



# **Travel Assistance Policy for Children up to 16 Years of Age Attending an Educational Establishment**

## **1. Introduction**

- 1.1. This document sets out and explains the London Borough of Lewisham's policy in respect of the provision of travel assistance for children up to the age of 16 attending an educational establishment, including the process for applying for such assistance and for appealing against decisions.
- 1.2. In summary, the Council's policy is only to provide such travel assistance where this is required by law. Where the Council does provide travel assistance, this will be free of charge but can take a number of forms and there are two key principles which underpin the Council's approach to choosing between them: promoting independence and maintaining quality of life. By working in partnership with parents, children and young people, educational establishments and the voluntary sector, we hope to secure the right option for each child so they are better prepared to enter adulthood confidently as active participants in society.
- 1.3. The council has a general duty to promote sustainable travel. Sustainable travel means modes of travel which may improve either the physical wellbeing of those who use them, or the environmental well-being of the whole or part of the area. Lewisham Council's Local Implementation Plan details the Council's goals in relation to sustainable travel (the Local Implementation Plan can be found online at [www.lewisham.gov.uk](http://www.lewisham.gov.uk)).
- 1.4. Lewisham Council is committed to:
  - Ensuring the physical and mental wellbeing of all children and young people on their journey to and from their educational establishment;
  - Allowing children and young people the ability to develop independence, social and life skills to their full potential;
  - Working with children and young people to develop independent travel skills. Children and young people will be encouraged and supported to travel independently;
  - Meeting the needs of children and young people with complex needs

and disabilities;

- The promotion of sustainable travel to and from their place of education in line with the Council's six Local Implementation Plan goals. (Lewisham Council's Local Implementation Plan can be found online at [www.lewisham.gov.uk](http://www.lewisham.gov.uk)).

## 2. Terminology

2.1. This section explains various terms used in this policy.

**“Compulsory school age”** means aged 5-16, beginning at the start of the term following the child's 5th birthday, and ending on the last day of term in the school year in which the child turns 16. Those children who turn 5 during the academic year will be treated as a rising 5 and of compulsory school age for the purpose of travel assistance.

**“Home”** means the child's home address. Where a child has more than one home address, e.g. because their parents are divorced and have shared custody. The home address that will be used will be the home address he/she is habitually and normally resident. Where a child is considered to have more than one home address this should be made clear in any application form, providing full details of the arrangements that are in place..

**“Qualifying school”** includes all maintained schools and academies. The full list is: a community, foundation or voluntary school, a community or foundation special school, a non-maintained special school, a pupil referral unit (PRU), a maintained nursery school, a city technology college, a city college of the technology of the arts, an academy school, an alternative provision academy, an independent school named in an EHC plan (or statement of special educational needs).

**“Suitable arrangements for enabling a child to become a registered pupil at a school nearer to home”** – This includes where a parent was offered, or could have applied for and been offered, a place at a qualifying school nearer than the one actually attended. Where a parent chooses a different school for their child which is further away then this requirement is not satisfied.

**“Walking distance”** means 2 miles for children under the age of 8 and 3 miles for children aged 8 and over. This is measured by the shortest route along which a child, accompanied as necessary, may walk safely.

### **3. Categories of children to whom travel assistance will be provided**

3.1. In general terms, it is the legal responsibility of parents/carers to ensure that a child of theirs of compulsory school age attends an educational establishment regularly and this means that they are generally responsible for organising the necessary and appropriate travel arrangements for such children to and from such educational establishment. The Council will only provide free travel assistance where it is legally obliged to do so. All applications for travel assistance will be considered on their facts, but the Council’s general policy is only to provide free travel assistance to children of compulsory school age and/or fall into one of the following categories:

- (1) Children who live more than walking distance from their nearest suitable school
- (2) Children who live within walking distance but cannot reasonably be expected to walk to school because of the nature of the route
- (3) Children unable to reasonably walk to school due to mobility problems or because of issues related to their Special Educational Needs or disability.
- (4) Children under compulsory school age where the Council has decided to award assistance using discretionary powers
- (5) Exceptional circumstances exists which restrict the family from supporting the child travelling to and from their educational establishment.

3.2. These categories are explained in more detail as follows.

#### (1) Children who live more than walking distance from school

3.3. To fall into this category the following requirements apply: (1) the child must be

of compulsory school age and a registered pupil at a qualifying school which is not within walking distance of his home, and (2) no suitable arrangements have been made by the Council for enabling them to become a registered pupil at a qualifying school nearer to *their* home.

- 3.4. The definition of “qualifying school” is given above, but for the purposes of this category it also includes: (a) a place other than a school where a child is receiving education under section 19(1) of the Education Act 1996, and (b) a place where full- time education is provided during a period of exclusion.

(2) Children who live within walking distance but cannot reasonably be expected to walk because of the nature of the route

- 3.5. To fall into this category the following requirements apply: (1) the child must be of compulsory school age and a registered pupil at a qualifying school which is within walking distance of his home, (2) no suitable arrangements have been made by the Council for enabling him to become a registered pupil at a qualifying school nearer to his home, and (3) having regard to the nature of the routes which he/she could reasonably be expected to take, he/she cannot reasonably be expected to walk to school.
- 3.6. A child of compulsory school age receiving education otherwise than at school under section 19(1) of the Education Act 1996 only has to satisfy requirement (3) as previously stated in 3.5 (see above)
- 3.7. The council will review walking routes where concerns have been raised to assess if a child could be reasonably expected to walk (accompanied as necessary). The council will then determine whether this route is available or not. When considering if a walking route is available or not the Council will take into consideration the following:
- Whether the child could reasonably be expected to walk if accompanied and if so, whether the child’s parent can reasonably be expected to accompany them
  - The width of roads/footpath, and the severity of any bends;
  - The volume and speed of traffic; Pedestrian visibility;
  - Difficulty of road crossings;

- Presence or otherwise of speed limits and other warning signs;
- The accident record along the route.

3.7 The Council's general expectation is that a child will be accompanied by a parent / carer where necessary, unless there is a good reason why it is not reasonable to expect the parent / carer to do so. Wherever possible, the Council expects parents / carers of children with SEND to make arrangements for their child to attend school in the same way as for parents / carers of children without SEND. As such, the Council does not usually consider ordinary work obligations to constitute a good reason and will only consider the travel arrangements of any other child to constitute a good reason in exceptional circumstances. Where a parent relies upon a disability as being the reason they cannot accompany their child, they must submit medical evidence from a doctor or consultant confirming their disability and explaining how this would prevent them from accompanying their child to school.

### (3) Children with special educational needs, a disability or mobility problems

3.8 A child falls into this category if: (1) he/she is of compulsory school age and has special educational needs, a disability or mobility problems, (2) is a registered pupil at a qualifying school which is within walking distance of his home (3) no suitable arrangements have been made by the Council for enabling him to become a registered pupil at a qualifying school nearer to his home, and (4) having regard to their mobility problems or because of issues related to their special educational needs or disability, cannot reasonably be expected to walk to school (accompanied by an adult where necessary). Each child will be assessed on an individual basis based on their needs and circumstances.

3.9 A child of compulsory school age receiving education otherwise than at school under section 19(1) of the Education Act 1996 only has to satisfy requirement (1) and (3), as stated in point 3.8 above.

3.10 When considering (3), the Council will take into consideration whether the child could reasonably be expected to walk if accompanied and if so, whether the child's parent can reasonably be expected to accompany them. A range of factors may be relevant to this, such as the age of the child and whether one would ordinarily

expect a child of that age to be accompanied, but The Council's general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so.

- 3.11 Where a child has an EHC plan, the Council may name a suitable school or educational establishment preferred by a parent / carer rather than, or as well as a nearer suitable school that could meet the needs of the child. When the total cost of doing so would represent an inefficient use of resources, this may be done on the condition that the parents / carers agreed to meet all or part of the transport costs.

(4) Children entitled to free school meals or whose parent is entitled to working tax credit at the maximum rate

- 3.12 This category only applies to children who are entitled to free school meals or who has a parent (with whom they ordinarily reside) awarded working tax credit at the maximum rate. Such a child is eligible for free travel assistance in the following cases:

- (a) The child has attained the age of 8 but not 11 and is a registered pupil at a qualifying school which is more than 2 miles from his home and no suitable arrangements have been made by the Council for enabling them to become a registered pupil at a qualifying school nearer to his home.
- (b) The child has attained the age of 8 but not 11 and is receiving education otherwise than at school under section 19(1) of the Education Act 1996 at a place more than 2 miles from home.
- (c) The child has attained the age of 11 who is a registered pupil at a qualifying school between 2 and 6 miles from home and there are not three or more suitable qualifying schools which are nearer to home.
- (d) The child has attained the age of 11 who is a registered pupil at a school between 2 and 15 miles from home and their parent has expressed a preference for that school based on the parent's religion or belief and, having regard to that religion or belief, there is no suitable qualifying school nearer to home.
- (e) The child has attained the age of 11 who is receiving education otherwise than at school under section 19(1) of the Education Act 1996 at a place between 2 and 6 miles from home.

3.13 The longer distances in this category will be measured by road routes only and will not include footpaths.

(5) Children under compulsory school age where the Council has decided to award assistance using discretionary powers

3.14 There is no legal *duty* for the council to provide travel assistance to and from school/nursery for children under compulsory school age. The council expects parents/carers to take the child to school/nursery.

3.15 At the discretion of the Council, the council may consider travel assistance applications for children who are under compulsory school age. Each application will be considered and decided on its own merits and *will be provided where such provision is necessary in the circumstances of the case*. As an example, the Council may decide that a child should receive travel assistance if they fall within the categories below. These categories are not exhaustive and where possible the Council will signpost to alternative more appropriate provision.

a. A child with special educational needs, long term medical needs or disability, either:

i. Attending school/nursery and living within two miles from home to school/nursery and who (taking account of their special educational needs, long term medical needs or disability) cannot be expected to walk to school/nursery accompanied by their parent/carer, or;

ii. A child attending school/nursery living over two miles distance from home to school/nursery for whom the council has not made suitable alternative arrangements for them to be placed nearer to their home.

(6) Exceptional circumstances exists which restrict the family from supporting the child travelling to and from their educational establishment.

3.16 Under exceptional circumstances the council will consider applications for travel assistance from those who do not fit the eligibility criteria. Consideration will be given no matter what form of educational establishment the child attends. Under these circumstances, each application will be considered on its own merits. Examples of exceptional circumstances could include a child who has been temporarily moved out of home due to violence or eviction or a child who is in their final year of primary or secondary school and who has moved house. These examples are not exhaustive.

#### **4 What travel assistance will be provided**

4.1 Where a child falls into one of the categories in section 3 above, the Council will provide free travel assistance. This may take a number of forms as a range of transport options are available. The Council will decide which is suitable based on

the individual needs of child/young person and also take into account which option utilises existing networks, promotes independence and is the most cost effective and sustainable.

4.2 The different types of travel assistance available to the child/young person who meet the eligibility criteria include the following:

- (1) Bus pass - Transport for London (TfL) provides free bus travel for all under 18 years and this is the expected offer for the majority of children/young people resident in Lewisham.
- (2) Oyster/travel card – For where the child’s journey goes beyond the free transport network or cannot be undertaken by bus. In rare cases an oyster/travel card may also be provided for a parent or carer to accompany the child.
- (3) A travel training or mobility programme and/or a travel buddy or passenger assistant to travel with the child for all or part of the journey. Escorts can only be provided if the parent agrees.
- (4) Payment of reasonable travelling expenses or allowances in respect of the use of particular modes of travel where a parent or carer or other appropriate adult makes suitable travel arrangements themselves.
- (5) A seat on a vehicle (suitably adapted as necessary).

4.3 The Council will also consider any other creative or flexible possibility put forward for providing travel assistance.

4.4 Travel assistance will be in respect of travel between home and school at the start of the day and return home at the end of the school day. It is not the Council’s policy to provide for travel between educational establishments during the school day or to or from extra-curricular activities. This will not affect any activity which is part of the National Curriculum. Where the travel assistance takes the form of a vehicle which picks up and drops off the child, this will be from the same predetermined location every day. This location is likely to be the child or young person’s registered home address but in suitable cases travel arrangements may require a child or young person to access their transport provision from a central collection point rather than their registered home address. Parents/carers are responsible for ensuring that their child is at the predetermined location



at the correct time every day that their child is entitled to travel assistance.

## **5 Application process**

- 5.1 For a parent/carer to request the Council provides travel assistance for their child they must in the first instance submit a completed application form.
- 5.2 Application forms and instructions regarding the submitting process are available on the Lewisham Council website. Parent/carers are expected to submit their completed application electronically, however where a parent/carer are unable to access/submit information relating to Travel Assistance then support will be given to facilitate this on their behalf.
- 5.3 When submitting an application for Travel Assistance, the parent/carer will be expected to confirm the following information:
  - a) The category the parent/carer considers their child falls into that qualifies them to receive free travel assistance from the Council
  - b) Why the parent/carer considers the Council should nonetheless provide them with free travel assistance.
  - c) The form of travel assistance being sought
  - d) Provide any further information that the parent/carer wants to Council to take into consideration
- 5.4 On receipt of the application form that Council expects to assess for eligibility within 10 working days, at which point they will notify the parent/carer in writing the outcome of the assessment.
- 5.5 If the application has been successful, the Council will then make the necessary arrangements to ensure suitable Travel Assistance is in place within 10 working days from the date the application's assessment was completed.
- 5.6 During peak periods of the year time scales for completing assessments and arranging travel assistance provision maybe extended in as a result of the high volumes of applications that are received during this period. It is recommended that parent/carers submit applications for Travel Assistance at the earliest opportunity to ensure Travel Assistance arrangements are in place in time for the new academic year/term.

## **6 Appeals**

- 6.1 If an application for travel assistance is not approved by the Council, or the parent/carer disagrees with the type of assistance being offered, a parent/carer has a right of appeal. The appeal process has two stages:
- 6.2 Stage one:
- a. The appeal will be considered by a senior officer in the Children & Young People Directorate (CYP).
  - b. The applicant has 20 working days from receipt of the council's home to school travel assistance decision to make a written request for a review of the decision.
  - c. The written request should detail why the applicant believes the decision should be reviewed including any information they wish the Council to consider.
  - d. Within 20 working days of receipt of the parent's written request, a senior officer will review the original decision and send the parent/applicant a detailed written notification of the outcome of their review, setting out:
    - i. the nature of the decision reached;
    - ii. how the review was conducted (including the standard followed);
    - iii. information about other departments and/or agencies that were consulted as part of the process;
    - iv. what factors were considered;
    - v. the rationale for the decision reached;
    - vi. Notification of option to escalate to stage 2 (an appeal panel).
- 6.3 If you are not satisfied with the outcome of the stage one appeal the decision can be appealed and reviewed at stage two.
- 6.4 Stage two
- a. The parent/carer has 20 working days from receipt of the council's stage one written decision notification to make a written request to escalate the matter to stage two;
  - b. Within 40 working days of receipt of the parents request an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days), setting out:

- i. the nature of the decision reached;
- ii. how the review was conducted (including the standard followed e.g. Road Safety GB);
- iii. information about other departments and/or agencies that were consulted as part of the process;
- iv. what factors were considered
- v. the rationale for the decision reached; and
- vi. Information about the parent's right to put the matter to the Local Government Ombudsman (see below).

6.5 The panel member will be a senior officer who will be independent of the original decision-making process (but are not required to be independent of the council) and suitably experienced (at the discretion of the council), to ensure a balance is achieved between meeting the needs of the parent/carer and the council, and that road safety requirements are complied with and no child is placed at unnecessary risk.

6.6 All requests for appeals should be made by the parent/carer in writing. Supporting documentation can be submitted along with letters of appeal.

## **7 Reviews**

7.1 A child's eligibility for travel assistance may be reviewed at any time throughout the year to determine whether travel assistance is necessary in order to facilitate attendance at their educational establishment.

7.2 Travel assistance options may be reviewed at any time and the council may determine that an alternative option may be more suitable for the child in order to develop a child or young persons wellbeing and independence.

7.3 During the annual review of a child or young person's EHC plan, the SEN caseworker will review the travel assistance provision at that moment in time and assess if the current provision meets the individual support needs of the individual, and whether solutions could be updated to support the development of the child or young person's independence and life skills.

7.4 Should a child's circumstances change at any point throughout the year, for example the child or young persons registered home address changes, then the

parent/carer must inform the council as soon as possible as the family may have to reapply for travel assistance in order for eligibility to be assessed against the child's updated information.

- 7.5 If the council becomes aware that a child or young persons circumstances have changed and the parent/carer have failed to make the council aware then travel assistance provision may cease until an updated Travel Assistance application has been submitted and approved.
- 7.6 The council reserves the right to review and remove travel assistance where it is proven that assistance was obtained via a fraudulent application or where the child or young person's individual circumstances have changed which results in the child no longer being eligible for support.
- 7.7 The council will continually review all routes and journeys provided throughout the year. This is in order to provide an effective and efficiently run service by ensuring the maximum occupancy of buses and taxis, within the constraints of maintaining service standards and the assurance of passenger safety. This may result in changes such as the match of children with vehicles.

## **8 Complaints**

- 8.1 Any formal complaints should be handled through the Council's formal complaints process or by emailing: [cyp.casework@lewisham.gov.uk](mailto:cyp.casework@lewisham.gov.uk).
- 8.2 More details about Lewisham Council's corporate complaints procedure can be found online at [www.lewisham.gov.uk](http://www.lewisham.gov.uk).
- 8.3 Once the appeals process has formally been completed there is a right of complaint to the Local Government Ombudsman, this right of complain is available only if complainant/s consider that the Council has failed to comply with the procedural rules or if there are any other irregularities in the way the appeal process has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

## Appendices

### Appendix A: Appeals process flow chart

#### APPEALS PROCESS

London Borough of Lewisham

