

Transport for young adults aged 19 – 25 with an Education, Health and Care Plan

2018/19 Academic Year

July 2018

Children, Schools and Families

About this policy

This policy covers the provision of transport for adult learners aged 19 – 25 who are not of sixth form age and who have an Education, Health and Care Plan (EHCP). Under Section 508F and section 508G of the Education Act 1996, as inserted by section 57 of Apprenticeships, Skills, Children and Learning Act 2009), the local authority has a duty to provide transport which it considers necessary for eligible learners in this age group to attend qualifying establishments. This transport must be provided free of charge.

Eligible learners

To be eligible for transport under this policy, learners must live in the Cornwall local authority area, be aged between 19 and 25 and be subject to an Education, Health and Care Plan (EHCP). For the purposes of this policy, 'aged between 19 and 25' is defined as being from the start of the academic year (1st September to 31st August) in which the learner turns 20 to the end of the academic year in which he or she turns 25.

Learners aged 16 – 19, or over 19 and continuing to attend a course begun before they turned 19, who are not eligible for free transport under this policy may be eligible for subsidised transport under the [16 -19 Transport Policy](#).

Qualifying criteria

To qualify for transport free of charge under this policy, the following criteria must all be met:

- Learners must be attending:
 - A further education establishment
 - An establishment maintained or assisted by the local authority and providing further or higher education (or both)
 - An establishment outside the further and higher education sectors, where the local authority has secured education or training and boarding accommodation for that learner
- The establishment's provision must be an essential requirement to fulfil the learning outcomes identified in the learner's Education, Health and Care Plan
- The establishment must be more than three miles away from the learner's home address; or within three miles if the learner is unable to walk that distance as a result of his or her disability and/or learning difficulty, even if accompanied; or within three miles if the route has been assessed by the local authority as unsuitable for pedestrian use
- The learner is unable due to his or her disability and/or learning difficulty to use public transport independently

Applications for transport

All applications for transport under this policy must be made on an annual basis using the [Post-16 Transport Application Form](#) and submitted to the Pupil Transport Team.

The form can be completed by the applicant or a parent/carer on his/her behalf.

Assessment of need and qualifying criteria

Assessment of qualifying criteria in relation to the provision attended and need of the learner in respect of transport arrangements will initially be undertaken by the EHCP Casework Officer, who will determine whether there is a provisional entitlement to transport free of charge on this basis.

Should it not be possible to conclude from the available information whether it is necessary for transport to be provided, applicants will be given the opportunity to provide additional supporting information from one or more relevant professionals.

The EHCP Casework Officer's assessment will be submitted to the Pupil Transport Team.

Measurement of distances

Measurement of distances in relation to transport eligibility will be undertaken using the Council's nominated Geographic Information System software and will be taken from the main gate of a pupil's home address (this is where the property meets the maintained highway; private driveways or access lanes are excluded) to the main gate of the establishment. Distance measurements will be rounded to two decimal points.

Walking distance is measured by the shortest route by which a learner, accompanied as necessary, may walk and do so in reasonable safety. This may include footpaths, bridleways and other pathways as well as roads.

Unsuitable walking routes

Where a learner is attending a qualifying establishment which is within three miles, but the route has been assessed and classified as an unsafe walking route by Cornwall Council, there will be eligibility for transport free of charge (where all other qualifying criteria are met).

Such assessments will be undertaken in accordance with the Council's [Pedestrian Route Assessment Policy](#).

Eligibility for transport provided in this category will be subject to annual review. Cornwall Council retains the right to reassess a route classified as an unsafe walking route.

Provision of transport

Transport is provided via the most cost-effective suitable method. Suitable travel arrangements can include:

- a seat on a bus or minibus provided by Cornwall Council;
- a seat in a taxi;

Applications for personal transport budgets in lieu of provided transport, where families wish to make their own private travel arrangements, will also be considered on a case-by-case basis taking into account the distance travelled and needs of the learner.

Transport will be provided for one return journey from home to the establishment during standard academic terms only and at the start and end of the official establishment day (e.g. 9am - 4pm). Transport is not provided to meet a learner's individual timetable, including clubs or extra-curricular activities.

Where a learner is attending a split site course, for example one day in the main school/college campus and another at an alternative campus, transport will be provided to the main qualifying campus only.

Where a learner is attending a qualifying establishment as a residential boarder, either in Cornwall or in an out of county resource, transport will be provided at the start and the end of each half term or at the start and end of each week depending on the commissioned boarding arrangements. Transport will also be provided if the commissioned school is closed (either planned or unplanned). Transport will not be provided for parental visits or meetings.

Passenger Assistants will be supplied on provided transport arrangements in individual cases where they are, in the Local Authority's view, necessary to meet a learner's individual needs. The role of a Passenger Assistant will be to provide general supervision and ensure a safe and comfortable journey to and from school.

Passenger Assistants will only be provided to meet more complex individual needs such as medical or health requirements where there is supporting professional evidence that such support is necessary to ensure a learner's safe journey to and from school. Only Passenger Assistants who have received appropriate specific training with regard to an individual learner's needs will be employed to provide such support.

Moving home

Where a learner moves home within Cornwall during the academic year, eligibility for transport under this policy will be re-assessed using the normal assessment and qualifying criteria.

Where a learner moves outside of Cornwall, he or she will cease to be eligible for transport under this policy.

Appeals and complaints

Where an application for transport under this policy has been declined by the Local Authority, or if the learner/parent/carer believes the transport offered is unsuitable, there is a right of appeal against the decision on the following grounds:

- Eligibility
- Distance measurement/s
- The safety of the route
- The transport arrangements offered
- Exceptional circumstances

Stage 1

The learner/parent/carer has 20 working days from receipt of the Local Authority's decision to make a written request asking for a review of the decision.

The written request should detail why the learner/parent/carer believes the decision should be reviewed and give details of any personal and/or family circumstances the learner/parent/carer believes should be considered when the decision is reviewed.

Within 20 working days of receipt of the written request, a senior officer will review the original decision and respond with a detailed written outcome setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed);
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached;
- information about escalation to stage two (if appropriate).

Stage 2

The learner/parent/carer has 20 working days from receipt of the Local Authority's Stage 1 decision to make a written request to escalate the matter to Stage 2.

Within 40 working days an independent appeal panel will consider written and verbal representations from the learner/parent/carer and officers and give a detailed written outcome (within 5 working days) setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed);
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached;
- information about escalation to the Local Government Ombudsman (see below).

Appeals under Stage 2 will be heard by the Local Authority's Transport Appeals Panel, made up of elected Councillors who are independent of any previous decisions which have been made regarding the transport application.

While waiting for an appeal to be heard there is no entitlement to transport under this policy.

If the learner/parent/carer is not satisfied with the outcome of their appeal/complaint, there is a right of complaint to the Secretary of State.

There is also a right of complaint to the Local Government Ombudsman if the complainant considers that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal was handled.

If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may apply for judicial review.

Amendments to this policy

Cornwall Council will monitor what is set out within this transport policy and continue to monitor its progress through the year. In line with the Department for Education (DfE) statutory guidance, Cornwall Council reserves the right to amend and republish this transport policy statement at any point during the year in response to complaints or to a direction by the Secretary of State.

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