



# TRAFFORD COUNCIL

## Trafford Council All Age Travel Assistance Policy May 2019

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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 and young people habitually and normally resident 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 reasonable and most 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 aged 2 to 4 years old;
- Disabled children (0-18) accessing social care or similar including respite provision/short breaks;
- 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 with care and support needs.

### 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 1<sup>st</sup> Sept 2019 to 31<sup>st</sup> Aug 2020**

This Policy comes into effect on 1<sup>st</sup> June 2019 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 from 1<sup>st</sup> September 2019.

### 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

### Definition of Compulsory School Age

A child reaches compulsory school age on the prescribed day following their fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August. 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'. Travel arrangements must be suitable.

An "eligible child" is a child: -

Of compulsory school age 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

- no arrangements relating to travel in either direction between their home and school are provided free of charge by any other person **or**
- such travel arrangements are provided but (even if taken together with any other such arrangements) they are not suitable for the purpose of facilitating their attendance at school **and** who meets **one** of the following criteria: -
  - Special educational needs, disability or mobility problems - Children registered at a "school" within walking distance of home who, by reason of their special educational needs (SEN), disability or mobility problems, cannot reasonably be expected to walk there and no suitable arrangements have been made for them to attend a nearer school
  - Nature of route - Children registered at a "school" within walking distance of home, but having regard to the nature of the routes which they could reasonably be expected to take, cannot reasonably be expected to walk, and no suitable arrangements have been made for them to attend a nearer school
  - Outside walking distance – Children registered at a "school" outside walking distance and no suitable arrangements have been made for boarding at or near the school or for them to attend a nearer school. (See below for definition of walking distance)
  - Free school meals children – Children aged 8 – 11 registered at a school more than two miles from home and satisfy the either of the following:
    - In receipt of free school lunches **or**
    - a parent with whom they are ordinarily resident is awarded Working Tax Credit at the maximum rate
  - Excluded children – where excluded children and obliged to attend a place other than their registered school which is outside walking distance,
  - Children aged 11 and over – Children aged 11 and over who satisfy the appropriate condition of having free school meals or their parents are in receipt of the maximum amount of Working Tax Credit are eligible children, if:

- They are registered pupils at a qualifying school which is more than two miles, but not more than six miles, from their home and there are not three or more suitable qualifying schools which are nearer to their home or
- They are registered pupils at a qualifying school which is more than two miles, but not more than 15 miles, from their home and their parent has expressed a wish, based on the parent's religion or belief, for them to be provided with education at that school and having regard to the religion or belief on which the parent's wish is based, there is no suitable qualifying school which is nearer to the child's home or
- They are receiving education at a place other than a school by virtue of arrangements made under s19 (1) of the EA 1996 and that place is more than two miles but not more than six miles from their home

### **“Qualifying School”**

The relevant educational establishment in relation to an “eligible child” will be either a qualifying school or the place, other than a school, where they are receiving education by virtue of arrangements made under section 19(1) of the Education Act 1996. These are:

- a community, foundation, academy or voluntary-aided school;
- a community, academy 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 a means tested benefit. Where a parent is applying for travel assistance on the basis that they are a low income family, copies of relevant benefits will be required.

## Free School Meal Entitlement

In accordance with the Department for Work and Pensions, "In England a Free School Meal (FSM) is a statutory benefit available to school aged children from families who receive other qualifying benefits and who have been through the relevant registration process.

Under current rules, if parents receive any of the following support their children may be entitled to receive free school meals:

- income Support
- income-based Jobseeker's Allowance
- income-related Employment and Support Allowance
- support under Part VI of the Immigration and Asylum Act 1999
- the guaranteed element of Pension Credit
- Child Tax Credit (provided you're not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190)
- Working Tax Credit run-on - paid for 4 weeks after you stop qualifying for Working Tax Credit
- Universal Credit - if you apply on or after 1 April 2018 your household income must be less than £7,400 a year (after tax and not including any benefits you get)

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 one of the above qualifying benefits 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. 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**

The Council has a discretionary power to provide travel assistance to "other children". The Council has exercised its power and may provide travel assistance to the following categories of 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, 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 if the child is not successful in the selection process for that school or where the child is unable to gain a place due to the 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. Children from low income families who are registered at a grammar school will be eligible 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 incomes 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 prescribed day following their fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August.

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.

## **Pre-School Children aged 2-4 years old**

Where a pre-school child either has an Education, Health and Care Plan (EHCP) or is undergoing an EHCP Assessment and is placed at a primary special school, in Trafford, in accordance with the Children and Families Act 2014, they may be entitled to travel assistance. To be considered eligible there needs to be medical or social reasons, supported by professional evidence for example from a social worker or medical professional, why your child cannot attend the place without Council travel assistance. If deemed entitled to travel assistance, a charge will be levied.

The charges will be £170 per term. If families can demonstrate financial hardship (please refer to Low Income Families on page 7 of the Policy), the charge will be £85 per term.

## **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 for children with SEND 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

For children with SEND, if 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.

## Route

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 under part 9 of the Education Act 1996. Travel arrangements are provided from home to educational establishment and are 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 or to access an additional educational support package or placement to that provided by the school at which they are on roll. 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.

## Use of Foster Care Allowance

Travel assistance for eligible children will be provided regardless of any payments that foster carers receive.

## Trafford Looked After Children (LAC)

Travel assistance for eligible children will be provided following authorisation from the relevant social care panel.

There is an expectation that placement providers / carers would provide travel assistance where possible.

A range of travel solutions will be considered that best supports the child's attendance at school.

### 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 2019/20 for the Academic Year 1<sup>st</sup> September 2019 to 31<sup>st</sup> August 2020**

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 1<sup>st</sup> June 2019 and will be reviewed annually by the Council and any revisions published before the 31<sup>st</sup> 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 **1<sup>st</sup> September 2019**.

### 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;
- The degree to which the young person would benefit from encouragement to travel as independently as possible.
- 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 2020;
- attend a full-time course/training;
- have applied for and been refused bursary funding from/through their education/training 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

Eligibility for travel assistance for those students without an Education, Health and Care Plan or Learning Disability Assessment will be considered under this section.

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
- Universal credit

Where assistance is provided on this basis it will be subject to a charge of £85 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

Eligibility for travel assistance for those students with an Education, Health and Care Plan or Learning Disability Assessment attending either mainstream or specialist provision will be considered under this section.

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 an EHC needs 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. To be considered eligible there needs to be medical or social reasons (including both physical and mental conditions affecting the capacity for independent travel), supported by professional evidence, why travel assistance is necessary to facilitate that young person's participation in education and training. If deemed entitled to travel assistance, a charge will be levied.

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 £170 per term. However, where families can demonstrate financial hardship as set out in the section on Low Income Families on page 8 of this Policy, the charge will be £85 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. In considering what arrangements it is necessary to make in relation to relevant young adults, the Council must have regard to its duties under s15ZA (1) which requires the Council to secure enough suitable education and training to meet the reasonable needs of relevant young adults.

### Eligible Adults

Section 508F of the EA 1996 requires LAs to make such arrangements for the provision of free transport as they consider necessary (or as the Secretary of State may direct) for the purpose of facilitating the attendance of:

- adults receiving education at an institution maintained or assisted by the Council and providing further or higher education or within the FE sector;
- relevant young adults (adults aged under 25 with learning difficulties) receiving education or training at institutions outside both the further education and higher education sectors where the LA has secured the education or training and boarding accommodation under section 514A.

Eligibility for travel assistance will be assessed having regard to the adult's assessed needs 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.**

## **Disabled children (0 – 18) accessing social care or similar, including respite / short breaks**

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 / short breaks provision.

Transport to social care or similar provision will be provided where it is deemed necessary to meet the child's needs. 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, as a result of the child in need assessment, it is deemed necessary for transport to meet the needs of the child which will be considered on an individual basis, this will either be organised by the respite provider or the Trafford Travel Coordination Unit. This will be provided 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.

Adult Social Care has a legal duty to provide access to services which may in some circumstances include transporting people to locations to access services. This applies where adults are eligible for social care support

The Care Act 2014 sets out that duty as follows:

'The national eligibility criteria set a minimum threshold for adult care and support needs and carer support needs which local authorities must meet. All local authorities must comply with this national threshold'.

The Act details that:

'Local authorities should consider the adult's ability to get around in the community safely



and consider their ability to use such facilities as public transport, shops or recreational facilities when considering the impact on their wellbeing’.

The provision of adult social care is aimed at promoting the maximum possible independence for adults with care and support needs.

In extending this principle to the provision of transport, this policy sets the criteria that will be used to assess whether the adult’s needs to access services and community amenities and if these needs can be best met through independent travel arrangements, privately funded transport, or whether Council arranged travel assistance is necessary.

This policy rests upon a general assumption and expectation that wherever possible, adults with care and support needs will meet their own needs for travelling to access and take advantage of services, or support to facilitate them.

Transport is a means of accessing other services or support. The overriding principle is that the decision to provide transport is based on a person’s individual circumstances including: needs, risks, outcomes and on promoting independence.

Travel assistance will only be provided if, in the opinion of the assessor, accessibility to transport is required to be provided by the Council, in order that the adult with care and support needs is able to achieve one or more of the outcomes that the adult requires support to achieve.

This is to be determined by the assessment of the adults needs under the Care Act 2014 which forms the basis on which Adult Social Care responds to requests for assistance and is concerned with exploring a person’s presenting needs and determining their eligibility for services.

The provision of transport will only be considered in relation to meeting the needs of adults aged 18 years and over who have been assessed as eligible for services and/or support from Adult Social Care.

As part of the Assessment and Care Planning process carried out by the Council, the need to pursue other activities away from the adult’s home may be identified. The need for transport to any community service or activity service must be part of the assessment of a person’s needs and outcomes. For more information on the assessment process for adults, visit the [SEND Local Offer for Social Care](#) on the Trafford Service Directory.

Assessment of eligibility, for the provision of transport assistance, will be undertaken in consideration of:

- The Care Act 2014;
- The availability of existing transport;
- The availability of existing sources of funding that are currently provided to the adult to meet a mobility need (e.g. mobility allowance);

- The ability of a person to travel independently with regard to their physical mobility and other factors that may introduce risk including conditions that will lead to the deterioration of a person's ability to travel without assistance.

The assessor will use this information to determine whether the adult with care and support needs:

- Is capable of travelling independently on the proposed method of transport without an unreasonable level of risk;
- Requires some training, support or assistance that will enable them to be capable of travelling independently in the near future;
- Is not capable of travelling independently on the proposed method of transport and will therefore recommend a method of Council funded transport as set out in this policy that is appropriate to their assessed needs.

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 an individual is provided with a Personal Budget or requests a Direct Payment to meet their assessed needs for care, the same principles will apply as to those people opting to receive support directly from Adult Social Care. The cost of transport will only be included in the Personal Budget or Direct Payment where no other suitable alternative is available and it is considered that the adult is eligible for this support to meet assessed needs and outcomes as set out above.

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

The following factors will be considered by the Council when assessing the need for support services and travel assistance;

- The extent to which the applicant can travel independently (including own privately funded transport; any vehicle purchased under the Motability scheme (which the individual drives themselves, or does not drive themselves); public transport; walking with or without support; or via any other independent or naturally supported means;
- Ability to travel independently and reablement 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;
- The individual's mental capacity;
- Communication difficulties;
- Psychological factors e.g. mental health, dementia, agoraphobia;

- Consideration of degenerative conditions;
- Benefits that the adult receives such as Disability Living Allowance (DLA) and Personal Independence Payment (PIP)
- Any other factors that may affect personal safety

Trafford Council will also take into account the following factors relating to the individuals mobility:

- Ability to walk outside
- Requirement for wheelchair / other walking aid
- Ability to enter and leave a property
- Ability to get in and out of a vehicle
- History of falls
- Ability to use stairs
- Degenerative conditions

These lists are not exhaustive as the needs assessment will take into consideration all relevant factors and each case will be determined on its own merits, associated risk factors and assessed needs and outcomes that the adult is unable to achieve without Council funded support.

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.

Refusal by the adult with care and support needs 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.

### Reassessment

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

This element of the Policy will be implemented from 1<sup>st</sup> June 2019 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 and how eligibility is determined.

Council funded transport may **not** be provided under normal circumstances to an adult with care and support needs. However when reaching its decision the Council will take into consideration all relevant factors and each case will be determined on its own merits, associated risk factors and assessed needs and outcomes that the adult is unable to achieve without Council funded support.

1. The person is in receipt of the higher rate of mobility allowance, unless there are factors limiting their ability to fully utilise the benefits of the allowance e.g. geographical location, the nature of the disability, wheelchair type or carer support requirements. The support plan will determine the level of support offered in these circumstances as part of the assessment process.
2. They have their own "Motability" vehicle which they drive themselves. In this instance there will be consideration of whether it is reasonable to expect that the adult will use that vehicle in order to travel to the required location. If it is unreasonable, the appropriateness of the provision of a Motability vehicle should be questioned and alternative available transport provision should be sought.
3. The person has a "Motability" vehicle of which they are not normally the driver themselves. Similarly, there will be consideration of whether it is reasonable to expect that the adult will use that vehicle in order to travel to the required location. If it is unreasonable, the appropriateness of the use of a Motability vehicle should be questioned and alternative available transport provision should be sought.
4. The person has carers e.g. neighbours/family/friends who are able to transport them. Where it is identified that a carer will provide transport it is important that the assessor is able to demonstrate that the impact of this has been appropriately assessed under the Care Act 2014 in an assessment of the carer's needs and outcomes. Where carers or friends have been assessed as being able to provide transport, alternative arrangements should be detailed in a contingency plan to cover periods where they are unable to do so.
5. Where the individual is reliant on a relative or other carer to drive a Motability car, consideration will be given to supporting carers respite needs, including enabling them to work. If an individual or carer makes the decision that the Motability vehicle will not be used for the intended purpose the onus will be on the individual and/or carer to make alternative appropriate arrangements.
6. The adult has a bus pass which they are able to use to attend the required location. In

cases where the adult's ability to use the bus pass may present an unreasonable level of risk please refer to Travel Assistance Factors for Adults with Care and Support Needs and Adult Learners on page 16 of this document.

- 7 The person lives in a registered residential care home as these are subject to the terms and conditions of the contract between the Council and the care home. However, if the individual is assessed as having the ability to travel independently, or with minimal intervention, the care home will make provision to support independent travel if they are responsible for transport arrangements. If the individual is a tenant in extra care housing, supported accommodation or an adult placement scheme, they will be subject to the same assessment and care planning arrangements as people living in their own homes or with relatives.

### Travel Assistance Solutions

The Council will consider all travel assistance options reasonably available to the adult when deciding what support it may offer in order that the adult's assessed needs and outcomes can be met.

As part of the assessment process the assessor will determine what needs and outcomes the person is able to meet independently, what needs and outcomes they are able to meet from their own income sources, and what needs and outcomes they are able to meet through the support provided by a family member or informal carer.

Where the assessment has determined that Council funded travel assistance is required in part, or in whole to meet an adult's assessed needs and outcomes it will be provided in a safe and cost effective manner taking account of the adult's specific needs and outcomes. Directly provided transport services will be provided only after other suitable alternatives have been considered.

Where deemed eligible for travel assistance the Council will levy a charge for this service and the rate per journey is £2.50 and the person's ability to pay this charge will be considered when undertaking a financial assessment. If a charge is to be made for travel assistance an invoice will be sent every 4 weeks after travelling.

When undertaking a financial assessment the Council recognises that an adult who receives care and support outside a care home will need to pay their daily living costs such as rent, food and utilities, the charging rules used by the Council will ensure the adult has enough money to meet these costs. After charging has been taken into account, a person must be left with the minimum income guarantee (MIG), equivalent to Income Support plus a buffer of 25%.

When undertaking a financial assessment the Council will also fully disregard any income from the following sources -

- a) Direct Payments;
- b) Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme;
- c) The mobility component of Disability Living Allowance; The mobility component of Personal Independence Payments.

A variety of travel assistance solutions are available this list is not exhaustive and includes  
The range of transport assistance may include:

- National Concessionary Travel Pass for England for people with sensory impairment/learning disabilities, issued by Transport for Greater Manchester;
- Concessionary passes for public transport issued by the Council;
- Parents of mainstream pupils eligible to receive free travel assistance may choose to make their own transport arrangements and can claim a car mileage refund at a rate of 45p per mile (or the equivalent cost of arrangements made by Trafford, whichever is the lesser). Costs will be reimbursed termly, based on the pupil's attendance at school;
- Providing a personal budget for travel assistance for children and young people with SEND eligible to receive a personal travel assistance budget (PTB). A PTB enables you to organise your child's home to school/college travel arrangements in a way that suits you. This gives you flexibility and control of travel arrangements for your child. Calculations are based on the distance between home and school and payments are usually made termly directly into your bank account.
- 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.
- There may be a requirement to incorporate pick up/drop off points as part of the travel solution, but this will only be undertaken after consulting with all relevant parties.

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 am and 11.00 pm 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, PO Bo x 429, Manchester M60 1HX Telephone: 0161 244 1050, Textphone 18001 0161 244 1050 or Visit: [www.tfgm.com](http://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 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.

For further information on transport services available please visit the Trafford Service Directory which can be found via the following link:

<https://www.trafforddirectory.co.uk>

Manchester Community Transport  
<http://www.manct.org/>

Ring & Ride  
<http://www.tfgm.com/ringandride>

Local Link (Partington only):  
[http://www.tfgm.com/buses/local\\_link/Pages/services/Partington.html](http://www.tfgm.com/buses/local_link/Pages/services/Partington.html)

Guide to easy travel in Manchester:  
[http://www.tfgm.com/accessible\\_transport/Documents/Trafford\\_Easy\\_Guide\\_200808.pdf](http://www.tfgm.com/accessible_transport/Documents/Trafford_Easy_Guide_200808.pdf)

Request for social care funding to meet an individual's transport needs will be progressed in accordance with the local process for agreeing funded support for Adults with care and support needs. This process includes information about how individuals or their representatives can appeal against a decision made the all age social care funding panel.

## Children and young people with Complex Physical or Medical Needs

Where the child is an “eligible child” the duties and according policy relating to such children applies, please see pages 5 and 6. Children with complex physical or medical needs are those children with diagnosed conditions requiring transport to school when the journey is longer than they can safely spend without receiving medical assistance, and the Council has received individual, professional and medical advice about the given child. 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;
- 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 unpredictable, prolonged seizures.

Where specialist travel arrangements are necessary and the young person is eligible for NHS Continuing Care, NHS funding may be applied for, for a medically trained member of staff to accompany the young person on the home to school transport.

Passenger assistants and/or drivers are not trained to provide healthcare needs/interventions during the course of a journey to or from home to school.

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 option:

- 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.

## **Care Pathways**

In the event of a medical emergency one of the following care pathways will be followed.



## Emergency Care Pathway

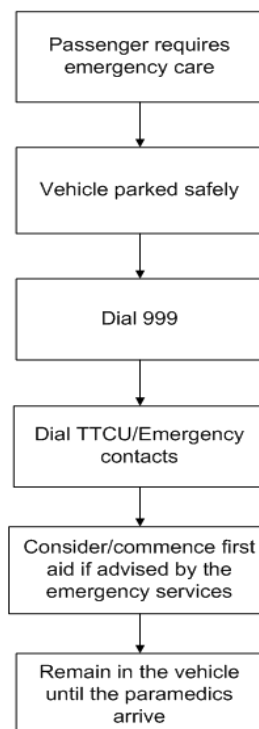
The Emergency Care Pathway will be followed if there is a medical emergency.

In accordance with NHS guidelines Medical emergencies can include:

- loss of consciousness
- an acute confused state
- fits that aren't stopping
- [chest pain](#)
- [breathing difficulties](#)
- severe bleeding that can't be stopped
- [severe allergic reactions](#)
- severe [burns or scalds](#)
- trauma due to a road traffic accident

### Emergency Care Pathway

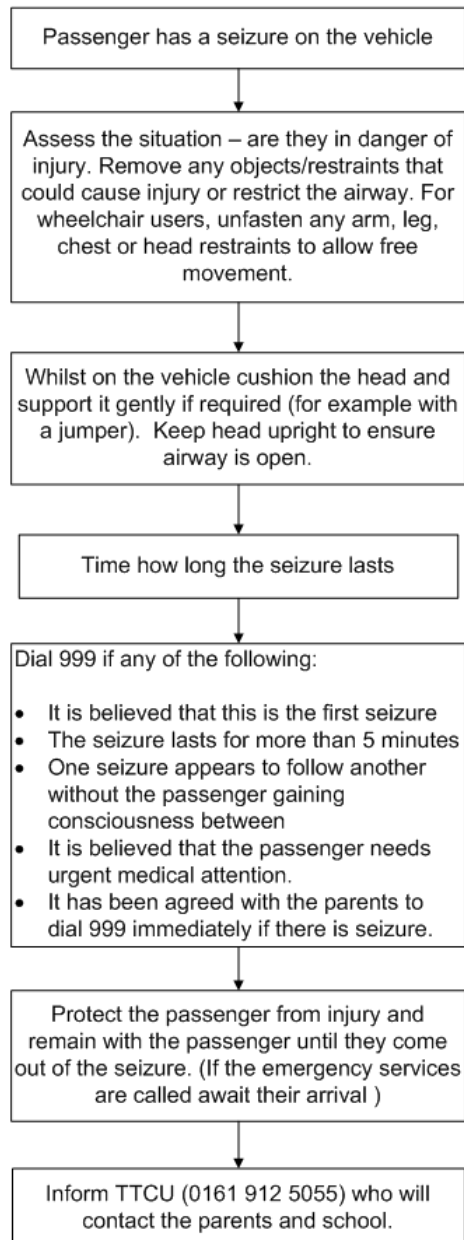
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## Epilepsy Care Pathway

For those children, young people and adults known to have epilepsy the person's individual emergency epilepsy plan should be followed. Please note that all Epilepsy Care Plans (agreed by Epilepsy Nurse Specialist, parents and school) will need to be made available to TTCU.

### Epilepsy Care Pathway



## **Details of disabled concessionary fare, discounts, and 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](http://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.
- Post 16s – A young person in normal circumstances should not have a journey time that exceeds 75 minutes each way. There may be times however, that are out of the Council's control, for example due to attendance at an out of borough establishment, that this may not be possible.

## **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 aged 2-4 years old;
- 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 aged 2-4 years old;
- Students aged 16-19 years;

Transport will not be provided without a signed payment agreement form. Charges will be made termly and you will be invoiced in monthly instalments for the term. You will be invoiced at the beginning of each term. For example for the summer term the invoice will be sent to you in April requesting payment of 4 monthly instalments for April, May, June and July.

For Adults with assessed care and support needs the charge is as set out at page 20 of this Policy. If a charge is to be made for travel assistance an invoice will be sent every 4 weeks after travelling.

For pre-school children aged 2-4 years old and students aged 16 -19 years the charges are £170 per term or £85 per term where financial hardship applies as defined at page 7 for pre-school children and page 11 for students aged 16 -19 years, 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 Creutzfeldt Jakob disease for the cost of meeting their 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 22<sup>nd</sup> July 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](mailto: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](mailto: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 at the latest. 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

Please note that any appeals received, just before or during the main summer school holidays, may be delayed if information that is needed to be considered at an appeal cannot be obtained from a school due to its closure. However, any applications for travel assistance will still be



considered through the school holidays.

### **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 Assistance for Pre-School Children aged 2 – 4 years, Applications from Students aged between 16 -19 years attending 6<sup>th</sup> Form and Adult Learners

The Council has an appeals process relating to all applications in relation to travel assistance for these groups of children and students.

Appeals can be against the following:

- Eligibility and/or
- 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**

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.

## **Safeguarding**

If you have concerns about the safety of a child or young person please contact the [Multi Agency Referral and Assessment team \(MARAT\)](#).

If you are concerned about an adult an, [Adult safeguarding: public concern form](#) should be completed by people who wish to report an incident of abuse or when abuse is suspected.

## **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 2 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