

# SEND Travel Assistance Policy for Post-19 Year Olds



Date: 30 April 2020

## Document purpose

This policy sets out how East Sussex County Council (ESCC) will decide eligibility for travel support for learners aged 19 to 25 who have Special Educational Needs and Disabilities (SEND).

In formulating this policy ESCC has had regard to the statutory guidance on “Post-16 transport and travel support to education and training” and in relation to the duty set out in section 508F Education Act 1996.

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## 1. Introduction

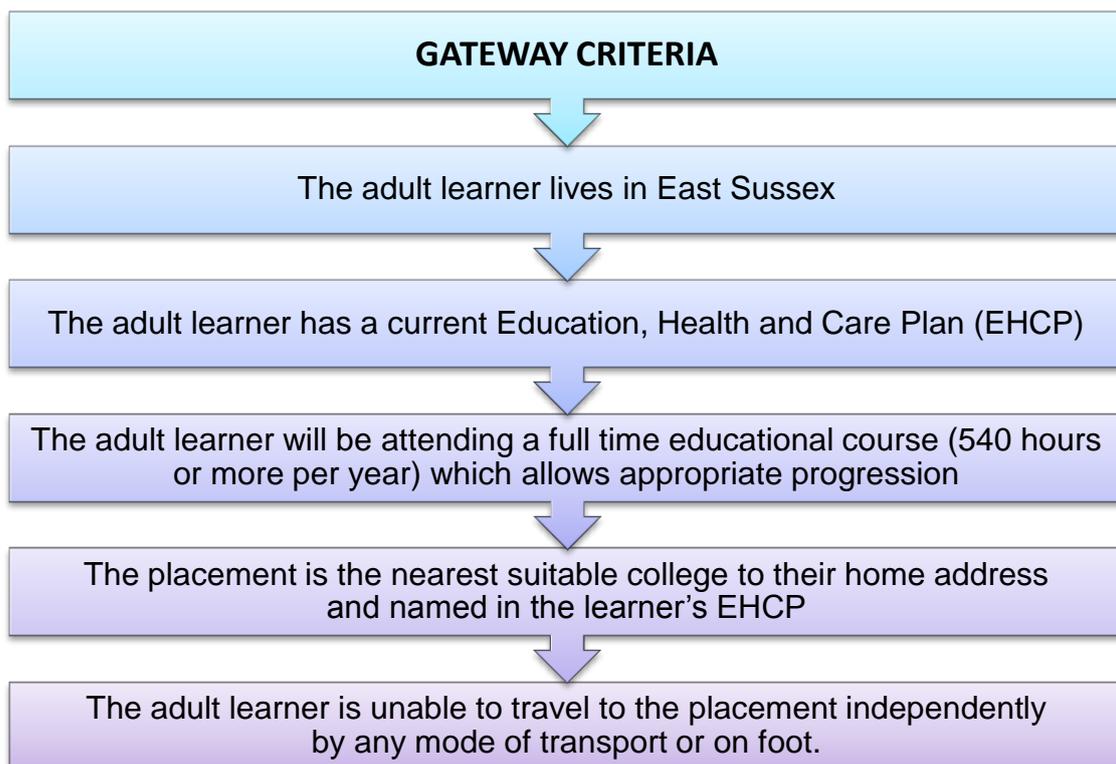
- 1.1. This policy explains East Sussex County Council's statutory responsibility in respect of travel assistance for adult learners. It states how to apply for the travel assistance and how their eligibility is determined and assessed.
- 1.2. Adult learners are those aged 19 and over who started their programme of learning after their 19th birthday and for whom an Education, Health and Care Plan is maintained.

## 2. Local authority responsibility

- 2.1. Statutory guidance states that if someone asks a council for transport assistance for a young adult over 19 years old it must assess their situation and decide whether to provide transport or financial support reasonably, taking into account all relevant matters. Councils are expected to target support at those who need it most. East Sussex County Council is committed to providing travel assistance to post 19 learners with SEND, when their SEND and circumstances mean that they could not otherwise access their placement.
- 2.2. The law concerning education transport is set out in the Education Act 1996. The Act divides children and young people into three groups: children of compulsory school age; young people of sixth form age; and adult learners. For adult learners, councils must 'make arrangements they consider necessary to facilitate their attendance'. Statutory Guidance 'Post-16 transport and travel support to education and training' (January 2019) notes that the overall intention of the adult transport duty is to ensure that 'those with the most severe disabilities with no other means of transportation can undertake further education and training after their 19th birthday to help them move towards more independent living.'
- 2.3. Section 508F of the Education Act 1996 requires local authorities to make transport arrangements they consider "necessary" to facilitate the attendance of relevant young adults (defined as adults for whom an EHC Plan is maintained) at institutions where the local authority has secured the provision of education for the adult learner concerned. When a council finds it is 'necessary' to provide transport for the young adult under section 508F, then the transport must be provided and be free of charge (Education Act 1996, section 508F(4)).

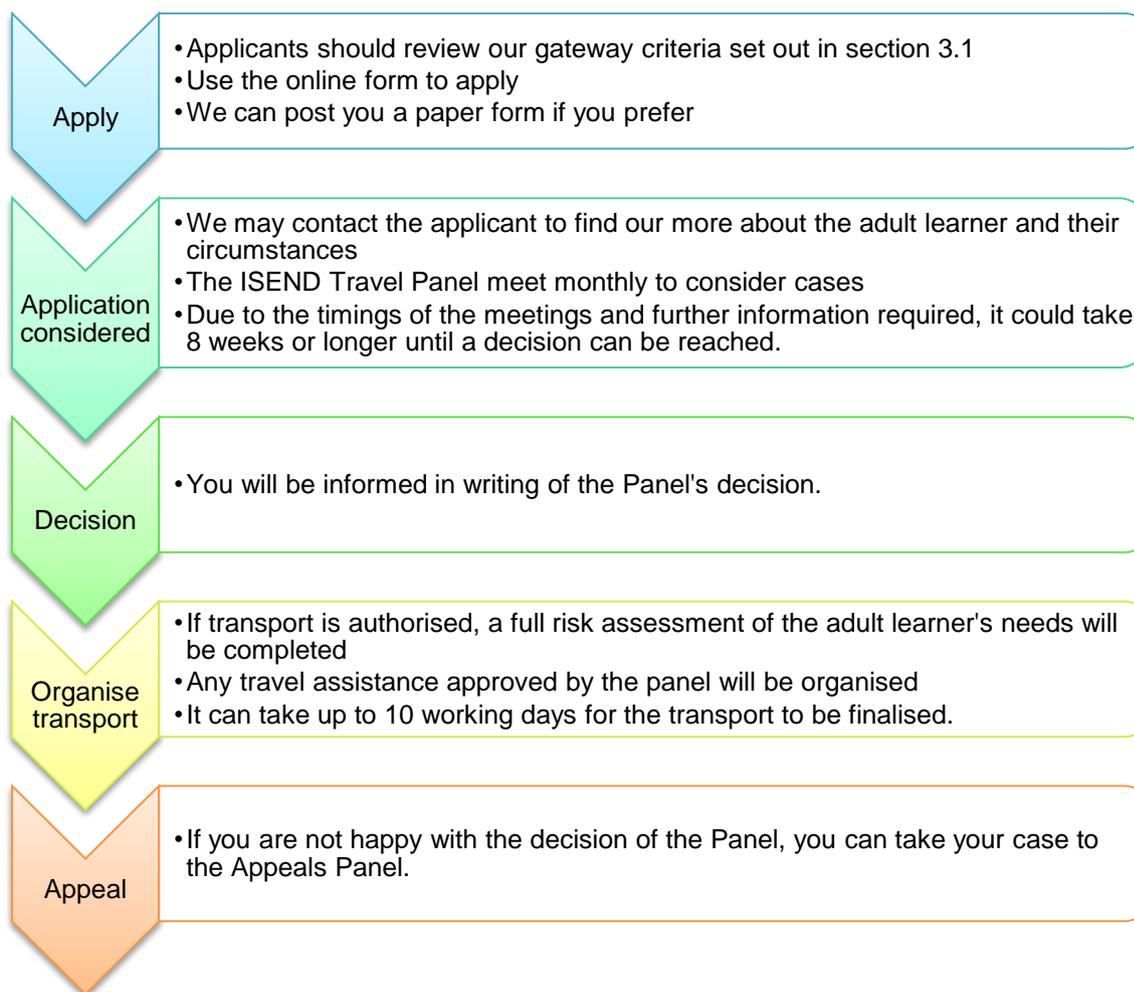
### 3. Criteria for travel assistance

- 3.1. The following gateway criteria must be met for an application for travel assistance to be considered.
- The adult learner lives in East Sussex;
  - The adult learner has a current Education, Health and Care Plan (EHCP);
  - The adult learner will be attending the equivalent of a full time education course (540 hours or more per year) which allows appropriate progression;
  - The placement is the nearest suitable college to their home address, unless agreed otherwise by East Sussex County Council, and named in the learner's EHCP;
  - The adult learner is unable to travel to the placement independently by any mode of transport or on foot.
- 3.2. If these gateway criteria are met, the Council will then consider the circumstances of the adult learner including any support their parent/carer and their broader network are able to provide, to assess whether it is necessary to provide transport for the adult learner.



## 4. How to apply

- 4.1. The most suitable and quickest way to make an application is online using the application form found in the following section of the East Sussex County Council website: [www.eastsussex.gov.uk/SENDtravel](http://www.eastsussex.gov.uk/SENDtravel). Alternatively we can post you a paper copy of the form if you would prefer.
- 4.2. A new application is required for everyone requesting post-19 travel assistance whether the adult learner is remaining in the same college or moving to a new place of learning. A new application is needed for each new course or placement.
- 4.3. Applications will be considered by the Council's ISEND Travel Panel which meets monthly. If the application fulfils the gateway criteria as set out in section 3, it will be reviewed and more information may be sought to help the ISEND Travel Panel make their decision. Information on how the decision is made can be found in the next section. It can take some time to reach a decision depending on the timing of the application and whether further information needs to be sought to make a decision. On average it could take 8 weeks for a decision to be communicated to the applicant.
- 4.4. The application needs to make clear whether or not the learner is living independently from their family and what support that family is able to offer in respect of travel to college. If the learner is living with family, the Panel will then use this information to decide if it is necessary to provide travel assistance.
- 4.5. Reimbursements for travel costs incurred before an application is approved will not be made.
- 4.6. If you are not happy with the decision of the Panel, you can take your case to the Appeals Panel. Further information on how to appeal can be found in section 9.
- 4.7. The following graphic provides more information on the application process.



## 5. How we make our decision

- 5.1. All applications will be assessed by the ISEND Travel Panel which consists of officers from across the Council. The members of the Panel will consider the individual circumstances of each case and will not apply blanket policies or make assumptions about accompaniment. Applications will be assessed on the basis of the evidence provided. The Panel will consider whether transport is necessary in each case. The Panel will use the information provided in the application, any other email correspondence with the Council in relation to the provision of transport as well as verbal representations made during phone calls.
- 5.2. In considering the eligibility of the adult learner to receive an offer and what offer should be made, the ISEND Travel Panel will consider the following and/or any other relevant factors:
- Nature of the journey for the adult learner for example, the distance, likely journey time, and complexity of the journey by road, public transport or on foot; whether the journey on foot or public transport could be reasonably made if the adult learner is accompanied.
  - Parent/carer/broader network ability to provide transport support, e.g. accompanying the learner on some journeys; transporting the learner on certain days.

- Available suitable vehicle and/or disability benefits for example, whether the adult learner has a suitable vehicle, which may include a Motability vehicle.
  - The adult learner's needs relating to travel for example, whether the adult learner has complex needs, and/or requires a second person on transport; if independent travel is a realistic goal.
  - Funding available for transport from the college and any other funds the learner can access; whether the adult learner is receiving PIP with the mobility component as a means securing independent travel.
  - The financial circumstances of the adult learner and potential impact of a declined application.
  - Advice from the college, for example, whether independent travel training is taking part as part of the programme.
  - Other relevant factors.
- 5.3. The following evidence may be required in addition to an application for travel assistance:
- Recent evidence from a relevant health and/or educational professional regarding the SEND of the adult learner and how this impacts on the need for travel assistance, their ability to walk or travel on public transport, accompanied or otherwise.
  - A copy of the care and support plan (if applicable).
  - Where the parent/carer is stated as being the primary carer/advocate for the adult learner, further evidence may be required regarding the support with transport (if any) they are able to provide and when.

## 6. What travel assistance could be provided

- 6.1. Adult learners will usually only be transported at published college start and finish times, and they may be expected to enable sharing with other adult learners through early arrival or delayed collection if safe to do so.
- 6.2. An offer of travel assistance may be part-week or involve a pick-up or drop-off point, i.e. not door to door. This will, however, be assessed on a case-by-case basis, depending on the adult learner's needs.
- 6.3. Travel assistance is not provided to work experience or dual placements, medical appointments or other off-site visits. Responsibility for these remains with the adult learner/parent/carer or school/college as appropriate
- 6.4. Travel assistance to respite is also discretionary and can be requested. The Council will separately consider requests for transport to respite under the same discretionary criteria, on term time days only. A charge may be made for transport to respite if approved.
- 6.5. If the adult learner attends a residential school and qualifies for travel assistance, this will only be provided at the start and end of each half-term or each week depending on the boarding arrangements. This will be made clear when the application is approved. We are unable to provide transport at other times or for parent/carer visits for meetings.

## 7. What happens if travel assistance is approved

- 7.1. The most suitable travel assistance for the adult learner will be assessed. This will be one of the following:
  - Personal travel budget
  - Independent travel training
  - Minibus or taxi.
- 7.2. Personal travel budget (PTB): An adult learner, parent or carer may be offered a PTB to provide financial assistance to organise transport to college. The amount is based on the distance of a return journey from home to the nearest suitable college and is paid in monthly instalments.
- 7.3. Independent travel training (ITT): ITT is the process by which a person learns to make a journey between two places on their own and in safety – in this case the two way journey between home and college. The training provides extra help or support to make journeys alone using public transport (and walking or cycling as necessary) when the adult learner has reached an appropriate age or stage of development. Adult learners will be considered for an assessment for their suitability for ITT and are expected to positively engage with ITT. As an adult learner progresses through the ITT, their requirements for travel assistance after training will be re-assessed.
- 7.4. Minibus or taxi: Where the Council will be providing the transport, the adult learner will be risk assessed for the provision of safe and suitable transport arrangements.

## 8. Right to appeal the decision

- 8.1. East Sussex County Council operates an appeal process for transport cases. Everyone has the right to appeal if they are unhappy with a decision not to provide travel assistance or the type of travel support being offered.
- 8.2. The Discretionary Transport Appeal Panel is made up of three elected County Councillors who will consider the original application and the appeal application form together with any supporting documents or information provided to the Council in relation to the application. The Panel will also consider all written and verbal representations from the adult learner/parent/carers and officers involved in the case that is provided before the deadline for the meeting. It is not, however, possible for adult learners/parents/carers to attend appeal panel meetings in person.
- 8.3. An application form needs to be completed to make an appeal. If the application makes reference to financial hardship, the financial section of the form needs to be completed in full.
- 8.4. More information about the appeals process as well as the form to request an appeal can be found on the school transport appeals webpage: <https://www.eastsussex.gov.uk/educationandlearning/schools/transport/free/school-transport-appeals/>

## 9. Ongoing provision of travel assistance

- 9.1. Travel assistance provided will be reviewed annually.
- 9.2. A new application must be made if the adult learner moves house or other circumstances change.

## 10. Other travel assistance available if application declined

- 10.1. Where it is decided that travel assistance will not be provided by the Council, the adult learner/parent/carer may consider applying for one of the following:
  - Mileage allowance
  - Vacant seat schemeBoth can be requested via our website at: [www.eastsussex.gov.uk/SENDtravel](http://www.eastsussex.gov.uk/SENDtravel)
- 10.2. Mileage allowance: This scheme is available to low income parents/carers who have to travel long distances (over 10 miles) to transport an adult learner to the college indicated in their EHCP. The mileage allowance given will be 25p per mile for one return journey per day for the miles beyond the first 10 mile of the journey from home. For example, where the distance from home to college is 15 miles, the allowance given will be calculated as 2 journeys x 5 miles x 25p. Proof of attendance will be sought from the school/college. The following criteria must apply for claims for mileage allowance to be considered:
  - The family qualifies as low income using the same criteria for free schools eligibility. Further information can be found at: <https://www.eastsussex.gov.uk/educationandlearning/schools/school-life/meals/free/>
  - The adult learner is attending the college named in their EHC Plan
  - The journey exceeds 10 miles between home and college.
- 10.3. Vacant seat scheme: For some routes to colleges it is possible to apply to pay for a seat on a vehicle. The charge is currently £930 per year paid termly (reviewed annually). It may be necessary for the adult learner to get themselves or be taken to an existing stop. If a change is made to the shared route which means that the cost of the vacant seat increases, this increase may be passed onto the adult learner, or the offer of the vacant seat withdrawn. We will have to withdraw the vacant seat offer if we need the seat for someone else who qualifies for free transport or if we no longer have anyone on the route that qualify for free transport. The Council will give as much notice as possible however the minimum notice given will be one week.

## 11. Further notes about this policy

- 11.1. If East Sussex County Council makes any change to this policy which is assessed as likely to have an impact on current and prospective adult learners, the Council will inform the immediately affected adult learners at the earliest opportunity. Such changes may include, but are not limited to, changes required by the impact of further cost saving requirements placed upon the Council and further limitations on this discretionary support.
- 11.2. This policy can be found online at: <http://www.eastsussex.gov.uk/schooltransport>