



# **Children and Young People With Special Educational Needs and/or Disabilities (SEND)**

## **DRAFT Home to School and College Travel Policy**

**November 2024**

**V0.3**

This policy is applicable from the start of the 2025/2026 academic year to the end of the 2027/2028 academic year.

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DRAFT

# 1. Introduction

It is parents and carers responsibility to ensure their child or young person attends the education provision identified for them. Within this policy we aim to promote and support parental duties further through offering different travel options (where eligible).

Local authorities have a responsibility to encourage, enable, support and assist young people with learning difficulties/ disabilities to participate in education and training. This policy looks to promote and encourage the independence and social inclusion for children and young people. It also promotes the council's commitment to support children and young people to develop their independence, enabling them to prepare for adulthood.

This policy sets out how Leicester City Council will meet its obligations to provide home to school and college travel to children and young people with Special Education Needs and/or Disabilities, living in Leicester who are eligible to receive it. The policy also gives advice on the support available and the commitment to encourage independent travel to and from school or college.

When considering whether to provide home to school travel assistance, Local Authorities (LA's) are under a statutory duty to have regard to the Education Act 1996 and Schedule 35B of the Act which was inserted by Part 6 of the Education and Inspections Act 2006.

Sections 508B and 508C of the Act makes provision for local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. Leicester City Council has developed its travel policy in accordance with this legislation and equalities legislation to ensure it is able to meet its statutory duty.

It is important that families understand the eligibility criteria and whether their child is likely to meet this before taking the time to make an application. In most instances, children will not meet the statutory conditions for travel assistance.

It is strongly recommended that all parents read this guidance carefully along with the information on our website at [Travel to school and college \(leicester.gov.uk\)](http://leicester.gov.uk/Travel-to-school-and-college)

## 2. Travel principles and policy

Leicester City Council is committed to working together with young people, families, schools and colleges to ensure that:

- Children and young people are safe and supported to access education.
- Young people and families have confidence in the travel offer.

Parents and carers have a duty to:

- Ensure their child(ren) receive an education via ensuring they attend school or college.
- Make the necessary travel arrangements for their child(ren) to attend regularly.
- Ensure their child attends the educational establishment identified for them.

The council recognises that:

- The travel offer should respond to and be based on the needs of children and young people as they develop and progress and should promote and encourage their independence and social inclusion.
- Any travel assistance provided by the council is based on the needs of the child or young person and is provided to support young people and children to follow an appropriate educational course. The needs of the child and the travel provision will be periodically reviewed to ensure the child or young person is still accessing the most appropriate travel method.
- The council has a duty to support and enable young people to develop and achieve independence to enable them to prepare for adulthood.
- Encouraging young people's independence will develop their skills for better experience in adult life, their confidence and social skills, and increase their opportunities for continuing education, training and social inclusion.

The council also has a duty to:

- Manage public money responsibly.
- Provide value for money services.
- Promote the use of sustainable transport and travel.

If eligible for travel assistance, this will only be provided from the child's home to the school or college at which they are on roll at the beginning and end of the normal school day (as published on the school or college's website).

If the child attends another school or establishment that is arranged through their school as off-site provision, it will be the school/parent's responsibility to arrange travel to and from that school or establishment, for their off-site learning.

The child's address will normally be the one that they spend the most school nights at, and any travel arrangements to or from an alternative address will be the responsibility of the parent to arrange.

Parents regular work commitments or domestic arrangements will not normally be taken into account when deciding the eligibility of a child or young person or the type of assistance offered.

Parents and carers are responsible for ensuring that their child is prepared and ready to travel, at their pickup points at the right time, and that any behavioural concerns whilst travelling are positively managed. In very rare instances where there are serious safeguarding concerns travel will be denied.

Travel assistance will not be provided for any medical appointments or domestic arrangements, or for the child to go to or from a different address other than their main residence. Travel assistance is not provided for breakfast or after school clubs or activities.

## Eligibility criteria

### 3. Pre-school children with SEND

Travel assistance for children under the age of five is discretionary as council's have no legal duty to provide or arrange travel for children who have not yet reached the statutory school age. However, travel applications will be considered for children below statutory school age in exceptional circumstances.

In considering these circumstances, the council will need to be satisfied that, without such assistance, the child would be prevented from attending an appropriate nursery or early years' education setting.

In considering assistance for pre-school children, the following factors will be taken into account:

- The age of the child.
- The distance between home and nursery.
- The SEN and disabilities of the child.
- The reasons for the pre-school placement.

The parent/carers will be required to complete an online application form to demonstrate that the child has a special educational need, disability or mobility need. They will also be required to provide evidence from an appropriate professional (external to the school and parents/carers) to support the application.

Further information and application forms are published on Leicester Local Offer webpages.

## 4. Compulsory school-aged children aged 5-16 with SEND

Compulsory school age begins at the start of the term following the child's fifth birthday and ends on the last Friday in June of the school year in which a child or young person turns 16.

There are four factors which may determine if children and young people aged 5-16 are eligible for travel assistance:

- Statutory walking distance eligibility.
- SEND or significant mobility problems eligibility.
- Unsafe route eligibility.
- Extended rights eligibility.

### 4.1 Eligibility Review

**Eligibility will be reviewed each academic year and the type of travel will be reviewed annually.** This review will determine whether a child or young person continues to be eligible for travel assistance, and where eligible, that the type and level of assistance is most appropriate to their needs as they develop independence and transition into adulthood.

Set out in law/legislation and with our Mainstream Travel Policy children are eligible for travel in the following circumstances.

### 4.2 Statutory Walking Distance

The council is required to provide free travel assistance options for all children and young people of compulsory school age (5-16). This will be assessed using the distance to the nearest qualifying school to their home when they are unable to walk the statutory distance to school safely, even when accompanied by an adult, if their nearest suitable school is:

- Beyond 2 miles, if below the age of 8; or
- Beyond 3 miles, if aged between 8 and 16.

The nearest suitable school is defined as the nearest school with places available and which the council deems to provide education appropriate to the age, aptitude and

ability of the young person, and any special educational needs or disability they may have.

When establishing whether the nearest suitable school is within walking distance, the distance between home and school will be measured by the shortest available safe walking route, accompanied as necessary. The route may include footpaths and other pathways as long as it is safe to walk along them.

### 4.3 SEND or mobility difficulties

In circumstances where a child with a special educational need, disability or mobility need is able to use public travel, even when accompanied, they will be assessed using the same criteria as all other children.

The council is required to provide travel assistance for children and young people unable to walk to school by reason of their special educational needs, disability or significant mobility difficulty.

The parent/carers will be required to complete an online application form in order to demonstrate that the child has a special travel need. They will also be required to provide evidence from an appropriate professional (external to the school and parents/carers) to support the application.

Further information and application forms are published on Leicester Local Offer webpages.

### 4.4 Unsafe walking route

The council is required to make travel assistance arrangements for children who cannot reasonably be expected to walk to their nearest suitable school because the nature of the route is deemed unsafe to walk even when accompanied by an adult.

### 4.5 Extended rights eligibility (for low-income families)

For low-income families i.e. for children entitled to free school meals or whose parents are in receipt of the maximum level of Working Tax Credit, eligibility for free travel assistance is extended as follows:

- For children aged between 8 and 11, the walking distance is reduced from 3 to 2 miles.



- Secondary age children (11 – 16) can receive free travel assistance to any of their three nearest suitable schools but only where the distance between home and school is more than 2 miles but less than 6 (Note: schools below 2 miles are included when assessing which are the 3 nearest).
- For secondary age children (11 – 16), the council will provide free travel assistance to the nearest suitable school preferred by reason of a parent's religion or belief (including any single sex school in the city), If it is over 2 miles and under 15 miles from the home address. The council will normally seek documentary evidence of faith or belief e.g. a minister's letter.

The council will review travel assistance under the extended rights eligibility rules on an annual basis. Free travel may be withdrawn in subsequent years if a child ceases to qualify under low income extended rights.

Travel will not be provided where suitable arrangements have been made by the council to enable the child to become a registered pupil at a qualifying school nearer to the child's home.

## 4.6 Preparing for Travel arrangements once your child reaches age 14

When your child reaches the age of 14 / during academic year 9, the council will write to parents and carers who have a child currently receiving a form of council travel assistance. We will reiterate the responsibility of the parent and carer to arrange travel from home to school, and provide the date that travel provided by the council will stop. The council does not have a statutory responsibility to provide travel assistance to young people aged 16-18. This two-year transition period will give parents and carers the opportunity to make suitable arrangements for transporting their child to their chosen educational establishment once they reach age 16.

Due to the timeframes involved, for the 2025/2026 and 2026/2027 academic years it will not be possible to provide this two-year notice period. As soon as practicably possible families will be notified and as much notice as is reasonably possible will be provided going forward. At a minimum general notice of 4 weeks will be provided in line with the standard, all age notice period in section 10 below. Where this causes hardship to individuals who have already commenced courses this can be highlighted as part of the holistic review of exceptional circumstances but will not in its own right constitute an exceptional circumstance.

## 5. Post 16 (young people 16-19) with SEND

The council does not have a statutory responsibility to provide travel assistance to young people aged 16-18.

Schools with sixth form provision and colleges of further education have some funding known as bursary funding available to help students age 16-19 with expenses connected with their study, including travel costs.

As it is not a statutory requirement to provide Post 16-year-olds travel assistance, the council expect all eligible students to apply for a bursary fund.

Bursary funding is paid to schools and colleges who decide how they allocate their funds. Enquiries about support for school or college travel expenses should be made directly to the schools or colleges concerned.

Students who are in one or more of the groups below can apply for a vulnerable student bursary of up to £1,200 (if they are participating on a study programme that lasts for 30 weeks or more - institutions should pay a pro-rata amount for students on study programmes of less than 30 weeks). This reflects that students in these groups may need a greater level of support to enable them to continue to participate.

The defined vulnerable groups are students who are:

- in care
- care leavers
- getting [Income Support](#) (IS), or [Universal Credit](#) (UC) in place of Income Support, in their own right
- getting [Employment and Support Allowance](#) (ESA) or Universal Credit (UC) and Disability Living Allowance (DLA) or [Personal Independence Payments](#) in their own right

Enquiries about applying for a vulnerable student bursary should be made directly to the schools or colleges concerned. For further details see: [Guidance: 16 to 19 education: financial support for students \(GOV.UK\)](#).

Further details of Post 16 travel support are available in the Post 16 Transport Policy Statement that the Council publishes annually. This includes more detail of the range of support available beyond that which the council provides for all learners including those with SEND. It is available on the information on our website at [Travel to school and college \(leicester.gov.uk\)](#)

## 5.1 Council support for young people with special educational needs or a disability (SEND)

Many young people in Post 16 Education and older with SEND are able to travel independently or accompanied by a parent, carer, or guardian, using public transport, and the council cannot offer services to replace parental responsibility.

Many young people with a special educational need (SEND) may also be able to travel with a parent or guardian accompanying them.

For those with a diagnosed SEND or as part of Preparing for Adulthood, as detailed on our [Local Offer \(leicester.gov.uk\)](https://www.leicester.gov.uk), we also support Young People with Independent Travel Training.

## 5.2 Young people aged 16 - 19 with SEND

In exceptional circumstances, the council may provide travel assistance (in the form of a personal transport budget) for certain Post 16-year-old students. To be considered for travel assistance, a young person must meet each of the following conditions:

- i) the young person must be resident in Leicester City; and
- ii) the young person must have started their current programme of education/training prior to their 19th birthday; and
- iii) the young person must have a complex SEND need and a placement specified in an Education Health and Care Plan. A complex SEND need for the purposes of this policy is where a young person has:
  - a) A diagnosed terminal illness that has severe impact on their current physical and / or mental health and that is likely to significantly reduce their life expectancy and/or;
  - b) When accompanied, the young person's additional needs or disability places them or others at a severe and serious risk of danger during the journey to and from school and/or;
  - c) The student has a mobility difficulty which requires specialised seating or a specialised vehicle e.g. tail-lift access that is not available to them (including on public transport where that has to be relied upon) and / or
  - d) The learner is likely to require medical intervention or personal care during the journey to and from school;

- iv) the young person must be attending the nearest appropriate education or training provider; and
- v) either:
  - a) the education or training provider is more than 3 miles walking distance from the young person's home, or
  - b) if the walking distance is 3 miles or less, the young person is unable to walk to and from the education or training provider because of a disability or because the walking route is unsafe; and
- vi) the young person must be attending a full-time, publicly funded course (a full-time course is a programme of at least 540 study hours per year).

A young person who satisfies each of the conditions above will be eligible for travel assistance only if there are exceptional circumstances. Whether there are exceptional circumstances in a particular case will be determined by the Strategic Director of Social Care (or another officer exercising delegated authority) in the light of the specific circumstances of that case. In each case, the Council will require appropriate evidence as to any claimed exceptional circumstances. Each of the following is likely to constitute an exceptional circumstance:

- The young person missed a significant majority of year 11 due to ill health, and the Council has agreed that they will repeat that year in full.
- The placement named by the local authority is a considerable distance from the young person's home; the placement was not named by the Tribunal as a "parental preference"; there is no closer setting that can meet the young person's needs; and, taking into account the availability of public transport, caring or employment responsibilities mean that the young person's parents or carers are unable to provide transport themselves.

'Considerable distance' is defined for the purposes of this policy as 75 minutes each way including time to walk to any pickup point.

- Journey time is calculated using the most effective means of transport available. For example, if it is more efficient to travel by car than by bus then the journey time in a car will be used as the foundation of the calculation or, if it is more effective to travel by train than car then the journey time by train will be used as the foundation for the calculation.
- For journey calculation purposes two changes on public transport is considered reasonable.

None of the following is (taken in isolation) likely to constitute an exceptional circumstance:

- Single parent families.
- Parent(s)/ carers who work.
- Having other children to look after and/or at other schools.
- Travelling to an independent school out of area.
- Parents/carers/students unable to drive or having access to a car.
- Students in wheelchairs.

The fact that transport or travel assistance may have been provided in previous years does not indicate that the young person will be provided with travel assistance under this policy. Accordingly, any planning that a young person and/or their family makes for future arrangements should take this into account.

Where it is decided that a young person is to be provided with travel assistance, that assistance will be in the form of a Personal Transport Budget only.

## 6. Young people aged 19 - 25 with SEND

The same arrangements for young adults aged 19-25 with SEND apply to young people with SEND aged between 16 and 19 years old.

Section 5 applies to young adults with SEND aged between 19-25 years old.

## 7. Assessments

As part of the statutory assessment process, which may lead to an EHCP the council receives written reports from a range of professionals, such as a school, educational psychologist and medical or clinical professionals. When an application for travel support is received, if they are available the local authority will consider the information contained in these reports to determine whether pupils meet the SEND Travel / Personal Travel Budget eligibility criteria.

Further evidence may be requested and the council reserves the right to make reasonable enquiries of the council's electoral services and other teams, and the Driver and Vehicle Licensing Authority to investigate applications.

## 8. Type of travel assistance available

### 8.1 Personal travel budget (PTB)

Personal Travel Budgets (PTBs) are designed to give families the freedom and to flexibility to make travel arrangements that best meet their family's needs. They enable parents to retain responsibility for ensuring their child attends school whilst providing the means to do so when the child is eligible.

For further information and to apply please see [Family Information | Personal Travel Budget \(leicester.gov.uk\)](https://www.leicester.gov.uk/family-information/personal-travel-budget/)

Those young people over compulsory school age who are determined to meet the exceptional circumstance criteria will be provided with a personal transport budget as part of the discretionary support available.

### 8.2 Independent travel training (ITT)

Independent travel training provides young people with tailored and practical assistance to travel safely by public travel, on foot or by bicycle to their school, college and placement. It also supports young people socially, to access other key services and connect with friends and family.

Independent travel is an essential life skill, and helps to better prepare young people for adulthood, and for accessing further education and employment by raising their confidence in their abilities.

The council's Independent Travel Trainer's will work with schools and colleges to be able to deliver travel training to their students.

If a young person is identified as potentially suitable for travel training, their parent/carer will be contacted by the council or their school to arrange a consultation with the nominated travel trainer.

Following the consultation, the young person and family (where appropriate) will then be supported to undertake the training programme. If they are not ready or suitable for training, a future review date will be set, and they will continue to be provided with travel assistance if they remain eligible.

Further information about [Independent Travel Training](#) can be found on our Local Offer page.

### 8.3 Public transport bus pass

Some 5–16-year-olds will qualify for free home to school travel assistance to their primary or secondary school. Where children and young people are eligible and the

method of transport is determined to be appropriate to offer but the child or young person requires accompanying, the council may offer a public transport bus pass to a parent / carer to meet its obligation to provide free home to school travel assistance [View details of eligibility and how to apply \(leicester.gov.uk website\)](http://leicester.gov.uk).

## 8.4 Contracted minibus, private hire vehicle or taxi

This includes but may not be limited to:

- Pick up and drop off from/to a collection point or central location locally
- Shared or individual, private hire vehicle or minibus for groups of young people
- Individual taxi, private hire vehicle or minibus for solo travellers (exceptional circumstances only)

## 9. Travel service provision

Leicester City Council aims to make travel arrangements that allow eligible pupils to travel in safety and reasonable comfort, without the journey being unreasonably long or complicated, and to arrive at school without such stress, strain, or difficulty that they are prevented from benefitting from the education provided.

It is the council's policy to review travel assistance arrangements annually or at times of transition, in consultation with service providers, to minimise surplus places on vehicles and the total number of vehicles used. The council will endeavour to coordinate dedicated school travel journeys and local public bus services to ensure that best value for money and efficiency of service is achieved.

The council is committed to minimising disruption to children and young people but retains the right to review eligibility at any time, if ineligibility is determined the council may withdraw travel assistance during an academic year.

The council will determine the overall level of service, the number and type of vehicles, and the seating capacity requirements to meet the travel needs of pupils and students, taking the following into account:

- the regulations relating to the provision of passenger travel services.
- that a single journey to or from school should ideally not exceed 75 minutes including the time taken for a change of bus – though this is not always possible where services operate to more than one school or site.
- that pupils should not be expected to change buses more than once within a single journey to or from school.



- that it is desirable in the interests of safety and comfort to provide a seat for each pupil/student – though this is not always possible when local public travel services are used.
- that services coordinate with school or college session times (provided that the appropriate notice and procedures required by education legislation have been followed). Head Teachers, Principals and Governing Bodies are requested to consult with the council as soon as possible on proposed changes to session times, so that the effect of any change can be assessed.
- that Head Teachers, parents and other interested parties must be consulted regarding proposed changes to the SEND Home to School Travel policy.
- that service delivery must be monitored, and complaints dealt with as soon as possible to ensure quality, efficiency and reliability.
- the promotion of the use of sustainable travel and travel modes.
- the promotion of equal opportunities.

## 9.1 Passenger Assistants

The council will determine whether it is necessary to provide a passenger assistant, supervisor or other facilities (e.g., on-bus communication facilities) on any of the vehicles used based on individual needs.

Some pupils with special travel needs may require a passenger assistant for the home to school journey. The council will decide if a passenger assistant is necessary, taking individual circumstances into consideration:

Under these circumstances, the parent/carer may be required to act as the escort for their child. If the journey is beyond the maximum walking distance, the parent would be provided with transport support home from the morning school drop off journey and picked up in the afternoon for the return journey. If the journey is less than the maximum walking distance, the parent would be expected to walk home after the morning drop and walk back to the school for the afternoon pick-up.

## 9.2 Travel to and from pick-up / drop-off points

In most cases parents/carers will be expected to accompany their child to a pick-up point identified by the council. Pick-up points will be safe and appropriate places for vehicles to pull up and wait. Every effort will be made to minimise the distance to and from pick-up and drop off points but the nearest pick-up point may be up to half a mile away from home for primary age pupils and up to 1 mile away from home for secondary age pupils.



The pick-up points and times may change throughout the year, as routes will be regularly reviewed following changes to passenger lists. The council will endeavour to give reasonable notice (4 weeks) of any such changes.

Parents/carers must ensure that appropriate supervisory arrangements are in place for their child's walk between home and the pick-up point at the beginning and end of the school day.

### 9.3 Travel to and from home addresses

The duty placed on the council does not extend to the provision of a "door to door" service, however, for a very few applicants, exceptional circumstances may result in travel arrangements being made to and from the home address.

### 9.4 Multiple home addresses

If a pupil has more than one place that may be considered a home address, parents/carers must nominate a primary address for travel purposes. Home addresses should be for primary carers and travel to the homes of extended family members will not usually be considered a home address.

The council acknowledges that families need flexible arrangements and will support travel to multiple addresses where it is specifically highlighted and agreed at the point of application. In year arrangements for changes will require a new application.

Where there are multiple home addresses being requested the home address closest to the child or young person's school or college will be considered the primary home address. That primary home address will be used to determine eligibility.

The council will not generally support applications which mean that travel to multiple addresses will result in increased journey time or cost of provision. Personal Transport Budgets may be the best option to meet need in these situations.

## 10. Review of travel Arrangements

All travel arrangements will be reviewed annually or at times of transition to assess whether the basis for entitlement has changed or whether the mode of travel assistance provided remains appropriate. Travel assistance entitlement will be re-assessed if the home address, pupil needs, educational establishment or course details change.

Parents/carers and/or Post-16 students will be given reasonable notice (4 weeks) if it is decided to withdraw or significantly alter the means of travel assistance.

If parents/carers and/or Post-16 students request a variation to the current travel arrangements, the council will require reasonable notice (3 weeks) of the change and

will apply the relevant assessment criteria. Parents/carers and/or Post-16 students may be required to make and pay for their own interim travel arrangements in the period between application and, if approved, the receipt of any travel assistance provided under this policy.

Post-16 students will be expected to maintain both satisfactory attendance and progress, and these factors will be taken into account when reviewing entitlement to travel assistance.

Any amendment to, or withdrawal of, travel assistance does not excuse a child of compulsory school age from attending school and it will remain the responsibility of the parent/carer to ensure their child's continued attendance at school.

## 11. Behaviour whilst travelling

The health and safety of drivers and passengers is dependent on good pupil behaviour, alongside positive management of behaviours from drivers and passenger assistants, in line with legislation and the council's safeguarding policies. The council takes a serious view of incidents of poor conduct.

The Education and Inspections Act 2006 empowers head teachers to take action to address unacceptable behaviour even when this takes place outside the school premises. Persistent poor behaviour on the journey to and from school can be grounds for exclusion.

In some cases, if either the council or a travel operator refuses to allow a pupil to continue to access a particular vehicle due to the pupil's poor conduct, an alternative arrangement may be offered, but only after an assessment of the nature and seriousness of the case. In the event of a serious incident of indiscipline, vandalism, or anti-social behaviour, or persistent offences of this nature, travel provision may be permanently withdrawn. In these cases the LA would not be implying that travel arrangements were not necessary and should not be provided, but rather that travel arrangements were necessary and had been made but the pupil's behaviour was such that they were unable to take advantage of them. If these circumstances arise, no alternative travel assistance arrangements will be made.

If travel is temporarily or permanently withdrawn parents would be responsible for getting their children to school and for any costs incurred.

## 12. Our commitment to promoting independence and choice

Alongside the existing schemes detailed in this policy, Leicester City Council will continue to explore and promote additional ways of promoting independence and choice for children in the City with home to school travel. We will work with families and schools to develop and promote new ideas and pilot schemes where appropriate.

## 13. How to apply

Applications for travel for children and young people with special educational needs or disabilities should be made via the website:

[Family Information | Personal Travel Budget \(leicester.gov.uk\)](https://www.leicester.gov.uk/family-information/personal-travel-budget)

Applications for travel assistance for students age 16 and above in colleges of further education to commence at the start of the Autumn Term should be made wherever possible by the last day of the summer term prior to the start of the new academic year. The LA cannot guarantee to provide travel assistance from the first day of the Autumn Term if applications are received after this date. Where late applications are submitted, parents/carers and/or sixth form students may have to make their own interim travel arrangements, the cost of which cannot normally be reimbursed.

Young people attending Further Education establishments will need to re-apply annually, providing evidence of both satisfactory attendance and progress.

## 14. How decisions are Made

For all children and young people with SEN and disabilities, a travel eligibility assessment will be undertaken by the Special Educational Needs Service at the point of application, and reviewed yearly or when circumstances change, e.g. a change of educational establishment, change of home address.

The information used for the assessment is gathered from various sources including:

- School reports
- Parents
- The young person
- Medical reports (including CAMHs)
- Social care
- Education, health and care plans

The travel assistance eligibility assessment or review will consider the individual needs of the child or young person in 6 key areas:

- Mobility
- Medical needs
- Behavioural issues
- Vulnerability
- Practicality
- Independence and Independent Travel Training suitability

When the assessment is completed, the SEN Service will decide whether or not a child or young person is eligible as a result of their SEN and disability to travel assistance, the type of travel assistance to be offered, and whether or not it is appropriate to offer Independent Travel Training.

## 15. How to appeal if you are unhappy with a decision

### Appeals Process for pupils with a special educational need or disability

Should parents/carers wish to appeal against the council's decision not to provide travel or against the mode of travel provided they should email [SEND.approvals@Leicester.gov.uk](mailto:SEND.approvals@Leicester.gov.uk) or write to:

Transport Appeals  
Special Education Needs Service  
Pindar Road  
Leicester  
LE3 9RN

The council has a 2-stage review and appeals process as recommended by the Department for Education. The timings for responses may be extended if additional time is required to gather supporting information or delayed by school/college holidays.

Please note that whilst the review and appeal process takes place the parent/carer will remain responsible for arranging and funding for any travel arrangements that a parent/carer may feel is necessary. Throughout the appeals process parents may wish to seek independent advocacy support and advice

The appeals procedure is in two stages:

### Stage 1: Review by a Senior Officer of the council.

- A parent/carer has 20 working days from the date of the travel decision letter, to make a formal written request asking for a review of the decision.
- The written request should detail why the parent/carer or young person believes the decision should be reviewed and give details of any personal and/or family circumstances, including medical evidence, they believe should be considered when making the decision is reviewed.
- Within 20 working days of receipt of a written request, a Senior Officer will review the original decision and send a detailed written notification of the outcome of their review, including information about how the parent/carer can escalate their case to stage two (if appropriate)

### Stage 2: Review by an Independent Appeal Panel:

- If a parent/carer are dissatisfied with the outcome of the review of their case, they have 20 working days from the receipt of their decision letter to make a written request to escalate the matter to stage two.
- Within 40 working days of receipt of the parent/carer's written request an Independent Appeal Panel will be arranged to consider both written and (if the parent /carer wishes to attend the panel hearing) verbal representations from both the parent/carer and officers involved in their case.

The Independent Appeal Panel members will be independent of the original decision-making process (but not required to be independent of the local authority) and suitably experienced, to ensure a balance between meeting the needs of the parent/carers and the local authority.

If a parent/carer or student is still not satisfied with the outcome of the appeal, there is no further right of appeal to the council. However, there is still the right to appeal to the Secretary of State or to take independent legal action.

If a parent/carer or young person feels that their appeal has not been treated fairly or in accordance with the LA's policy, the Local Government Ombudsman can be contacted for help and advice on:

Telephone: 0300 061 0614

Website: [lgo.org.uk](http://lgo.org.uk)

## 16. The legal framework

S508B and 508C of the Education Act (the “Act”) make provision for local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child’s attendance at school. The provisions apply to home to school travel arrangements and vice versa.

Under s444 of the same Act, parents are responsible for ensuring that their children attend school regularly.

S508B of the Act deals with the duty on local authority to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children. Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (5 – 16) in an authority’s area for whom free travel arrangements will be required.

The categories of eligible children include those who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special education needs or disability. Eligibility, for such children, should be assessed on an individual basis to identify their particular travel arrangements.

In determining whether a child cannot reasonably be expected to walk the local authority will need to 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.

The council has a statutory duty under Section 10 of the Education and Skills Act 2008 to exercise its functions so as to promote the effective participation in education or training of persons belonging to its area with a view to ensuring that those persons participate in appropriate full-time education or training, an apprenticeship, or are in full time occupation and participate in sufficient relevant training, all pursuant to section 2 of the 2008 Act.

The council also has a statutory duty to publish a Post 16 Travel Policy Statement every year. This statement should set out the arrangements for the provision of travel or otherwise that the authority considers it necessary to make for facilitating the attendance of persons of sixth form age at:

- schools,
- institutions maintained or assisted by the authority which provides further education or higher education or both

- institutions within the further education sector, any 16-19 academy or any other establishment at which the authority secures the provision of education or training.

Post 16 travel to education and training statutory guidance dated February 2014 requires the council, in planning travel provision to take into account its duty to promote effective participation under the 2008 act and the duty under section 2 of that act on young people to participate in education or training up to age 18.

## 16.1 SEND Code of Practice 2015

The Code of Practice (Special Educational Needs and Disability 2015) indicates that transport should be recorded in an Education, Health Care Plan only in exceptional cases where the child has very specific travel needs.

## 16.2 Equality Act 2010

The council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 section 149(1).

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149(7)

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it

involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

- Compliance with the duties in this section may involve treating some persons more favourably than others.

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