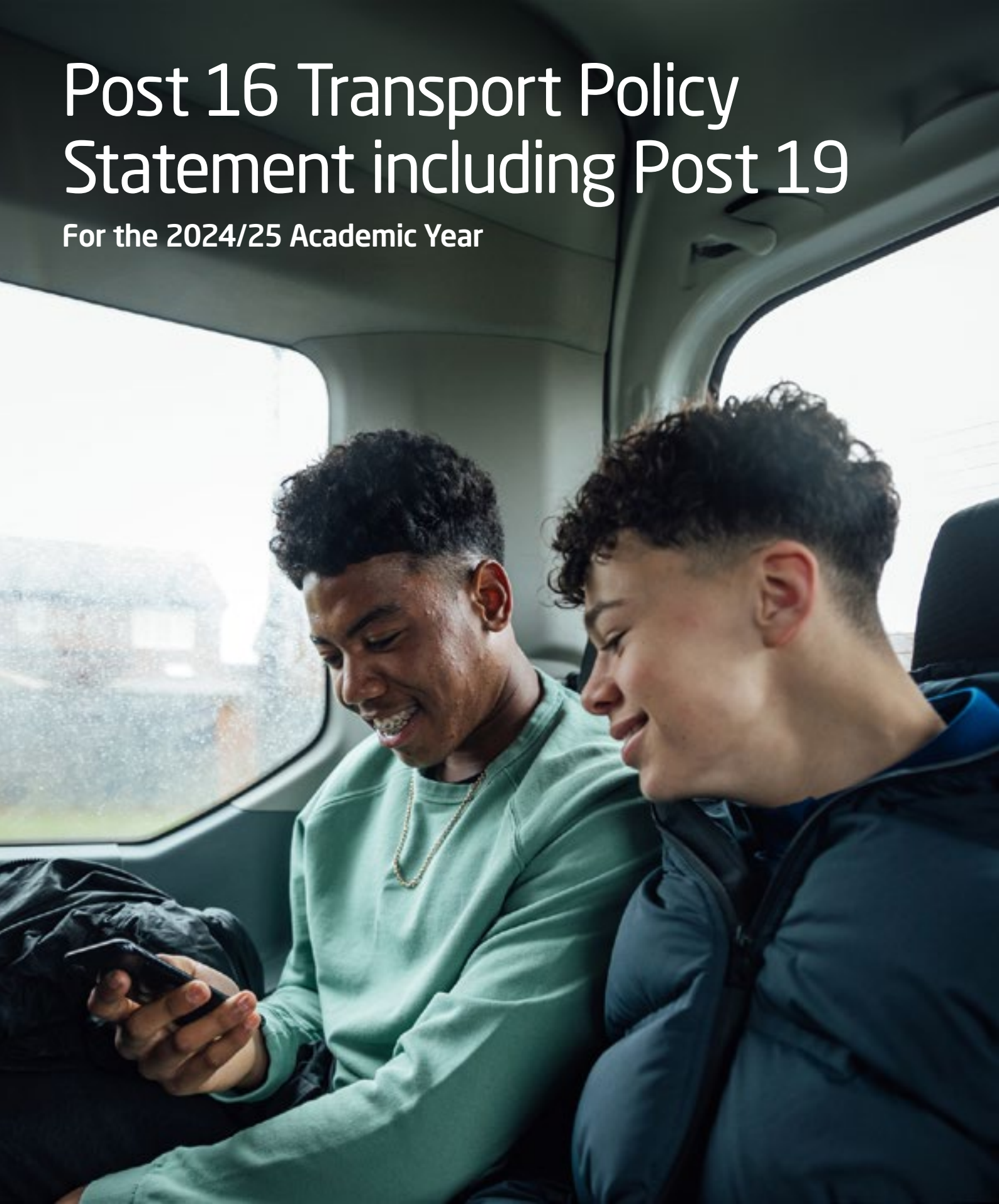


Post 16 Transport Policy Statement including Post 19

For the 2024/25 Academic Year



www.kent.gov.uk



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Introduction

Local authorities do not have a general obligation to provide free or subsidised post 16 travel support but do have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or other support that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training.

The requirements placed on a local authority are defined in the Education Act 1996 (as amended), Education and Skills Act 2008, Education and Inspections Act 2006, Apprenticeships, Skills, Children and Learning Act 2009 and the Equality Act 2010.

All young people carrying on their education post 16 must reapply for travel support annually.

'Sixth form age' refers to those young people who are over 16 years of age but under 19 or continuing learners who started their programme of learning before their 19th birthday (years 12,13,14).

Local authorities also have a duty to encourage, enable and assist young people with Special Educational Needs and/or Disabilities (SEND) to participate in education and training, up to the age of 25.

This policy document specifies the support that Kent County Council (KCC) considers necessary to facilitate the attendance of Post 16 learners receiving education or training.

The statement also provides information about the travel provision put in place for young adult learners aged 19 – 25 with an Education, Health and Care (EHCP).

Education or training refers to learning or training at a school, further education institution, a council maintained or assisted institution providing higher or further education, an establishment funded directly by the Education Skills Funding Agency, learning providers delivering accredited programmes of learning which lead to positive outcomes and are funded by the council, for example, colleges, charities and private learning providers.

Where the policy refers to parents, it should be understood to equally apply to guardians and carers. Where a young person applies on their own behalf, the equivalent responsibilities that apply to their parent will transfer.

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.

This policy supersedes all previous policies and applies from the academic year 2024/25.

Transport and travel support

Kent 16+ Travel Saver

KCC considers that in most circumstances the provision of a subsidised KCC 16+ Travel Saver card is sufficient to facilitate the attendance of Young People (YP) of sixth form age at their chosen education or training provider. This may be at schools, academies, colleges or in the workplace through an apprenticeship or other work-based training provision.

The KCC 16+ Travel Saver card is available to purchase from KCC, with details of pricing and application processes available [here](#). The KCC 16+ Travel Saver card offers free at point of travel access, to the entire public bus network operating in Kent including single destination journeys out of Kent and back into the County. It is available for use 24 hours a day, 7 days a week. Learning providers can choose to further subsidise this charge to their students or trainees if they meet Bursary conditions.

The KCC 16+ Travel Saver card may be available at an even lower rate for young people with parents on a low income. Applications for cards at this lower rate should begin with the YP's education provider.

Alternatively, YP who are not otherwise eligible for help with transport can apply for a seat on vehicles hired by KCC under the Vacant Seat Payment Scheme (VSPS).

Vacant seats on hired vehicles that meet suitability requirements are only made available after the start of term, once all statutorily entitled YPs 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 their child 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 serve basis.

It will also be necessary for applications for VSPS 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.

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

If the seat is taken away, parents will be given until the end of the academic year when they will then have to make their own arrangements.

VSPS is not available on public transport.

Young people who are not in education, employment or training (NEET)

To support the provision of suitable education or training for young people who are 16 and 17 years old and not in education, employment or training (NEET), KCC may offer fixed term (up to one month) travel cards at subsidised rates to facilitate travel to interviews, work experience and other activities necessary to secure appropriate provision. To be eligible, young people must be registered and receiving support through Early Help and Preventative Services.

Active Travel

Our Active Travel Strategy aims to make active travel an attractive and realistic choice for short journeys in Kent. Active travel means walking or cycling as a means of transport, in order to get to a particular destination such as school, the shops or to visit friends. Active travel can be for complete journeys or parts of a journey, and more people in the community making more active travel journeys can lead to a range of positive individual and shared outcomes. These include improved health, reduced traffic congestion, reduced pollution and financial savings to the individual and businesses. More information is available at www.kentconnected.org.

The 16-19 Bursary Fund

The 16 to 19 Bursary Fund provides financial support to help young people overcome specific barriers to participation so they can remain in education.

There are 2 types of 16 to 19 bursaries:

- 1) A vulnerable bursary of up to £1,200 a year for young people in one of the defined vulnerable groups below:
 - In care.
 - Care leavers.

- In receipt of Income Support, or Universal Credit in place of Income Support, in their own right.
- In receipt of Employment and Support Allowance or Universal Credit and Disability Living or Personal Independence Payments in their own right.
- Discretionary bursaries which institutions award to meet individual needs, for example, help with the cost of transport, meals, books and equipment.

2) Discretionary bursaries which institutions award to meet individual needs, for example, help with the cost of transport, meals, books and equipment

To be eligible for the discretionary bursary young people must:

- Be aged 16 or over but under 19.
- Be aged 19 or over and have an EHCP.
- Be aged 19 or over and continuing on a study programme they began aged 16 to 18 ('19+ continuers').
- Be studying a programme that is subject to inspection by a public body which assures quality (such as Ofsted), the provision must also be funded by either a Government funding agency or KCC.

Schools and colleges are responsible for managing both types of bursary. Young people who want to apply for support from the bursary fund should contact their chosen school or college to make an application.

Young parents / Care to Learn

If you are a young parent under 20, Care to Learn can help pay for your childcare and related travel costs, up to £160 per child per week, while you're learning.

Care to Learn can help with the cost of:

- Childcare, including deposit and registration fees.
- A childcare 'taster' session (up to 5 days).
- Keeping your childcare place over the summer holidays.
- Taking your child to the childcare provider.

Types of child care

The childcare provider must be Ofsted registered and can be a:

- Childminder.
- Pre-school playgroup.
- Day nursery.
- Out of school club.

If your child needs specialist childcare, the provider must also be on the Care Quality Commission's register for specialist provision.

If you want a relative to get Care to Learn for looking after your child they need to be both:

- Providing registered childcare for children they're not related to.
- Living apart from you and your child.

Payments

Childcare payments go directly to your childcare provider. Before your childcare provider can be paid:

- Your childcare provider needs to confirm your child's attendance.
- Your school or college needs to confirm that you're attending your course.

Payments for travel costs go to your school or college - they'll either pay you or arrange travel for you.

Attendance

Payments will stop if:

- You stop attending your course.
- You finish your course.
- Your child stops attending childcare.

Eligibility

You can get Care to Learn if:

- You're a parent under 20 at the start of your course.
- You're the main carer for your child.
- You live in England.
- You're either a British citizen or have a legal right to live and study in England.
- Your course is publicly funded (check with your school or college).
- Your childcare provider is registered with Ofsted or the Care Quality Commission.

Type of course

Care to Learn is only available for courses in England that have some public funding.

This includes courses that take place in:

- Schools.
- School sixth forms.
- Sixth form colleges.
- Other colleges and learning providers, including Foundation Learning.
- Your community at Children's Centres.

For more information please visit <https://www.gov.uk/care-to-learn/how-to-claim>

Transport for sixth form aged young people for whom the KCC 16+ Travel Saver card, VSPS, Active Travel Strategy, 16-19 Bursary Fund and Care to Learn are not viable options

If, however, you have special circumstances which you believe should make you eligible to receive help of an alternative nature than those set out above you should apply for additional support at www.kent.gov.uk/applyforpost16transport. You may rely upon any circumstances which are relevant to your application. You will need to demonstrate why it is necessary for KCC to provide travel support to facilitate your attendance to receive education or training.

In looking at the suitability of establishments, KCC will look at the availability of preferred or specialist courses at nearby establishments, including those outside of KCC's

local authority area. If parents choose to send their YP to a school or college (or the YP chooses this themselves), which is not the nearest suitable setting, as described earlier, assistance with travel arrangements may not be provided by KCC.

Considerations which KCC will take into account

The following considerations will be given greater weight by us when we consider your application, but do not guarantee you will be eligible to receive additional assistance from KCC:

- (i) That you have special educational needs and/or a disability and/or mobility problems, which mean that it is not/would not be reasonably practicable for you to attend the educational establishment or training provider at which you are registered or at which you would like to register to receive education or training using a KCC 16+ Travel Saver card on the terms described earlier. KCC recognises that in some circumstances public transport may not be appropriate as a result of special educational needs, a disability or a mobility problem and again in these exceptional circumstances other means of support will be considered.

Learners aged 16 – 19 years for whom KCC maintains an EHCP are also expected to seek a KCC 16+ Travel Saver card. It is expected that where students have not accessed public transport previously, they will engage with KCC's Independent Travel Training Team to be trained to use public transport. Refusal to embark on such training where this is considered appropriate, may affect any future decisions where additional support for transport is being requested. Where the learners are unable, even with appropriate independent travel training, to access public bus travel as a result of their levels of need, consideration will be given to other means of support.

- (ii) That you have special educational needs and/or a disability and/or mobility problems, which mean that it may mean you are more likely to remain in education or training longer than your peers, which would in turn mean that your contribution to the cost of transport will go on over a longer period.
- (iii) That it is not/would not be reasonably practicable for you to attend the educational establishment or training provider at which you are registered or at which you would like to register to receive education or training using a KCC 16+ Travel Saver card on the terms described earlier.

- (iv) That the distances and/or journey times, between your home and the educational establishment or training provider at which you are registered or would like to register makes the use of a KCC 16+ Travel Saver card, on the terms described earlier impractical or not practical without additional assistance.
- (v) That you and your family cannot afford the KCC 16+ Travel Saver card on the terms described earlier and have been unable to secure support from your learning provider.

This will normally require proof of receipt of certain benefits i.e.

- Income support.
- Income based jobseekers allowance.
- Child Tax Credit (TC602 for the current tax year with a yearly income of no more than £16,385 pa).
- Guaranteed element of state pension credit.
- Income related employment and support allowance.
- Maximum Level of Working Tax Credit.
- Universal Credit (provided you have an annual net earned income of no more than £7,400, as assessed by earnings from up to three of your most recent assessment periods).

Assistance on this ground will normally only be given where the educational establishment or training provider is not more than 6 miles from your home. Any additional provision or assistance would be reviewed on an annual basis and your parents would be required to provide the Transport Eligibility Team with up to date proof of the family's income at that time. KCC will usually only provide one form of support for Low Income Families.

- (vi) That the nature of the route, or alternative routes, which you can reasonably be expected to take with a KCC 16+ Travel Saver card makes the use of the Card impractical or not practical without additional assistance.
- (vii) That reasons relating to your religion or belief (or that of your parents) mean that the use of the KCC 16+ Travel Saver card is not practical or is not practical without additional assistance.

Where a YP is attending or wants to attend an educational establishment of the same denomination as themselves

(or religion in cases where the religion does not have denominations) in order to be considered for transport arrangements, they must also have the application form signed by a vicar/priest or religious leader of the same denomination (or religion where there are no denominations) as the educational establishment stating that the YP is a regular and practising member of a church or other place of worship of the same denomination (or religion where there are no denominations) as the educational establishment concerned.

Where a YP is attending a church school of a different denomination or religion to that of the parent, in order to be considered for transport arrangements, they must also have the application form signed by a vicar/priest or other religious leader stating that the YP is a regular and practising member of that religion or denomination. The YP will also need to explain why their religion or belief makes it desirable for the YP to attend that particular educational establishment rather than another educational establishment nearer to the YP's home, given that the chosen educational establishment is not of the same religion or denomination as that practised by the YP.

Where a YP is attending or wants to attend an educational establishment for reasons connected with his or her non-religious belief, in order to be considered for transport assistance the YP will need to explain what that belief is and why the belief makes it desirable for the YP to attend that particular educational establishment rather than another nearer educational establishment. The YP will also need to provide evidence to prove that they do indeed hold the belief in question. This could be confirmation from a person of good standing in the community who knows the YP, for example a councillor, a doctor, a social worker or a lawyer or alternatively proof of the YP or his parent's medium or long term membership of a society or other institution relating to that belief.

Free transport or other transport arrangements will only be awarded under any of the categories above where KCC is persuaded that the religion or belief is genuinely held and that the placement of the YP at the institution in question will be of significant benefit to the YP because of the relationship between the religion or belief of the YP and the nature of the educational institution in question.

KCC will normally only agree to such requests for a maximum period of one year. Arrangements would then be reviewed. The Local Authority can then agree such requests for the duration of the course up until the end of the year in which the young person reaches the age of 19.

Other information you should provide with your application

You should also state what additional or alternative provision you would like KCC to make to assist you in attending the educational establishment or training provider at which you are registered/would like to register.

You should also provide evidence to support any case that you may present, for example and where relevant:

- (i) Proof that you have applied to or are registered at a particular educational establishment or training provider such as a copy of your acceptance/offer letter from the college.
- (ii) Proof of your and/or your family's income and savings e.g. TC602 from HM Inland Revenue.
- (iii) Proof of any special educational needs, disability or mobility problems that you have; (for example, a copy report from consultant or from your local authority's Special Educational Needs Department or a health or educational professional providing confirmation that you are unable to access a suitable educational establishment or training provider nearer to your home and/or are unable to access public transport). KCC is not able seek this information on an applicant's behalf.
- (iv) Proof that you have applied to colleges or other educational establishment or training provider closer to your home (for the same course or for a similar course), which if accepted would have meant that you would not have required additional assistance from us and proof that those applications were turned down. (Copies of refusal letters would be required).
- (v) Details of the unsuitable route that you say you would need to travel and detailed reasons why you consider the same to be unsuitable.
- (vi) Proof that you are a member of a particular religion or religious denomination or (where possible) that you have a particular belief where that is relevant to your argument. Ordinarily, where you are making an application on faith grounds, you will be required to attend an establishment with the same religious denomination as your place of worship.

Please note that we cannot return documents that you supply to us, and so you are requested to only provide copies of documents that you may wish to send accompanying or supporting your application.

The types of provision which KCC might make

The provision of financial or practical support is entirely at the discretion of KCC. The type of support which may be provided in appropriate circumstances is set out below. Of course, the outcome of your application may also be that KCC decides to offer no additional support.

Young adult learners, aged 19 – 25 with an EHCP

Please note that this section only applies to young adults aged 19-25 who are in education or training and who have an EHC plan. The considerations to be taken into account in relation to sixth form age individuals with an EHCP are set out in the earlier section.

Transport arrangements will be made to a young adult learner (not being a person of sixth form age), where KCC has secured and named a setting in an EHCP which provides both the provision of education or training and the provision of boarding accommodation. This applies to an adult learner aged under 25, subject to an EHCP and where it is considered necessary to facilitate that person's attendance at the place of education or training.

Transport arrangements may also be made where an adult learner is receiving education or training at an establishment maintained or assisted by KCC and providing further or higher education or within the further education sector, and KCC considered that it was necessary for KCC to provide transport to facilitate that person's attendance at the place of education or training.

In deciding whether it is necessary for KCC to make transport arrangements for an adult learner, KCC would amongst other things, have regard to:

- The learner's age, ability and aptitude.
- Any SEND the person may have.
- The locations and times at which the education or training is provided.
- The nature of the route, or alternative routes, which the learner could reasonably be expected to take.

For the purposes of deciding whether to make transport arrangements, KCC would not consider it necessary, other than in exceptional circumstances, for a young adult learner to attend an additional Further Education course at the same level or equivalent where the learner had previously attended and completed a course at an establishment within the Further Education sector. KCC expects to see evidence of the learner making progression, but each case will be considered on its own merits.

Where transport is provided (as opposed to transport assistance), it will be provided for free.

Appeals

In the event that transport assistance is refused in any of the categories above, details of the appeals procedure can be found in Annex 2.

Transport Assistance for Young People that KCC have identified as requiring additional support

Reassessment

The transport needs of YP with SEND will be reassessed by KCC (following receipt of an application) when the YP moves from compulsory schooling to Post-16 education so that the appropriate support can be put into place.

Arrangements for accessing education

KCC recognises that it is the parent and/or the YP's responsibility for ensuring attendance at a school, other educational establishment or training provider.

Where YPs have been identified as requiring additional transport assistance, KCC is required to identify the most cost-effective way for YPs to access their education or training taking account of their needs and circumstances.

KCC may initially provide 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 private hire vehicles through local taxi operators where no other arrangements are suitable, subject to an initial contribution in line with the total cost of the Kent 16+ Travel Saver pass (with similar adjustments to the rates for low income applicants) for the academic year that the application is being made.

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 YP who otherwise could not be transported to their place of learning, subject to a contribution as outlined above.

Transport other than at the beginning and end of the academic day

Home to school transport is only provided at the beginning and end of the normal academic day. The beginning and end of the academic day is determined by the times of the first programmed educational lesson delivered during normal establishment hours and the end of the last programmed lesson during normal establishment hours for that educational establishment or learning provider. Any transport arrangements in order for the YP to attend extended lessons outside of the normal establishment hours, will be the responsibility of the parent or establishment/provider to arrange. Vehicles transporting more than one YP will not be delayed to accommodate an individual YP's return from an alternative site of education. Similarly, for YPs accessing a bespoke timetable, it may be necessary to wait at school to access the dedicated vehicle that is made available to others at the same establishment. KCC may be flexible in this regard where it does not impact other supported YPs or result in additional expenditure, but all decisions are subject to revision following any change in circumstance.

Alternative Transport Assistance

Travel Training

Travel training may be available to YPs with an EHCP and who meet the criteria to receive transport support.

Travel training helps YP with special educational needs to travel independently to their learning provider. Being able to access public transport provides important life skills for YP.

YP will be trained to travel safely from home to their place of learning and back again, promoting their independence. Training will focus on providing the skills and knowledge that is needed to be able to complete journeys safely, confidently and successfully. The training and support will be delivered on a 1:1 basis and tailored and delivered at the pace suitable for the YP.

Travel training will be provided until the YP is confident and competent on the journey from home to the learning

provider and return. Following training, a travel trainer will carry out an assessment to ensure competency.

On 'sign off' the young person will be issued a bus pass (or train pass if this is the appropriate route) for the remainder of the academic year. If the young person continues in education the following academic year they will be required to purchase a Kent 16+ Travel Saver and/or train pass – if age appropriate.

Mileage Payment

Applicants can request to have a mileage payment in order to drive the YP to and from school. The Post 16 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 YPs. Payments will be made at 45p per mile, paid in arrears, following confirmation of attendance and submission of appropriate fuel receipts. Initial payments will be withheld until an initial contribution is recouped in line with the total cost of the Kent 16+ Travel Saver pass (with appropriate adjustments to the rates for low income applicants who are unable to secure direct bursary support from their provider) for the academic year that the application is being made

Where applicants 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 YP'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 YPs from the same family attending the educational establishment or training provider, only one claim for mileage payment is allowed.

A mileage payment is provided solely to offset costs incurred where a YP is transported to school in a parent's own vehicle. A mileage payment will be withdrawn where a YP 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 YP 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 YP.

A PTB is primarily available to YPs with an EHCP. They must also be identified to receive home to school transport support when assessed in accordance with KCC's Transport policy. In exceptional circumstances and where it is financially beneficial to KCC, mainstream YPs may be offered a PTB on the same basis as YPs 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 YP's home and their main educational establishment or training provider in the following Bands (minus an initial contribution in line with the total cost of the Kent 16+ Travel Saver pass, including with appropriate adjustment to the rates for low income applicants who are unable to secure direct bursary support from their provider, for the academic year that the application is being made):

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 YP receives a PTB partway through an 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 YP is accessing education or training 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 YP's attendance at the educational establishment or training provider and the transport arrangements that may be provided by KCC that are in place at the current

time. The YP'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 YP'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 YP can access their educational establishment or training provider 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 academic 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 YPs within a family, however, the additional YP will normally only be granted 50% of the entitlement. Any subsequent YP would not normally qualify for PTB.

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 YPs 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.

Annexes

Annex 1 - General Processes, Explanations and Definitions

How to Apply

Information about how to apply for Post 16 transport support can be found at www.kent.gov.uk/post16transport

Application timescales

KCC seek to administer the assessment 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 YP's individual needs, or at peak times of the year. Once an applicant has been assessed as requiring additional arrangements, details are passed to colleagues in Public Transport who determine the most suitable and cost-effective means to enable the YP to access their education provider. For some YP with more complex requirements, more time may be needed for a transport procurement processes 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 the named operator through a competitive process.

For YP with SEN, when Post 16 Transport applications are made to coincide with a new academic year, it is advisable to apply as soon as the Post 16 learning provider has been named in the YP's EHCP.

Applications should be made at www.kent.gov.uk/applyforpost16transport

Refunds

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

If a YP was initially assessed as not requiring additional transport support, but following a Transport Eligibility Officer review (See Annex 3) is reassessed as requiring support, 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 YP or 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 Post 16 Transport Eligibility Team.

Where additional transport support is provided following a Stage 2 transport appeal, no refund will be provided for transport that a YP or 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 provided where panel members have concluded that this is appropriate during the appeal.

Mode of transport

KCC will determine the most appropriate way to provide transport assistance necessary to support the needs of the YP. Where the YP or 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.

Where transport is commissioned by KCC, suitable arrangements will be made for the YP 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 YP in order to reach a drop off and collection point. Consideration of the individual circumstances, including the YP's age, health, wider needs and the nature of the journey, would be taken into account.

Due to tendering process that is required to finalise arrangements, KCC cannot guarantee that a YP 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.

Journey times

A reasonable journey time for a YP of Secondary age is normally regarded as 75 mins. This would therefore form a sensible basis for a reasonable journey time for a Post 16 YP. For YP with SEN and/or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible. This could vary according to the individual needs of the YP and it may not always be possible to keep within these timeframes. The times detailed above are indicative of an average journey and would not account for unexpected increases as a result of temporary road works or other such delays.

Transport assistance should be such that YPs could expect to reach their place of learning without undue stress, strain and difficulty as would prevent them from benefiting from their education.

Change of address or place of learning

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

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

Additional alternative addresses

Transport assistance is normally only provided from the YP's home to the main learning provider at which they are on roll. The YP's home will normally be the address where they reside for the greatest number of school nights (eg Sunday evening to Thursday evening). Where a YP spends an equal number of school nights at more than one residence, transport support will be provided to the address which is closest to their place of learning 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 the YP or parents will be offered an opportunity to appeal.

Off-site provision

If educational establishments or training providers arrange any off-site provision for a YP 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 assistance for YPs on work experience. Any costs that arise as a result of work experience, including transport costs, are the responsibility of the educational establishment or training provider or parent.

Apprenticeships/Supported Internships

Where a YP considers that they may require travel assistance and they wish this to apply to either an apprenticeship or to a traineeship, they should submit an on-line application as for all other learners. The principles outlined throughout this policy will be used to assess whether transport support should be provided.

Examinations

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

Out of county residents

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

Independent schools

Where a YP attends an independent fee-paying school, transport support from KCC will not be provided unless it is named in an EHCP as a YP's nearest suitable learning provider.

Transport provided in error

If following an internal review it is identified that a YP has been incorrectly assessed as suitable for transport

assistance and whose personal circumstances do not actually meet the required criteria, transport assistance will be withdrawn. YPs and parents will be given at least one term's notice before transport is withdrawn to allow sufficient time to organise alternative arrangements.

YP 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 learning provider of any problems with the YP's behaviour once the journey is concluded. The learning provider will ensure that Public Transport and where necessary the SEN Caseworker are kept informed.

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

Where a YP'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 YP's behaviour on any journey is such that they cannot guarantee the safety of the other YPs and adults on the vehicle or other road users, they should take immediate advice from their employer, the learning provider or Public Transport.

Where a YP's behaviour persistently endangers themselves or others KCC reserves the right to withdraw the transport.

Further details can be found in the Code of Conduct found in Annex 4.

Assessment and trial periods

Where it has been recommended by KCC that a YP attend an educational establishment or training provider for a period of assessment or trial, transport will be provided as long as the YP meets the criteria for travel support.

Passenger assistants (for individuals with an EHCP)

There is no automatic entitlement to provision of a passenger assistant on a vehicle if a YP travels by minibus or taxi. The need for a passenger assistant will be considered on a case by case basis, taking in to account the YP'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 YPs 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 PAs 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 YPs on a vehicle and to assist with boarding and leaving the vehicle where the YP has physical, sensory and/or medical difficulties. They are not able to collect YPs from home. It is the YP's or parents' responsibility to make arrangements, where necessary, to ensure the YP 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 YP 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 YP 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 YP or parent, assisted as necessary by the learning provider, 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 YPs, the contractor will be expected to provide this if it is commonly available, and this will be stipulated in the contract.

For some YPs, 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

YPs travelling to school on a daily basis are expected to travel with one item of hand luggage and YPs 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 YP at all times and so requires transporting on a daily basis, the SEN Area Manager will investigate the possibility of purchasing a second piece of equipment for use whilst the YP is in school. Equipment purchased in this way is not for use at home and must be returned to KCC when the YP 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.

Additional Support

Information about additional support provided through Adult's Social Care can be found here: <https://www.kent.gov.uk/social-care-and-health/adult-social-care/care-and-support/how-to-get-adult-social-care-support>

Annex 2 - Post 16 Transport Appeals

Parents and YP are entitled to appeal against decisions by KCC to refuse their application for transport support. This appeal process has two stages and appellants should complete the first stage before moving on to the next.

Stage 1 – Procedure for Appeals to the Post 16 Transport Eligibility Team – Officer Review

Applications for transport arrangements are only refused where a YP is not eligible under KCC's transport criteria. Where applicants receive a refusal to their application, the first step is to carefully read the outcome letter that has been sent to you by KCC's Post 16 Transport Eligibility team. It will explain to you why transport cannot be offered to your child.

While applicants may feel strongly that they should be given transport support, Officers are obliged to follow the assessment criteria outlined in the main policy. There is no discretion for Officers to deviate from strictly applying the transport assessment procedures when considering spending from the public purse. This stage is designed to ensure that there have been no mistakes in the processing and to check that the information supplied was correct at the time of assessment.

Applicants should carefully consider before submitting an Officer Review whether they are likely to have their decision overturned, in light of the information above. If applicants feel that they can submit sufficient additional evidence to show that their application was assessed incorrectly, they should contact the Post 16 Transport Eligibility team with the YP's full name, learning provider, 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 an applicant's reasons for requesting a reassessment over the telephone. It is important that Officers maintain a written audit trail of their assessment decisions. Applicants will be responsible for any alternative transport arrangements while their application is being reassessed. Officers will endeavour to respond within 20 working days.

Applicants 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 applicants 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 applicant did not make available when first applying, a payment will be provided and will start from the date the parental agreement is returned.

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.

An appellant 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

Applicants can appeal for any reason or combinations of reasons that they wish.

Applicant cannot appeal for the YP 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: <https://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.

No charge is made for the appeal but appellants 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 appellant's appeal and offer a date and time to hear the appeal. All paperwork will be issued electronically unless an alternative format is requested.

If appellants wish to, they can, for a good reason, reject the first hearing date. If the second hearing date is also rejected or if appellants 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 appellant and the Officer presenting the Council's case a copy of each other's written case and supporting documentation.

Witnesses

Appellants 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. Appellants 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 appellants 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.

Appellants 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 presentation 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 appellants to record the hearing will lead to its immediate termination and the dismissal of the appeal.

As far as possible appellants 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. There will also be a 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 the County Council meeting parents wishes up to this stage.
2. Appellants and the Members may then ask the Officer questions.
3. Appellants and/or their representative (who can be a Member of the County Council) 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. Appellants and the Presenting Officer will be asked to leave the 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 appellants 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 Kent's Post 16 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 transport support 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 appellant'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 learning provider 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.

Appellants 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 appellants 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 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 appellants have a complaint of a procedural nature, they can refer it direct to the Local Government Ombudsman

Appellants will not be able to make any further applications for free or subsidised transport in relation to the same YP at the same learning provider 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 Post 16 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 appeal to the Transport Appeals Team, setting out the reasons in detail. Appellants will then be informed whether the Council will be prepared to consider the new application.

Annex 3 - Health, Safety and YP Protection

Life threatening conditions

If a YP, 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 or another individual to take the YP to their learning provider themselves or to travel with them in the vehicle provided. This will only be possible if the YP is traveling in a sole occupancy vehicle. A mileage payment is payable in those cases where a parent takes the YP to their place of education or training.

Disclosure and Barring Service

The Disclosure and Barring Service (DBS) is responsible for confirming whether it is appropriate for an adult to interact with YPs. 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 be in possession of a DBS before contracts are granted.

Mobile phones/Radios

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

Annex 4 - Transport Related Responsibilities and Expectations

A copy of KCC’s Transport Code of Conduct, which applies equally to YP in Post 16 education, can be found [here](#)

Annex 5 - 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.