

NORTHUMBERLAND COUNTY COUNCIL

HOME-SCHOOL TRANSPORT POLICY FOR CHILDREN WITH DISABILITIES AND/OR SPECIAL EDUCATIONAL NEEDS

1. INTRODUCTION

1.1 It is the responsibility of parent/carers to ensure that their children attend school (section 444, Education Act 1996, inserted by Education and Inspections Act 2006). The Local Authority has a legal duty to assist parents of pupils of statutory school age with the cost of home to school transport (section 509, Education Act 1996, inserted by Education and Inspections Act 2006) in cases where:

- a) the child attends the nearest appropriate, and
- b) the distance between home and school measured by the

shortest available walking route exceeds statutory walking distance. Statutory walking distance is defined as two miles for children aged under 8 years of age and three miles for children aged 8 and over. Statutory walking distances are measured using the County Council's approved GIS System.

NB: for a walking route to be considered "available" it should be capable of being walked by a pupil, accompanied as necessary, in reasonable safety.

1.2 Pupils with disabilities and/or special educational needs have the same entitlement to home-school transport as any other pupil within the education system. Northumberland County Council's responsibility towards this group of pupils falls within the general duty outlined above in section 1.1. In addition, the County Council may also provide free home-school transport as a reasonable adjustment to a child's disability in cases where the child lives within statutory walking distance of the school.

NB: A person has a disability (Disability Discrimination Act 1995) if he/she has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities. This definition is usually interpreted as follows:

- Mental impairment – one which is a clinically well-recognised condition. This means that a child with an emotional and/or behaviour difficulty (EBD or BESD) is unlikely to be recognised as disabled unless their behaviour arises from an underlying mental impairment.
- Long term - one that is likely to last for at least a year or for the rest of the life of the person affected. This can include intermittent or sporadic conditions such as epilepsy or multiple sclerosis.
- Substantial – more than minor or trivial.
- Adverse – referring to the effect of the impairment, not the severity of the impairment.
- Normal day to day activities – refers to the ability of the person to carry out the normal day to day activities of an ordinary average person, including mobility, ability to understand and perception of the risk of physical danger.
- Effect of medical or other treatment, on the ability of the person to carry out normal day to day activities.
- Progressive conditions, such as cancer and multiple sclerosis, may in certain circumstances be regarded as disabilities.

1.3 The Disability Discrimination Act (DDA) is designed to dovetail into the Education Act 1996 as amended in the SEN & Disability Act 2001. Children with a disability have special educational needs if they have any difficulty in accessing education and if they need any special education provision to be made for them, that is, anything which is additional to, or different from, what is normally available to schools in the area. The SEN Code of Practice expects that transport should only be recorded in a child's statement in exceptional cases where the child has particular transport needs.

2. POLICY STATEMENT

- 2.1 The County Council will consider each parental request for home-school transport on its own individual merits.
- 2.2 It is the individual needs of each child, rather than whether or not a statement of special educational need is held, that shall determine whether or how home-school travel arrangements are made.
- 2.3 In deciding whether a pupil with a disability and / or a special educational need should have home-school transport, the County Council will have regard for the

circumstances of a particular case and take account of the following factors:

- the age of the child;
- the distance between the child's home and school;
- the nature of the walking route between home-school which is available to the child;
- the nature of the child's disability and/or special educational needs
- the availability of suitable public transport;
- the efficient utilisation of public money.

3. DECISION MAKING PROCESS

3.1 Pupils with disabilities and / or special educational needs whose parents wish the County Council to provide home-school transport will have their request considered according to the individual circumstances of the pupil.

3.2 In the case of children with statements or who are being assessed for a statement, the child's eligibility for free home-school transport will be considered by the SEN Panel when parental and professional evidence is submitted as part of the statutory assessment, statementing and annual review processes. Parents may also submit a request for home-school transport outside of these processes.

3.3 Each pupil's particular circumstances will be taken on their merits, following consideration of written evidence from professional sources concerning the type and extent of a child's physical, medical, sensory and developmental difficulties. This consideration will be given irrespective of whether the parent has made an explicit request for home-school transport to be provided.

- a) In cases where it is clear that the child meets the eligibility criteria and the parent's expressed wish is for home-school transport to be arranged, the SEN Panel will inform the parent of its decision to provide transport and appropriate transport arrangements will be made by the Transport Section.
- b) In cases where the parent has indicated a wish for transport to be arranged but the child does not readily meet the eligibility criteria on the basis of the available assessment or review information, then the parent will be asked to provide any additional information, in writing.

- 3.4 Parents of pupils who are disabled but who do neither have a statement nor are in the process of having one prepared, and who wish to apply for Home-School Transport, should apply in writing, enclosing the required supporting written evidence, to The School Organisation Manager, Children's Services.
- 3.5 The Transport Section will then consider this formal request for transport and inform the parent of the outcome of this request, accordingly.
- 3.6 In cases where the application is approved, consideration will also be given to:
- (i) what the appropriate form of transport should be in view of the child's circumstances; and
 - (ii) the appropriateness of whether an escort should be provided as an alternative to the parent accompanying the child on the home-school journey.

4. ELIGIBILITY CRITERIA

- 4.1 Unless the parent has made other suitable arrangements, the County Council will provide home-school transport in the case of pupils who live beyond the statutory walking distance. This criterion applies irrespective of whether the child has a disability and / or a special educational need.
- 4.2 In Northumberland, walking distance is defined as two miles for first school aged pupils (4 to 9) and 3 miles for pupils aged 9 and over.
- 4.3 Where a child lives within the statutory walking distance, parents will generally be deemed to be primarily responsible for transporting the child between home and school. The County Council will, however, consider assisting parents with home-school transport in the case of pupils with a disability and / or a special educational need in accordance with the following criteria:
- (a) when a child has a physical disability that would prevent the child from making the usual type of accompanied journey made by ordinary children of his/her age. Examples of this might be cases in which the child has:
 - (i) long term severely restricted mobility - for example, circumstances requiring the daily use of significant physical aids such as a wheelchair. [Access to an escort in such cases would normally be necessary].
 - (ii) Long term medical condition resulting in severely restricted mobility due to pain and/or extreme tiredness - for example, juvenile arthritis. [Access to an escort in such cases would depend on the age of the child and their emotional response to their condition].

- (iii) Long term medical condition resulting in restrictive mobility due to serious health and safety risks – for example, seizure disorders or life threatening heart defects. [Access to an escort in relation to such cases will be likely, but subject to consideration of whether it is reasonable to expect the pupil to self manage the condition].
 - (iv) A sensory impairment resulting in severely restricted mobility - for example, where a child is effectively without the use of sight. [Access to an escort in such cases will be likely, but subject to consideration of whether it is reasonable to expect independence skills to have be established - particularly in the later stages of education].
- (b) When a child has a disability leading to significant social, and/or emotional immaturity in comparison with other children of his/her age, such that a child's behaviour leaves them extremely vulnerable in social settings - for example, a child with Aspergers Syndrome who has very little awareness of personal danger, or a child with severe learning difficulties who demonstrates constant challenging behaviour. As with (a), above, the County Council will need to be provided with written evidence about the everyday functioning of the pupil, in order to determine the significance of the pupil's disability in relation to the home-school journey.

5. TRANSPORT ASSISTANCE

- 5.1 In the case of children where it is agreed that transport assistance shall be provided by the Council then the mode of transport is determined by the Transport Section, using the most economic form of transport available, with due regard to the pupil's special need, health and maturity.
- 5.2 Assistance with travel may include:
- bus passes or travel cards to travel on public transport;
 - contracted transport arranged and funded by the Council;
 - mileage allowance, in exceptional circumstances parents or carers will be paid a mileage allowance to transport their child in their own car, but only when there is no other suitable transport available.
- 5.3 Where the Council provides assistance with transport for a pupil with a statement, the annual review of that statement will consider whether the existing transport arrangement remains appropriate in light of the pupil's age, development and increasing independence. For all pupils, the County Council may decide to vary

the provision of transport in order to make effective use of resources. Parents and carers will usually be given at least 10 working days' notice of any such changes.

Vehicles

5.4 When transport is contracted by the LA, then all vehicles will be:

- clean, mechanically sound and have a valid MOT and other appropriate test certificates;
- fitted with approved seat belts, restraints harnesses etc, as required;
- fitted with an operational two-way communication system;
- equipped with a full first aid kit and appropriate medical supplies;
- where appropriate, fitted with childproof locks, which are secured during the journey.

Drivers and Escorts

5.5 The safety and welfare of pupils is the Council's first priority. Where the Council has decided to provide transport it will also, where considered necessary, see 4.3 above, provide an escort to supervise the pupil's journey; wherever possible regular drivers and escorts will be used on each route. Drivers do not employ their own escorts; they are employed either directly by the contractor or, in a limited number of instances, by the County Council.

5.6 The Council will ensure that escorts receive appropriate training. They will be provided with information appropriate to the child's needs. There will be an agreed transport plan setting out emergency procedures for pupils with severe medical needs.

5.7 When transport is provided or arranged by the Council, the Council will require that:

- drivers and escorts undergo an enhanced CRB check permitted under the exemption to the Rehabilitation of Offenders Act 1974, temporary escorts and drivers shall also have had the same checks;
- drivers and escorts are trained in how to evacuate the vehicle taking into account the needs of the passengers;
- drivers and escorts carry visible photographic identification;
- drivers and escorts are to be in possession of each child's details (nature of SEN and special requirements) and emergency contact information for every run;
- drivers and escorts do not eat, smoke, or drink alcoholic beverages on the

vehicle or in the presence of pupils;

- escorts will pay particular attention to seating arrangements of himself/herself and pupils on the transport to take into account the needs of the pupils;
 - drivers and escorts are courteous and polite to pupils, parent/carers and school staff;
- 5.8 Children may only board and alight buses using the main entry steps if they can do so independently. Otherwise they must use the platform lift as directed by the driver. Escorts are not allowed to manually handle/lift children on and off vehicles for health and safety reasons. It would normally be expected that a non-ambulant child would be in a suitable wheelchair for travel.

6. JOURNEY TIME

- 6.1 Journey times are affected by a number of factors including the distance pupils live from the school, the number of pupils on the transport, the number of set-up and put-down stops the bus has to make, the readiness of pupils to depart and the nature of the route. Parents/carers will be informed of the likely length of the journey time.

7. RESPONSIBILITIES OF PARENTS AND CARERS

- 7.1 Parents/carers are responsible for ensuring that their children attend school. Provision of home-school transport by the County Council is made with the purpose of helping parents / carers to discharge their duties. The provision of home-school transport is not intended to facilitate parents / carers to work, or to enable them to transport other children to school.
- 7.2 If home-school transport is arranged, the County Council's duty is to assist the child in getting from home-school. The County Council will not provide transport to help the child attend either medical appointments (such as dental, hospital or General Practitioner appointments) or work experience placements. The organiser of these activities will remain responsible for providing any necessary transport on these occasions.
- 7.3 The County Council will not fund additional journeys, or fund any extra routes, which are put in place by anyone other than officers working within the SEN or Transport Sections, other than with the prior approval of the relevant budget holder.

8. OUT OF COUNTY PLACEMENTS

- 8.1 Appropriate transport arrangements need to be considered in discussion with parents about the child's placement if the County Council determines that this should be outside Northumberland. Children attending school on a daily basis will have home-school transport provided in accordance with the programme of attendance drawn up by the school concerned in consultation with the parent and the County Council.

9. PUPILS PLACED IN RESIDENTIAL PROVISION

- 9.1 The general principles set out above also apply where the Council has placed a pupil in a residential school. The Council will provide transport to and from school if the needs of the pupil are so significant and complex that it would compromise his or her health or safety to travel by public transport or the journey by public transport is so complex that it would not be reasonable to expect the pupil to undertake it. In exceptional circumstances, when no other suitable transport exists, parents / carers may be asked to transport their child in their own car.
- 9.2 The Council will provide assistance with travel at the beginning and end of the week for weekly boarders and at the beginning and end of each half-term / term for half-termly / termly boarders.

10. PARENTAL PREFERENCE FOR A SCHOOL

- 10.1 The general policy of the County Council towards parents who express a preference for a place in a school other than their child's local school is that the parent, in exercising such a preference, becomes wholly responsible for making home-school transport arrangements. The same applies to children who have statements of special educational need, including those who attend special schools.
- 10.2 The SEN Code of Practice recognises that if the parents' preferred choice of school is further away from the child's home and another school that can meet the child's special educational needs, the Local Authority may agree to name the preferred school on condition that the parent agrees to meet the transport costs (SEN Code of Practice, paragraph 8.87). In such cases the Council will name two schools in the statement - the nearer school and the parents' preferred choice of school - that are able to meet the child's needs.

11. PUPILS UNDER STATUTORY SCHOOL AGE

- 11.1 The general duty placed on the County Council to provide home-school transport where it considers it necessary to do so (section 509 of the 1996 Education Act) does not apply to children who are under statutory school age. Children with disabilities and/or special educational needs remain the responsibility of the parent to transport between home-early years setting.

12. POST 16 HOME –SCHOOL TRANSPORT

- 12.1 The County Council will continue to provide transport for a student with a disability and / or special educational need that requires a statement on the same basis as this is provided for pupils of statutory school age, in the case of students who remain at school beyond the age of sixteen years. The circumstances of students who move into a Northumberland school after the age of sixteen years will be evaluated against the criteria in this policy in the same way.

13. CONCESSIONARY SEATS POLICY

- 13.1 The general policy of the County Council towards parents who express a preference for a place in a school other than their child's local school is that the parent, in exercising such a preference, becomes wholly responsible for making home-school transport arrangements. The same applies to children who have statements of special educational need.
- 13.2 The SEN Code of Practice recognises that if the parents' preferred choice of school is further away from the child's home and another school that can meet the child's special educational needs, the Local Authority may agree to name the preferred school on condition that the parent agrees to meet the transport costs (SEN Code of Practice, paragraph 8.87). In such cases the Council will name two schools in the statement - the nearer school and the parents' preferred choice of school - that are able to meet the child's needs.
- 13.3 The County Council operates a concessionary ride scheme which can provide a place on existing home to school transport provided parents pay a set fee for the place, and on the understanding that the place is only available until required for a child entitled to free transport.
- 13.4 Where a child is placed in a special school by the authority, but the parental preference is for a special school further away from the child's home, and a concessionary ride is available to the preferred school, then the County Council

will guarantee the concessionary ride provided that the parent agrees to meet the set fee for the transport place.

14. OTHER ISSUES

- 14.1 Other home-school transport issues that arise in relation to disabled children and/or those with special education will be considered on their own merit. The County Council will seek on all occasions to take decisions that are in accordance with the relevant legislation, which constitute a reasonable response to the circumstances that pertain, and which take account of the resources that are available.

15. APPEALS

Review procedure

If you are refused transport you will be sent a letter advising you of the reason for the refusal. You have the right to ask for a review of this decision. The review process is a two stage procedure.

If you have been informed that you are not entitled to transport assistance under the Council's school transport policy for children with disabilities or special educational needs you can apply for a review under Stage One. You must set out clearly, in writing, why you believe that the County Council should reconsider the refusal to grant you transport assistance, enclosing any relevant information that may support your case. You may only request a review based upon your child's or your family's personal circumstances or the application of the school transport policy for children with disabilities or special educational needs but not about the policy itself.

A review of your case will not be triggered or undertaken over the phone, it must be submitted either by letter or email. You should write (or email) setting out your reasons to the Passenger Transport Manager, County Hall, Morpeth NE61 2EF within 20 working days of the date on the letter advising you that you have been refused support. Email: schooltransport@northumberland.gov.uk You will be advised of the outcome of the review in writing within 21 working days of the receipt of your correspondence.

If your Stage One appeal is unsuccessful you can only seek a Stage Two appeal if you have information that has not previously been considered in Stage One.

Details of how this process will work will be enclosed with the decision letter if your Stage One appeal confirms the original decision. You should only seek a Stage Two appeal if you have additional information that has not previously been considered in Stage One. Your case will be put before a panel for their consideration. They will not consider your application without the submission of relevant supporting information.

You should submit your appeal form within 20 working days of receipt of the Stage One written decision notification. You will receive correspondence confirming that your appeal form has been received and advising you of the appeal date (which will be within 40 working days of receipt of a written request for a Stage Two appeal). You do not attend the hearing. A letter providing you with the outcome of the Panel's decision will be sent to you within 5 working days of the appeal.

If you win your review you will be allocated transport from a week following the date of the panel hearing, you will not be entitled to claim a refund on transport costs incurred before the date when your request for a panel review was received. If you lose your review you will not be able to appeal again. If there have been significant and material changes in your circumstances that require a new decision you may make a separate application to the Council.

[The following link provides information and guidance in relation to the Council's school transport appeals process.](#)

16. COMPLAINTS / COMPLIMENTS PROCEDURE

A complaint regarding school transport put in place for a children with special educational needs or disabilities is a complaint about how the local authority has carried out (or failed to carry out) its transport responsibilities in relation to children of statutory school age attending either special schools or mainstream schools. It can be made by a parent/carer of a child who is, or will be, 4-16 at the relevant time. Any such complaints should be submitted to the Council under our Complaints Procedure which can be accessed via [Make a Complaint](#) However, any complaint solely about the outcome of the review will not be considered under this procedure, i.e. you can only complain about how the appeal was handled.

Complaints and appeals must first be taken up with the local authority and their appeals process and/or complaints process must be fully exhausted before you consider contacting either the Local Government Ombudsmen (LGO) or complaining to the

Secretary of State for Education. The LGO is an independent organisation that looks into complaints against councils.

Further information can be found at [Local Government Ombudsman: Home](#) To complain to the Secretary of State, the contact form on Gov Uk [Contact the Department for Education](#) should be used. Any complaint should outline the case, set out the decision taken by the local authority and include any other relevant documentation, for example any advice or decisions from the LGO where appropriate.