



BEDFORD
BOROUGH COUNCIL

Bedford Borough Council
'SEND Statutory School
Age' Transport Policy
2024/25

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Bedford Borough Council Special Educational Needs and Disability (SEND) ‘Statutory School Age’ Transport and SEND ‘Post Statutory School Age’ Transport 2024/25

This transport policy applies to children with an Education Health and Care Plan (“EHCP”) formerly called a Statement of Special Educational Needs (“Statement”).

This policy contains the following sections;

Section 1 – SEND Transport Entitlement Policy

Section 2 – Transport Operations Policy

Section 3 – Appeals

All other pupils are considered under the mainstream transport policy and alternative education provision transport policy which can be found at; www.bedford.gov.uk/schooltransport

Section 1 – SEND Transport Entitlement Policy

1.1 Statutory School Age

- 1.1.1 Bedford Borough Council has a statutory duty to ensure that suitable travel arrangements are made where necessary to facilitate a child’s attendance at school.
- 1.1.2 The Education Act 1996 (the Act) as amended, details the powers and duties to which Bedford Borough Council must adhere.
- 1.1.3 Bedford Borough Council’s Home to School Transport Policy takes full account of the duties and powers detailed in the Education Act 1996.
- 1.1.4 A child begins to be of statutory school age on the prescribed day, which either falls on or follows their fifth birthday. The prescribed days are currently 31st August, 31st December and 31st March; this is the term following their fifth birthday. A child ceases to be of statutory school age on the school leaving date in the academic year in which they turn 16. The school leaving date is currently set as the last Friday in June. An academic year commences on 1st September and ends on 31st August. Raising the participation age does not affect the statutory school age.
- 1.1.5 Transport is not normally awarded to pupils who are below statutory school age. Transport will only be awarded where there are exceptional circumstances and on a discretionary basis; the decision will take into account the pupil’s SEND, family circumstances, views of parents and guidance from appropriate professionals.

1.2 Qualifying Criteria

- 1.2.1 Applications for home to school travel assistance will be assessed under the following criteria:
 - The parent(s)/carer(s) and child reside in the area of Bedford Borough Council; and
 - The child is aged between 5 and 16 and is attending or due to attend the nearest school or other place of education that the Council considers suitable; and
 - The child has special educational needs, a disability or mobility problems which affect their ability to travel to school either alone or accompanied by a parent(s)/carer(s).
- 1.2.2 The decision on transport entitlement will be made in conjunction with SEND panel decisions and will consider all relevant information gathered during the EHCP review process. However, the Council has no duty to provide free transport if parent(s)/carer(s) send their child to a school that we do not consider to be the nearest, suitable school. In this case, the pupil will be considered as attending a ‘parental preference’ school and parent(s)/carer(s) remain responsible for any necessary transport arrangements or associated costs. Any

contribution towards the cost is at the Council's discretion.

- 1.2.3 Transport entitlement decisions are reviewed annually, taking into account any change of circumstances and/or amendment to the EHCP. Changes to transport entitlement will take effect as soon as is reasonably possible. Where possible, this will be in readiness for the school term following the review.
- 1.2.4 If the decision made is not to approve eligibility for transport based on the evidence considered then the principles in 1.3, 1.4, 1.5, 1.6 below would apply when deciding eligibility.
- 1.2.5 Children who have an EHCP may be provided with free home to school transport if the EHCP outlines specific transport requirements. This is usually in cases such as;
- Long term severely restricted independent mobility, due to a physical disability;
 - Long term severely restricted independent mobility due to a medical condition resulting in severe persistent pain and/or extreme fatigue;
 - A sensory impairment resulting in severely restricted mobility;
 - Severe behavioural emotional and/or social difficulties in comparison with other children of their age. This may be linked with cognitive ability or be as a result of a specific development disorder.

1.3 Distance Criteria

- 1.3.1 Free travel arrangements will be provided if the journey, from the home to school, exceeds the Statutory Walking Distance criteria of;

a) more than 2 miles away from their home for children aged under 8.

Children aged 8 years of age who are entitled to receive free transport under the distance criteria will continue to receive free transport until the end of the academic year in which they reach the age of eight where they live between 2 and 3 miles from the school.

b) more than 3 miles away from their home for children aged between 8 and 16.

Children aged 16 years of age who are entitled to receive free transport under the distance criteria will continue to receive free transport until the end of the academic year in which they reach the age of 16. Students over the age of 16 may be eligible under the Post 16 policy.

1.4 Entitlement on Road Safety Grounds

- 1.4.1 Children who live under the statutory walking distance may be entitled to free travel arrangements where the nature of the route is such that a child cannot be expected to walk, accompanied by an adult as necessary, in reasonable safety.
- 1.4.2 Children living less than half a mile from school are not entitled to receive transport on road safety grounds.
- 1.4.3 Bedford Borough Council follows the guidance published by Road Safety GB to assess walking routes to schools.
- 1.4.4 The walking route must have;
- a). a continuous adequate footway on roads that carry normal to heavy traffic or
 - b). step-offs on roads that are lightly trafficked, but have adequate sight lines to provide sufficient advance warning or
 - c). on roads with low traffic flow, no step-offs, but sufficiently good sight lines to provide adequate advance warning

and

- d). if there is a need to cross roads, there must be crossing facilities e.g. zebra or pelican crossings, pedestrian phases at traffic signals (including necessary refuges), school crossing patrols, traffic calming (sufficient to enable safe road crossing), pedestrian refuges, etc. or;
- e). sufficient gaps in the traffic flow and sight lines to allow enough opportunity to cross safely.

1.4.5 Walking routes are designated as safe or not safe by an independent 3rd party assessment, conducted in accordance with 1.4.4 above.

1.4.6 Route reviews will be undertaken when changes in the road network or additional pathways mean a safe route to school may be identified. Major changes to the public highway will also be considered as and when the change occurs.

1.5 Children entitled to free school meals, or whose parent(s)/carer(s) are in receipt of the maximum rate of Working Tax Credit

1.5.1 Children whose parent(s)/carer(s) are in receipt of benefits entitling them to low income free school meals will be provided with free travel arrangements if the child is aged between 8 and 16 attending their nearest suitable school, where they live more than 2 miles away by the shortest available walking route.

1.5.2 The child must be of the relevant age on 1st September of the academic year for which they wish to apply.

1.6 Medical Reasons

1.6.1 Door to door transport or individual transport will only be provided where there is a medical need or exceptional social circumstances.

1.6.2 Travel assistance may be provided to the nearest qualifying school on medical grounds for either short term provision where a pupil has a temporary medical problem or on a long term basis if the pupil has a particular long term condition for one return journey per day, at the beginning and end of the standard school day.

1.6.3 Consideration will be given for either a long term or temporary medical condition and each case is considered on its individual merits. Relevant supporting independent professional evidence will be required. The evidence must clearly state inappropriate types of transport and be specific about appropriate distances before transport can be awarded.

1.6.4 The council reserves the right to commission an independent medical opinion.

1.7 Children for whom there are particular exceptional social circumstances

1.7.1 Children who have exceptional social circumstances may be entitled to free home to school transport where these circumstances would otherwise prevent them from attending school regularly.

1.7.2 Each case will be considered on an individual basis. Examples of exceptional social circumstances include:

- A child whose family has needed to be temporarily re-housed due to fire or flooding.
- A child who is Looked After by the Local Authority and transport is necessary to facilitate regular attendance at school.

- 1.7.3 Transport under these circumstances is provided for a limited, temporary period and is reviewed regularly. Requests should be put in writing to the Transport Officer at Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP.

1.8 Parent(s)/Carer(s) with a Disability or Medical Condition

- 1.8.1 Where parent(s)/carer(s) are relied upon to accompany their children along a walking route for it to be considered safe, free transport will be considered where the parent(s)/carer(s) disability or medical condition prevents them from doing so.
- 1.8.2 In such circumstances, travel assistance will only be provided to the nearest qualifying school for one return journey per day, at the beginning and end of the standard school day.
- 1.8.3 Consideration will be given for either a long term or temporary medical condition and each case is considered on its individual merits. Relevant supporting independent professional evidence will be required. The evidence must clearly state inappropriate types of transport and be specific about appropriate distances before transport can be awarded.
- 1.8.4 The council reserves the right to commission an independent medical opinion.

1.9 General Policy Principles

- 1.9.1 Transport entitlement decisions are reviewed annually, taking into account any change of circumstances and/or amendment to the EHCP. Changes to transport entitlement will take effect as soon as is reasonably possible. Where possible this will be in readiness for the school term following the review.
- 1.9.2 Parent(s)/Carer(s) are expected to accompany their children to and from school where they consider it necessary. The need for parent(s)/carer(s) to be at work would not be considered as a reason why transport should be provided.
- 1.9.3 'Home' is defined as the place where the child is habitually and normally resident. Suitable travel arrangements will only be made using the child's main home address, as defined. The Local Authority is not responsible for providing travel arrangements from any other address. The Local Authority is only responsible for providing travel arrangements for children resident in Bedford Borough. The Local Authority will only provide travel arrangements from one address, which meets the definition described with the exception of 1.9.4.
- 1.9.4 Pupils who live in a joint home arrangement, who fulfil the other criteria for free transport, will be provided with transport from the home where they live for the greater part of the week.
- 1.9.5 The measurement used to calculate the distance from home to school is defined as the shortest route along which a child, accompanied by an adult as necessary, may walk with reasonable safety. As such, the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads. The measurement is calculated from the nearest point on the 'walking route network' to the boundary of the child's home to the nearest accessible school gate.

Section 2 – Transport Operations Policy

2.1 Spare Seats Scheme

- 2.1.1 Where children do not qualify for free travel arrangements, Bedford Borough Council operates a spare seats scheme which is provided on a discretionary basis. This scheme is only available on routes which the Council has specifically contracted to provide free travel arrangements for eligible children. The scheme is not available on commercial routes

registered as a public bus service. Charges apply for the spare seats pass. More information about the scheme and the rates which are charged is available at www.bedford.gov.uk/schooltransport or by contacting (01234) 276116.

2.2 Sustainable School Travel Strategy

- 2.2.1 The Local Authority has a sustainable school travel strategy which is available at www.bedford.gov.uk/schooltransport

2.3 Passenger Assistants

- 2.3.1 The Local Authority will consider providing a passenger assistant based on a risk assessment. This will have regard for a number of factors, which may include the child or young person's age, any additional needs they may have, the length of the journey or the size of the vehicle.

2.4 Provision of Transport

- 2.4.1 The council will endeavour to transport children and young people in the shortest possible time and will investigate all possible alternatives taking into account the needs of the individual.
- 2.4.2 The council believes that, where reasonably practicable, the maximum journey times of 45 minutes for pupils under 8 years of age and 75 minutes for pupils aged 8 years and over will be adhered to.
- 2.4.3 Where pupils are eligible for transport this means two journeys per day – one at the commencement of the standard school day and one at the end. Transport to support part-time timetables is not provided and will only be awarded in exceptional circumstances or where it can be offered at no additional cost to the council.
- 2.4.4 Transport is only provided to and from 'home', except where it is agreed that a child will attend a respite placement, during term-time.

2.5 Personal Travel Budgets

- 2.5.1 Travel support may be provided as a Personal Travel Budget (PTB).
- 2.5.2 Typically, a PTB may be agreed when there are no shared transport services available to the school/establishment and the council would be required to commission a standalone service.
- 2.5.3 A PTB may be provided as a 'per mile' or set payment, as determined by the Council, taking into account the distance from home to school.
- 2.5.4 A PTB may also be agreed and included in the EHCP, as part of the special educational provision.

Section 3 – Appeal and Complaints Procedure

3.1 If you feel aggrieved by a decision taken

- 3.1.1 All parent(s)/carer(s) have the right of appeal if their request for home to school transport assistance is declined. Bedford Borough Council offer a two stage appeal process as detailed below.
- 3.1.2 Parent(s)/carer(s) may also wish to consider the Council's formal complaints procedure, which is available at www.bedford.gov.uk/beheard. Please note where an appeals process exists this should always be exhausted before making a complaint. Once these procedures

are concluded then it may be possible to use the complaints procedure to investigate the issues, however in most cases this is unlikely to reverse any decisions made as part of these separate processes.

3.2 The Appeal Process

- 3.2.1 Parent(s)/carer(s) have 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision.
- 3.2.2 The Appeal form is available online at www.bedford.gov.uk/schooltransport or by calling Member Services on (01234)228905. Appeals can also be submitted online at www.bedford.gov.uk/schooltransport.
- 3.2.3 The Appellant needs to fully complete the appeal form. If the Appellant would like to submit any supporting evidence they must collect this themselves. The Clerk to the Appeal Panel will not contact anyone on the Appellant's behalf and will not accept evidence direct from any third party. The Appellant needs to collect the evidence and then send it to the Office of the Clerk to the Appeal Panel as soon as possible. For example, the Appellant might want to submit letters from a doctor if the appeal is on medical grounds.
- 3.2.4 If the Appellant is submitting an appeal based on financial hardship, they are advised to complete the income and expenditure form and provide evidence of income. The income and expenditure form is available at www.bedford.gov.uk/schooltransport or by contacting Member Services on (01234) 228905.
- 3.2.5 We will acknowledge an appeal within one week of receiving it. Appellants can call (01234) 228905 if they have not received an acknowledgement within 2 weeks of posting their appeal.
- 3.2.6 Within 20 working days of receipt of the appeal a Senior Officer (Team Leader School Organisation) will review the original decision made and send the appellant a detailed written notification of the outcome of their review and information about how the parent can escalate their case to stage two (if appropriate).
- 3.2.7 The Appellant has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two, which is a review by an independent appeal panel.
- 3.2.8 If the Appellant would like a friend, adviser, interpreter or signer to come to the appeal with them for support, they are welcome to attend. If the Appellant does not speak or understand English they can ask a friend or relative to help explain their case at the hearing, or we can be asked to arrange for an interpreter to attend the appeal. If the Appellant needs us to book an interpreter, please tell us this on the appeal form. If the Appellant has any access requirements or disabilities we should be aware of please tell us in the access or language requirements box of the appeal form.
- 3.2.9 The Appellant should normally submit evidence with their original appeal form, however if they have additional evidence, it must be submitted by a deadline which will be included in the letter advising the Appellant of the date of their appeal hearing. If evidence is received after the specified deadline, then the Appeals Panel will need to decide whether this information can be considered, taking into account its significance and the effect of a possible need to adjourn the hearing. Evidence cannot be submitted after the appeal hearing. Seven working days before the appeal the Clerk will collect all of the evidence received from the Appellant and from the Transport Officer. This will be copied and copies of all the evidence will be sent to the Appellant, the Transport Officer and the Panel members.
- 3.2.10 Stage two Appeals will be heard at Borough Hall, Bedford. The Clerk will write to the Appellant at least ten school days before their appeal to advise of the time, date and location of the hearing. The Appellant should attend the appeal hearing if they can as it is the only chance to explain their case to the Panel. If for an exceptional reason the Appellant cannot

attend the appeal on the date given, they should call the Office of the Clerk to the Appeal Panel on (01234) 228905. If the appeal cannot be re-arranged and the Appellant does not attend, the Panel will hear the appeal in their absence using the information submitted. Alternatively, the Appellant may ask a friend or relative to attend the hearing on their behalf.

- 3.2.11 Stage two appeals will be decided by a Transport Appeals Panel of three Councillors. All will be impartial and have no member interests/roles in Transport, Education or Social Services. Appellants will be advised of the names of the Councillors who will decide their appeal.

If the Appellant thinks they know one of the Panel Members hearing their case, please call the Office of the Clerk on (01234) 228905 immediately.

- 3.2.12 The Transport Appeal Panel will follow a set procedure, which is summarised in paragraph 3.2.14 below. A copy of the full procedure will be provided to appellants before the meeting. The Panel will listen to both cases and are likely to ask questions. The Clerk is independent of the School Transport Entitlement Team but is appointed by the Borough Council. The Clerk is responsible for making sure that the correct procedures are followed and that the appeal hearing is fair but does not take part in the decision-making process. The Transport Officer will explain their decision and answer any questions the Appellant or the Panel have, following which the Appellant will be invited to state their case and may be asked questions by the Panel. The Appellant may be accompanied by a friend or relative to support them or they can ask someone to go to the appeal on their behalf. If the Appellant does not attend or send someone to the appeal the Panel will make their decision based on the written evidence the Appellant has sent in and information given (in writing and at the hearing) by the presenting officer. Legal representation is rarely needed; if the Appellant would like to bring a legal representative please let the Office of the Clerk know immediately. Please do not bring any children to the appeal.

- 3.2.13 Sometimes people observe appeals as part of their training as clerks, Panel Members or presenting officers; if the Appellant does not want them to observe the appeal hearing they should tell the Clerk on the day. Appeals are normally heard in private.

- 3.2.14 The panel will consider all appeals on their individual merits. The procedure will normally be as follows:

- a). The Transport Officer will be invited to explain their case (that is, why free or subsidised transport has been refused).
- b). The Appellant and the Panel can ask questions about the Transport Officer's case.
- c). The Appellant will be invited to explain their case.
- d). The Transport Officer and Panel will ask the Appellant questions about their case.
- e). The Transport Officer will sum up their case (they cannot mention any new evidence or points).
- f). The Appellant will sum up their case (they cannot mention any new evidence or points).

The Panel will try to keep the appeal hearing as informal as possible but needs to ensure that both parties have a fair chance to explain their case and that the hearing is fair. Due to time constraints, there is no facility for Appellants to make a Power Point presentation or show videos/DVDs during their hearing.

- 3.2.15 The Panel will make their decisions after they have heard all of the appeals they are dealing with on that occasion. No Appellants will be present and the Transport Officer will not be present when they make their decision. The Clerk will be present to record the decision and provide legal/procedural advice. The Panel will either uphold the appeal or they will dismiss the appeal.

3.2.16 The Clerk will aim to write a letter to the Appellant within 5 working days after the decision is made explaining the result and how the Panel reached their decisions. The Clerk will not tell the Appellant the result over the telephone, in person, by fax or email. If the Appellant has not received a letter two weeks after the appeal hearing please call the Office of the Clerk on (01234) 228905.

3.2.17 The Appeal Panel's decision is final and binding, they cannot review their decision. However, an appellant may make a complaint to the Local Government Ombudsman if they feel there has been any administrative fault in the way the Panel has reached its decision.