

Travel assistance policy for 0-25 year olds in education

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Introduction, Key Principles and Types of Travel Assistance

1. This document sets out the policy of Birmingham City Council (“the Council”) in relation to the provision of travel assistance for 0-25 year olds in education who are resident within the City of Birmingham. It is available on the Council’s website at www.birmingham.gov.uk/travelassist. It is intended to provide clarity for children, young persons, adults, parents and carers facing a wide range of circumstances. We are always looking to improve the information we make available and will use any feedback provided to us to develop this statement. If you wish to provide any feedback on the policy please contact Travel Assist (travelassist@birmingham.gov.uk).
2. This policy is divided up by the following age groups as the relevant legal provisions in the Education Act 1996 are grouped this way:

Part 1: Pre-compulsory school age (0-4 year olds) – someone in this category is referred to in this policy as a pre-schooler.

Part 2: Compulsory school age (5-16 year olds) – someone in this category is referred to in this policy as a child. Children become of compulsory school age at one of three points during the school year in which they turn 5, depending on when exactly their birthday is. Children cease to be of compulsory school age on the last Friday in June of the school year in which they turn 16.

Part 3: Young persons of sixth form age (16-18 year olds) – someone in this category is referred to in this policy as a young person. The legal definition is a person over compulsory school age but under the age of 19, but this definition also includes a person who began a particular course of education or training at a school or college before turning 19 and continues to attend that course.

Part 4: Adult learners (19+) – someone in this category is referred to in this policy as an adult.

3. Part 5 then sets out how to apply for travel assistance and how to appeal against decisions about travel assistance.

Key Principles

4. The following key principles apply across all age ranges covered in this policy:

Admission does not confer automatic entitlement to travel assistance:

Admissions and travel assistance are separate matters and acceptance at a particular school or other institution, or the naming of a school/institution in an EHC plan, does not automatically entitle the child or young person to travel assistance.

Budgetary considerations: The Council has a limited budget for the provision of travel assistance to those in education. Any discretionary decision about the provision of travel assistance will take account of this and the number and type of competing claims that are made upon it.

Changes in circumstances: Parents or carers (in the case of those aged under-18) of children in receipt of travel assistance and recipients of travel assistance themselves (in the case of those aged over-18, or any person acting on their behalf) must tell the Council immediately of any change in circumstances which may affect their entitlement to travel assistance.

Independent travel training: Applicants for travel assistance will be assessed for independent travel training (ITT) and recipients of travel assistance will be expected to undertake suitable ITT as part of their education to help them develop their independence.

Other means of travel: When taking discretionary decisions about the provision of travel assistance, the Council will consider all other ways and means for the applicant to get to the school or institution in question.

Personal Transport Budgets: The Council encourages the use of personal transport budgets wherever appropriate as this helps individuals and families to have the most control over their travel arrangements.

Parental involvement: Parents are expected to accompany their children to school or college where necessary until they turn 18 unless there is a good reason why it is not reasonable to expect them to do so.

Reviews of travel assistance: All grants of travel assistance will be reviewed at least once per year and in all cases where there is, or may be, a significant change in circumstances affecting eligibility for travel assistance (e.g. change in school or home address, change in personal or family circumstances, change in recipient's needs). Where the recipient of travel assistance has an EHC plan then this review will be undertaken at or following the annual review of the plan. Any changes to travel assistance following a review will be implemented from the beginning of the next academic term, or sooner by mutual agreement.

Travel concessions, bursaries, state benefits etc: The Council expects young persons of sixth form age and young adults who apply for travel assistance to have applied for and/or made use of all travel concessions, bursaries, state benefits (including mobility cars) etc. for which they are eligible.

Travel for other purposes: When taking discretionary decisions about the provision of travel assistance the Council may take into account how the applicant travels (or is able to travel) for non-educational purposes, e.g. recreation, shopping, family visits etc.

Types of Travel Assistance

5. The Education Act 1996 and this policy use the phrase ‘travel assistance’ because the form this takes will vary and often does not involve the Council providing any transport at all. The Council will determine what is appropriate in each case, taking account of its legal obligations, the needs of the applicant, safety considerations, the best use of the Council’s resources, any expressed preference and any other relevant matter. As a guide, the following are the types of provision made in most cases:

- **Travel pass** – This is a free pass for the use on public transport and is the most common form of travel assistance provided.
- **Personal Transport Budget** – This will be paid on a monthly basis over 11 months to the parent or carer (in the case of those under-18) or the individual or a person acting on their behalf (in the case of those over-18). The parent/carer or adult individual then assumes full responsibility for the travel arrangements and getting the child or themselves to their place of education on time and achieving good attendance. It is anticipated that the use of personal transport budgets can meet most individual and family’s needs and it is the Council’s policy to provide travel assistance in this form as much as possible. Please refer to Appendix 6 on how Personal Transport Budgets are calculated.

Transport vehicles – The provision of a vehicle to transport a child, young person or adult to and from their place of education. Vehicles and drivers are provided by a suitably qualified, registered, commercial provider working to contractual standards set by the Council. Whenever possible, individuals will travel together in a suitable vehicle, specially adapted as necessary to meet their needs. Each route will be planned on the basis of the start and finish times of the place of education and the shortest possible route for all

passengers on a particular vehicle. Passengers will be picked up and dropped off at a convenient location, within a reasonable distance from their home, in many cases from recognised bus stops. A home pick up and drop off will only be made where it is deemed essential due to the individual's significant needs.

- **Provision of a Guide** – A pupil guide may be provided to accompany a child, young person or adult to their place of education whether using public transport or on Council provided transport. Pupil Guides will only be provided where they are necessary for the safe operation of vehicles and/or the care of children and young people and where parents or carers are not reasonably able to accompany them.
- **Other** – The Council may provide any other form of travel assistance which is considered suitable and will consider any suggestions from applicants about any particular type of travel assistance

Part 1: Pre-schoolers aged 0-4 (pre-compulsory school age)

6. The Council's policy is not to provide travel assistance to pre-schoolers except where the pre-schooler has an EHC plan and the circumstances can be said to be exceptional. Even where the Council does provide travel assistance to a pre-schooler it will make a charge for this, which will be calculated in the same way as the charge for the provision of travel to young persons as set out in Part 3. Any discretionary travel assistance will be offered in the form of a Personal Transport Budget (See appendix 6).
7. The Council will consider whatever is said in any application but will have particular regard to the following:
- Distance and journey time from the pre-schooler's home to their place of education and the cost of providing travel assistance to there
 - What alternative means of facilitating attendance there may be
 - What alternative placements or options there may be
 - The contents of any EHC plan (including anything about transport)
 - The best use of the Council's resources and the competing claims upon them

Part 2: Children aged 5-16 (compulsory school age)

8. The Education Act 1996 sets out the categories of children and young persons of compulsory school age who are eligible for free travel assistance. The Council's policy is to provide travel assistance to these categories of eligible children in accordance with its legal obligations, but not otherwise unless there are exceptional circumstances.
9. Where travel assistance is provided it will be whatever the Council considers is necessary and suitable for the purpose of facilitating the child's or young person's attendance at school for the normal school day. A list of the most usual types of travel assistance is set out at page 4 above.
10. There are 4 categories of eligible children to whom the Council is obliged to provide travel assistance free of charge as set out below. Where they refer to a "qualifying school" this means a school (or nursery) maintained by the Council ("state schools"), a pupil referral unit, a non-maintained special school, Academy or a place where a child is receiving education arranged by the Council otherwise than at school. A "home address" is considered to be a place where the child is habitually and normally resident. Parents may be requested to supply documentary evidence to satisfy the authority that the child lives at the address put forward by the parents.
11. The 4 categories of eligible children are as follows.

Category 1: Distance

12. Travel assistance will be provided for children who attend their nearest qualifying school and the distance between their home address and school is over the statutory walking distance. The statutory walking distances are:
 - 2 miles for children under 8 years of age
 - 3 miles for children or young people aged 8 or over.

13. Below these distances the responsibility for the journey to school rests with the parents or carers. The statutory walking distance is measured along a route that a child might reasonably be expected to walk to school accompanied where necessary by a parent or carer.
14. Where a parent or carer chooses a school for the child but there is a qualifying school nearer to home which he or she could attend then travel assistance is not available under this heading. In the case of children with an EHC plan there may be cases where a school that is not the nearest qualifying school is named on the basis that the parents will be responsible for transporting them. Where this happens the EHC plan will be worded accordingly and make the position clear.

Category 2: Low income families

15. "Low income family" means one where the child or young person is entitled to free school meals or where one or both parents are in receipt of the maximum level of working tax credit. Children or young people in such families who do not qualify for travel assistance in category 1 (distance) above are nonetheless entitled to travel assistance if they satisfy the following criteria:

- **Primary Aged Children:** Children aged between 8 and 11 years of age from low income families are entitled to free travel assistance where they are attending their nearest qualifying school and that school is more than 2 miles from their home.
- **Secondary Aged Children and Young People:** Children and young people aged 11-16 (in year groups 7 to 11) from low income families are entitled to free travel assistance if they are attending a school more than 2 miles but not more than 6 miles from the home address and it is one of the three nearest suitable qualifying schools from their home. This distance is extended from 6 to 15 miles if the parents or

carers have selected the nearest qualifying school based on their religion or belief and, having regard to the religion or belief in question, there is no suitable qualifying school nearer to home.

Category 3: Unsafe walking route

16. Travel assistance will be provided for all children and young people who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk.
17. The safety of a particular route will normally be assessed by an officer from Travel Assist in conjunction with an officer from the Council's Transport Department.

Category 4: Special Educational needs or disability

18. Children and young people who do not qualify for travel assistance under category 1 (distance), category 2 (low income) or category 3 (unsafe route) above are nonetheless entitled to travel assistance if they are attending the nearest qualifying school to their home which is suitable for their needs but have special educational needs, a disability or mobility problem and for this reason cannot reasonably be expected to walk to that school, even if accompanied.
19. As noted above in relation to category 1, in the case of children with an EHC plan there may be cases where a school that is not the nearest qualifying school is named on the basis that the parents will be responsible for transporting them. Where this happens the EHC plan will be worded accordingly and make the position clear.

Part 3: Young persons aged 16-18 (sixth form age)

20. This part of the policy includes the Council's Transport Policy Statement which the Education Act 1996 requires it to publish each year, setting out what travel assistance is available, from the Council and other bodies, to facilitate the attendance of young persons of sixth form age receiving education or training at schools, FE colleges/institutions, 16-19 Academies, and certain other institutions maintained or funded by the Council.

21. The vast majority of young people do not receive or require travel support from the Council and, unless the circumstances are exceptional, the only category of young persons of sixth form age the Council will consider providing travel assistance for are those with an Education Health and Care Plan, a disability or learning difficulties. In considering whether to provide travel assistance the Council will have regard to the following:

- The needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made;
- The needs of those who are vulnerable to becoming not in education, employment or training (NEET) at the age of 16 or 17, or who have already become NEET;
- The needs of young persons who are parents;
- The need to ensure that persons in the Birmingham area have reasonable opportunities to choose between different establishments at which education or training is provided;
- The Council's legal duties, including the duty to ensure that enough suitable education and training is provided to meet the reasonable needs of 16-18 year olds;
- Distance and journey time from the student's home to establishments of education and training, the cost of transport there and alternative means of facilitating attendance at establishments;
- The nature of the route or alternative routes which the young person could reasonably be expected to take;

- Any preference to attend a particular educational establishment based on religion or belief;
- The nature of the young person's special educational needs, disability or learning difficulty;
- Anything said in an EHC plan about transport;
- Whether there is a nearer institution which is suitable and can provide the same or similar qualification(s);
- Whether the student will be attending school or college full-time;
- The best use of the Council's resources.

22. As set out in the Key Principles above, the Council will also expect applicants first to have applied for and made use of all other sources of assistance. Financial assistance may be available from (or by applying through) the school or further education institution in question and Appendix 2 sets out full details of these schemes. In addition there are various concessionary travel schemes in Birmingham which may be available and these are set out in Appendix 3.

23. If the Council agrees to provide travel assistance then its policy is to provide this in the form of a Personal Travel Budget (see Appendix 6) or a Travel Pass including support with Independent Travel Training.

24. The Birmingham City Council 16-18 Transport provision is a subsidised offer and the young person and/or his or her parents or carers will be required to contribute towards the cost of this, which in the case of Personal Transport Budgets will be deducted from the Personal Transport Budget offer (See Appendix 6). The amount that will be required is £1028 per academic year or £390 if the young person is from a low income family. The Council will consider a young person to be from a low income family if he or she falls into any of the categories below:

- Families in receipt of Income Support.
- Families in receipt of Income Based Jobseekers Allowance (IB JSA).
- Families who receive Child Tax Credit and have an annual income below the relevant threshold.

- Families who receive Employment and Support Allowance (Income related).
- Families who receive The Guarantee Element of State Pension Credit.

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- Families who receive support under Part VI of the Immigration and Asylum Act 1999.
- Families in receipt of the maximum level of Working Tax Credit.
- Families in receipt of benefits that supersede those listed above.

25. Young persons who receive Income Support or income based Job Seekers Allowance in their own right will also be considered to be from a low income family.

26. The payment is a contribution towards the cost of providing travel assistance and the Council will fund the balance. This contribution is required due to the high cost of travel support and the Council's limited resources. It enables the Council to provide travel assistance to a greater number of young people with special educational needs or disability or learning difficulties than would otherwise be the case.

27. The amount of contribution will be reviewed annually and will take account of any change in the relevant Council budget. Any changes will be notified to the affected young persons and their parents or carers. This transport policy statement will be amended and re-published where any costs are changed.

28. Appendix 2 is a list of sources of travel support available to young persons through schools and further education institutions. Enquiries and applications in respect of these should be made through the young person's school or institution.

29. Appendix 3 is a list of travel concessions which may be available to young persons.

30. Appendix 4 is a list (in alphabetical order) of schools, Academies and Free Schools with sixth forms in the Council's area.

Part 4: Adults aged 19+

31. This part sets out the Council's transport policy statement as required by section 508G of the Education Act 1996 in respect of academic year 2021/22 for adults, that is to say persons who are not of compulsory school age or sixth form age. Section 508G of the Education Act 1996 requires the Council to specify in this document:
- a. any transport or other arrangements, and any payment of travelling expenses, made or to be made in relation to the academic year under section 508F in relation to adults (Post-19) with an EHC plan; and
 - b. any travel concessions which are to be provided to adults (Post-19) with an EHC plan receiving education or training at certain institutions.
32. This policy statement also sets out the Council's arrangements under section 508F in relation to adults without an EHC plan.
33. The law only requires the Council to provide free transport for adults in education as it considers necessary. The law also gives the Council the discretion to pay travel expenses (in whole or in part) in certain circumstances. The Council considers that no general arrangements for free transport for adults are necessary and that individual arrangements are unlikely to be necessary unless the adult has an EHC plan or the circumstances are exceptional. Similarly, the Council will only exercise its discretion to pay part or all of travelling expenses where the adult has an EHC plan or the circumstances are exceptional. The Council will determine each case based on what is said in any application and, in addition to what is set out in the Key Principles above, it will have particular regard to the following:
- The age of the applicant;
 - The nature of the route or alternative routes the applicant could reasonably be expected to take;
 - Distance and journey time from the applicant's home to their place of education and the cost of providing travel assistance to there;
 - What alternative means of facilitating attendance there may be;
 - What alternative institutions or options there may be;

- The contents of any EHC plan (including anything about transport);
- Any relevant legal duties upon the Council;
- The best use of the Council's resources and the competing claims upon them.

34. The Council is required by law to provide any travel assistance considered necessary under section 508F free of charge. The Council may also, in certain circumstances, pay all or part of travelling expenses.

35. Appendix 5 is a list of travel concessions and other sources of support for adults aged 19+.

Part 5: How to apply for travel assistance and appeals against decisions about travel assistance

36. A formal application must be made to the Council's Travel Assist Service for all travel assistance in this policy, and all applications must be made on the prescribed form. The forms are at Appendix 1 and are also available on the internet at www.birmingham.gov.uk/travelassist

37. For pre-schoolers and children the application should be made by a parent or carer. For young persons with an EHC plan attending a special school or college applications should be submitted by the learning establishment the young person attends direct to the Council's Travel Assist Service. For other young persons and adults, the application should be made by the young person or adult, or by a person acting on their behalf.

38. Each application will be processed as quickly as possible but during the application process parents of a child of compulsory school age remain under their legal duty to ensure the child attends school regularly, and all other applicants for travel assistance remain responsible for their attendance. Where the Council is responsible for serious undue delay in determining an application for travel assistance, or an application is

refused but is granted on appeal, then the Council may, in its discretion and depending on all the circumstances of the case, accede (in full or in part) to any request for reimbursement of any travel expenses incurred as a result of the serious undue delay or during the period of the appeal.

39. Consideration will be given to everything said in applications and all evidence provided in support as well as all matters to which the Council is required by law to have regard, in order to determine whether to provide travel assistance and if so, what form that assistance should take and (where applicable) whether any charge will be made.
40. If an application for travel assistance is not approved by the Council, or the applicant disagrees with the type of travel assistance offered, there is a right of appeal as set out below. During the appeal stages, travel assistance will not normally be provided and changes to existing travel assistance will not normally be made.
41. Appeals should be made within 20 working days of the decision being received by the parents or carers and on the appropriate form which can be obtained by contacting Travel Assist as follows:
- Telephone: 0121 303 4955
 - Email: travelassist@birmingham.gov.uk
 - Website: www.birmingham.gov.uk/travelassist
42. The appeal will need to set out the exact nature and grounds of the appeal. The appeals process has two stages:

Stage 1 – A Council officer will consider the appeal within 5 working days of the receipt of the appeal form and the applicant will receive confirmation that the appeal is under review. Further evidence may be requested to support the appeal and consultation with caseworkers and professional bodies may be required. A decision and notification will be

made within 20 working days from receipt of the appeals form. If the applicant remains dissatisfied with the outcome, they should notify the Council in writing within 20 working days of receiving the appeal decision and the appeal moves to stage 2.

Stage 2 – Stage 2 is a review by a panel of 3 Council officers independent of the original decision-making process which will take place within 40 working days. The panel will consider written and verbal representations from (or on behalf) of the applicant as well as from a Council officer involved in the case and provide the applicant with written notification of its decision within 5 working days.

43. If the applicant remains dissatisfied, the further options are to complain to the Council using its complaints procedure, a complaint to the Local Government Ombudsman, a complaint to the Secretary of State for Education and legal proceedings but it is for applicants to decide which of these, if any, they wish to pursue.

Appendices

Appendix 1: Application forms for travel assistance

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