

# Transport Policy for Children and Young People aged 4 to 16

With effect from 2024/25 Academic Year



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# Kent County Council (KCC) Travel Arrangements for Children and Young People aged 4 to 16 in Kent including those with Education, Health and Care Plans - Kent Home to School Transport Policy

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## 1.0 Introduction

To ensure eligible children and young people (CYP) can access services at the right time and make good use of KCC's resources, we have published this policy, against which we will assess the eligibility of individual CYP and reassess as their circumstances change.

This policy applies to all families living within KCC's administrative boundary, including those CYP who attend mainstream or special schools in other Local Authority areas.

Sections 508B and 508C of the Education Act 1996 make provision for Local Authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a CYP's attendance at school.

These provisions apply to home to school and school to home transport arrangements at the beginning and end of the day. They do not relate to travel between educational institutions during the school day or where the school has arranged off site provision for the CYP.

Under the Act, a parent is responsible for ensuring that their child attends school regularly. However, Section 444(3B) provides that a parent will have a defence in law against a prosecution by a Local Authority for their child's non-attendance at school, where the Local Authority has a duty to make travel arrangements in relation to the CYP under Section 508B and has failed to discharge that duty.

In some circumstances KCC has a duty to provide travel arrangements. It will assess applications to establish those who are eligible and where necessary, provide free transport to eligible CYPs. This document explains the eligibility criteria and arrangements for transport assistance.

### Special Educational Needs and Education, Health and Care Plans

This document applies to all CYPs including those with a disability and where appropriate, those who have an Education, Health and Care Plan (EHCP).

The Children and Families Act 2014 introduced a statutory duty to ensure that the parents of CYP with special educational needs and disabilities (SEND) are better informed and more involved in decisions about how CYP are supported. KCC is fulfilling this duty by ensuring families are influencing decisions about the range of approaches and breadth of setting. It is committed to co-producing EHCPs in partnership with CYP and their parents.

Where the provision being made is in the nearest suitable school KCC will make travel arrangements if their journey exceeds the statutory walking distance or there is clear evidence that the CYP is unable to attend the school without additional support as a result of their special educational needs and/or a disability and/or mobility problems. Where parents are considering a school further away than an alternative being proposed by KCC, the co-production process will provide them with clear and timely information about the travel implications so that they can express an informed preference and understand they may be responsible for getting their child to school.

Each CYP subject to an EHCP will have a formal annual review. At the review meeting, discussion may highlight a change in the CYP's progress or increase in independence. Where the circumstances for the CYP or their family change, e.g. change of address or change of school, it will always give rise to a review of existing transport arrangements.

### Age ranges and legal duties

The legal duties vary for different age ranges, so it is important to ensure that the section being read is relevant to the correct age range of the CYP. This document highlights KCC's commitment in regard to transport for statutory school learners aged **4 to 16**.

There is no statutory entitlement to transport for pre-school learners aged 0 – 3. KCC does not normally make travel arrangements for this age group. Pre-school learners who do not have an EHCP but who may need access to multi-agency assessment centres or similar resources as agreed on a multi-agency basis as appropriate for the CYP will not be entitled to travel arrangements. Parents will be expected to make their own arrangements for ensuring the CYP attends at the centre at the agreed times.

Learners aged 16-25 including those with an EHCP should refer to KCC's Post 16 Transport Policy at [www.kent.gov.uk/post16transportpolicy](http://www.kent.gov.uk/post16transportpolicy)

Where the policy refers to parents, it should be understood to equally apply to guardians and carers.

Where situations arise that are not directly addressed within this policy, Transport Officers will work in conjunction with the Head of Fair Access to apply the principles contained below to identify a suitable resolution.

The following annexes attached to this document relate to the application of the Home to School Transport Policy and the expectations on all stakeholders and should be read in conjunction with the policy:

- Annex 1 General Processes, Explanations and Definitions**
- Annex 2 Eligibility Examples Based on Preference Selection**
- Annex 3 Home to School Transport Appeals**
- Annex 4 Health, Safety and CYP protection**
- Annex 5 Guidelines for Assessing Hazardous Routes**
- Annex 6 Link to Code of Conduct**
- Annex 7 School Transport Retendering Procedure and Considerations**

## 2.0 Transport Eligibility Definitions for Learners of Statutory School Age 4 - 16

### Category 1: Statutory walking distances eligibility

CYP will be assessed on an individual basis and must meet the following criteria to receive transport arrangements:

- Attendance at their nearest suitable school for transport purposes; and
- The distance between their home and school is over the statutory distance for a CYP of their age.

Travel arrangements will not be provided under Category 1 where a CYP only fulfils one of these criteria. Further details as to the operation of these criteria are set out below:

#### Nearest Suitable School

The nearest suitable school means the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEND that the child may have. Parents can find the nearest school to their home by contacting the Transport Eligibility Team at [homeschooltransport@kent.gov.uk](mailto:homeschooltransport@kent.gov.uk)

Qualifying schools for these purposes include all Academies, Free schools and Faith schools, even if a CYP is not of the same faith. In some areas of the county, a CYP's nearest suitable school may be located in another education authority, outside of Kent.

Beyond this definition, no further consideration will be given for a CYP's preference for a single-sexed, mixed, specialist or particular type of school.

CYP assessed suitable for a Grammar school will be assessed against all selective Secondary schools and non-selective Secondary schools.

CYPs assessed through a Grammar school's own test as suitable to attend that school, but who were assessed as suitable to attend non-selective Secondary schools through the Kent Test will only be assessed to their suitable Grammar school and other non-selective Secondary schools.

CYPs assessed through a Grammar school's own test as suitable to attend that school, but who have not taken

the Kent Test will be assessed to all selective Secondary schools and non-selective Secondary schools as KCC will not have sufficient information to establish that the CYP is not of Grammar ability.

CYPs assessed through the Kent Test as not suitable for Grammar school and CYPs that did not take the Kent Test will only be assessed against non-selective Secondary schools.

#### Statutory School Distance

A CYP's nearest suitable school must be over the statutory school distance for them to be considered for free school transport.

For a CYP under the age of 8 years, the school must be over 2 miles from their home.

For a CYP aged between 8 years and 16 years of age, the school must be over 3 miles from their home.

When a CYP reaches 8 years of age and has previously received transport arrangements on the grounds of distance, transport will be withdrawn if they live less than 3 miles from school. This is normally from the beginning of the term after their 8th birthday.

A CYP's nearest suitable school will initially be identified via the shortest available route. School transport distances are calculated between the permanent main residence and the school. Route assessments may take into account public footpaths, bridleways, other footpaths as well as recognised roads where they are available. Distances used for transport assessment are likely to be different to those used for admissions purposes, as most schools prioritise admissions applications by straight line distance.

Where the distance to a school is approaching the upper limit (i.e. 6 miles or 15 miles for a school preferred on grounds of religion or belief), vehicular road routes should be favoured regardless of potential shorter walking routes.

Initial nearest suitable school assessments will not consider whether the chosen route is of a hazardous nature as there is no expectation that CYP will necessarily use this specific route to access their place of education. This stage simply establishes which school is the closest school to their home. Once the nearest suitable school has been established, further consideration will be given to whether a safe route within statutory distance is available (see further details on the following page).

When considering which school is the nearest suitable school for transport purposes, a tolerance of 0.1 miles will be applied. Where the distance between the CYP's offered school and their nearest school is 0.1 miles or less, free travel arrangements will still be provided. Where the distance between the CYP's offered school and their nearest school is greater than 0.1 miles, KCC will not be responsible for providing transport arrangements to the offered school.

All distances between a CYP's home and school are measured using KCC's own software and not any other external measuring method. Distances will be calculated to the school and home point defined in this software only.

Where an alternative route is identified between a school and a CYP's home that is not included in KCC's own software, it may be considered for assessment purposes following a manual review by Transport Officers. Where a manual review is requested, Transport Officers will also consider whether any alternative routes are available to other schools, which are similarly not included in KCC's own software and these routes will be included in any subsequent assessment for eligibility.

### Preference Selection

Preference selection will also impact eligibility for free school transport and will vary based on which admissions process was used to secure the school place.

#### i) Co-ordinated Admissions Process

The co-ordinated admissions process is detailed in KCC's yearly "Primary determined co-ordinated scheme for Primary admissions incorporating entry to Year R and transfer from Infant school to Junior school (Year 2-3)" and "Secondary determined co-ordinated scheme for Secondary admissions incorporating entry to Year 7" and allows parents to express three preferences for Primary and Junior applications and four preferences for Secondary applications.

Transport eligibility remains where there is no school that could have been named as a higher preference on a CYP's application which is closer to the CYP's home than the school they have been offered.

Free travel arrangements may be available where nearer schools have been named as a lower preference than the school that has been offered, but it can be demonstrated that the CYP would have had no real prospect of being

offered a place there had they been named as a higher preference than the offered school.

Where a new school is opening in the vicinity of a CYP's home, but making school offers outside of KCC's co-ordinated admissions process, it would be expected that an application would have also been made directly to the school for a place.

Where it is not possible to offer any school preferences through the co-ordinated admissions round, KCC will allocate a place at the next nearest school with an available space. Where this occurs, CYP will be eligible for free school transport to the allocated school, where it is beyond the statutory distance and their application included their nearest schools, making use of all available preferences.

Where a CYP is assessed as not suitable to attend Grammar school through the Kent Test or school's own test or where a CYP has failed to take the Kent Test, their application includes Grammar schools to allow them to appeal following the refusal of a place on National Offer Day, their Grammar preferences will be ignored when assessing transport eligibility and their application will be processed in the same way as a CYP who has not made use of all available preferences.

If parent's admission preferences are not expressed in the order outlined above, and subject to looking at whether the CYP had a real prospect of being offered a place at a particular school, KCC will not be responsible for providing transport arrangements. Helpful examples of eligibility based on preference selection can be found in Annex 2.

#### ii) In Year Admissions Process

Where a CYP has moved home and secured a new school place through the In Year admissions process, outside of the normal admissions round, transport eligibility will only be granted where they are attending the nearest suitable school that has a space at the time an application for free school transport is made.

Where a CYP has moved home but remains at the same school that they attended from their old home address, transport eligibility will be reassessed on the basis of current school spaces at the time that KCC are advised of the change of circumstances.

If a CYP changes their school through an In Year admissions application, but has not moved home since

they last applied through the co-ordinated admissions process, their eligibility for free school transport will be assessed on the basis of the preferences and spaces available during the last co-ordinated admissions round in which they took part.

KCC must be informed in advance of any change of circumstance, to allow time for a new pass or alternative transport arrangements to be made available, if they are still deemed eligible to receive free transport arrangements. CYP will not be eligible to receive transport support to and from school until a reassessment has been completed.

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### Category 2: Eligibility for Children and Young People with Special Educational Needs, a disability or mobility problems

Free transport arrangements can be requested by their parent if a CYP's special educational needs and/or a disability and/or mobility problems inhibit their ability to walk to and from school, accompanied as necessary by a responsible adult or parent (where a CYP's parent can be reasonably expected to accompany the CYP). Whilst the distance between the home and the school may not be relevant in these cases, to qualify for free transport arrangements, it may still be used as a guide and the CYP must still attend their nearest suitable school for transport purposes.

Where a parent is requesting that transport should be provided to a school that is not the nearest suitable school, it is unlikely that their child will be eligible for free school transport unless it can be demonstrated that any associated costs or additional costs would represent an efficient use of KCC's resources or are negligible.

Eligibility is needs based. It is not based solely on the CYP being identified with a special educational need or disability. Where insufficient evidence is available within a CYP's EHCP that their need will inhibit their ability to walk to and from school, additional evidence from the CYP's GP or consultant should be provided by the parent with their application. KCC is not able to seek this information on an applicant's behalf.

Third party views that state that the CYP cannot reasonably be expected to walk to school, will be given very little consideration and weight unless they are supported with evidence which explains why, in their professional opinion, the CYP cannot reasonably be expected to walk to school, accompanied if necessary.

In the absence of such evidence it is highly unlikely that a CYP could be accurately assessed as unable to access their place of learning. Assessments will be reviewed periodically, but no more frequently than once each academic year. Up to date evidence will be sought at the time of the review.

Where parents are unable to accompany Primary aged CYP to school due to their own special educational needs and/or a disability and/or mobility problems, travel arrangements may be provided by KCC. To qualify for free transport arrangements, the CYP must attend their nearest suitable school and parents must provide evidence annually from their GP or consultant which shows why they are unable to undertake the journey.

Transport that is granted on the basis of a CYP's or parent's disability or mobility problems will be reviewed on an annual basis.

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### Category 3: Unsafe route eligibility

Where a safe walking route is available to a CYP's nearest suitable school that is shorter than the statutory walking distance, travel arrangements will not be made.

Where no safe walking route is available or where the shortest available safe walking route is over the statutory distance, travel arrangements will be made to a CYP's nearest suitable school.

A safe walking route is one where a CYP can walk safely accompanied as necessary by a responsible adult. A route is considered hazardous where it would be unsafe for a CYP to make use of it even if they were accompanied by a responsible adult. Where a CYP is attending their nearest suitable school and lives within the statutory distance for their age, a request can be made to assess whether the route is hazardous. If a route is assessed as hazardous, transport arrangements will be provided, so long as there are no other safe walking routes to the school under the statutory distance for that CYP's age. Guidelines for Assessing Hazardous Routes can be found in **Annex 5**.

## Category 4: Extended rights eligibility

To receive transport arrangements under this category, the CYP must be aged over 8 years of age and be entitled to Free School Meals or the family must be in receipt of one of the benefits listed below:

- Income support.
- Income based jobseekers allowance.
- Child Tax Credit (TC602 for the current tax year with a yearly income of no more than £16,385pa) without working Tax Credit.
- Guaranteed element of state pension credit.
- Income related employment and support allowance.
- Maximum level of Working Tax Credit.
- Universal Credit (provided families have an annual net earned income of no more than £7,400, as confirmed by earnings from up to the three most recent assessment periods).

Current evidence of the benefit received by families must be provided to KCC at the time of application.

Transport arrangements will only be provided under the category where one of the following criteria is also met:

- The nearest suitable school is beyond 2 miles away (for CYP over the age of 8 and under 11).
- The school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools); or
- The school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (if aged 11-16). Applications made on the basis of faith must also have the application form signed by a vicar/priest of the same denomination as the school stating that the CYP is a regular and practising member of a church of the same denomination as the school.
- The school is between 2 and 15 miles and is the nearest Grammar school and the CYP (aged 11-16) has been assessed as suitable for selective education. CYPs assessed through a Grammar school's own test as suitable to attend that school, but who were assessed as suitable to attend non-selective schools through the Kent Test will only be assessed to their suitable Grammar school. CYPs assessed through a Grammar school's own test as suitable to attend that school, but who have not taken the Kent Test will be assessed to all Kent Grammar schools as KCC will not have sufficient information to establish that the CYP is not of Grammar ability.

Transport that is granted under the extended rights eligibility below is reviewed on an annual basis. Where, during the course of a school year, a child ceases to be eligible for free school meals, or their parent ceases to receive maximum Working Tax Credit, the KCC will continue to provide free home to school travel for the remainder of that school year.

## Children and Young People in the care of Kent County Council

In Kent, we want to achieve the best outcomes for our children and young people in care, by offering an effective and efficient service with a warm and nurturing responsive provision whereby all our decisions are child focused. As good Corporate Parents, we will ensure that we keep children at the centre of everything we do and that the decisions we make, ensure they can achieve the best possible outcomes, especially in relation to their education. Decisions regarding transport to school, must be made through effective partnership working across the departments, to ensure that no child in our care is at a disadvantage in their home school travel, due to the location of their care provision in relation to their school.

The Children's Commissioner Report on Stability for Children in Care (2018) concludes instability in placement has a direct link to instability in school with children who experience a placement move nearly three times as likely to experience a mid-year school move. School moves at the time of a placement breakdown, are both disruptive and stressful for our children and young people. The transport policy for Children in Care must therefore ensure that it supports children being able to stay in their current school placement, as this will provide them stability in both their education and placement. As Corporate Parents we acknowledge that our children in care may have periods in their lives where they are unable to manage being in full time education, where children are on a part time timetable this should not affect the provision of transport to them.

Children in the Care of KCC do not have an automatic right to free home to school transport and are initially assessed in accordance with KCC's transport criteria in the same way as any other CYP. However, Children in the Care of KCC should not be at a disadvantage in regard to home school transport if they are subject to a move of placement, whether this be their entry into care or any subsequent move. As their Corporate Parent, we understand that children and young people, will be experiencing significant trauma and loss, during any



move and that remaining in their existing school, is often essential to maintain some stability for them during this period of transition. Children's provision of placement will at times have been directed by Court and through no fault of their own, they could be placed outside of their local community. Equally, to meet the complex needs of some of our children and match them to an appropriate foster carer, it may result in them living outside of the area whereby previously it meant they were attending their nearest suitable school.

Where a Child in Care remains ineligible for free school transport, both they and Young Carers can apply for a free KCC Travel Saver pass. This pass is available at no cost to all children in care and young carers between the ages of 11 and 21. In addition to the normal process, the application will need to be endorsed by the CYP's case worker confirming their eligibility.

Where a CYP in care is moved by Integrated Children's Services to a new foster carer or Children's Home, either as a long term or a temporary measure, and the provision of a free KCC Travel Saver pass is not sufficient to allow access to education, the existing school may continue to be considered the nearest suitable school for transport purposes to maintain continuity of learning environment.

Distance criteria would need to be met and the journey time would need to be appropriate in accordance with guidance for suitable journey times. Where there is a nearer suitable school to the CYP's new residence, the CYP's designated Social Worker will review the case regularly with an expectation that a move to a local school will follow successful placement.

In addition to the eligibility criteria above, CYPs in the care of KCC, will be provided with transport arrangements to the nearest Grammar school in the following circumstances:

- They have met the entry requirements of the school.
- They have been offered a place at the school.
- It is the nearest Grammar school to their home.
- The distance from their home and the school is between 2 – 15 miles.

Where CYPs have met the entry requirements but are unable to secure a place at their nearest Grammar school and have named their nearest Grammar school as a higher preference, transport will be provided to the next nearest Grammar school providing it is not more than 15 miles from their home. Travel arrangements may also be available where nearer Grammar schools, not more than 15 miles from their home, have been named as a lower preference than the school that has been offered, but it can be demonstrated that the CYP would have had no real prospect of being offered a place there had they been named as a higher preference than the offered school.

This does not apply to Other Local Authority children placed into Kent, whereby KCC have no Corporate Parenting responsibility for the CYP.

## 3.0 Transport Arrangements for Eligible Children and Young People

### Travel arrangements made by KCC or other persons

KCC's duty to make travel arrangements only arises if:

- No relevant travel arrangements are provided free of charge in relation to the CYP by any person who is not KCC; or
- Such relevant travel arrangements are provided free of charge in relation to the CYP by any person who is not KCC but those arrangements do not provide suitable home to school travel arrangements for the purpose of facilitating the CYP's attendance at the relevant educational establishment.

### Arrangements for accessing education

Where CYPs are eligible to receive free transport arrangements, KCC will identify the most cost-effective way for CYPs to access their education taking account of their needs and circumstances.

Where public transport options exist and are suitable, arrangements will take the form of a pass which allows a single journey on a vehicle in the morning and return journey in the afternoon. KCC may provide additional training or support to allow pupils to make use of public transport.

Where there is no access to public transport, bespoke transport arrangements may be put in place from designated collection points to enable access to a hired vehicle. KCC may finally commission smaller private hire vehicles where no other arrangements are suitable.

In exceptional circumstances and as a last resort, the Head of Fair Access may approve alternative, cost-effective arrangements to provide free school transport for eligible CYP who otherwise could not be transported to their place of learning.

### Transport other than at the beginning and end of the school day

Home to school transport is only provided at the beginning and end of the normal school day. The beginning and end of the school day is determined by

the times of the first programmed educational lesson delivered during normal school hours and the end of the last programmed lesson during normal school hours. Any transport arrangements in order for the CYP to attend breakfast or after school clubs or extended lessons outside of the normal school hours, will be the responsibility of the parents to arrange. Similarly, for CYPs accessing a bespoke timetable, it may be necessary to wait at school to access the dedicated vehicle. KCC may be flexible in this regard where it does not impact other eligible CYPs or result in additional expenditure, but all decisions are subject to revision following any change in circumstance.

### Alternative Transport Arrangements

#### Mileage Payment

Parents can request to have a mileage payment in order to drive the CYP to and from school. The Transport Eligibility Team will assess whether this is a cost-effective option for KCC and may award payments if no existing contracts are operating that could accommodate the CYPs. Payments will be made at 45p per mile, paid in arrears, subject to confirmation of attendance and submission of appropriate fuel receipts.

Where parents request a voluntary mileage payment, it is calculated for one journey to school and one return journey home. It is unlikely that a voluntary mileage payment will be granted where this exceeds the cost of a Personal Transport Budget and consequently payments are usually capped at £2000 per annum.

Where KCC agrees that a mileage payment is the only acceptable form of transport based on a CYP's need, consideration will be given to the number of daily journeys that are covered, dependent on the family's individual circumstances and daily responsibilities to ensure transport arrangements are provided at no cost to the family.

Where there are two or more CYPs from the same family attending the school, only one claim for mileage payment is allowed.

A mileage payment is provided solely to offset costs incurred where a CYP is transported to school in a parent's own vehicle. A mileage payment will be withdrawn where a CYP has access to the use of an alternative subsidised KCC transport scheme.

## Personal Transport Budgets

A Personal Transport Budget (PTB) is a payment designed to help parents make their own arrangements to facilitate the CYP accessing school. Parents are not limited in how they make use of the PTB to support school transport arrangements, with the exception that funds cannot be used to purchase an alternative subsidised KCC pass or scheme for the CYP.

A PTB is primarily available to CYPs with an EHCP. They must also be eligible to receive home to school transport when assessed in accordance with KCC's Transport policy. In exceptional circumstances and where it is financially beneficial to KCC, mainstream CYPs may be offered a PTB on the same basis as CYPs with EHCPs – this is entirely at the discretion of the Council and will only be available where it can be demonstrated to be the most cost-effective use of resources. Applicants who have previously been withdrawn from the PTB scheme by KCC will be ineligible for consideration for future requests.

PTB payments are made on the basis of the straight-line distance between the CYP's home and their main school in the following Bands:

- Band 1** – Less than 5 miles -£2000 Annual Budget
- Band 2** – Between 5 and 10 miles -£3000 Annual Budget
- Band 3** – Over 10 miles -£5000 Annual Budget

Where a CYP receives a PTB partway through the academic year, the total payment will be offered on a pro rata basis to account for the reduced timescale that the parent will be responsible for transport arrangements.

Where a CYP is accessing education on a part-time basis, or they are making use of boarding facilities, their PTB payments will be offered on a pro rata basis to account for the reduction in journey frequency (in most cases for learners who board, mileage payments offer more benefit than the PTB).

The PTB is reviewed on a regular basis taking into account the CYP's attendance at the school and the transport arrangements that may be provided by KCC that are in place at the current time. The CYP's attendance will be monitored and where attendance falls below 85% within a period, payments for any days that they are absent will be deducted from a later PTB payment. There is no guarantee that a PTB will continue to be paid where the CYP's attendance is seen to be low or where there is more cost-effective transport which can be accessed. Parents

will be required to enter into a contract with KCC in which they agree to ensure the CYP can access school in a safe and legal way and arrive in a fit state to learn in return for the PTB payment.

PTB payments are made in 11 monthly instalments. No payment will be made in July to allow KCC sufficient time to confirm that a reduction is not required in the final monthly instalment to account for low attendance. The final payment will be made in August to account for transport that parents have provided in July of that school year.

Payments are paid directly into a bank account nominated on the Parental Agreement Form on the 15th of each month or the previous working day where the 15th falls on a weekend or public holiday.

Payments will be calculated from the date that the Parental Agreement Form is returned.

Payments are not back dated and no refunds are provided if the application for a PTB is processed within six weeks of receipt of the application.

A PTB can be offered to up to two CYPs within a family, however, the additional CYP will normally only be granted 50% of the entitlement. Any subsequent CYP would not normally qualify for PTB.

## Travel Training

Travel training (TT) may be available to CYPs with an EHCP and who meet the criteria to receive free home to school transport, dependent on availability of suitable travel trainers.

## School Led Transport

The Head of Fair Access will work in conjunction with schools with a willingness and sufficient capacity, to develop bespoke arrangements to provide transport to eligible CYPs on their roll. Such arrangements will be agreed in line with principles outlined in this policy, but will be managed via separate formal agreements with the school.

## 4.0 Options for Non-Eligible Children and Young People

KCC subsidises access to school in other ways that parents may wish to consider. Where parents recognise their child will not be eligible for free transport arrangements or CYPs are assessed and found not to be eligible under KCC county transport policy, at its discretion KCC has introduced the following schemes:

### Kent Travel Saver pass

Details of the Kent Travel Saver pass can be found at [www.kent.gov.uk/travelsaver](http://www.kent.gov.uk/travelsaver)

### Kent 16+ Travel Saver pass

Details of the Kent 16+ Travel Saver pass can be found at [www.kent.gov.uk/16plustravelsaver](http://www.kent.gov.uk/16plustravelsaver)

### Vacant Seat Payment Scheme

Some CYP may be able to apply for a seat on vehicles hired by KCC under the Vacant Seat Payment Scheme (VSPS).

It will also be necessary for applications to consider Public Service Vehicles Accessibility Regulations 2000, which potentially limit a number of larger vehicles from being considered for use in the scheme if they are not suitably accessible to all potential passengers. The Department for Transport have applied a number of exemptions which have delayed the implementation of these regulations, however, KCC will be required to apply them in the event that no further extensions are granted.

Vacant seats on hired vehicles that meet suitability requirements are only made available after the start of term, once all statutorily entitled CYPs have been accommodated onto transport and vehicle spaces are known. Consequently, parents seeking to purchase a vacant seat may need to make other arrangements for the CYP to access school during the period when vacant seats are being collated for allocation. This will not be refunded by KCC. VSPS awards seats on a first come first served basis.

Where a VSPS seat is granted, it may have to be withdrawn at a later date for a CYP who is entitled to travel arrangements, if KCC decide to stop running the vehicle or if it is decided to run a smaller vehicle.

If the seat is withdrawn, parents will be able to use the VSPS seat until the end of the academic year, at which

point they will then have to make their own arrangements.

VSPS is not available on public transport.

Parents also have the right to appeal against the refusal of transport arrangements further details are set out in Annex 3.

## 5.0 Annexes

### Annex 1 - General Processes, Explanations and Definitions

#### Parental Accompaniment

The legal responsibility for ensuring a CYP's attendance at school rests with their parent(s). This includes accompanying the CYP on the school journey where necessary. If parents are working at the time when their child travels to and from school, it is a parental responsibility to make arrangements for someone else to supervise or accompany their child where necessary.

However, where one or both of a CYP's parents are registered disabled, eligibility for travel arrangements will be judged on the individual circumstances, with regard to the Equality Act 2010.

#### How to Apply

Information about how to apply for free school transport can be found at [www.kent.gov.uk/freeschooltransport](http://www.kent.gov.uk/freeschooltransport)

#### Application timescales

KCC seek to administer the eligibility process and provision of identified transport arrangements inside of six weeks wherever possible. Several factors will determine KCC's ability to deliver on this commitment. In some instances, the assessment may be delayed where further information is required about a CYP's individual needs, or at peak times of the year. Once an applicant has been assessed as eligible for free transport arrangements, details are passed to colleagues in Public Transport who determine the most suitable and cost-effective means to enable the CYP to access their education provider. In most instances this will be a straightforward process of identifying and transport procurement process to be conducted. Where these more complex transport arrangements need to be put in place, parents might expect a delay in transport arrangements being confirmed as a fair and legal process must be followed to identify a suitable transport provider through a competitive process.

Where parents apply for transport to coincide with a new academic year, they should ensure that applications are made as soon as possible after receiving their child's school offer. While assessment work will start on these applications as soon as they are received, the Transport Eligibility team will not start to send out assessment

decisions until 1 July at the earliest in the preceding academic year, to allow applications for the current school year to be completed in a timely fashion. Parents should therefore expect to wait until 1 July or up to 6 weeks from the date they submitted their application, whichever is later, to receive the outcome of their transport application when applying for a new academic year.

#### Refunds

KCC is not responsible for any costs incurred by parents during the normal application timescale. Where assessment for eligibility takes longer than six weeks and a CYP is subsequently found to be eligible for free school transport, parents may request a refund. Refunds will usually be in the form of a mileage payment for each additional school day parents were required to provide transport.

If a CYP was initially assessed as ineligible for free school transport, but following a Transport Eligibility Officer review (See Annex 3) is reassessed as eligible, a refund can be requested from the initial assessment decision date or the date six weeks after the initial application was received, whichever is earlier. If the review overturns the decision as a result of additional information that the parent did not make available when first applying, a refund will only be made available where the review is completed after the 20 working day limit. In this event, refunds will be calculated from 20 working days after any new information was received by the Transport Eligibility Team.

Where free school transport is provided following a Stage 2 transport appeal, no refund will be provided for transport that a parent has been required to organise until their appeal hearing date, as panel members have additional discretionary authority to consider wider personal circumstances which could not be considered during the normal assessment process. A full or partial refund will only be provided where panel members have concluded that this is appropriate during the appeal.

#### Mode of transport

KCC will determine the most suitable way to provide the transport arrangements necessary to support the needs of the CYP and meet its legal obligations. Where parents wish to make their own arrangements and be reimbursed, this may be considered at the discretion of KCC and payment may be awarded where it is not financially disadvantageous to KCC.

here transport is commissioned by KCC, suitable arrangements will be made for the CYP to get on or off the vehicle allocated to them at a point as near to the home and school as possible. There is no fixed distance, although a distance of up to a mile would generally be considered a reasonable walk for a CYP, accompanied as necessary, in order to reach a drop off and collection point. Consideration of the individual circumstances, including the CYP's age, health, wider needs and the nature of the journey, would be taken into account.

Due to the tendering process that is required to finalise arrangements, KCC cannot guarantee that a CYP will be offered transport by a particular provider, driver or in a specific vehicle. Similarly, arrangements are subject to change throughout the academic year, although KCC will endeavour to keep changes to a minimum wherever possible.

### **End of the school day**

Where transport arrangements return a child directly to their home, if the person authorised to collect or receive the CYP from the vehicle is unavailable, the driver will take the CYP on the remainder of the journey and return to the agreed destination. If there is still no one to receive the CYP, they will not be left unsupervised and will not be left with anyone other than the parent or person for whom the parent's written authorisation has been given.

In cases where there is no authorised person to collect the CYP, contact will be made with Public Transport immediately and instructions will be issued. If there is no alternative, the CYP will be taken to the local Social Services office up to 5:00 pm (where available) or, if after 5:00 pm, the CYP will be taken to the local police station where the police will be asked to contact the out-of-hours duty social worker.

### **Journey times**

As a general guide, the maximum length of time for a CYP of primary school age to journey to school is 45 minutes, and 75 minutes for a CYP of secondary school age. There will, however, be circumstances in which this is not possible, for example in rural areas where CYP live in remote locations. Wherever possible, a CYP will not be expected to make several changes on public transport.

Travel arrangements for CYP with SEND can be particularly complex to make. Shorter journeys may be particularly desirable, perhaps because a CYP's SEND mean they become distressed while travelling, but a CYP may need

to travel a long way to the school that is able to meet their needs and one vehicle may need to collect several CYP.

Where long journeys are unavoidable, KCC will consider whether there are measures they can take to minimise negative impacts for the CYP, for example if they become distressed on long journeys the parent or school may be able to offer advice on effective ways of keeping them calm.

The journey time is the time it takes for the CYP to travel to and from school including the time it would take them to walk from their home to the bus stop or train station and then onto the school and any time they would have to wait for the bus or train.

### **Differences in eligibility between siblings**

Each CYP is assessed in accordance with Kent's Transport criteria on an individual basis at a given time. This means that where a sibling will attend the same school as a CYP who currently receives transport arrangements, the new CYP will not necessarily receive transport arrangements just because the existing one does.

Where two or more CYP apply to the same school through the co-ordinated admissions process and the older sibling is not eligible, but due to changes in the road or walking route networks and subsequent advancements in the mapping data, a younger CYP is assessed as eligible, free school transport will be provided to all CYP in the family going forward as a reflection of their newfound eligibility. No refunds will be provided for transport organised for any older CYP before their transport eligibility status was reassessed.

Where two or more CYP apply to the same school through the co-ordinated admissions process and an older sibling was eligible, but a younger CYP is assessed as not eligible at a later date, transport will not be provided to the younger CYP, however, transport will not be withdrawn from any CYP that was previously assessed as eligible, unless they have a change of circumstances that requires a reassessment such as a change of address or school.

Where a CYP secures a place at the nearest suitable school for transport purposes from their home during the In Year admissions process and is eligible for free school transport, but this would not be the nearest suitable school had an application been made through the co-ordinated admissions process, free school transport will be provided to younger siblings that name the same school as their first preference in any subsequent co-ordinated admissions

application. Free school transport will not be provided if the school is named as a lower preference unless eligibility is attained through the normal operation of transport criteria.

Where a CYP is provided with free school transport following an appeal to the KCC Transport Regulation Committee Appeals Panel, free school transport will be provided to younger siblings that name the same school as their first preference in any subsequent co-ordinated admissions application. Free school transport will not be provided if the school is named as a lower preference unless eligibility is attained through the normal operation of transport criteria.

### **Change of address or school**

If a CYP moves or changes school, their eligibility to receive travel arrangements would be reassessed in accordance with the policy. There is no guarantee that because they may have received transport arrangements previously, that they will continue to do so. During the time it will take for KCC to reassess the CYP's eligibility, it will be the parents' responsibility to make their own arrangements to transport the CYP to and from school.

If a CYP in Year 10 or Year 11 moves home, it would be unreasonable to expect them to change schools at a critical stage of their education. In these circumstances, transport entitlement will be reassessed and would be granted to the existing school for continuation of education if the CYP was already eligible for free school transport from their previous address. Distance criteria would need to be met and the journey time would need to be appropriate in accordance with guidance on suitable arrangements (as set out previously).

If a CYP moves on a temporary basis, transport would not normally be provided.

### **Additional alternative addresses**

Free transport arrangements are normally only provided from the CYP's home to the main school at which they are on roll. The CYP's home will normally be the address where they reside for the greatest number of school nights (eg Sunday evening to Thursday evening). Where an eligible CYP spends an equal number of school nights at more than one residence, free school transport will be provided to the address which is closest to their school via the shortest available route.

In exceptional circumstances, transport may also be provided to an additional alternative address where there is no additional expenditure to KCC. Transport will only be approved for permanent arrangements and will not be implemented for temporary changes in transport requirements. Where transport is provided in these circumstances, arrangements will only remain in place until such a time as they are no longer cost neutral. At that point, transport to the alternative address will be removed and parents will be offered an opportunity to appeal.

### **Off-site provision**

If schools arrange any off-site provision for a CYP who is on their roll, they will be responsible for making any transport arrangements and meeting the costs.

### **Work experience**

KCC will not provide transport arrangements for CYPs on work experience. Any costs that arise as a result of work experience, including transport costs, are the responsibility of the school or parent.

### **Examinations**

Public examinations are normally taken during the normal school day. Transport will not be provided at alternative times for CYPs who take public examinations.

### **Out of county residents**

A CYP that resides outside of the administrative boundary of KCC but attends a Kent school must apply for transport arrangements from their home Local Authority where this is required.

### **Independent schools**

Where a CYP attends an independent fee-paying school, free home to school transport from KCC will not be provided unless it is named in an EHCP as a CYP's nearest suitable school.

### **Exchange students**

Transport is not provided for an exchange student to access education.

### **Transport provided in error**

If following an internal review it is identified that a CYP has been incorrectly assessed as eligible for free school transport and whose personal circumstances do not actually meet the required criteria, transport arrangements will be withdrawn. Parents will be given at least one term's notice before transport is withdrawn to allow sufficient time to organise alternative arrangements.

### **CYP behaviour**

Inappropriate behaviour on a vehicle is a safety hazard and can put all passengers, the driver and other road users at risk. Drivers and passenger assistants will normally notify the head teacher or nominated person at the school of any problems with the CYP's behaviour once the journey is concluded. The school will ensure that Public Transport and where necessary the SEN Caseworker are kept informed.

Parents will be informed of any problems and are expected to assist in preventing their recurrence. If it is considered that a CYP's behaviour is likely to endanger themselves and/or others, then it may be necessary to withdraw transport either temporarily or permanently. The length of any temporary withdrawal is at the discretion of the Transport Eligibility Team, following consultation with the school and other relevant parties.

Where a CYP's behaviour is unacceptable during the journey the route will be completed and they will not be put off the vehicle anywhere other than at the agreed destination. However, if a driver feels that a CYP's behaviour on any journey is such that they cannot guarantee the safety of the other CYPs and adults on the vehicle or other road users, they should take immediate advice from their employer, the school or Public Transport.

Where a CYP's behaviour persistently endangers themselves or others KCC reserves the right to withdraw the transport and provide the parents with a PTB or mileage allowance.

Further details can be found in the Code of Conduct found in Annex 6.

### **Transport arrangements for Children and Young People with an Education Health and Care Plan (EHCP)**

#### **Assessment and trial periods**

Where it has been recommended by KCC that a CYP attend a provision for a period of assessment or trial, transport will be provided as long as the CYP meets the eligibility criteria for travel.

#### **Passenger assistants**

There is no automatic entitlement to provision of a passenger assistant on a vehicle if a CYP travels by minibuss or taxi. The need for a passenger assistant will be considered on a case by case basis, taking in to account the

CYP's age, the nature of their special educational needs and whether a passenger assistant is already present within the vehicle.

Passenger assistants may also be provided where there are five or more CYPs with EHCPs travelling in one vehicle who would otherwise not require individual support, although this may not be necessary where the collective level of need is low.

All passenger assistants are employed by the transport provider. Before they can commence their duties, they must undertake an Enhanced DBS check, which is repeated annually, and attend a KCC induction course. All passenger assistants are issued with photo ID which they must wear at all times. Any further training is provided by their employer.

Passenger assistants' duties are to supervise CYPs on a vehicle and to assist with boarding and leaving the vehicle where the CYP has physical, sensory and/or medical difficulties. They are not able to collect CYPs from home. It is the parents' responsibility to make arrangements, where necessary, to ensure the CYP gets to and from the vehicle.

No passenger assistant will be permitted to administer treatment or medication without the consent of the parent, which must be obtained in advance in writing together with clear details of when and how the treatment/medication is to be administered.

A passenger assistant may administer treatment or medication only if they have been trained to do so. If the condition needs treatment which is complicated to deliver it may be necessary to provide a trained nurse or individual who has received the necessary specialist training.

On some occasions the passenger assistant who has been authorised and trained to administer treatment or medication, may not be available. Ideally in such circumstances, the contractor will have an alternative passenger assistant available, also trained and authorised. Where this is not possible, the parents may be able to travel during the school run or asked to make alternative arrangements. On no account may a CYP travel without a passenger assistant who is authorised and trained to administer the necessary treatment or medication.

Where KCC has exhausted all possible avenues and remains unable to secure a suitably trained passenger assistant, it may be necessary for alternative transport



support to be offered. The Head of Fair Access may approve alternative, cost-effective arrangements to provide free school transport for eligible CYP who otherwise could not be transported to their place of learning.

Passenger assistants' duties also include the delivery of notes, medication or money between home and school where the CYP is not capable of doing so or cannot be relied upon to do so. Guidelines and training are provided for all passenger assistants and each one carries an identity card which is subject to renewal annually.

Passenger assistant arrangements will be reviewed annually to ensure they remain appropriate.

### **Boarders**

Transport for boarders will be provided at the beginning and end of each agreed scheduled boarding period. Outside of these times, the parent, assisted as necessary by the school, will be required to facilitate and fund any exceptional transport arrangements that may be required in the event of extraordinary occurrences such as school closures, medical appointments etc.

### **Specialist equipment**

Where special equipment is necessary for the safe transport of CYPs, the contractor will be expected to provide this if it is commonly available, and this will be stipulated in the contract.

For some CYPs, individual specialist equipment is necessary which it would be unreasonable to expect a transport provider to provide. This may be purchased by KCC and loaned to the contractor for the duration of the contract.

### **Transportation of equipment and luggage**

CYPs travelling to school on a daily basis are expected to travel with one item of hand luggage and CYPs attending residential schools are expected to travel with one suitcase (or equivalent). Additional equipment will be transported only by prior arrangement and details of any additional equipment needing to be transported must be provided when transport is being requested, at least ten working days before it is needed. Any one-off arrangements where there is a need to transport an item of equipment must be notified to Public Transport and, if it requires additional expense to transport, the SEN Area Manager will take a decision on whether this should be approved. Should special arrangements need to be made, Public Transport will require at least ten working days' notice.

In cases where large pieces of equipment are needed by a CYP at all times and so require transporting on a daily basis, the SEN Area Manager will investigate the possibility of purchasing a second piece of equipment for use whilst the CYP is in school. Equipment purchased in this way is not for use at home and must be returned to KCC when the CYP no longer requires it in school. In considering the purchase of an additional piece of equipment, the SEN Area Manager will consider the difference between the cost of transporting the equipment and the cost of buying and maintaining it and will normally fund the cheaper option.

### **Children and Young People with an Education, Health and Care Plan that Ceases**

If SEN Officers cease to maintain a CYP's EHCP, the CYP will normally continue to be eligible for home to school transport but only to their existing school. Should they change schools or move home, their eligibility would be reassessed, in accordance with the current policy and their new circumstances.

### **Children and Young People in the care of KCC**

#### **Alternative Timetables**

Where it has been recommended by KCC that a CYP in Care attend a provision on a temporary part time timetable or to accommodate a reintroduction into full time education, transport will be provided as long as the CYP meets the eligibility criteria for travel.

#### **Respite**

If a CYP in care attends a different address on respite whilst still living with parents at their main residence, transport entitlement would not normally be granted but may be commissioned by Integrated Children's Services where they deem it appropriate.

#### **Children and young people in Foster Care**

KCC Foster Carers receive as part of the maintenance payment for caring for a CYP, a proportion to cover the costs of transport (10%). Any transport costs over the agreed 10%, can be claimed for monthly, at 45p per mile, using the mileage form to be returned to their designated ICS contact. Part of the role of a foster carer, is to facilitate the CYP getting to/from school and for younger children particularly it is essential for their wellbeing, to be taken and collected by a trusted adult. However, some foster carers will be responsible for up to three children in their care, alongside their own birth children and all professionals should be open to the need to explore all transport options and support available, to support the stability of the foster placement.

### Children and Young People attending alternative establishments

#### Direction off Site

Where arrangements are made for a CYP to attend another school on a managed move, transport will be provided if the distance between the home and the new school is more than the statutory distance for the CYP's age. Parents will be responsible for ensuring that CYP can access this provision for the first six weeks. After this point, parents will be able to apply for transport arrangements, but will remain responsible for transporting the CYP while arrangements are made for suitable transport to be put in place. Schools may support parents in enabling access to the off-site learning provision.

#### Pupil Referral Hubs/Alternative Curriculum/Specialist Resource Provision/Health Needs

Transport for CYPs who are attending alternative sites and who remain on roll at their school will be organised by the CYP's school or parent. Free school transport will remain available to the CYP's main school.

#### Children admitted to school under the Fair Access

##### Protocol:

The Fair Access Protocol is in place to ensure that CYP without a school place, particularly the most vulnerable, are found and offered a school place as quickly as possible. CYP placed under the Fair Access Protocol will be considered as attending their nearest suitable school for transport purposes to whichever school the panel identifies. All further assessment will take place in line with the principles outlined within this policy.

#### Permanent exclusion or Suspension

A permanently or temporarily excluded CYP may receive transport arrangements to the nearest suitable school that will admit them if the distance between their home and the school is more than the statutory distance for their age. This will only be in exceptional cases where no other nearer schools are able to meet the educational needs of the CYP. For temporary exclusions, the eligibility for home to school travel will apply to the other school only for the temporary period.

#### Dual Registration

Where an eligible child is registered at two qualifying schools (which are not pupil referral units) KCC will provide free home to school travel to whichever of the schools the child is attending on any school day on which home to school travel is required.

## Annex 2 - Eligibility Examples Based on Preference Selection

The examples below demonstrate how transport eligibility is affected by preference selection in co-ordinated school admissions processes.

The first column shows the preference number that each school was named as on a CYP’s school admissions application.

The second column shows how that school would be considered when assessing the distance criterion (e.g. 1 means that this school is the closest school to the CYP’s home via the shortest route, 2 means that it is the second closest school etc).

The third column describes whether the CYP would be eligible for free school transport if that school was offered to them on National Offer Day (e.g. the description in the row for the first preference school explains what would happen if the first preference school was offered. The description in the row for the second preference school explains what would happen if the first preference school could not be offered, but the second preference school could etc).

The final row in each example shows if a CYP would be eligible for free school transport if none of their preferred schools could be offered and KCC was required to allocate them an alternative school and that school is over the statutory distance.

Where a CYP is assessed as suitable to attend Grammar school through the Kent Test or a school’s own test, non-selective Secondary schools will be included when assessing which schools are closest to a CYP’s home.

Where a CYP is assessed as not suitable to attend Grammar school through the Kent Test or school’s own test or where a CYP has failed to take the Kent Test, but a parent decides to name Grammar schools to allow them to appeal following the refusal of an offer on National Offer Day, their Grammar preferences will be ignored when assessing transport eligibility. These cases will be assessed in line with the examples laid out below where parents have failed to make use of all available preferences.

This is not an exhaustive list of all possible permutations but offers a demonstration of how the transport policy will be applied.

### Named nearest schools in distance order

Preference Number	Distance order from home	Eligibility if offered this school preference
1	1st	Eligible – Nearest school
2	2nd	Eligible – Nearest school named higher but couldn’t be offered
3	3rd	Eligible – Nearest schools named higher but couldn’t be offered
4	4th	Eligible – Nearest schools named higher but couldn’t be offered
Allocated School	N/A	Eligible – Named all four nearest schools

In this example, the applicant would be eligible for free school transport if they were offered any school, as long as it was over the statutory distance from their home. As the schools are in distance order from their home, if one school cannot offer the CYP a place, the next preferred school would become the nearest. If KCC had to allocate the CYP a place at an alternative school, as all of their preferred schools were full, they would be eligible for travel arrangements as they have made use of all of their preferences and named their nearest four schools.

**Named four nearest schools but not in distance order**

Preference Number	Distance order from home	Eligibility if offered this school preference
1	2nd	Not Eligible – Nearer school not named as higher preference
2	3rd	Not Eligible – Nearer school not named as higher preference
3	4th	Not Eligible – Nearer school not named as higher preference
4	1st	Eligible – Nearest school
Allocated School	N/A	Eligible – Named all four nearest schools

In this example, the applicant would not normally be eligible for free school transport if they were offered any of their top three preferences, as there is a nearer school to their home that they would have been offered that they could have named as a higher preference. They would be eligible if they were offered their fourth preference school as it is their nearest school, provided that it is over statutory distance. As the parent has named their four nearest schools, they would be eligible if KCC had to allocate them an alternative school over the statutory distance, even though their preferences were not in distance order, as the four nearest schools had still been considered during the admissions process and been unable to offer the applicant a place.

**Not named all nearest schools – Example 1**

Preference Number	Distance order from home	Eligibility if offered this school preference
1	2nd	Not Eligible – Nearer school not named as higher preference
2	3rd	Not Eligible – Nearer school not named as higher preference
3	4th	Not Eligible – Nearer school not named as higher preference
4	5th	Not Eligible – Nearer school not named as higher preference
Allocated School	N/A	Not Eligible – Did not name all four nearest schools

In this example, the applicant would not be eligible for free school transport to any school, including an allocated school where no preferred school was available, as they failed to name their nearest school as any of their preferred schools.

### Not named all nearest schools – Example 2

Preference Number	Distance order from home	Eligibility if offered this school preference
1	5th	Not Eligible – Nearer school not named as higher preference
2	1st	Eligible – Nearest school
3	4th	Not Eligible – Nearer school not named as higher preference
4	2nd	Eligible – Nearest school named higher but couldn't be offered
Allocated School	N/A	Not Eligible – Did not name all four nearest schools

In this example, the applicant would not be eligible for free school transport to their first preference school, as it is not the closest school to their home. They would be eligible if they were offered their second preference school as it is the closest school to their home provided that it is over statutory distance. If they were offered their third preference school, the applicant would not be eligible as there are other schools closer to their home, but they would be eligible if offered their fourth preference school as it is the second closest to their home and they named their closest school as a higher preference. While the applicant has named all four preferences, they would not be eligible for free school transport to a school KCC was required to allocate them if all of their preferred schools were full, as they named their fifth closest school as a preference instead of their third closest school.

### Not named all preferences – Example 1

Preference Number	Distance order from home	Eligibility if offered this school preference
1	1st	Eligible – Nearest school
2	2nd	Eligible – Nearest school named higher but couldn't be offered
3	No school named	Not Eligible – No school named
4	No school named	Not Eligible – No school named
Allocated School	N/A	Not Eligible – Did not name all four nearest schools

In this example, the applicant would be eligible for either of their preferred schools as long as they are over the statutory distance, as they are the closest schools to their home, in distance order. They would not be eligible if KCC had to allocate them an alternative school if their two preferred schools were full because they have not made use of all available preferences.

### Not named all preferences – Example 2

Preference Number	Distance order from home	Eligibility if offered this school preference
1	2nd	Not Eligible – Nearer school not named as higher preference
2	1st	Eligible – Nearest school
3	No school named	Not Eligible – No school named
4	No school named	Not Eligible – No school named
Allocated School	N/A	Not Eligible – Did not name all four nearest schools

In this example, the applicant would not be eligible for free school transport to their first preference school, as it is not the closest school to their home. They would be eligible if they were offered their second preference school provided that it was over the statutory distance, as it is the closest school to their home. They would not be eligible if KCC had to allocate them an alternative school if their two preferred schools were full, as they have not made use of all available preferences.

### Annex 3 - Home to School Transport Appeals

Parents are entitled to appeal against decisions by KCC to refuse their application for free or subsidised transport for their child. This appeal process has two stages and parents should complete the first stage before moving on to the next.

#### Stage 1 – Procedure for Appeals to the Transport Eligibility Team – Officer Review

Where parents receive a refusal to their application, the first step is to carefully read the outcome letter that has been sent by KCC's Transport Eligibility team. It will explain why transport cannot be offered to your child. This is usually because they are not attending their nearest suitable school and/or the school is under the required statutory distance.

Parents may have their own reasons why they feel that their child should be given free school transport. These may include:

- Their child was assessed as eligible for Grammar school through the Kent Test, but their nearest school is not a Grammar school and they cannot afford to pay for transport but would not meet the criteria under low-income grounds.
- They would prefer for their child to attend a faith school, but their nearest school is not a faith school and they cannot apply under low-income criteria.
- Parents do not like a particular feature of their nearest school (faith school, non-Grammar school, elements of the curriculum, mixed/single sex) and so did not name it as a preference.
- KCC was unable to offer their child one of their preferred schools and was required to allocate their child a place at another school, but their initial preference selection means that their child is not eligible for free school transport.
- Their child is not attending their nearest suitable school for transport purposes, but there is no public transport to get their child their preferred school.
- The route to a CYP's offered school is hazardous, but it is not their nearest suitable school for transport purposes.
- Another CYP in the same village is eligible for transport, but their child is not.
- A parent is just above the threshold to be considered under low-income criteria.

While parents may feel strongly that they should be given free school transport in these and similar circumstances, it is highly unlikely that transport will be approved following an Officer Review. There is no discretion for Officers to deviate from strictly applying the transport eligibility procedures when considering spending from the public purse. This stage is designed to ensure that applications have been processed appropriately and to check that the information supplied was correct at the time of assessment.

In most circumstances, Officer Reviews will only result in a decision being overturned where:

- A parent failed to indicate that an application was being made under low income criteria or did not provide sufficient evidence and that evidence can now be made available.
- An application is being made for a CYP that has an EHCP or disability, or where a parent of a Primary aged CYP is applying on the basis of their own disability but did not provide sufficient evidence and that evidence can now be made available.
- Parents are aware of an alternative route to the school that was not included in KCC's distancing software and can provide evidence.
- KCC has made a genuine mistake in the assessment and the CYP is attending their nearest suitable school and it is over the statutory distance.

Parents should carefully consider before submitting an Officer Review whether they can submit sufficient additional evidence to have their decision overturned, in light of this information.

Parents can also submit a Stage 1 Officer Review if they wish to appeal KCC decision about:

- Their child's eligibility for home to school travel under any of the statutory categories.
- The suitability of the travel arrangements offered, including requests for provision of a mileage payment or Personal Transport Budget where a child would otherwise not qualify.
- The local authority's distance measurement in relation to statutory walking distance or extended rights.
- The safety of the route.
- Not providing travel arrangements for their child using their discretionary power.

Parents wishing to complain about the service provided by the local authority should use the local authority's complaints procedure.

If the Officer Review relates to the provision of a mileage payment or Personal Transport Budget and highlights that parents received an incorrect initial assessment, a payment will be provided and backdated to the initial assessment decision date or the date six weeks after the initial application was received, whichever is earlier. If the review overturns the decision as a result of additional information that the parent did not make available when first applying, a payment will be provided and will start from the date the parental agreement is returned.

Parents who wish to submit a request for an Officer Review should contact the Transport Eligibility team with their child's full name, school, date of birth and an explanation as to why they feel that their application should be reassessed within 20 working days from receipt of KCC's home to school transport decision. Requests for Officer Review that are received after this date cannot be considered. Transport Officers cannot discuss a parent's reasons for requesting a reassessment over the telephone. It is important that Officers maintain a written audit trail of their assessment decisions. Parents will be responsible for any alternative transport arrangements while their application is being reassessed. Officers will endeavour to respond within 20 working days, but more complex cases may take longer.

### **Stage 2 – Procedure for Appeals to Members of the Transport Regulation Committee Appeals Panel**

Where an applicant's Officer Review is not upheld, if they wish, they are then able to appeal to Members of the County Council's Transport Regulation Committee Appeal Panel.

You can attend the hearing to put your case to the panel, or have your case considered on your written submission only. You will be given an opportunity to select which option best suits your need.

The hearing panel consists of between 3 and 5 elected Members. The panel will consider whether our policy on free home to school transport has been applied properly and, if so, whether the strength of your case outweighs the most cost effective and appropriate mode of transport. The panel cannot change the policy itself or the designation of the nearest appropriate school for the area.

You will be offered the following options for your appeal hearing:

- A face to face meeting.
- A virtual meeting via Microsoft Teams (a secure system that is similar to Zoom).
- A paper-based process, where you submit information for the panel to take into account when considering your appeal.

A parent has 20 working days from receipt of KCC's stage one written decision notification to make a written request to escalate the matter to stage two. Stage 2 requests that are received after this date cannot be considered.

### **Grounds for Appealing**

Parents can appeal for any reason or combinations of reasons that they wish. The list below is not definitive but details the most common reasons for appealing against earlier findings that:

- The CYP is not attending the nearest suitable school to their home for transport purposes.
- They live less than two or three miles from the school (depending on the age of the CYP).
- The CYP or their family do not qualify as a low-income family.
- The application form for transport to a church school (for low income applications) has not been signed by the vicar or priest of a church of the same denomination as the school.
- The CYP requires travel arrangements to a work placement or an after school/breakfast club application has requested transport arrangements to more than one school/address.
- Application has requested transport arrangements to an address which is not the registered home address e.g. grandparents/child minder.

Parents cannot appeal for their child to be transported by a particular driver or transport provider, as KCC is obliged to secure transport through a fair and open tendering process.

The Members of the County Council's Regulation Committee Appeal Panel ("the Members") will consider any arguments that are put to them.

## Procedure

An online appeals form is available to complete here: [www.kent.gov.uk/education-and-children/schools/school-transport/free-school-transport/school-transport-appeals](http://www.kent.gov.uk/education-and-children/schools/school-transport/free-school-transport/school-transport-appeals)

It is important that you submit any evidence that supports your appeal (for example letters from your school, GP or social worker or financial evidence such as benefit receipts). You can appeal for any reason or combination of reasons, but you should carefully consider if you have sufficient additional evidence to support your case

If parents are appealing because they are on a low income and have been refused transport to a church school, they may wish to provide evidence with their appeal letter that they hold that religious or philosophical belief (for example a supporting letter from a priest, vicar or cleric).

No charge is made for the appeal but parents must meet any costs they incur for preparing their appeal or attending the hearing, such as photocopying or transport costs.

The Transport Appeals Team in Democratic Services will acknowledge parental appeals and offer a date and time to hear the appeal. All paperwork will be issued electronically unless an alternative format is requested.

If parents wish to, they can, for a good reason, reject the first hearing date. If the second hearing date is also rejected or if parents fail to attend a hearing on a date that has been accepted they will not, other than in exceptional circumstances, be offered a further hearing. The Members will, however, consider the appeal in their absence, based upon the information that has been provided in writing. Please note that it is not possible to hold appeals in the evenings or at the weekend.

At least five days before the hearing date, the Appeals Team will electronically send parents and the Officer presenting the Council's case a copy of each other's written case and supporting documentation.

## Witnesses

Parents are welcome to bring a witness, including their locally elected Kent County Councillor, but they must advise the Transport Appeals team at least one day in advance who this will be. Parents may wish to provide a written summary of the witnesses' evidence on the day of the hearing as this may be helpful to the Members considering the case.

Please note that the Members hearing the appeal have the right to refuse to listen to witnesses produced by parents or by the Officer presenting the Council's case if they believe that the evidence given is irrelevant to the appeal.

No fees, expenses or allowances will be paid to the witnesses by the Council under any circumstances.

Parents can have a friend to accompany them or represent them at the appeal and must ensure the Appeals Team know his or her identity at least one day prior to the hearing date. If the friend is a lawyer, they cannot act as one as part of a lawyer/client relationship.

Legal representation is not allowed and the Officer presenting the case on behalf of the County Council will also not be allowed to have legal representation. The Members deciding the appeal do have the right to have a legal adviser if they so wish.

There will be an official note taker at the hearing provided by the Council and any video or attempt by parents to record the hearing will lead to its immediate termination and the appeal will need to be determined on the papers.

As far as possible parents should send all evidence with their appeal letter. Any additional evidence should be sent to the Transport Appeals Team at least two days before the appeal hearing. Written evidence produced on the day of the appeal hearing will be considered at the absolute discretion of the Members hearing the appeal and may lead to the hearing being adjourned to a later date.

## The Appeal Hearing

There will normally be a panel of between three to five Members considering the appeal. The panel members will be independent of the original decision-making process (but are not required to be independent of KCC). There will also be an independent clerk to advise Members and take notes of the appeal hearing. If you opt to have your appeal heard under a face to face or virtual setting, at the beginning of the appeal hearing the Chairman elected by the Members will introduce everyone present at the hearing and explain the procedure. The procedure is as follows:

1. A Presenting Officer will explain the reasons that have prevented KCC meeting parents' wishes up to this stage.
2. Parents and the Members may then ask the Officer questions.



3. Parents and/or their representative (who can be a Member of KCC) will explain the grounds of the appeal and its desired outcome.
4. The Presenting Officer and the Members will ask parents and/or their representative questions.
5. Parents and the Presenting Officer will be asked to leave the room/virtual room and the Members will make a decision.

For paper-based appeals, Members and the Clerk will meet and make their decision based on the written submission only and neither parents or a Presenting Officer will be in attendance.

The Members may ask anyone questions at any time or may alter the order of steps 3 and 4 above at any time. Members may agree to consider only written evidence for either or both parties.

### The Decision

In reaching their decision the Members must have regard to KCC's Transport Policy. They need to satisfy themselves that the policy has been applied correctly. They will then look at the specific circumstances to determine whether they are sufficiently strong to enable them to use their discretion to make an exception. The Members have a responsibility to consider the most cost effective and appropriate mode of home to school transport taking into account the family circumstances at the time of the appeal.

The Members may decide to:

- Uphold the appeal in all respects; or
- Not uphold the appeal; or
- They may decide to partially uphold the appeal.

This can include meeting parent's wishes in part or for a time limited period. At the end of the time limited period the Members can review the circumstances again and may ask that additional information such as up to date medical records or school attendance records be made available at the time of the review.

In the event members agree to the provision of a mileage payment or Personal Transport Budget, they will decide the date at which calculation of payments will begin, how long this provision will remain available and whether there is a need for regular review of circumstances.

Parents will receive a decision in writing within five working days of the appeal hearing. Decisions cannot be given over the telephone.

There is no further appeal within the Council's procedures. If parents believe that they have suffered injustice as a result of maladministration by the Panel then they do have the right to pursue a complaint with the Local Government & Social Care Ombudsman.

This is not a right of appeal and relates only to issues such as failure to follow correct procedures, or failure to act independently and fairly. If the person making the complaint simply disagrees with the decision there is no recourse. If parents have a complaint of a procedural nature, they can refer it directly to the Local Government & Social Care Ombudsman.

Parents will not be able to make any further applications for free or subsidised transport in relation to the same CYP at the same school unless:

- They can demonstrate a significant and material change in circumstances since the previous appeal was decided; or
- The County Council changes the criteria for offering free or subsidised transport under the Council's published Home to School Transport Policy and that change is relevant to the case; or
- There is a relevant change to the law.

If any of the above grounds apply parents will need to write a fresh request to the Transport Appeals Team, setting out the reasons in detail. Parents will then be informed whether the Council will be prepared to consider the new application.

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## Annex 4 - Health, Safety and CYP Safeguarding

### Life threatening conditions

If a CYP, who is entitled to travel arrangements, suffers from a life-threatening condition, which may require immediate medication or treatment, arrangements may be made for the parent to take the CYP to school themselves or to travel with them in the vehicle provided. This will only be possible if the CYP is traveling in a sole occupancy vehicle. A mileage payment is payable in those cases where a parent takes the CYP to school.

**Disclosure and Barring Service**

The Disclosure and Barring Service (DBS) is responsible for confirming whether it is appropriate for an adult to interact with CYPs. Drivers and passenger assistants must be DBS checked and cleared and the passenger assistant provided with an identity card following vetting and training.

All operators must already be in possession of a DBS before contracts are granted.

**Mobile phones/Radios**

All transport contracted specifically for CYPs with SEND will be equipped with a radio or mobile phone. This will not necessarily apply when CYPs with SEND travel on mainstream school transport or local bus services.

**Annex 5 - Guidelines for Assessing Hazardous Routes**

**Parental Responsibility**

- It will be assumed that the CYP is to be accompanied by a parent or responsible adult where necessary.
- It is a parents’ responsibility to ensure that a CYP has suitable clothing and equipment for the journey (for example: boots, wet weather clothing, reflective bands, and torch). Conditions such as muddy footpaths or lack of lighting do not mean that a route is not available and it is expected that these issues can be overcome through the use of suitable clothing and equipment.
- It may be that free transport is allocated to a CYP in particular individual circumstances because the CYP cannot be accompanied by an adult as a result of special educational needs and/or a disability and/or mobility problems that prevents them from accompanying the CYP as necessary, but such a decision will not set a precedent for the route or mean that the route is deemed hazardous for other CYP.

**The Council takes these factors into account:**

**We will consider:**

- Road width, visibility and the severity of bends
- Existence of ‘safe refuge’: footpaths and verges, road markings at the side of the road
- Existence of Rights of Way, Permitted Paths and Bridle Paths
- The volume of traffic at the relevant period of day
- The type of traffic and its relative speed
- Difficulty of road crossings
- Nature of road (urban/rural) and driver expectation
- The presence or otherwise of speed limits and other warning signs
- The accident record along the route

**We will not consider:**

- Isolation of route
- Local weather conditions
- Transient events -road closures, construction work, seasonal weather (e.g. flooding, snow, ice)
- Temporary surface conditions (e.g. mud, puddles)
- Lack of street lighting
- The presence of uncut hedges
- Difficult terrain/arduousness of the route -steep hills are not a hazard

**Footpaths**

- Where there is a footpath or roadside strip, the route will not normally be considered hazardous. A verge, which can be stepped onto, will also be regarded normally as rendering the route safe for walkers.

**Width of Road**

- Even without a footpath, a road which is wider than 5.5 metres will normally be considered safe for walkers
- If the width is less than 5.5 metres, other factors should be taken into account – see the following page. A narrow road is not necessarily dangerous simply because it is narrow.

**Traffic Frequency**

- The traffic frequency at the beginning and end of the school day is the relevant traffic frequency. It is likely to be busier than at other times, although this is not always the case, e.g. on routes near tourist attractions.
- Two-way traffic of less than 250 vehicles per hour with less than 5% of HGV traffic is normally considered a lightweight flow of traffic.
- Traffic frequency should be considered together with the composition of the traffic, the width of the road and the provision of refuges for walkers.

**Road Crossing**

- Where a route involves crossing a road, the route will not normally be considered hazardous if an official crossing is provided.
- In other cases, traffic flow and visibility in both directions should be taken into accounts.

**Annex 6 - Transport Related Responsibilities and Expectations**

A copy of KCC’s Transport Code of Conduct can be found on our website: [www.kent.gov.uk/transportcodeofconduct](http://www.kent.gov.uk/transportcodeofconduct)

**Annex 7 - Home to School and Post-16 Transport Retendering Procedure for Pupils with an Education, Health and Care Plan (EHCP) and/or Special Educational Needs and Disabilities (SEND)**

**Introduction**

Councils are required by law to adhere to the government’s Public Contract Regulations 2015, which provides rules to the public sector for the procurement of goods or services. Procurement is how the public sector purchases services to ensure they provide value for money, are effective and deliver quality services.

The regulations govern how councils engage with commercial suppliers when buying

their services, making sure there is a fair and transparent process. This process is applied in the purchasing of services for Home to School and Post 16 Transport.

**Commissioning Cycle**

Kent County Council (KCC) adopts a commissioning cycle when purchasing services. The commissioning cycle and how we apply it to Home to School Transport is summarised below:



**Analyse:**

For Home to School Transport there is a statutory (legal) obligation to provide transport to entitled pupils. For Post 16 Transport, KCC has a duty to consider what additional support a learner may need to access education, which may result in the provision of a vehicle organised by KCC. To identify what the service needs to deliver we review each pupil’s application and any additional supporting information and consider it in line with responsibilities detailed in the Education Act and statutory guidance.

**Plan:**

Using the information gathered during the analysis phase we plan how to provide transport for identified pupils. We review the existing transport arrangements for pupils to determine whether we can manage the demand for services more efficiently. We consider; statutory guidance, pupil need and the efficient use of resources to deliver these services. This process may conclude that pupils may be able to share transport with others on existing services or determine that new services are required.

**Do:**

Where there is a need to purchase services to provide transport, we will undertake a procurement process. The procurement process invites suppliers who have registered with the Kent Business Portal and agreed to our terms and conditions to submit a proposal for an advertised school contract. We award the contract to the supplier who submits the lowest cost proposal. This ensures we make efficient use of public money.

The contract with the successful supplier sets out the roles and responsibilities of both, the council, and the supplier, to deliver the services which include but not limited to:

- Licensing regulations for drivers and vehicles, for example, DBS checks are undertaken to find out whether someone has a criminal record and insurances are in place.
- Arriving on time.
- Paying for services.
- Upholding contract management standards should something go wrong, for example by ensuring the service is running as we expect in accordance with our terms and conditions of contracts and taking action to address any concerns promptly. This ensures pupils travel in a safe and appropriate manner.

A contract may only be for a fixed period. A contract for our services shall not exceed a maximum of five years due to the level of change from pupils starting and leaving the service. This means we cannot guarantee the same supplier will deliver our services throughout the academic life of a pupil.

### **Review:**

We regularly review the transport arrangements for pupils by gathering feedback from families, learning providers and suppliers to ensure the services are performing as expected, are fit for purpose for pupils and the contracts represent value for money. KCC is reliant on parents and third parties to keep them updated with this information. Legislation and guidance are also kept under review. The information gathered will help inform the next commissioning cycle.

By adopting the commissioning cycle it allows us to prepare for “planned changes”. These are when we expect services to change when a contract has reached its natural end date. It may also occur as a result of pupils leaving the service meaning the contract may become financially unviable for the supplier or council. When planned changes are due to occur, we notify parents and carers in good time to allow them to prepare their child for a potential change. Parents will be contacted again when the outcome of the retendering process is known and an appropriate provider has been identified.

### **How we will communicate and engage with key stakeholders**

We will:

1. provide parents and carers with notice two months prior to planned changes occurring.
2. explain why the change is occurring.
3. engage with schools and/or learning provisions to inform them of any planned change and where possible seek their views on new travel arrangements prior to commissioning services.
4. listen and consider the views of parents and carers regarding their child’s travel needs.
5. inform parents and carers via letter or email upon determining a child’s transport arrangement and securing those arrangements.

### **Unexpected changes in transport**

On occasion transport may need to change more suddenly -this would be considered a “not planned” change. This may be due to the supplier/transport operators serving notice on their contract, or they may be unavailable with immediate effect due to factors outside of the council’s control. Where these cases occur, we will endeavour to inform parents and carers as soon as reasonably practicable.

However, by their nature it will not be possible to provide as much warning as a planned change. As the council is reliant on the supplier to be informed of these changes, it is possible that parents may hear from their child’s driver before KCC is able to make contact. In any event, KCC will immediately begin the process of sourcing new services via the process outlined above.

This publication is available in other formats and can be explained in a range of languages.