



**AGENDA PAPERS FOR
EXECUTIVE – SPECIAL MEETING**

Date: Tuesday, 29 March 2016

Time: 6.30 p.m.

**Place: Committee Rooms 2 and 3,
Trafford Town Hall, Talbot Road, Stretford M32 0TH**

A G E N D A	P A R T I	Pages
1. ATTENDANCES		
To note attendances, including officers, and any apologies for absence.		
2. DECLARATIONS OF INTEREST		
Members to give notice of any interest and the nature of that interest relating to any item on the agenda in accordance with the adopted Code of Conduct.		
3. MATTERS FROM COUNCIL OR OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)		
To consider any matters referred by the Council or by the Overview and Scrutiny Committees.		
4. CHILDREN, FAMILIES AND WELLBEING ALL AGE TRAVEL ASSISTANCE POLICY 2016/17		
To consider a report of the Leader of the Council.		1 - 32

5. URGENT BUSINESS (IF ANY)

Any other item or items which by reason of:-

- (a) Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Chairman of the meeting, with the agreement of the relevant Overview and Scrutiny Committee Chairman, is of the opinion should be considered at this meeting as a matter of urgency as it relates to a key decision; or
- (b) special circumstances (to be specified) the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

6. EXCLUSION RESOLUTION

Motion (Which may be amended as Members think fit):

That the public be excluded from this meeting during consideration of the remaining items on the agenda, because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as amended by The Local Government (Access to Information) (Variation) Order 2006, and specified on the agenda item or report relating to each such item respectively.

THERESA GRANT
Chief Executive

COUNCILLOR SEAN ANSTEE
Leader of the Council

Membership of the Committee

Councillors S.B. Anstee (Chairman), Mrs. L. Evans, M. Hyman, J. Lamb, P. Myers, J.R. Reilly, A. Williams and M. Young (Vice-Chairman)

Further Information

For help, advice and information about this meeting please contact:

Jo Maloney, Democratic and Scrutiny Officer.

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This agenda was issued on **Thursday, 17 March 2016** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

Any person wishing to photograph, film or audio-record a public meeting are requested to inform Democratic Services in order that necessary arrangements can be made for the meeting.

Please contact the Democratic Services Officer 48 hours in advance of the meeting if you intend to do this or have any queries.

TRAFFORD COUNCIL

Report to: Executive
Date: 29 March 2016
Report for: Decision
Report of: Leader of the Council

Report Title

Children, Families and Wellbeing All Age Travel Assistance Policy 2016/17

Summary

This Report sets out an approach to providing travel assistance for children and adults that reflects the Reshaping Trafford principles and the continued integration of services across an All Age continuum.

It contains key intentions for smarter ways of working to improve the efficiency of social transport services, for example, streamlined application processes, and more transparent decision making.

It is accompanied by the new All Age Travel Assistance Policy which has taken account of the findings of the independent consultation exercise conducted between November 2015 and February 2016.

Recommendation(s)

1. That the Executive notes the Report.
2. That the Policy is approved for implementation with effect from 1st June 2016.

Contact person for access to background papers and further information:

Name: Jill Colbert
Extension: 1901

Background Papers: Trafford Council All Age Travel Assistance Policy
TCC Trafford Council 2016/17 Budget Consultation: *the future of travel assistance for children, young people and adults*
Equality Impact Assessment and supporting data
EIA School Data Appendix A
TA for Schools 2015 Appendix B
TA for Adults 2015-16 Appendix C

Implications:

Relationship to Policy Framework/Corporate Priorities	Services focussed on the most vulnerable people Re-shaping Trafford Council
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Financial	<p>The Council spends a minimum of £3.2 million per year on transport and travel assistance. The original budget proposals for 2016/17 included for savings of £100,000 although in the final budget report this was reduced to £30,000 to assist with any changes to the policy following consultation.</p> <p>The proposals in the report will generate some additional income:-</p> <ul style="list-style-type: none"> ➤ Post-16 pupils who require travel assistance will be subject to an charge of £200 per term (£100 for low income families) ➤ Adults with care and support needs who are assessed as requiring travel assistance will be subject to a charge of £2.50 per journey, an increase of 0.50p per journey. <p>At this stage it is unlikely that the savings target will be achieved and updates will be included in future CFW budget monitoring reports.</p>
Legal Implications:	To ensure the Council adheres to its legal obligations in relation to home to school transport, disabled children, adult learners and adults with care and support.
Equality/Diversity Implications	<p>Public Sector Equality Duty (PSED)</p> <p>In line with the council's PSED under section 149 of the 2010 Equality Act an Equality Impact Assessment (EIA) has been carried out and is provided as part of the background papers to this report. The development of the EIA has enabled the Council to give due regard to the impact of the proposed changes on those identified with protected characteristics under the 2010 Equality Act. Members must have regard to the EIA, the likely impact of the proposed policy on persons with protected characteristics and the mitigation proposed in relation to those impacts in reaching their decision on this matter.</p>
Sustainability Implications	The Council will have to continue to procure transport providers to transport children across the Borough, and that number is likely to increase. A range of travel options are highlighted in the Policy. The Policy links to the Sustainable Modes of Transport Strategy.
Resource Implications e.g. Staffing / ICT / Assets	The number of Passenger Assistants required is dependent upon a number of factors including needs of pupils on commissioned transport.
Risk Management Implications	These are addressed in the Policy and the EIA.
Health & Wellbeing Implications	Travel assistance enables eligible children and adults to access school, learning, training, respite

	care and activities which contribute to their employability, health and wellbeing.
Health and Safety Implications	These are addressed through the Service Standards described in the Policy.

1.0 Background

- 1.1. Trafford Council has been on a journey to reshape and transform services since 2010, which has resulted in significant improvements in service standards and effectiveness, as well as the achievement of challenging savings. During that time it has continued to receive endorsement to those high service standards, achieving for example, a 'Good with Outstanding Features' Ofsted outcome in 2014.
- 1.2. Through the Re-Shaping Trafford programme the Council has reduced inefficiency, identified smarter ways of working, bought things differently (a good example being social transport) and streamlined resource allocation processes. All of those projects have resulted in savings being achieved and improved the overall impact of services.
- 1.3. The integration of adult and children's health and social care services is a central pillar of that continued Reshaping programme and during December 2015 the Council consulted on a number of proposals to advance that integration. The development of a single approach to providing travel assistance to adults and children was one of those consultations, associated with the wider overall public consultation.
- 1.4. The public consultation was undertaken from 30th November 2015 to 2nd February 2016 by an independent organisation, The Campaign Company and their final Consultation Report is appended to this report. The consultation process is described in more detail in section 4.
- 1.5. The Council recognised that the existing policy was due for a refresh and exercised its statutory duty to review travel arrangement for service users; the new policy ensures that this obligation is met.
- 1.6. The final All Age Travel Assistance Policy addresses children, young people and adults' transport and travel assistance needs in a single document, providing an approach that addresses transition from early childhood through to older age for all residents with eligible needs. It introduces a range of travel assistance solutions that are available, and a clearer approach to managing applications and appeals.
- 1.7. The Council recognises that children, young people and adults with disabilities and additional needs can have diverse needs that span a wide spectrum and the policy offers a range of choices to enable them to develop or maintain independence, access choice and engage in activities of daily living. Independent Travel Training (ITT), for example, is a structured opportunity to achieve greater independence and has been promoted by successful parents and families who have seen their son or daughter graduate.
- 1.9. The new policy will apply to children of compulsory school age, pre-school children, children starting reception class, pupils attending grammar school or faith schools, young people of sixth form age, adult learners and adults with care and support needs. The policy is therefore not solely addressed to children and adults with disabilities, but is a wider document pertinent to all relevant groups.

2.0 The Policy Summarised

- 2.1 This section summarises the key features of the policy and reflects the changes that have been made to the original draft policy consulted on from November 2015 to February 2016; the full policy is appended to this report for reference.
- 2.2 The Council will provide travel assistance when a child starts school in reception class in the September of the academic year in which they are five; provided they meet the eligibility criteria for a primary pupil of compulsory school age. This removes the ambiguity of when a child is eligible for travel assistance in relation to compulsory school attendance.
- 2.3 The Council retains its discretionary power to provide travel assistance for children attending a relevant early years placement if there is a demonstrable medical or social need supported by robust professional evidence and agreed pursuant to an application process.
- 2.4 The Council will provide travel assistance to pupils attending the nearest grammar for which they are eligible. A grammar school will not be classed as eligible if the child is unable to gain a place due to the entrance requirements of the school or lack of availability of places.
- 2.5 Recognising that an increased mileage rate would encourage more parents to use their car or mobility vehicle to take their child to school, and that parents have welcomed the flexibility that a mileage payment gives them, the Council will increase the mileage rate from 20p per mile to 45p per mile. An increase in take up for a personal payment will result in a corresponding reduction in the number of children accessing Council commissioned transport, which brings a net all-round benefit.
- 2.6 A comprehensive electronic application system will be the main route for applications, although allowances will be made by exception for supporting evidence to be provided manually. The use of electronic application systems supports the Council's drive to make the most efficient use of its resources and it allows service users to access information and systems at a time that is convenient to them.
- 2.7 The Council will consider one alternative address to that of an eligible child's home address, provided that alternative address is not further in distance than the child's home to school journey on transport. This provides flexibility for parents/carers not resident at the same address or where there are multiple carers involved in a child's life.
- 2.8 The Council will offer to provide Passenger Assistants to escort people on public transport to develop their independence. This is one of a range of travel assistance solutions that aims to provide independent living skills that can be used to access other everyday activities. Any individual arrangement of this nature would be regularly reviewed to ensure it was supporting a service user to achieve their ambitions for independence.
- 2.10 The Council will not introduce mandated pick-up points instead of door to door transport for those who qualify for travel assistance.
- 2.11 The Council will exercise its discretionary power to use its power to provide travel assistance to 16-19 year old students in the circumstances set out in the policy

where this is necessary to facilitate a young person's participation in education and training.

- 2.12 Where there are no other travel assistance options available and the Council offers transport to facilitate 16 - 19 year olds participation in education and training a contribution will be required of £200 per term, or £100 per term for low income families.
- 2.13 Applications for Travel Assistance from adults who have an eligible social care need should be made once the assessment of need has been completed by the social care professional. This approach better separates out the assessment of need from the eligibility for travel assistance, and the travel assistance solutions available can then be explored based on the type of need presenting.
- 2.14 Where there are no other travel assistance options available to an adult, the Council may offer transport to enable their participation in education, or to access a valued occupation or activity; a contribution will be required of £2.50 per journey, an increase of 0.50p per journey.

3.0 Other Options

- 3.1 Do nothing.
The existing policies are separate and as a result require harmonisation to better address key transition points in life, for example the transition from childhood to adulthood. The existing Home to School Transport policy requires revision and to do nothing would expose the Council to risk as well as leave parents and carers unclear as to the Council's provision.
- 3.2 The Executive does not approve the recommendation. Confusion over the Council's Policy on travel assistance and transport arrangements may ensue as the Council has now widely consulted on the proposed changes. Any efficiency in streamlining processes, which accrues a benefit without any impact on service delivery, would be lost. A significant number of people responded to the consultation and they may feel that their views and feedback had not been taken in to consideration.

4.0 Consultation

- 4.1 The '*Future of travel assistance for children, young people and adults*' consultation was framed around the new '*All Age Travel Assistance Policy*' and sought feedback on the following key areas:
 - Perceptions of current transport services
 - Principles that should underpin any potential change
 - Funding and other elements of the travel assistance policy
 - Suitable alternatives for meeting travel assistance needs
- 4.2 A total of 242 responses were received through a variety of channels. These included on-line and hard copy surveys, emails, letters, parents' meetings at three special schools and feedback from the Council's budget consultation events in the Autumn 2015.
- 4.3.1 The full Consultation Report is attached and has been independently prepared and produced at every stage of the process.

5.0 Recommendation

5.1 That the Executive notes the Report.

5.2 That the Policy is approved for implementation with effect from 1st June 2016.

Key Decision Yes

If Key Decision, has 28-day notice been given? Yes

Finance Officer Clearance (type in initials)...NB.....

Legal Officer Clearance (type in initials)...JLF.....



[CORPORATE] DIRECTOR'S SIGNATURE (electronic)...

.....

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.



TRAFFORD COUNCIL

Trafford Council **All Age Travel Assistance Policy** **March 2016**

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Introduction

Objectives

This Policy sets out Trafford Council's ("the Council") position in relation to transport provision and travel assistance for children, young people and adults ordinarily resident in Trafford.

The Council's aim is to provide assistance, in a consistent and equitable way in order to help people achieve maximum possible independence and at the same time to make the most reasonable and efficient use of the Council's resources, in line with the Council's Sustainable Modes of Transport Strategy.

The Policy sets out what transport provision and assistance will be made available by the Council; the people who will be able to apply for it; and the circumstances in which that provision and assistance will be available.

The Policy applies to the following:

- Children of compulsory school age (aged between 5 and 16 years);
- Children under compulsory school age starting reception;
- Pre-school age children attending an early years education establishment;
- Disabled children (0-18) accessing respite provision;
- Persons of sixth form age (aged between 16 to 18 and those continuing learners who started their programme of learning before their 19th birthday) to aid their attendance at school, college or place of learning
- Adult learners;
- Adults accessing care and support.

Legislation

The relevant legislation is set out in Annex 1.

Sustainable Modes of Transport

For each academic year, the Council is required to prepare a Sustainable Modes of Travel Strategy containing its strategy to promote the use of sustainable modes of travel to meet the needs of children of compulsory school age and sixth form age in its area. This is defined as modes of travel which the Council may consider may improve the physical wellbeing of those who use them and/or the environmental wellbeing of the whole or part of the area.

This strategy can be accessed at the Council's website or by clicking [Sustainable Modes of Travel Strategy](#).

The Council has had regard to this Strategy in making the arrangements for transport provision and assistance as set out in this Policy.

Home to educational establishment transport provision and assistance for academic year 1st Sept 2016 to 31st Aug 2017

This Policy comes into effect on 1st June 2016 and will be reviewed annually by the Council. The arrangements for home to educational establishment transport provision and assistance as set out in this Policy will apply for provision and assistance which will be made from 1st September 2016.

Children of Compulsory School Age

Parental Responsibilities

It is the responsibility of parents/carers to make the necessary arrangements for attendance of their children at an appropriate school or other setting. This includes submitting applications to the Council, as necessary, for admission to an appropriate school or other setting and for education transport where applicable. Travel arrangements are an important consideration when parents are making school preferences as it is the responsibility of the parent/carer to ensure that their child gets to and from school at the appropriate time each day. Parents need to ensure that appropriate home to school travel arrangements are in place.

Additionally, it is a parent's legal duty to ensure that their children, whilst of compulsory school age, attend their school regularly. The duty applies to all parents of pupils of compulsory school age who attend either a mainstream or a special school. Parents should therefore carefully consider what travel arrangements will need to be made for their child when they select a school for their child to attend regularly.

A child is of "Compulsory school age" from the start of the term following the child's fifth birthday. Young people can leave school on the last Friday in June of the academic year in which they are 16.

Eligible Children

The Council has a duty to provide free travel assistance to "eligible" children and has a power to provide travel assistance for "other" children of compulsory school age

The Council will make such travel arrangements as it considers necessary to enable the attendance of 'eligible children' within Trafford at their nearest 'qualifying school'.

An "eligible child" is a child :-

- Of compulsory school age **and**
- attending the nearest 'qualifying school' or a place other than that 'school' whereby arrangements have been made for their attendance due to exclusion, illness or otherwise pursuant to Section 19 (1) of the Education Act 1996 ('the school') **and**
- for whom there is no other suitable home to educational establishment transport arrangement already in place **and**

- who meets **one** of the following criteria: -
 - Children living within statutory walking distance who are unable to walk to school by reason of their SEN, disability or mobility problems;
 - Children living within the statutory walking distance but who are unable to walk to school in safety because of the nature of the route;
 - Children living outside the statutory walking distance unless suitable arrangements have been made for the child to be registered at a qualifying school nearer their home or the parents have voluntarily made suitable arrangements;
 - Primary school children from low income families (i.e. children who qualify for free school meals or whose parents are in receipt of the maximum level of working tax credit) registered at a school more than two miles from their home and no suitable arrangements have been made for them to be registered at a qualifying school nearer their home;
 - Secondary school children (aged 11 – 16) from low income families where they are registered at a school which is between two and six miles from their home and there are not three or more suitable schools nearer their home;
 - Secondary school children from low incomes families who are registered at a school which is between two and fifteen miles from their home if the parents preference for that school is based on the parent’s religion or belief and having regard to that belief there is no suitable qualifying school which is nearer home.

“Qualifying School”

These are:

- a community, foundation or voluntary school;
- a community or foundation special school;
- a non maintained special school;
- a pupil referral unit;
- a maintained nursery school;
- a city technology college, a city college for the technology of the arts, an academy school including free schools and University Technical Colleges;
- in relation to a child with a Statement (Statement) of Special Educational Needs or Education, Health and Care Plan (EHCP), a qualifying school also means an independent school (other than a city technology college, city college or academy), if it is the only school named in ‘the plan’ or it is one or two or more schools named in ‘the plan’ and of those schools it is the nearest to the child’s home.

For children without a Statement or an EHCP, the ‘nearest qualifying school’ is the school nearest the child’s home that has places available. If parents choose a more distant school, travel assistance will not be provided.

Parents who choose one of the following types of school will be ineligible for transport assistance unless the school is their child’s nearest qualifying school:

- A denominational school based on religious beliefs;
- A single sex school.

Low Income Families

A low income family is regarded as one where the child is eligible for 'Free School Meals' or where the parent that the child normally lives with is in receipt of the highest level of Working Tax Credit (i.e. they have no deductions from their award based on income). Where a parent is applying for travel assistance on the basis that they are a low income family in receipt of Working Tax Credit, a copy of the awards notice, showing the maximum level of Working Tax Credit will need to be provided.

All children in reception, year one and year two are entitled to a free school meal in state funded schools under the Children and Families Act 2014, however, unless the family of such a child also receives the highest level of Working Tax Credit the family will not be regarded as a low income family.

Walking Distance and Assessment of Route

Statutory Walking Distance is:

- a. two miles for children under eight;
- b. two miles for children aged 8-16 from a low-income family;
- c. three miles for other children aged eight and over.

Postcodes are used to measure walking distance from the pupil's home to the qualifying school, by way of the shortest walking route along which a child, accompanied as necessary, may walk safely. In order to ensure consistency and fairness the measurement is calculated through the use of various GIS systems, as appropriate and is strictly applied. The route may include footpaths, bridleways, and other pathways as well as recognised roads. An assessment of the route will be made by the Council to determine the risks and whether any potential risks might be mitigated.

Accompaniment

In deciding whether a child cannot reasonably be expected to walk by reason of their special educational needs, a disability or mobility problems, or because of the nature of the route, the Council will consider 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 the child.

"Other" Children

Children attending a Grammar School

The Council does not have a duty to provide free travel assistance to grammar school children where the grammar school the child attends is not the nearest qualifying school. However, it is recognised that as the Council operates a selective system, all children are within the selective system whether they choose to be or not. Therefore the Council will provide travel assistance to a child attending the nearest grammar school for which they are eligible.

A grammar school will not be classed as the nearest qualifying school for a child if the child does not go through the selection process for that school or where the child is unable to gain a place due to the entrance requirements of the school or lack of availability of places.

Children who attend a grammar school that is not the nearest grammar school for which they are eligible will not receive travel assistance from the Council unless they are from a low income family. In this case children who are registered at a school which is between two and fifteen miles from home will be able to receive travel assistance.

Primary Age Children attending a Denominational School

Although there is no statutory duty to provide travel assistance to support primary school aged children to attend a denominational school, the Council will provide travel assistance to children from low income families who are registered at a denominational school which is between two and fifteen miles from their home if the parents preference for that school is based on the parent's religion or beliefs and having regard to those beliefs there is no suitable qualifying school which is nearer home.

Children starting Reception

Children are not of compulsory school age until the term after they are five; however, most children in Trafford start school in reception class in the September of the academic year in which they become five. Travel Assistance applications will be accepted for these children; to receive travel assistance the child must meet the eligibility criteria for a primary pupil of compulsory school age.

Travel to early years education

Pre-school children aged 2, 3 and 4 years old attending a premises which are not a school or part of a school but at which relevant early years education is provided for the purpose of receiving early years education will not be eligible for travel assistance. However, the Council will consider applications for travel assistance if there is a clear medical or social need. Applications will need to be made in the prescribed form and be supported by professional evidence.

When determining whether or not to exercise its discretion, the Council will have regard to whether it would be reasonable to expect alternative arrangements to be made for the child to receive relevant early years education at any other premises, whether nearer to home.

The council charges for this provision. The detail of this is set out in the charging section.

General Points

Residence

To be considered for travel assistance as an 'eligible' or 'other' child, the child must be a resident of Trafford. Checks will be made to verify addresses. The Council has the right to ask for further proof of address if records do not match.

Travel assistance will be to and from the child's home address. Home is defined as where the child is normally and habitually resident. Where there is shared residency between two parents either or both addresses will be considered to be the child's home.

Alternative Address

Where an alternative address is requested by a parent, the decision rests with the Council whether to accept the alternative address. In all cases, only a maximum of one other address will be considered and the alternative address should not be further in distance than the child's home to school. The route may include footpaths, bridleways, and other pathways as well as recognised roads. An assessment of the route will be made by the Council to determine the risks and whether any potential risks might be mitigated.

Provision of Travel Assistance to and from Childminders, Nurseries and After School Activities

The provision of travel assistance to non-statutory education or clubs does not fall within the Council's duties and therefore will not be provided. Travel assistance is provided at the start and end of school day. Transport is not provided during the course of the school day.

Travel Assistance between Schools

Pupils based full-time at one school may visit another school for integration purposes. Where this happens, transport arrangements must be made between the schools.

Children attending Residential Placements

Transport for children in residential placements will be provided as follows:

- Weekly residential placement - Travel arrangements will be made to school on Monday and from school on Friday each week.
- Termly residential placement - Transport will be provided at the beginning and end of each term and mid-term holiday.
- Pupils requiring a 52 week placement – the Council will make travel arrangements up to a maximum of three return journeys per year.

Use of Disability Living Allowance (DLA) and Personal Independence Payment (PIP)

Travel assistance for eligible children will be provided free of charge regardless of any benefits the child or family receive.

Changes of Circumstances

If a child moves school, home address or there is another significant change in circumstances then this may affect their eligibility for travel assistance or the suitability of the travel assistance provided. All changes in circumstances should be reported and a new application for travel assistance must be made.

Withdrawal of Travel Assistance Awarded in Error

If a child has been awarded travel assistance in error, the Council has the right to withdraw this after first considering the circumstances of each case to determine whether there are exceptional reasons for provision to continue. Where transport is to be withdrawn, 6 weeks' notice will be given.

Post 16 Travel Assistance for 2016/17 for the Academic Year 1st September 2016 to 31st August 2017

This section of the All Age Transport Policy is designed to comply with the requirements set out in s509AA and s509AB Education Act 1996. The law requires the Council to specify what transport and financial support it considers is necessary to facilitate the attendance at educational establishments of persons of sixth form age receiving education or training. A person of sixth form age is defined as someone over compulsory school age, but under the age of 19 or a person who has begun a particular course of education or training at an establishment before attaining the age of 19 and continues to attend that course. In addition, the Council is required to expressly set out the arrangements for facilitating the attendance at educational establishments of disabled persons and persons with learning difficulties. From June 2015, young people have been required to stay in education or training until their 18th birthday.

Review

This Policy comes into effect on 1st June 2016 and will be reviewed annually by the Council and any revisions published before the 31st May in each year.

The arrangements for Post 16 Travel Assistance as set out in this Policy will apply for assistance which will be provided from 1st September 2016.

Travel Assistance for Young People between 16 and 19 years

There is no automatic entitlement to free home to school or college transport once a student is over 16. However, the Council has a power to determine what travel assistance and provision is necessary to facilitate a young person's participation in education and training but there is no obligation to fund the travel assistance arrangements. In determining what travel assistance is necessary, the Council will take into account the following:

- The needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made;
- The need to ensure that young people in the area have reasonable opportunities to choose between different establishments at which education and training is provided;
- The distance from the student's home to establishments of education and training;
- The journey time to access different establishments;
- The cost of travel assistance to the establishment in question;
- Any alternative means of facilitating the student's attendance at establishments;

For a student to be eligible to apply they must:-

- live in the Trafford Council area;
- be under 19 years of age at 31 August 2016;
- attend a full-time course;
- have applied for and been refused bursary funding from/through their education setting. Evidence of this will be required.

Where students do not qualify for the Council's Post-16 travel assistance they will need to make their own arrangements for travel to and from the educational establishment in question.

Students aged 16-19 years in Mainstream Provision

Students must in the first instance apply to their school or college for bursary funding to assist with their travel costs. For many students this is discretionary and schools/colleges may assist in different ways. Please see the section on page 18 of this Policy on concessionary fares, discounts and subsidies.

If a student is refused assistance by the school or college, the Council will consider applications for assistance on the basis of financial hardship. Travel assistance will be provided by the council where the student's application proves financial hardship because the student's parent or carer is in receipt of one of the following benefits:-

- Income Support
- Child Tax Credit but NOT entitled to Working Tax Credit and the household income does not exceed £16,190
- Income-based Job Seekers Allowance (IBJSA)
- Employment Support Allowance (Income Related)
- Guaranteed Element of State Pension Credit
- Support under Part VI of the Immigration & Asylum Act 1999

Where assistance is provided on this basis it will be subject to a charge of £100 a term payable by the student

Students aged 16-19 years with a Statement of Special Education Needs, Education, Health and Care Plan or Learning Disability Assessment attending sixth form or other further education provider

The travel assistance requirements of post-16 students with special educational needs will be considered during the transitional planning process undertaken during years ten and eleven.

All young people who have a statement of Special Educational Need (SEN) or an Education Health Care Plan (EHCP) will have a Learning Difficulty Assessment in year eleven and, if staying on at school, this will be updated in their final year.

Students who fall within this category and who meet the criteria above will need to make an application for assistance in accordance with the Council's application procedure. The application will need to include a demonstrable assessment of need and be supported by professional evidence demonstrating why travel assistance is necessary to facilitate that young person's participation in education and training.

In those cases where the Council considers that applicants meet the criteria for 16-19 travel assistance, the Council will levy a charge if assistance is provided. Charges will be £200 per term. However, where families can demonstrate financial hardship as set out above, the charge will be £100.00 per term.

Adult Learners

The Council is required to prepare a transport policy statement for Adult Learners specifying any transport or other travel assistance including any payment of travelling expenses to be made and any travel concessions available under s508F of the Education Act 1996. The Council has the power to make arrangement for the provision of transport and otherwise as it considers necessary in relation to adults and relevant young adults.

Eligible Adults

An "adult" is a person who is neither a child nor a person of sixth form age, receiving further education or higher education (the latter in establishments maintained by the Council). Trafford Council does not maintain any higher education establishments.

"Relevant young adults" means an adult aged under 25 who is subject to a Learning Difficulty Assessment (LDA) or who has an Education, Health and Care (EHC) Plan and is receiving education at institutions outside the further or higher education sector but only when the LA has secured **both** the education and training at the institution **and** the provision of boarding accommodation under s514A of the 1996 Act.

Eligibility for travel assistance will be determined by the adult's needs assessment and subsequent care and support plan which are carried out by Trafford Social Services. For more information on the assessment process for adults, visit the [SEND Local Offer for Social Care](#) on the Trafford Service Directory.

Please see the section on page 14 of this Policy for the factors that will be taken into consideration when assessing need for travel assistance.

Where there is an identified eligible need for the provision of travel assistance, as a result of the needs assessment carried out by social services, this will be organised by Trafford Travel Co-ordination Unit.

Travel assistance for adult learners will be free of charge.

Review

Access to travel assistance will be individually reviewed, along with other elements of the care plan, at least annually.

These provisions will be reviewed annually by the Council as part of the annual review of this Policy.

Respite care for disabled children between the ages of 0 – 18 years

The legislation governing transport from home to educational establishment is set out in part 9 of the Education Act 1996. However, some children may have been assessed as having a social care need and this can include attendance at respite provision. Eligibility for transport to respite provision is governed by separate legislation. This includes the Children Act 1989, Chronically Sick and Disabled Persons Act 1970, Working Together statutory guidance and case law. For more information on the assessment process regarding child in need assessments, visit the [SEND Local Offer for Social Care](#) on the Trafford Service Directory.

Where there is an identified eligible need for the provision of travel assistance, as a result of the needs assessment carried out by social services, this will be organised by Trafford Travel Co-ordination Unit.

Travel assistance for respite care for children in this category will be free of charge.

Review

Care plans will be reviewed annually, however, where there is a material change in a disabled child's needs, a re-assessment will be undertaken and this means the child's entitlement to transport will then be re-considered.

These provisions will be reviewed annually by the Council as part of its annual review of this Policy.

Adults with Care and Support Needs

The Care Act 2014 and the National Eligibility Framework for social care has replaced various pieces of legislation and policies.

Eligibility for travel assistance will be determined by the adult's needs assessment and subsequent care and support plan which are carried out by Trafford social services. For more information on the assessment process for adults, visit the [SEND Local Offer for Social Care](#) on the Trafford Service Directory.

Where there is an identified eligible need for the provision of travel assistance, as a result of the needs assessment carried out by social services, this will be organised by Trafford Travel Co-ordination Centre.

Where deemed eligible for travel assistance, the Council will levy a charge. Charges will be £2.50 per journey. This will not affect an individual's "minimum income guaranteed" amount that ensures that a person is left with a minimum level of income in accordance with the Care Act Charging and Assessment of Resources Regulations 2014 and Statutory Guidance.

Travel Assistance Factors for Adults with Care and Support Needs and Adult Learners

The following factors will be considered by social services when assessing the need for support services and travel assistance, this list is not exhaustive as the needs assessment will take into consideration all relevant factors and each case is determined on its own merits:

- The extent to which the applicant can travel independently (including own transport; any vehicle purchased under the Motability scheme; public transport; walking with or without support; or via any other independent or naturally supported means;
- Ability to travel independently and re-ablement options such as independent travel training;
- Whether the applicant is able to access transport provided by others (family, friends, paid carer, support worker);
- Whether they are accessing the nearest service to meet their needs;
- The applicant's disability, frailty or physical health;
- Risk to self and others;
- Benefits that the adult receives such as Disability Living Allowance (DLA) and Personal Independence Payment (PIP)

People will be expected to access services that reasonably meet their needs close to where they live. Where it is assessed that a local service can meet a person's needs, support to travel will only be provided up to this distance and will only be provided if independent travel and public transport have been tested and agreed not to be appropriate.

If people can travel independently for example by; walking, using public transport with help from other people, using assisted mobility (Assisted mobility is where a person is supported to travel with an aide, adaptation, mobility allowance or mobility vehicle) then they will be expected to do so.

Where enablement/travel training is offered as part of the assessment this process must be completed before a final decision is made on whether the person requires support to travel to be provided by the local authority. Failure by the service user to undertake the enablement / travel training element of the assessment may bring about the end of the overall assessment process and travel assistance may not be provided.

Review

Access to travel assistance will be individually reviewed, along with other elements of the care plan, at least annually.

This element of the Policy will be implemented from 1st June 2016 and reviewed annually by the Council.

Suitability of Travel Assistance

This section describes the different types of travel assistance the Council will consider for individuals deemed eligible to travel assistance.

Travel Assistance Solutions

The Council will consider all travel assistance options reasonably available to the applicant when deciding what it will offer. Where travel assistance has been agreed it will be provided in a safe and cost effective manner taking account of the individual's specific needs.

A variety of travel assistance solutions are available this list is not exhaustive and includes:

- Concessionary passes for public transport issued by the Council;
- in return The payment of a mileage allowance at the HM Revenue and Customs rate of 45p per mile where a parent agrees to use their car or mobility vehicle to cover the applicant's travel needs;
- Providing a personal budget for travel assistance allowing flexibility for applicants to choose how they travel;
- Provision of transport commissioned by the Council from home to educational establishment and return;

- Independent Travel Training to support applicants so that they are able to travel independently to and from school and other social activities.
- Passenger Assistants on Council commissioned transport may be provided to accompany applicants on transport where they are necessary for the safe operation of vehicles and/or the care of the passengers.
- Escorted public transport - It may be possible for some applicants, to travel on public transport using their free pass, if they have some assistance. The Council may provide a Travel Assistant to accompany the applicant and help build a level of independence over time.

Other travel options that the Council will take into consideration when a person applies for travel assistance are access to the following:

National Concessionary Passes - Disabled people may be eligible for free travel at all times on local buses, local trains and Metrolink Trams in Greater Manchester, and on local buses elsewhere in England between 9.30 a.m. and 11.00 p.m on Monday to Friday and all day at weekends and on public holidays. For more information on the National Concessionary travel pass for disabled people please contact: Travel Concessions, Customer Services, TfGM, P O Bo x 429, Manchester M60 1HX Telephone: 0161 244 1050 or Visit: www.tfgm.com

Disability Living Allowance (DLA)/ Personal Independence Payment (PIP) (mobility component) – This is a financial allowance paid by the DWP. People can qualify for this benefit depending on the degree of their mobility impairment. People qualifying for the Disability Living Allowance Mobility component can qualify for a leased vehicle under the mobility scheme in exchange for their allowance. Disability Living Allowance is now known as Personal Independence Payment (PIP).

Availability of Community Transport - These are schemes that the Council supports to transport people who are without private transport or who are unable to access public transport to make their journey. There is a usually a small charge for each journey which is payable by the individual who travels. An example of this is the Ring and Ride scheme.

Children with Complex Physical or Medical Needs

Children with complex physical or medical needs are those children in respect of whom the Council has received individual professional medical advice that the period of time that the child is on transport to school is longer than they can safely spend without receiving medical assistance for a diagnosed condition. This includes children in the following categories but this list is not exhaustive:

- Children and young people with continuous oxygen requirements;
- Children and young people with a tracheostomy device;
- Children and young people with complex, unstable epilepsy requiring rescue medication
- Children and young people with asthma who may require emergency treatment;

- Children and young people with stable epilepsy where rescue medication may possibly be required for prolonged seizures.

Where specialist travel arrangements are necessary they will be made in conjunction with parents, Trafford Travel Coordination Unit (TTCU), Children's Community Nursing Team and other involved practitioners.

Due to the individual nature of any complex physical or medical needs the parents of the child may be best placed to provide transport and will be encouraged to take the child to school themselves. In such cases they will be eligible to receive mileage expenses.

If the parents are unable or unwilling to provide transport, the Council will offer the following travel assistance options:

- Suitable transport which enables a parent (or parents' representative) to accompany the child in order to provide any medical assistance required. A parents' representative can be a carer over the age of 18 nominated by the child's parent.
- Suitable transport where a Trafford Transport Coordination Unit (TTCU) Passenger Assistant is available and willing to be trained to implement the Transport Care Plan whilst the emergency services are called.

Where the Council cannot allocate a Passenger Assistant (PA) or to cover any delay in appointing a PA due to the need for training the PA in the appropriate skills, parents will be expected to accompany their children to school in the vehicle. Failure to do so would mean that the Council would be unable to provide the transport because of the risk to the child if they were to travel without their parent or a PA trained in the appropriate skills. The duty as in all cases rests with the parents/carers to ensure their child attends school.

A protocol for administering treatment/medication to the child will be agreed with the parent before transport is provided and the parent will be required to give written consent for treatment or medication to be administered in accordance with the protocol. No Council provided PA will administer treatment or medication without that consent. .

Only PA's trained in the Specified Procedures relevant to the child will be allowed to accompany the child. If, for whatever reason, such a PA is unavailable the parent or their representative will be expected to travel with the child. In this instance it is still the responsibility of the parent to ensure that their child attends school.

If the needs of the child change and new procedures are required which require the PA to be retrained, the provision of a PA may be withdrawn whilst the PA is undertaking their training. During that period the parent/ carers will be expected to either act as PA or transport their child to school.

Protocols to carry medical equipment such as oxygen/medication will be provided and training given by the practitioner involved with the child before transport is provided.

Drivers and PA's will notify the TTCU and the Head teacher at the school of any treatment or medication given on the journey to and from school. The TTCU will then inform the parent/ carers.

In the event of an ambulance being called the PA will give a verbal report to the paramedic and hand over protocols/treatment regime and medication. TTCU, the parent and Head teacher will be informed.

Details of disabled concessionary fare, discounts, subsidies, available to learners aged 16 – 18

Many commercial operators provide services which are competitively priced. Therefore, applicants should explore all travel options before applying for Council support.

Some colleges also operate or contract their own services which may help those who do not qualify under the Council's scheme. Students are requested to contact the individual college to establish what assistance can be provided by the College to meet the cost of transport.

English National Concessionary Travel Scheme

Issued free of charge to residents of Trafford who are eligible disabled. The bus pass entitles you to free travel when starting journeys within the borough of Trafford, Monday to Friday between 9.30am and the last bus and Saturdays and Sundays anytime until last bus. Blind or partially sighted students are entitled to free travel before 9.30am.

Children and young people with an eligible disability can use this pass to travel free to and from educational establishments on bus services operating after 9.30am. Blind or partially sighted students can use this pass to travel free to and from educational establishments on bus services operating before 9.30am.

Rail Services

The Student Railcard offers considerable discounts over standard fares, but other cheaper fares are also available. For the best offers students should check with operators what choices are available for their journey at the time they want to travel.

Information on Student Railcards can be obtained via the Railcard website at: www.railcard.co.uk Additional information on rail fares and services can be obtained by ringing: 08448 714036 or email

The 16-19 Bursary Fund

The 16 to 19 Bursary Fund supports the most financially disadvantaged 16- to 19-year-olds and those young people who most need help with the costs of staying in education. The 16 to 19 Bursary Fund is distributed in two ways:

- Central allocation to eligible young people

- A yearly bursary of up to £1,200 is available to young people in one of the four defined vulnerable groups, which includes:
 - young people in care
 - care leaver
 - those on Income Support or receiving Universal Credit in place of Income Support
 - disabled young people (in receipt of both Employment Support Allowance and Disability Living Allowance or Personal Independence Payment)

Institutions are responsible for verifying that young people meet the criteria for vulnerable student bursaries.

Discretionary awards made by institutions

Institutions are allocated funding from which they can make discretionary awards to young people. Discretionary awards are for any students who are facing genuine financial barriers to participating in education. Institutions can determine the eligibility criteria and the frequency and conditions of payments. The 16-19 bursary fund guide for providers 2013-2014 and 2014-2015, which sets out arrangements for the scheme, are available to download at the following link:

<http://www.education.gov.uk/childrenandyoungpeople/youngpeople/student-support/a00203061/16-19-bursaries>

Journey Times

Every effort will be made to keep journey times to a minimum while also fulfilling the Council's responsibility to secure cost-effective provision. There may be times when it is not possible to meet these journey times due to circumstances outside the Council's control such as traffic congestion, accidents, or adverse weather conditions for example. In the case of pupils the following is recommended guidance from the Department for Education:-

- Primary age children - In normal circumstances primary school age children should not spend more than 45 minutes each way being transported between home and school.
- Secondary age children - A child of secondary school age should not have a journey time that exceeds 75 minutes each way.

Charging - When will the Council ask for a contribution to provide transport?

The following individuals will be provided with free travel assistance:-

- "Eligible" children;
- "Other" children except Pre-school children attending early years education ;
- Disabled children aged 0 -18 years accessing respite and community activities;
- Adult learners with an assessed need.

The following service users will be charged:-

- Pre-school children attending early years education
- Students aged 16-19 years;
- Adults with assessed care and support needs subject to the provisions around minimum income guaranteed (see page 14).

For Adults with assessed care and support needs the charge is as set out at page 14 of this Policy

For pre-school children attending early years education and students aged 16 -19 years the charges are £200 per term or £100 per term where financial hardship applies as defined at page 11 of this Policy.

Charges will not be made for transport to access services to and from the following:

- Intermediate care and re-ablement services
- An adult suffering from Creutzfeld Jakob disease for the cost of meeting his/her needs
- After care services / support provided under s117 of the Mental Health Act 1983
- Any service or part of service which the NHS is under a duty to provide
- Assessment of needs and care planning

Commissioned Transport Service Standards

All service users can expect:

- Drivers and Passenger Assistants to have undertaken enhanced DBS checks
- The competency of the Driver and Passenger Assistants to be performance managed by the Council via the contract monitoring arrangements
- Passenger Assistant training will be provided by the Council for parents/carers or their representatives who accompany children on TTCU commissioned transport which includes use of wheelchair restraints and protocols in the event of an emergency.
- The conduct on the vehicle and at collection and drop off points to be of an acceptable standard in accordance to the Council's service standards document
- Any vehicle used to transport children to be properly licensed and roadworthy, and will offer standards of comfort and safety as prescribed by relevant Statutory Law. Regular checks will be carried out on all vehicles and recorded.
- An allotted time will be allocated for pick up and drop off.
- The Council will do everything reasonably possible to arrive within 15 minutes of the allocated time (although traffic, road and weather conditions may affect these timings)

- The transport provider is responsible for communicating any major delays to Trafford Transport Coordination Unit (TTCU) and they will then let the parents/carers or adult passengers know via a text messaging service.

Safety on Transport and Withdrawal of Travel Assistance

The Council aims to maintain the highest standards of safety and security for all passengers travelling to their destination. Parents/carers also have a responsibility to help maintain safe and secure travelling arrangements for the benefit of all transport users. Pupil behaviour whilst accessing supported transport is the responsibility of the parent/carers, head teachers and the Council. The comfort and safety of all passengers is the main concern and demonstrations of inappropriate behaviour by pupils will not be tolerated. Head teachers, under the School's behaviour policy, as well as the Council, are able to take action to address unacceptable behaviour. Pupils being transported will be expected to follow the same behaviour codes as they do when in school. Unacceptable behaviour will be monitored and may result in exclusion from transport.

Parents and carers will become responsible for transporting their own children during any period of exclusion from transport.

The withdrawal of transport will be considered on a case by case basis and can be:

- (a) Temporary; or
- (b) Permanent at the discretion of the Council having regard to all the circumstances of the passenger's behaviour where this has been serious or in persistent cases of misbehaviour.

'Temporary' may be for a specified number of days or weeks and 'permanent' may be for the remainder of the school year or longer, if justified by the circumstances.

How to apply for travel assistance

Children of compulsory school age without special educational needs, mobility or disability

Parents of children without a special educational need or disability (SEND) and aged 5-16 years should contact the School Admissions Team for information about what travel assistance they might be entitled to. They can do this by telephoning 0161 912 5080 or by writing to:- School Admissions Team, Travel Assistance, 4th floor, Waterside House, Sale, M33 7ZF. Applications should be received by 22nd July 2016 so bus passes and other travel assistance can be arranged for the start of the academic year.

Children of Compulsory School Age with and Education, Health and Care Plan

For children with an Education, Health and Care Plan please complete the on-line [application form](#) or contact the Trafford Travel Co-ordination Unit by telephoning 0161 912 5055 or by emailing ttcu@trafford.gov.uk .

Students Aged between 16 – 19 years, Adult Learners and Adults with Care and Support Needs

Applications for travel assistance should be made by completing the on-line [application form](#) or contacting the Trafford Travel Co-ordination Unit by telephoning 0161 912 5055 or by emailing ttcu@trafford.gov.uk .

Disabled Children 0 -18 years

Applications for travel assistance will be completed by Children's Social Services in conjunction with parents/carers.

When to apply to the Trafford Travel Co-ordination Unit?

Applications for travel assistance to start in September (the beginning of the school year) must be completed in full and submitted on line by completing [application form](#) by 30th June. For applications received after that date there is no guarantee that travel assistance will be in place for September.

For applications for travel assistance to start at a different point in the school year the TTCU will process the applications and arrange travel assistance within 20 working days if the application is approved. However there may be occasions when travel assistance cannot be arranged within 20 working days, for example there may be the need to recruit or provide specialist training for Passenger Assistants, procure additional vehicles or arrange independent travel training.

It is the responsibility of the adult, parent/carer to apply for travel assistance by the due date and a new application form is needed at each of the following events:

- When a child is to start school in reception
- When a child turns 8 years old
- When a child turns 11 years old and moves to secondary school
- When a young person reaches 16 years old and compulsory school age finishes;
- Each year from the age of 16 years, including adults
- Change in circumstances such as:-
 - change of school, educational provision or social care provision;
 - change of address;
 - change in assessed eligible need;
 - change in the days travel assistance is required, , etc.

It is the responsibility of the parent/carer applying for travel assistance to make suitable alternative arrangements during the application process.

For all applications other than those for Children of compulsory school age without special educational needs, mobility or disability, after successfully meeting the initial application stage, contact will be made by the TTCU with the parent/carer. More detailed information will be gathered about the individual needs of the child, young person or adult. Stage 2 of

the application process informs the risk assessment and informs the council's travel assistance offer. It also informs if any training is required to meet the child, young person or adult's needs.

The Council will only accept one application for travel assistance per academic year unless there has been a significant and material change in circumstances.

For adults over 18 years of age approval of transport costs must be included in the overall budget allocated for care. A financial assessment is completed for all adults in receipt of care to assess their contribution to their care. These decisions will be made as part of the transitional arrangements to adult care.

How to appeal or complain about a decision about travel assistance

This section informs applicants how to appeal a decision made by Trafford Council where the applicant is not happy with the refusal of their application or where the application has been approved, they are not satisfied with the type of travel assistance offered.

Please note that once an application has been through the appeals process a new application will not be considered unless there has been a significant and material change in circumstances.

Appeals concerning Children of Compulsory School Age

The Council operates a two stage review and appeals process relating to all applications for home to educational establishment transport for children of compulsory school age.

Appeals can be against decisions on the following:

- Child's eligibility
- Distance measurement in relation to statutory walking distance
- Safety of the route
- Suitability of travel assistance arrangements offered

Stage One

Parents must appeal in writing within 20 working days from receipt of the Council's decision asking for a review of the decision. The request for the review should explain why the decision should be reviewed and detail personal family circumstances that should be considered when the decision is reviewed. Within 20 working days of receipt of the written request for review a senior officer reviews the decision and will send parents notification of the outcome.

Stage Two

If a parent is not satisfied with the decision/outcome at Stage One they have 20 working days from receipt of the Stage One decision to make a written request to escalate the

matter to Stage Two. Within 40 working days of the parent's request an independent appeals panel will consider written and verbal representations. For more information on the appeals process, please visit the Department for Education's [Home to school travel and transport guidance](#) which can also be found on their website.

If, following completion of the appeals process, a parent is unhappy with the decision, they are entitled to make a complaint to the Department for Education on the grounds that the LA has been unreasonable in the exercise of its functions. Alternatively, if there is evidence of maladministration in the appeal process, you can complain to the Local Government Ombudsman. However, it is not the LGO's role to investigate the merits of the appeals, but simply consider whether there was maladministration in relation to the process.

Once an appellant has gone through both stages of the appeals process they cannot reapply within the same academic year unless there has been a significant and material change in circumstances.

Appeals Concerning applications in relation to Travel to early years education and applications from Students aged between 16 -19 years Attending 6th Form

The Council has an appeals process relating to all applications in relation to travel to early years education and applications from for home to educational establishment transport for 6th form students with a Statement of Special Educational Needs, Education, Health and Care Plan or a Learning Disability Assessment, or where the application was based on financial hardship.

Appeals can be against the following:

- Eligibility
- Suitability of travel assistance arrangements offered

Appeal Process

Appeals must be made in writing within 20 working days from receipt of the Council's decision asking for a review of the decision. The request for the review should explain why the decision should be reviewed and what factors should be considered when the decision is reviewed. Within 20 working days of receipt of the written request for review a senior officer reviews the decision in conjunction with special educational needs, social care and health practitioners and will send the appellant notification of the outcome.

If, following completion of the appeals process, an appellant is unhappy with the decision, they have are entitled to complain to the Department for Education on the grounds that the LA has been unreasonable in the exercise of its functions. Alternatively, if there is evidence of maladministration in the appeal process, you can complain to the Local Government Ombudsman. However, it is not the LGO's role to investigate the merits of the appeals, but simply consider whether there was maladministration in relation to the process.

Once an appellant has gone through the appeals process they cannot reapply within the same academic year unless they have a significant and material change in circumstances.

Complaints Concerning Disabled Children’s Travel Assistance

For appeals and complaints regarding decisions for travel assistance for disabled children, parents are required to follow the Council’s Children’s Social Care Complaints Policy found on the Council’s website or by clicking [Children's Social Care Complaints](#). This complaint process is made to comply with the Children Act 1989 Representations Procedure (England) regulations 2006.

Complaints Concerning Travel Assistance for Adults Receiving Care and Support and Adult Learners

Services users will need to pursue a complaint in accordance with the [Council’s complaints](#) procedure made pursuant to Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

Annex 1 – the legislation

Section 508A of the Education Act 1996 (“the Act”) places a duty on local authorities in England to assess the school travel needs of all children and persons of sixth form age in their area and to assess and promote the use of sustainable modes of travel.

Section 508B of the Act sets out the general duties placed on local authorities to make such school travel arrangements as they consider necessary for ‘eligible children’ within their area, to facilitate their attendance at the relevant educational establishment. Such arrangements must be provided free of charge.

Section 508C of the Act provides local authorities with discretionary powers to make school travel arrangements for other children not covered by Section 508B but the transport does not have to be free.

Section 509 AD of the Act places a duty on the LA, when exercising its travel functions, to have regard, amongst other things, any wish of a parent for their child to be educated at a particular school on the grounds of the parents’ religion or belief. Religion or belief in this instance means any religious or philosophical belief.

This duty is in addition to the duty on the LA to make travel arrangements for children from ‘low income families’ who attend the nearest school preferred on grounds of religion or belief, where they live between two and 15 miles from home.

Section 9 of the Education Act 1996 provides that in exercising all duties and powers under the Education Acts, the Secretary of State and local authority shall have regard to the general principle that pupils are to be educated in accordance with their parents’ wishes, so far as that is compatible with the provision of efficient instruction and training and the

avoidance of unreasonable expenditure. However, there is no general statutory duty requiring the local authority to provide free transport to a faith school.

Section 508F of the Act places a duty on local authorities to make any transport or other arrangements that they consider necessary, or that the Secretary of State directs, for the purpose of facilitating the attendance of learners who are aged 19 or over at certain educational establishments. The transport must be provided free of charge.

Children Act 1989

Section 17 (1) Children Act 1989 creates a general duty on Children's Services to safeguard and promote the welfare of children within their area who are in need

Chronically Sick and Disabled Persons Act 1970

'Where a local authority have functions under Part 3 of the Children Act 1989 in relation to a disabled child and the child is ordinarily resident in their area, they must, in exercise of those functions, make any arrangements within subsection (6) that they are satisfied it is necessary for them to make in order to meet the needs of the child'.

The Care Act 2014

This Act together with a number of regulations and statutory guidance is the base on which social care will develop over the next few decades. It enshrines the new statutory principle of wellbeing.

The Children and Families Act 2014

This Act describes how children and young people with special educational needs or who are disabled (SEND) get the support they need. It came into force on 1 September 2014.

Statutory Guidance

The statutory guidance in relation to travel provision and assistance is found in the following:

- Home to school transport Guidance issued by the Department for Education
- Post 16 Transport Guidance
- Working together to safeguard children 2015