

**London Borough of  
Tower Hamlets**

**Travel Assistance Policy**

**2020**

DRAFT

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## 1. Introduction

- 1.1 This policy sets out Tower Hamlets Council's position to providing eligible children, young people and adults travel assistance in Tower Hamlets. The policy promotes choice, control, and where possible, a move towards greater independence.
- 1.2 For children and young people, travel assistance will primarily focus on travel to school/education/training, however, the scope widens when considering children in the care of Tower Hamlets.
- 1.3 For adults' travel assistance includes journeys to education and training providers, as well as travel assistance to attend day support services.
- 1.4 The Travel Assistance Policy outlines the forms of travel assistance that will be offered to the following groups of people, once assessed against specified criteria:
- Home to school travel (5-16 years)
  - Post 16 home to educational/training (16-25 with EHCP)
  - Children in the care of the Tower Hamlets Council
  - Adults home to education/training or day care support services (18 years +)
- 1.5 For children and young people, it is widely recognised that travelling to school independently is a valuable skill and experience, positively supporting them as they transition into adulthood. For adults, maintaining as much independence as possible is the core strand of our approach to supporting Adults Health and Wellbeing in the borough.
- 1.6 The aspiration is to support children, young people and adults to develop a range of skills and build confidence to travel either supported or unsupported to school, college, training, day services, or work placements in the wider community.
- 1.7 This policy sets out which, if any travel assistance will be made available by the Council, those eligible to apply for travel assistance, and the circumstances in which the travel assistance will be available. Further, the policy explains the application process for parents, young people and adults, the assessment and decision-making process, as well as the process to appeal the Council's decision.

### Active Travel

- 1.8 An active lifestyle is a key element in an individual's health and wellbeing, and whilst most people utilising the Travel Assistance in Tower Hamlets will have additional needs that inhibit the full range of physical activity; active travel options will always be a consideration.
- 1.9 Where appropriate and following an assessment; Tower Hamlets will encourage walking and cycling for those that are able to do so safely. These two forms of travel are beneficial to an

individual's health, as well as the environment. Council officers will signpost to local and central government schemes encouraging active travel; such as the cycle to work scheme.

## 2 Children (5-16 years)

- 2.1 This section of the policy applies to all children who are residents in Tower Hamlets or in the care of the Council and are of statutory school age, up to 16 years.
- 2.2 Parents are responsible for ensuring their children of compulsory school age receive a suitable full-time education. If a child of compulsory school age is registered at school but fails to attend school regularly, their parents may be guilty of an offence and can be prosecuted by the local authority<sup>1</sup>. However, parents will have a defense in law<sup>2</sup> against such prosecution if the child is an eligible child and the local authority has failed to make home to school travel arrangements for them.

### Accompaniment

- 2.4 In determining whether a child cannot reasonably be expected to walk for the purposes of 'special educational needs, a disability or mobility problems eligibility' or 'unsafe route eligibility', Tower Hamlets will consider whether the child could reasonably be expected to walk if accompanied and, if so, whether the child's parent can reasonably be expected to accompany the child. When considering whether a child's parent can reasonably be expected to accompany the child on the journey to school a range of factors may need to be taken into account, such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied.
- 2.5 The general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so.
- 2.6 Tower Hamlets will promote and ensure equality of opportunity for disabled parents. For example, if a parent's disability prevents them from accompanying their child along a walking route that would otherwise be considered unsafe without adult supervision, a reasonable adjustment might be to offer a form of travel assistance for the child in question.

### Eligible Children

- 2.7 The categories of eligible children are set out in schedule 35B to the Education Act 1996 (as inserted by the Education and Inspections Act 2006). There are four categories of eligible children:

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<sup>1</sup> See School attendance parental responsibility measures: statutory guidance for local authorities, school leaders, school staff, governing bodies and the policy ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/581539/School\\_attendance\\_parental\\_responsibility\\_measures\\_statutory\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/581539/School_attendance_parental_responsibility_measures_statutory_guidance.pdf)) for further information.

<sup>2</sup> Section 444 (3B) of the Education Act 1996.

<sup>3</sup> Section 7 of the Education Act 1996

- Statutory walking distance
- Special educational needs, disability or mobility issues
- Unsafe walking route
- Extended rights

- 2.8 **Statutory walking distances:** Children who are attending their nearest suitable school, where that is beyond two miles for a pupil under the age of 8 or beyond three miles for children aged 8 and 16.
- 2.9 **Special educational needs, disability or mobility issues:** Children who attend their nearest suitable school but cannot be reasonably expected to walk to school because of their special educational needs, disability or mobility problems.
- 2.10 **Unsafe walking route:** children who attend the nearest suitable school, that is within statutory walking distance however the route is deemed unsafe, and there is no suitable alternative within the statutory walking distance.
- 2.11 **Extended rights:** A child is eligible for free home to school travel if they are eligible for free school meals or if a parent with whom they live receives maximum Working Tax Credit and,
- they are aged 8 to 10 years, attend their nearest suitable school and it is more than 2 miles from their home; or
  - they are aged 11 to 16 years, and attend one of their three nearest suitable schools which is between 2 and 6 miles from their home; or
  - they are aged 11 to 16 years, attend a school that is between 2 and 15 miles from their home that their parents have chosen on the grounds of their religion or belief and, having regard to that religion or belief, there is no suitable school nearer to their home.
- 2.12 For a child to be eligible for travel assistance they must be of compulsory school age and fall within one of the four categories.
- 2.13 Eligibility for travel assistance will be reviewed annually, however reviews may take place in year should there be a change in circumstances which affects entitlement. Reviews may result in a change of the type of assistance offered.
- 2.14 Travel assistance will only be provided for 'eligible pupils' who are registered at a qualifying school. The Council will only consider applications from the date at which they are received and will not consider requests for backdated claims for travel assistance.
- 2.15 Before making an application for travel assistance, parents/carers and young people are encouraged to check if their travel needs can be met by the provisions offered by Transport for London (TfL), which operates a scheme of free and/or discounted travel for children under the age of 18 in full-time education, that meet the statutory requirements to receive travel assistance.

2.16 The following children are eligible for free home to school travel:

#### Children under 8

- Children whose nearest suitable school is outside the statutory walking distance.
- Children who live within the statutory walking distance but are unable to walk to their suitable school accompanied as necessary because of the nature of the route.
- Children who meet the 'extended rights criteria' whose nearest suitable school is outside the statutory walking distance.

#### Children aged 8 - 16

- Children whose nearest suitable school is outside the statutory walking distance of 3 miles.
- Children who live within the statutory walking distance but are unable to walk to their suitable school accompanied as necessary because of the nature of the route.

2.17 Under the European Convention on Human Rights (ECHR), parents do not enjoy a specific right to have their children educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority.

2.18 Children whose parents choose to send their children to a school with a particular ethos, faith or belief whereby that school falls outside of the statutory walking distances may still apply or travel assistance; where due consideration will be given to individual requests.

#### Children not eligible

2.19 For children not eligible for travel assistance the Council, under Section 508C of the Education Act 1996 has the power to provide discretionary arrangement for children that do meet the statutory criteria

2.20 The Council will consider and exercise its discretion for non-eligible children only in exceptional circumstances. Cases will be assessed on an individual basis.

2.21 Decisions in respect to providing travel assistance to children who are not eligible will consider the following:

- The individuals support needs, as well as the parents'/carers' circumstances;
- The parents'/carers' legal responsibility ensure attendance of the pupil at school;
- Suitability of the school, as defined in the guidance;
- The Council's overall duty to ensure an efficient use of its resources.

2.22 Below are examples of what could constitute exceptional circumstances, and therefore be for considered for discretionary travel assistance. Please note this is not an exhaustive list.

- **Social factors:** Child has been forced to move into a temporary accommodation or refuge (fleeing domestic violence, for example)
- **Medical factors:** Illness affecting parent/carer's ability to take the child to school
- **Educational factors:** Where a change of school would cause unreasonable harm to the child's education development, as supported by relevant professionals.

2.23 Below are examples of factors which will not be considered as exceptional in relation to requests for travel assistance where the eligibility criteria are not met. Please note this is not an exhaustive list.

- A wish for a child to attend a category of school, e.g. a specialist school or academy that has not been jointly agreed with the Council
- Previous agreements that do not adhere to Tower Hamlets Travel Assistance Policy
- A belief that a child should be educated privately
- Personal circumstances when considering collection and drop off points.
- If the school named on an Education, Health and Care plan is not the nearest appropriate school agreed jointly by the Council, but named because of parental preference

#### Children with Special Educational Needs and/or Disability (SEND), or mobility problems

2.24 Travel assistance can be requested for children with SEND or mobility problems who attend their nearest suitable school and cannot reasonably be expected to walk there because of their special educational needs, disability or mobility problems.

2.25 The Council's Children's Integrated Commissioning Team (CICT) processes all applications for SEND Home to School travel.

2.26 The Pupil Services Team processes all other applications for travel assistance for children of statutory school age.

#### Children with an Education, Health and Care Plan

2.27 Where possible the Council expects parents/carers of children to make arrangements for their child to attend school in the same way as for parents/carers of children without a EHC Plan or disabilities as this is an important factor and benefit in developing the child's or young person's independence, social and life skills.

2.28 The majority of children with an EHC Plan will not necessarily receive specialised travel assistance from the Council. The completion of an EHC Plan does not confer an automatic entitlement to travel assistance.

- 2.29 Parents that choose a school which is not the nearest school that the Council considers to be suitable will take full responsibility for their child's home to school travel arrangements.
- 2.30 Should a child meet the eligibility criteria for travel assistance the Council will decide on the type of assistance that will be provided following an assessment based on the child's needs. Tower Hamlets is committed to promoting cost effective travel assistance that promotes independence; all offers of travel assistance will reflect these commitments.
- 2.31 All Children's eligibility for travel assistance will be periodically reviewed to ensure they are still receiving the most appropriate support that promotes safety and longer-term independence. Most reviews will take place on an annual basis, however the approach to continual assessment means that annual timeframes will not be an obstacle to providing the most appropriate form of travel assistance to children throughout the academic year. Any in year changes will be implemented from the beginning of the next school term, or sooner by mutual agreement.
- 2.32 Travel Assistance will not under normal circumstances include the following:
- Visits to new schools as part of their any planned move or transitional arrangements. For example, if a child is transferring from primary to secondary school, it is the primary school's responsibility to facilitate the travel if it is within the assigned school day.
  - Attendance to non-statutory school activities, that do not form part of the national curriculum. This includes school trips, breakfast or after school clubs, medical check-ups or if the child must be collected from school because of illness.
  - Attendance to extracurricular activities held in schools during the half term, Easter, Christmas or Summer Holidays. Attendance and transport will be the sole responsibility of the parent/carer.
  - A child boarding on a weekly basis where the school is closed at weekends will have a transport offer available at the beginning and end of the school week, other periods of closure, during term time only. A termly placement where the school is not closed at weekends will have a transport offer limited to the start and end of the school term, half terms and for periods of whole school closure only. Any other journeys required will be the responsibility of parents including, additional home visits at weekends or any other time.
- 2.33 In exceptional cases, Tower Hamlets will consider travel assistance outside of its statutory duties. Such an exception could be where the overall educational benefit of attending an afterschool club is agreed, and therefore travel assistance may be offered.
- 2.34 Exceptional requests will be considered on a case by case basis and will be subject to review.

2.35 Children in the care of Tower Hamlets may on occasion require a form of travel assistance, either at short notice as a one-off journey, or periodically for recurring journeys. Examples of where travel assistance may be required are:

- Placement moves
- Visiting family
- Attending appointments
- Attending health, wellbeing and leisure activities

2.36 The appropriateness of each form of travel assistance will be considered in relation to the individuals needs and the type of activity/appointment being attended.

2.37 Individual Social Workers will seek authorisation from their Team Manager in agreeing specific forms of travel assistance. All decisions to provide travel assistance will promote independence, choice and control, whilst also ensuring best value for money to the local authority.

#### Children with Disabilities (CWD): Short Breaks

2.38 Unlike in the case of travelling to schools, there is no statutory duty for the Council to provide travel assistance to and from short breaks. Parent and carers are responsible for travel arrangements to and from their chosen short break activity.

#### Exceptional needs and circumstances

2.39 The expectation is that children and young people accessing respite and short breaks are transported to the service by their parent or carer. Only in exceptional cases will travel assistance be considered to support a child or young person to access the provision. Parents feeling there is due course for consideration will be required to complete a 'Short Breaks Transport – Exceptional Needs form', available from the Short Breaks Coordinator.

2.40 Exceptional needs might include, but are not limited to:

- social or medical circumstances affecting the child/young person or their parent/carer;
- health needs/disability/circumstances affecting the child's or young person's sibling(s) or other close family members who are dependent upon the parents/carers;
- financial difficulties; or
- other factors that are likely to significantly impact on the parents'/carers' ability to meet their responsibilities in getting their child or young person to their short break provider.

2.41 Evidence will be required and may be gathered from a range of professionals, and appropriate verification of any information that is relevant to the application will be required as part of this process.

2.42 This evidence must confirm the circumstances of the case and must demonstrate why travel assistance is required. Providing evidence does not guarantee that a child or young person will be given travel assistance, and each case will be considered individually. Decisions will be made based on the supporting evidence and taking into consideration the Councils duty to:

- manage public money responsibly;
- provide value for money services;
- promote the use of sustainable travel and transport.

2.43 Where travel assistance is provided it should respond and adapt to the needs of children and young people as they develop and progress, as such the provisions of travel assistance is not guaranteed for the duration of the child or young person's use of short break services.

#### Children without SEND applying for Travel Assistance

2.44 This part of the policy generally applies to children who do not have SEND, however, may still be eligible for a form of travel assistance. Applications will be submitted to and assessed by Pupil Services.

#### School application

2.45 Before making the application, parents/carers should be aware that children will usually only be eligible for travel assistance if a place is not available at a suitable alternative school.

2.46 Families should therefore ensure that a school application has been made before they apply for travel assistance, naming where possible, three of the nearest suitable schools.

#### Application form

2.47 Parents/carers must make their application to Pupil Services. The application form and guidance notes can be obtained as follows:

- **Apply online:**  
[https://towerhamlets.theschoolfinder.online/th\\_travel\\_assistance.html](https://towerhamlets.theschoolfinder.online/th_travel_assistance.html)
- **Download the form from our website:**  
[https://www.towerhamlets.gov.uk/lgn/advice\\_and\\_benefits/grants/school\\_travel\\_support.aspx](https://www.towerhamlets.gov.uk/lgn/advice_and_benefits/grants/school_travel_support.aspx)
- **Paper form:** contact Pupil Services on 020 7364 5006 or email [school.admissions@towerhamlets.gov.uk](mailto:school.admissions@towerhamlets.gov.uk)

#### Supporting documents:

2.48 Parents/carers must provide as much supporting information as possible with their application, especially if they are requesting school transport.

2.49 A failure to provide the necessary documents may delay the assessment of the application or lead to an automatic refusal. The type of supporting information which should be provided is shown below:

<b>Reason</b>	<b>Explanation</b>	<b>Documentation required</b>
Medical	Physical or mental health issues relating to the child/ young person or any other member of the family e.g. disability	Report from a hospital specialist or other professional
Social	Issues affecting the family such as domestic violence, involvement from social services, or if you are a single parent family	Letter from a social worker or other professional, copy of Council Tax bill or tenancy agreement
Family issues	There are other children in the family, in particular younger children who may be attending a different school	Confirmation such as the child's birth certificate or if in receipt of benefits, a copy of your annual tax credits award notice
Employment	One or both parents/carer are working or seeking work and must be available for training or interviews etc.	Letter from employer confirming the nature of employment and days and hours worked, letter from Jobcentre Plus confirming training etc.
Income	Currently in receipt of benefits such as income support or Job Seekers Allowance, entitled to Free School Meals	Recent tax credits award notice or JSA letter
Housing	Currently living in temporary accommodation, arranged by Tower Hamlets either in or outside the borough.	Copy of tenancy agreement, a confirmation letter from the Lettings Team

2.50 If the application for travel assistance is successful, the Council will decide on the most suitable offer, considering the child's specific needs, the statutory criteria and the most effective use of the Council's resources.

### **3. Young People (16-19, or 25 with an EHCP)**

3.1 This section of the policy applies to all young people who are residents of Tower Hamlets, or in the care of the Council who are in receipt education or training.

3.2 The Council may provide travel assistance for 16-19-year olds who have started a course prior to their 19<sup>th</sup> birthday to enable post-16 learners to access and attend the education and training of their choice.

3.3 For young people with EHC plans this extends up to age 25 where they are continuing a course started before their 19<sup>th</sup> birthday. This is known as the sixth form age duty.

3.4 The overall intention of the sixth form age duty is to ensure that:

- Learners of sixth form age can access the education and training of their choice; and,
- If support is required to access the education or training, it will be assessed and provided where necessary.

#### Post-16 Transport Policy Statement

- 3.5 The Council has a duty to publish an annual transport policy statement which sets out the arrangements for transport, or other support, which are available locally for the following academic year to ensure that anyone of 'sixth form age' can attend education or training. This is available on the Tower Hamlets website or from Pupil Services.

#### Young people with special educational needs and disabilities (SEND)

- 3.6 16-19 transport duty applies to young people of sixth form age with SEND aged up to 19 (and beyond the age of 19 if they are continuing on a particular course started before the age of 19) All young people who have EHC Plan will have an EHC needs assessment in Year 11 and if staying on at school, this will be updated in their final year.
- 3.7 The travel needs of young people with special educational needs and disabilities must be reassessed when a young person moves from compulsory schooling to post-16 education, even if the young person is remaining at the same educational setting.
- 3.8 A learner with SEND may take longer to complete a programme of learning or training, and therefore as an authority we will extend the arrangements for the provision of transport until the learner has completed their programme even if that is after they have reached the age of 19.
- 3.9 At the stage of re-assessment independent travel training will be explored to establish the young learner's readiness to participate in the programme.

#### Young people without SEND

- 3.10 Young people that do not have an EHCP can apply to Pupil Services for support with travel assistance.
- 3.11 When assessing an application for travel support, the Local Authority will consider:
- The needs of those for whom it would not be reasonably practicable to access education or training provision if no arrangements were made, especially the most vulnerable or socially excluded such as those with SEND.
  - The distance from the learner's home to establishments of education and training and the journey time.
  - The cost of transport: support should be targeted to young people who are from low-income families. The Council will take into consideration receipt of 16 to 19 bursary funding, other awards and parental income when assessing eligibility.
  - Preference based on religion or belief

- Alternative means of facilitating attendance at establishments e.g. cycle or moped schemes, independent travel training.

3.12 Young people can apply for travel assistance if they meet the following criteria:

- Are a resident of Tower Hamlets
- Are aged 16 to 18 or a 'continuing learner' who started their course before their 19th birthday
- Attending a full-time course in a maintained school sixth form/college or another establishment. Assistance is not provided to students attending private (independent) fee paying establishments.
- Is attending the nearest maintained establishment at which the course, or most of the course is offered (i.e. at least 50% of the course).
- If the young person is attending a specialist course, this must be one that ends with a nationally recognised vocational qualification such as BTEC or NVQ.
- The establishment is over three miles from the young person's home address.
- Their parents' taxable income was £18,210 or less in the last financial year\*.

\* This figure is based on the Department for Education's (DfE) definition of low pay ('any family earning less than 60% of the national median pay') and may therefore change depending on the national median pay at the time of application.

#### Additional Information

3.13 A young person must provide:

- Proof of address i.e. recent Council tax bill
- Proof of registration for their course
- Proof of parental income, where relevant
- Any other supporting information with your application.

3.14 Any delay or failure to provide this information will affect the outcome of an application.

## 4. Transition

4.1 As per the Education Act 1996 when a child with an EHC plan turns 18 and remains in education, including those continuing learners up to age 25 with EHC plans, who started their programme of learning before their 18th birthday, Tower Hamlets Children's Services are responsible for their education throughout. In relation to transport, responsibility for Children's Services ends at 18. Any young person embarking on new education paths after the 18th birthday (i.e. college), will be reassessed by Adult Social Care in relation to any required travel assistance.

4.2 Children's and Adults services will; through, forward planning, joint work and effective communication, support a smooth transition into Adult Social Care. All professionals will endeavour to cause minimal disruption to service users as the duty of care transitions from Children's to Adults.

## 5. Adults

### Councils Duty

5.1 The Council has a legal duty (under sections 508F and 508G of the Education Act 1996) to provide travel assistance to help the attendance of adults who started their course after their 19th birthday, including those with EHC Plans. This is called the adult duty, and applies to:

- Adults (i.e. those who are aged 19 or over) for the purpose of facilitating their attendance at local authority maintained or assisted further or higher education institutions or institutions within the further education sector; and
- Relevant young adults with an EHC plan (which can only be maintained up until the age of 25) for the purpose of facilitating their attendance at institutions where they are receiving education or training outside the further and higher education sectors.

5.2 For those young adults, the duty only applies where the Council has secured the provision of education or training at that institution and the provision of boarding accommodation in connection with that education or training.

5.3 The overall intention of the adult transport duty is to ensure that:

- Those with the most severe disabilities with no other means of transportation can undertake further education and training after their 19th birthday to help them move towards more independent living.
- Where the Council makes such arrangements, any transport provided must be free of charge. The Council also has the discretion to pay all or part of the reasonable travelling expenses for the student who may not be eligible.

5.4 The aims of this section are to:

- Ensure that appropriate travel assistance is provided to adults who are eligible.
- Support adult social care users to achieve their desired outcomes, considering their own strengths and capabilities in relation to transport, and what support might be available from their wider support network or community.
- Promote the independence of adults who need travel assistance by supporting their confidence and skills where needed.

- 5.5 This policy rests upon a general assumption and expectation that wherever it is possible and safe to do so, adult social care users will travel independently. Independent Travel Training is a core part of support provision and will be routinely offered to support adult social care users to develop their skills and confidence in this area. Funded transport will only be provided if, in the opinion of the social care practitioner, there is no safe alternative and appropriate transport available (be it personal, with the assistance of family / friends or public transport) and it is the only reasonable means of ensuring that the adult social care user can be safely transported to a service or activity that is part of their support plan.

#### Eligibility

- 5.6 The Council has a legal duty to ensure that social care needs that meet the 2014 Care Act eligibility threshold are met. For some individuals, these needs will include those applicable to travel assistance. The following excerpts from [Care Act statutory guidance](#) are particularly relevant to this policy:

*'6.100 The national eligibility criteria set a minimum threshold for adult care and support needs and carer support needs which local authorities must meet. All local authorities must comply with this national threshold'.*

*'6.106 Local authorities should consider the adult's ability to get around in the community safely and consider their ability to use such facilities as public transport, shops or recreational facilities when considering the impact on their wellbeing'*

*'6.63 In considering what else might help [people achieve their desired outcomes] authorities should consider the person's own strengths and capabilities, and what support might be available from their wider support network or within the community to help'.*

- 5.7 Social care practitioners consider eligibility when carrying out assessments and reassessments with social care users. If someone has needs that relate to transport, practitioners and social care users will then discuss the most suitable way of meeting those

#### Application Process

- 5.8 The process starts with an adult social care assessment or reassessment in order to determine eligible needs. How needs will be met is then described in the adult social care user's support plan.
- 5.9 As described in the last section, in support planning, the practitioner and adult social care user will consider whether the individual can travel independently or can travel with support from existing networks: The person's own strengths and capabilities will be considered, along with what support might be available from their wider support network or community.
- 5.10 Independent travel training should then be considered. The process starts by a referral for an assessment. The referral typically leads to an assessment from the travel trainer, working with the individual and their loved ones to assess their individual needs, abilities and past experiences. If travel training is appropriate, a travel plan will be drawn up.

- 5.11 If someone is not suitable for Independent Travel Training or needs travel assistance following this, travel assistance should then be considered. The travel assistance options that are available are described in the last section. It is acknowledged that a significant proportion of older adults, including those with dementia will not be suitable for Independent Travel Training given the degree of deteriorating levels of cognition. Additionally, some adults with profound physical and learning difficulty arising from a long-term health condition or brain injury are unlikely to benefit from this training.
- 5.12 For Adults with a Learning Disability applications for Travel Assistance will be considered for Independent Travel Training in the first instance. However, it is acknowledged that for some adults with a learning disability due to the level of their learning disability and in some cases additional physical disabilities that Independent travel training will not be a suitable option. For adults with a learning disability where independent travel training is not suitable, support to travel on public transport with a PA or Travel Assistant is the next preferred option to promote a level of independence during travel.
- 5.13 When planning travel assistance options this policy recommends that that adult social care users do not spend more than sixty minutes on any vehicle per trip. Exceptional circumstances will be taken into consideration when monitoring this requirement.
- 5.14 All travel plans will be reviewed as part of the annual support plan review process. Travel assistance will also be reviewed when there is a significant change in circumstances, such as a change in home address or a change in needs. The travel assessment may also signpost to the Motability Component of the Disability Living Allowance to ensure there is no overlap in service provision and the best possible independent travel solution for everyone is delivered.

## **6. Educational Establishments**

### **Qualifying Schools**

- 6.1 The Council's duty to provide home to school travel arrangements applies to travel between home and the relevant educational establishment for a child. The relevant educational establishment for a child will be the qualifying school at which the child is registered:
- Qualifying schools are:
    - Community, foundation or voluntary schools;
    - Community or foundation special schools;
    - Non-maintained special schools;
    - Pupil referral units;
    - Maintained nursery schools; or
    - City technology colleges (CTC), city colleges for the technology of the arts (CCTA) or Academies.

- The pupil referral unit or other place at which the child is receiving education by reason of arrangements made under section 19 of the Education Act 1996 due to the child's illness, exclusion from school or otherwise.

6.2 In addition, in relation to a child with SEND, an independent school (other than a CTC, CCTA, or Academy) will be a 'qualifying school' if it is the only school named in the child's EHC Plan, or it is the nearest of two or more schools named in the plan, and no suitable arrangements have been made by the local authority for the child to become a registered pupil at a qualifying school nearer his home'.

6.3 For a young person to receive assistance the learning or training provider i.e. school/college or other establishment must be funded directly by the Education and skills funding agency (ESFA)

#### Suitable School

6.4 A suitable school is a qualifying school that is suitable for the child's age, ability, aptitude, and any special educational needs they may have, as well as for the child's gender. For a school to be suitable it must be possible for the child to secure a place there at the time transport eligibility is considered. For most cases, this will be during the normal admissions round, but some cases will need to be considered during the academic year.

6.5 To be eligible for free home to school travel, a child must attend a qualifying school. Qualifying schools are:

- community schools, foundation schools or voluntary aided and voluntary controlled schools
- academies or alternative provision academies
- community or foundation special schools
- non-maintained special schools
- pupil referral units
- maintained nursery schools
- city technology colleges and city colleges for the technology of the arts.

6.6 For children with special educational needs, an independent school is a qualifying school if it is named in their EHC Plan or is the nearest of two or more schools named in their EHC plan.

6.7 Parents have the right to ask for a particular school to be named in their child's EHC plan. Tower Hamlets will name that school in the plan unless it would be unsuitable for the child's age, ability, aptitude or special educational needs, or the child's attendance would be incompatible with the efficient education of others or the efficient use of resources.

6.8 Where the parent's preferred school is further away from their home than the nearest school that can meet the child's special educational needs, Tower Hamlets can name the

nearer school if it considers it to be appropriate for meeting the child's special educational needs.

## **7. Types of Travel Assistance**

### **Reasonable Travel Times**

- 7.1 As a general guide, the maximum journey time should be 45 minutes for a child of primary school age, and 75 minutes for a child of secondary school age, including any time taken to walk to a pickup point, bus stop or train station. It is, however, recognised that this may not always be possible, particularly in rural areas. Wherever possible, a child should not be expected to make several changes on public transport. Journeys for children with special educational needs, disability or mobility problems may sometimes need to be longer and more complex than for other children. Tower Hamlets will, where possible avoid extending routes for such children.
- 7.2 Once an application is successful the Council will consider the most suitable form of travel assistance and make the necessary arrangements to facilitate the provision of that assistance. The range of travel assistance options available for children/young people and adults are listed below;

### **Travel Assistance Options for Children**

#### **Travel pass (Zip Oyster Card)**

- 7.2 This is to enable the child to travel to school accompanied, if necessary, by an adult via public transport. All pupils meeting the statutory requirements for travel assistance are eligible for free travel on buses within London. access this service:
- 7.3 The following children are eligible for free travel:
- Children aged 10 and under
  - Children aged 11-17 who live more than two miles from their school/college
  - Children aged 11-17 who live less than two miles away from their school/college if they:
    - have a social worker
    - have an Education, Health and Care Plan
    - are in alternative provision (i.e. educated in a pupil referral unit, or an alternative provision academy/free school)
    - do not have a safe walking route
    - cannot walk due to a medical condition or lack of mobility
- 7.4 A photo card can be obtained by either:
- Visiting and downloading an application form from [www.tfl.gov.uk](http://www.tfl.gov.uk)
  - Calling into any underground or ticket retailer for an application form.

**Please note:** travel passes are the responsibility of the individual who is named on the photocard. If a travel pass is lost or stolen, the Council will only provide two replacements in one academic year.

#### Parental reimbursement

- 7.3 Parents / carers may receive reimbursement for fuel costs at the Council's standard rate which may be reviewed later, for using their own vehicle to transport their eligible child to and from school.

#### Personal transport budget

- 7.4 The Council may provide parents / carers with direct payments to enable them to organise their own arrangements for home to school/college travel arrangements. This will provide flexibility and control of travel arrangements for the child/young person. Calculations are based on the distance from home to school and payments are usually made termly, directly into a bank account.

#### Independent travel training

- 7.5 Independent travel training, focused on the needs and capabilities of a person, can increase independence by developing personal, social and life skills. By working closely with the service user, travel training can contribute to greater independence for the child/young person and will always be given priority as an option when considering suitable solutions.

#### Council run vehicles

- 7.6 In exceptional circumstances and usually only when a child is attending a special school, the Council may provide a vehicle to transport them to and from school, such as a bus. Factors considered include the severity of the child's special educational needs/disability, especially where this may make it impossible or unreasonably difficult for the child to walk or access public transport, or where a child presents a danger to him/herself or others. Where this form of travel assistance provided, it will be delivered by drivers suitably qualified, through a registered provider and using passenger assistants if required.
- 7.7 Whenever possible, pupils will travel together in buses. These will be specially adapted to meet the needs of those pupils travelling on them. Each route will be planned based on school start and finish times and the shortest possible route for all children travelling on a vehicle. Pupils will be picked up and dropped off at a safe and convenient location, within a reasonable distance from their home. In many cases this will be from a recognised bus stop.

#### Taxis and private hire vehicles

- 7.8 Under exceptional circumstances the Council may transport individuals in taxis or private hire vehicles.
- 7.9 Due to their complex health needs, some children will require additional support as part of their travel assistance option. The needs of a child requiring additional assistant or specialist

care on the journey will be determined by a risk assessment undertaken by the Community Children's Nursing Team (CCNT).

- 7.10 Passenger Assistants will only be provided where necessary for the safe operation of vehicles and/or the safeguarding of children or young people. A Passenger Assistant will not be provided due to a child's unfamiliarity to a specific travel assistance option; including not knowing the driver, other children and support staff. It is important to note that Passenger Assistants are not medically trained and cannot provide medical intervention support to children and young people.

### Travel assistance options for Adults

#### Taxi Card

- 7.11 The Taxi Card scheme subsidises the cost of taxis for people with serious mobility problems who cannot use public transport. The scheme offers subsidised travel in licensed taxis and private hire vehicles to London residents who wish to take trips for social purposes including shopping, visiting friends and going out to events. Whilst all licensed taxis are wheelchair accessible, some mobility scooters are not suitable, and some electric wheelchairs are too large. Most private hire vehicles are not wheelchair accessible. Members of the scheme always pay a minimum contribution towards the fare and the Local Authority subsidises a journey up to a maximum amount per trip and the individual would have to pay the balance. London Councils recommend that Taxi Card is best suited for short journeys only. The number of trips each year is limited, and this varies between Councils. The scheme cannot be relied upon to support regular attendance at an educational facility or day opportunity.

#### Dial-a-Ride

- 7.12 Dial-a-ride service is like a taxi in that they can be booked as a door to door service. They are wheelchair accessible and are generally for anyone who has difficulty with public transport. Services must be pre-booked. The scheme cannot be relied upon to support regular attendance at an educational facility or day opportunity as advance bookings are limited to a maximum of one return journey each week.

#### Travel Assistants

- 7.13 Rather than paying for a taxi or transport service users can consider paying a personal assistant to support using public transport. This option promotes learning on safe ways of travel and supports independence.

#### Freedom Pass

- 7.14 Those with a disability may be entitled to a Freedom Pass. A Freedom Pass offers free transport on London buses, underground and over ground services and on trains after 09.30am.

More information on the Freedom Pass can be obtained from the Councils Travel Team or for further information, visit:

<http://www.londonCouncils.gov.uk/services/freedompass/applying>

#### Direct Payments

- 7.15 The service is accessible to individuals who are already in receipt of a direct payment, personal budget or an individual budget. A choice of travel options can be purchased based on assessments and need, including in house transport, taxis, and use of Personal Assistant to support journeys.
- 7.16 Transport will be individually costed as a single element in all support plans for new referrals and updated at review for existing service users who require travel assistance. This enables clarity around cost, which enables individuals to make choices on how best to travel and use their monies.

#### Day Centre Travel Assistants

- 7.17 Some local services such as day centres may provide transport via Council run vehicles or private hire vehicles, however this may result in an additional charge to the service user.

#### Blue Badge

- 7.18 The Blue Badge scheme allows drivers of passengers with severe mobility problems to park close to where they need to go. More information on the Blue Badge Scheme can be obtained by telephoning the London Borough of Tower Hamlets Parking and Mobility Team on 0207 364 1361.

#### Access to work

- 7.19 Should assistance be required to attend work, the Job Centre should be contacted for details of the Access to Work Scheme, which may be able to help with travel.

#### Council run vehicles

- 7.20 In exceptional circumstances the Council may provide a vehicle. Where transport vehicles are provided, these will be vehicles and drivers provided by a suitably qualified, registered provider and with a passenger assistant if required.
- 7.21 Whenever possible, passengers travel together in buses. Vehicles are specially adapted to meet the needs of those travelling on them. Each route will be planned based on start and finish times and the shortest possible route for all travelling on a vehicle.

#### Taxis and private hire vehicles

- 7.22 Under exceptional circumstances the Council may transport individuals in taxis or private hire vehicles.

#### Disability Living Allowance

- 7.23 Disability Living Allowance is made up of a care component and a mobility component which are paid at different rates depending on the level of support needed. As part of the welfare reform programme the Government is replacing DLA with Personal Independence Payment (PIP). Existing recipients of the Higher Rate Mobility Component of DLA who are reassessed and awarded the Enhanced Mobility Component of PIP will continue to be eligible to lease a vehicle on the scheme.

### **8. Application and Assessment**

#### Children and young people

- 8.1 The application process is designed to be as simple as possible whilst ensuring that full consideration is given to the specific needs of the child or young person.
- 8.2 Parents / carers should allow up to 30 working days from the date the application is received by the appropriate team to when any form of travel assistance is provided.
- 8.3 The application process is dealt with in three stages;

#### Stage1: Application

- 8.4 The parent / carer must make a formal application for travel support before any assistance is considered. Applications must be returned to the appropriate team depending on the ages of the child or young person.
- 8.5 The parent/carer will receive an acknowledgement within 5 working days of their application being received.

#### Stage 2: Assessment

- 8.6 This stage will include the gathering and evaluation of supporting information and family circumstances. This may include a home visit, consultation with the child's school/caseworkers and other relevant professionals involved to ascertain and assess the needs of the applicant.
- 8.7 This stage will normally be completed within 15 working days, depending on the complexity of the circumstances and the time of year the applications are received.

- 8.8 It is possible at this stage for the application to be declined on a range of grounds including, not meeting the criteria for travel assistance, not having extenuating circumstances for consideration, or inaccuracies within the application submitted.

### Stage 3: Implementation

- 8.9 If the application is approved, the Council will decide what type of travel assistance both meet the needs for each individual child and promote greater long-term independence.
- 8.10 The Council will inform the parent/carer/young person of their decision in writing and they will be required to agree to the terms and conditions of the assistance.
- 8.11 Assistance will normally be implemented within 10 working days following the completion of the assessment stage.
- 8.12 In some cases travel assistance will be granted on a time limited basis and a re-application or submission of further information will be required in order to secure continued assistance.

**PLEASE NOTE:** A move to another school will require a new application form to be completed.

### Adults

- 8.13 The process for applications for Adults is outlined with Section:5 of this policy.

## 9. Travel Assistance Reviews

- 9.1 A child or young person's eligibility for travel assistance will be reviewed at least once a year by the Council.
- 9.2 A review will involve discussion with the child or young person's school or college and any professionals who are working with the family.
- 9.3 If further information is required by the Council, we will write to families to request this information and a failure to provide requested information may result in travel assistance being removed.
- 9.4 Travel assistance may be reviewed and/or removed in the following circumstances (this is not an exhaustive list):
- failure to provide information which is requested
  - when there is any significant change in circumstances which affects eligibility, such as a change in home address or a change in the child's needs

- on the written request of the parent who has expressed a preference for an alternative form of assistance or made alternative arrangements for their child's travel to school
- change in the policy or statutory legislation
- where it is proven that assistance was obtained via a fraudulent application
- where the Council's provision has not been utilised or serious behavioural issues may result in travel assistance being reviewed and in extreme cases rescinded until a safe solution can be provided.
- Where a parent / carer is repeatedly not ready in the mornings or not available in the evening. Parents / carers must ensure their child is ready at the pick-up point by the allocated time in the mornings and must be ready to receive their child at the end of the day.

9.5 The Council will inform families in writing of the outcome of their review, including the right of appeal, where appropriate. Parents/carers may, on occasion be requested to attend a review of travel assistance.

9.6 In most circumstances, any changes to a child/young person's travel assistance will be implemented from the beginning of the next school term, or sooner by mutual agreement. However, if an application is found to be fraudulent travel assistance will be terminated within 5 working days.

## 10. Appeals

10.1 This part of the policy outlines the appeals process for children and young people, as well as adults in regards either not receiving an offer of travel assistance following assessment, or where an offer has been made and the individual, parent/carer wishes to appeal the type of travel assistance offered.

10.2 If an application for travel assistance is not approved by the Council, or the parent/carer/young person disagrees with the form of assistance being offered, or the outcome of their review, parents/carers have a right of appeal. The appeal should be made on the appropriate appeals form within 20 working days of the decision letter being received.

Appeals are administered in 2 stages:

**Stage 1:** reviewed by Senior Travel Assistance Officer

10.3 Within 5 working days of the appeal form being received, the parent / carer will be sent confirmation that their appeal has been received and that their appeal is under review. Further evidence may be requested to support the appeal and consultation with case workers and professional bodies may be required. Stage 1 appeals are decided by a manager

senior to the officer first assessing the travel application. Parents / carers should aim to receive their decision letter within 20 working days of their appeal form being received.

**Stage 2 appeal:** Review by an independent appeal panel

- 10.4 If the parent / carer remains dissatisfied with the outcome, they should notify the Council in writing within 20 working days of receiving their stage 1 appeal decision. Within 40 working days of receipt of the parents request an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case.
- 10.5 Parents / carers should aim to receive their decision letter within 5 working days of their Stage 2 appeal being considered. During the appeals process no new travel assistance will be provided or in the case of existing arrangements, no change will be implemented.
- 10.6 **Adults:** wishing to appeal a decision in relation to travel assistance can do so by raising this with their Social Worker who will then escalate this to be raised with the relevant Service Manager for review.
- 10.7 Alternatively, a complaint can be made through the Council's formal complaints process by contacting:

Complaints and Information Team,  
Mulberry Place,  
5 Clove Crescent, E14 2BG.  
Tel: 020 7364 4161  
email: [complaints@towerhamlets.gov.uk](mailto:complaints@towerhamlets.gov.uk)

More information on the complaints process in adult social care and what to expect can be found on the Council website.