the specified time. The vehicle will wait only for a maximum of three minutes beyond the arrival time. The parent will be expected to be at home to receive the child at the end of the day.

If a child cannot be delivered home, then the driver will deliver the child into the care of Children's Social Care. The parent will then need to make arrangements to collect the child at their own expense. In the event that the pupil cannot be taken to Children's Social Care the driver will proceed to the police station. These measures will be taken only as a last resort and every effort will be made by the vehicle operator and/ or council to contact the parent by telephone.

7.4 Variations

Assistance will be provided for the journey between a pupil's home address or pick-up point and the pupil's registered school. It will not be possible to vary the pick-up or drop-off points. However, transport may be provided to respite care and registered child-minders if this can be done without additional cost to the council. Any such requests must be made in writing. A pupil may be required to walk to a pick-up point, which will be within the statutory walking distance.

Where a variation from the usual pattern is exceptionally agreed, this will not be treated as a precedent, whether for that child, that address or that circumstance.

7.5 Journey times

Journey times are expected routinely to be no longer than 60 minutes for a secondary aged pupil or 45 minutes for a primary aged pupil for pupils attending schools **within Bracknell Forest**. All journeys carry the risk of being unexpectedly longer because of temporary roadworks or unforeseen circumstances. If a permanent change in road or other conditions cause a journey permanently to exceed 60 or 45 minutes (as appropriate) this will be discussed with the parent.

Journeys outside Bracknell Forest are likely to take longer than outlined above and whilst the Council will endeavour to keep travelling time to a minimum no guarantees can be given.

7.6 Standards required of Hackney Carriage, Private Hire, Home to School drivers and Passenger Transport Assistants/Escorts providing education transport

The council tries to ensure continuity of service by providing the same vehicle, driver and passenger assistant for a period of time. However this can never be guaranteed, and changes may be needed at short or at no notice. Where possible new drivers and escorts will try and meet with children and their parents prior to the first journey.

The council insists that all drivers and escorts are subject to the relevant checks including an enhanced Disclosure and Barring Service check. Drivers and escorts have to attend essential training for undertaking their duties and other training is made available where needed e.g. in understanding ASD or managing challenging behaviour.

7.7 Provision of an escort

Some pupils with Statements of Special Educational Needs or Education Health Care Plans who qualify for transport may need to be supervised on the transport by an escort. Escort provision is costly and would only be agreed in very specific circumstances. Annual Reviews for pupils who are transported with an escort will pay particular attention to the ongoing need or otherwise for an escort and will make recommendations accordingly to the council. This will be achieved through a review of the actual forms and processes used for the Annual Review to ensure that transport needs are assessed annually. Escorts are only employed if a clear need for supervision is stated in the transport request from the Special Educational Needs Manager. Escorts may be required for:

- Large numbers on mini buses and ambulances
- Individual or small groups who have medical/physical difficulties e.g. those with epilepsy, muscular dystrophy, fragile bones, orthopaedic problems, cerebral palsy
- Children suffering from severe learning difficulty
- Children with severe behavioural problems

See Section 6.3 for further information.

7.8 Vehicle types

The Local Authority uses a variety of different vehicles to meet the needs of children and young people including:

- **Coaches**
Used for transport to and from campus special schools, transporting large numbers of pupils (note: separate transport may be needed for pupils requiring wheelchairs, unless coaches are fitted with a tail-lift).
- **Minibuses**
Suitable for transporting smaller numbers and particularly those with special needs requiring close supervision/care (note: pupils may be transported in mini buses belonging to special schools, which operate under contract).
- **Ambulance (with tail lifts)**
Only provided for pupils with profound physical difficulties and/or complex needs
- **Private Hire Vehicles**
Not used unless there is no other reasonable option, or taxi arrangement is most economical in light of numbers and distance involved.

7.9 Residential schools / Out of area schools

The Local Authority where possible strives to provide education and support locally, however the needs of some children are such that a specialist provision is required outside of Bracknell Forest. When coming to a decision as to how to best meet the needs of a child the travelling distance to a school and the need for children to board is taken into consideration.

In some cases the distance to a particular school may require a child becoming a residential boarder there.

Where transport is agreed, the duty to provide home to school transport will be as follows.

For young people attending school daily

- a journey from home to school at the start of the school day, and
- a journey from school to home at the end of the school day

For young people boarding weekly

- a journey from home to school at the start of the school week, and
- a journey from school to home at the end of the school week

For young people boarding fortnightly

- a journey from home to school at the start of the school fortnight, and
- a journey from school to home at the end of the school fortnight

For young people boarding termly where there is a half-term holiday

- a journey from home to school at the start of each half-term;
- a journey from school to home at the end of each half-term

For young people boarding termly where there is no half-term holiday

- a journey from home to school at the start of each term;
- a journey from school to home at the end of each term

For young people boarding for more than 38 weeks or so in the year

- journeys home during ordinary school terms will normally be governed by the principles above;
- journeys home outside usual school terms will be provided by arrangement between school and parent reasonably to take account of the particular circumstances of the child;

Where a termly residential school (with or without a half-term holiday) is closed for a long weekend or similar period of leave during the term or half-term, or expects its pupils to take such a period of leave, then transport will be provided for that period of leave. Where no such period of leave is offered, additional journeys may be agreed by school, parents and the council provided that the total number does not exceed four journeys in any one period of three months (one journey being one way between home and school or *vice versa*).

Where a young person boards for more than 38 weeks or so in the year, it will be expected that journeys home will follow the pattern of termly residential schools as far as possible, but with an additional return journey or two to take account of the time spent at the school beyond the period of the usual school year.

In all cases of boarding, the journey from home to school may be made the afternoon or evening before the first day of school where this is more practicable (e.g. on a Sunday afternoon or evening instead of Monday morning). In some cases, it may be necessary for the child so to travel. Where more than one child travels to the same establishment and no agreement can be reached as to whether to return to school on a Sunday evening or Monday morning then the journeys will be arranged for alternate week to satisfy each student.

In the case of a boarder, it is normal and expected that term-time medical and dental treatment will take place near to the child's school, and that the school will make the necessary arrangements for travel to and from the surgery or hospital or other place of treatment, at no charge to the council. In the case of a day pupil or a boarder who boards part-time, it will be the responsibility of the parent to make the necessary arrangements for such travel, at no charge to the council.

In some cases, transport to and from school may be provided by parents themselves. Where there is no existing home to school transport available, parents can provide their own transport. The council may reimburse mileage at a rate to be considered annually, for the home to school journeys only, i.e. when the pupil is being transported (see Schedule of Charges). In cases where public/commercial transport is available, the Council may still reimburse mileage on request when it is cost effective to do so.

8 Decisions, Reviewing of Decisions, Complaints and Appeals

8.1 Decisions

Decisions as to the eligibility for transport, the mode of transport, and other practical matters of transport for pupils with SEN statements or Education Health Care Plans will be taken by the council's SEN officers with particular authorisation to do so.

8.2 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 could be via the telephone, or in writing, or by way of a meeting in person.

Appeals Panel

No appeals will usually be considered regarding the mode of transport provided. The method of transport is provided by the council's transport officers based on the best available, taking into account the child'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:

- The transport arrangements offered
- Their child'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 working 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 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 SEN TRANSPORT APPEAL

- Within 20 working 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/carer has 20 working 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, Easthampstead House, Town Square, Bracknell, RG12 1AQ clearly marked 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 working days an independent appeal panel considers written and verbal representations from the parent/carer 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/carer 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

8.3 Special Educational Needs and Disability Tribunal

Where the pupil in question holds a statement of special educational need or Education Health 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.

First Tier Tribunal (Special Educational Needs and Disability)

Mowden Hall

Staindrop Road

Darlington

County Durham

DL3 9BG

TEL: 01325 392760

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)

Schedule of Charges

The charges shown below are for Students for the academic year commencing 1 September 2015

8.3 Mileage Allowance

35p per mile for the approved mileage (this is only payable when the pupil is in the car). Please contact the Integrated Transport Unit for further details.

8.4 Fare paying Scheme

Please contact the Integrated Transport Unit for details of routes on which fare paying seats may be available.