

Home to school/college travel and transport assistance - Guide to parents on extenuating circumstances



SURREY
COUNTY COUNCIL

1. Statutory school age children

Surrey's Home to School/College Travel and Transport policy sets out the criteria by which statutory school age children will be eligible for travel assistance to get to school. However it also provides for the Council to exercise its discretion to agree travel assistance where children are not eligible according to the criteria, but extenuating circumstances exist that prevent a child from accessing school unless travel assistance is put in place.

The overriding expectation is that parents should undertake their legal responsibility to get their child(ren) to and from school and as such, when travel assistance is requested on the basis of extenuating circumstances, the Council will need to be satisfied that the parent has demonstrated why they, for social, medical, financial or personal reasons, cannot undertake this duty. The determination will be based on evidence received to support the case that transport is necessary in order for the child to receive an education. Consideration will also be given as to whether the circumstances could have reasonably been foreseen by the parent/carer.

Where it is decided that a child does not qualify for assistance with travel based on the presented needs/circumstances, then it remains the parent/carer's responsibility to ensure school attendance or consider transferring the child to a more local school.

2. Non-statutory school aged children and young people

Any travel assistance for non-statutory school age children and young people is discretionary. Surrey's Home to School/College Travel and Transport policy sets out how the Council might exercise its discretion for the following groups:

- Children aged 4 attending a Reception class
- Children under the age of 5 attending early years provision
- Young people aged 16 – 19
- Young people aged 19 – 25 with an EHCP

The Council will consider and may agree requests for home to school transport for children and young people who are not of statutory school age where there are considered to be extenuating circumstances that prevent them from accessing their school or college unless travel assistance is put in place.

3. Consideration of requests on the basis of extenuating circumstances

For children under the age of 16, the overriding expectation is that parents should undertake their legal responsibility to get their child(ren) to and from school and as such the Council will need to be satisfied that the parent has demonstrated why they, for social, medical, financial or personal reasons cannot undertake this duty.

For young people aged 16 - 19, the Council will exercise its discretion where it considers that travel assistance is necessary to enable the young person to reasonably access their education or training provision. The Council is clear that as young people with SEND approach adulthood, where appropriate transport assistance will be provided to support independence.

For young people aged 19 – 25 with an EHCP, the Council will consider whether assistance with travel is necessary to enable the young person to maintain attendance at their education placement. For post-19 students starting a new course, they must also evidence why it is necessary for the Council and not the student to make travel the arrangements.

Where contracted transport arrangements need to be made for a child/young person, they will normally only be arranged for the start and end of the school/college day. However, where extenuating circumstances can be evidenced to show that a child with an EHCP is unable to partake in a full day's schooling, the Council may consider a short term arrangement to provide transport to a bespoke timetable if a reintegration plan can be provided outlining the child's return to full time education.

Whilst in all cases the decision whether to exercise discretion will be taken on a case by case basis, this information below sets out some advice to parents/carers on what might be considered to be extenuating circumstances in the context of Surrey's Home to School/College Travel and Transport policy.

Where travel assistance is agreed on extenuating grounds, the duration will be subject to the circumstances of the case and whether a change of circumstances might negate the need for travel assistance or remedy the extenuating circumstances on which travel assistance was approved.

Situations where extenuating circumstances may exist include:

- Safeguarding concerns where a child may be at risk if travel assistance is not provided.
- Concerns from Children's Services over the child's journey to school.
- An unexpected injury/operation to a parent/carer resulting in an inability to transport the child during a period of recovery.
- Disability, mobility or mental health needs of a child that would make it difficult for them to access public transport, even when accompanied.
- Where a parent's health condition would make it difficult to accompany the child to school.
- A temporary concern over the safety of the current walking route to the placement.
- Particular SEND needs of a child with an EHCP that would make it difficult for parent[s] to provide transport.
- Where the EHCP of a 4 year old child has named a specialist placement for Reception and the circumstances of the family along with the home to school distance make it unreasonable to expect the parent/carer to take the child to school themselves.
- Where the EHCP of a 3 year old child has named a specialist nursery and the circumstances of the family along with the home to nursery distance make it unreasonable to expect the parent/carer to take the child to nursery themselves.
- Cases where, holistically, the personal and/or family circumstances surrounding the case make it reasonable or necessary to provide travel assistance.
- Where a family has had to move within Surrey on a temporary basis due to unforeseen circumstances, such as a house fire or flood damage to their property.
- Where a child is not attending their nearest qualifying school but the child is from a vulnerable family and they are attending a school with other family relatives so that support from other family members is possible.
- Where a family has moved address but a child is in year 6, 10 or 11 at the time of the move and there are extenuating circumstances that the Council deem sufficient to provide assistance on a discretionary basis, such as an enforced move which has been outside the parent's control.

However the following situations are unlikely to be considered as extenuating:

- Where the circumstances are of the parent/carer's making, such as a house move.
- Where a family has had to move outside Surrey on a temporary basis due to unforeseen circumstances,

such as a house fire or flood damage to their property. In such circumstances, the new local authority is responsible for considering travel assistance.

- Where the circumstances could have reasonably been foreseen by the parent/carer, such as choosing to accept a school that is not the child's nearest school.

4. Case scenarios

The following case scenarios are examples of where extenuating circumstances may exist for a child or young person attending early years provision, school or post-16 placement.

Case scenario 1 - Child health

A child with an EHCP is attending a school which was originally the parent's preference. There is wording in Section I of the child's EHCP which confirms that the parent will be responsible for transport as the school is not the nearest school that could have met the child's needs. Child has an underlying health condition which is appropriately managed but there is an unexpected requirement for him to undergo 12 weeks of treatment at home each afternoon for which he will need to leave school at midday. The child's father works and his mother is a full-time carer of the child's grandparent who suffers from a lifelong medical condition. Neither are able to pick him up at this new time. The Council would require evidence from an appropriate medical professional (such as a consultant, GP letter or report from the hospital) and, if agreed, travel assistance may only be put in place on a temporary basis for the period of treatment.

Case scenario 2 – Parent/carer's health

Grandmother is the sole carer of a child who is attending a primary school which was not the nearest suitable school at the time of application i.e parental preference. Grandmother has suffered a significant injury to her leg and is unable to continue to drive the child until she has recovered. There are no other family members that could help out while she is recovering. The Council would require evidence of the injury (such as a GP letter or report from the hospital) and confirmation of the duration of the recovery time. If agreed, travel assistance may only be put in place on a temporary basis until the grandmother has fully recovered.

Case scenario 3 - Safeguarding

A child was previously in receipt of travel assistance to the school named in Section I of his EHCP. A decision was made by the school that he was to attend a separate placement two days per week for the rest of the academic year. Under policy, the responsibility to provide travel assistance would normally fall to the school that has put in place this arrangement. However in this case the Council receives police advice that the child is vulnerable, is a frequent absconder and has been reported missing on a number of occasions. Although providing travel assistance may not solve the issue of him absconding, it may help ensure that he attends his placement which in turn will ensure he is engaging with support and intervention services.

Case scenario 4 - Child's needs

A 14 year old child with an EHCP has been placed by the SEND Admissions Team at a provision on a reduced timetable to enable her to integrate successfully over a term. In line with policy, travel assistance has been agreed for the start and end of school day only. A request has been submitted for travel assistance to be varied so that the child can be taken home at midday 3 days per week. The child presents with Significant Learning Difficulties and is, academically, at P Levels and is a vulnerable learner who is at risk if left alone. If travel assistance was not adjusted, she would have to be left alone for over 3 hours and so travel assistance may be agreed for the bespoke timetable for a fixed period of time.

Case scenario 5 - Social Care

A child with an EHCP has been placed at a special school by the SEND Admissions team in collaboration with Social Care. This placement is not the nearest school which can meet her needs. However the nearest school is very close to her previous family home, from which the mother had fled due to a family dispute involving the police. The father, along with his family, is not allowed to see or have contact with the child or her mother due to fears for their safety.

Case scenario 6 - Request for a solo route

A child with an EHCP is in a shared vehicle with two other children and a passenger assistant. There have been a number of incidents of unruly behaviour which has resulted in the two other children and the passenger assistant being attacked. One of the children is now being kept off school by parents for fear of another attack. The taxi operator has submitted a report detailing a diary of incidents and argues that the driver feels unsafe unless the vehicle is split. If agreed, a solo route may only be agreed for a short period of time whilst the school works with the family and child to try and manage their behaviour.

Case scenario 7 – Refuge

A family moved to a refuge following domestic violence and the children were placed in a local school. After six months the family moved out of the refuge into temporary accommodation. The parent wishes to keep her children at the previous school for stability until they have a permanent home address but this is too far to walk. If agreed, transport would be for a fixed period of time, with the expectation that the parent would apply for local schools once they had a permanent address; or if the temporary address became permanent, that she would apply for schools local to there.

Case scenario 8 - Family circumstances

A family has been rehoused in Surrey from a neighbouring local authority due to an alleged breach of a non-molestation order by the father. There is a local school with a space close by, but the parent wishes to keep the children at their previous school, outside Surrey, for reasons of stability and consistency. The previous school has written a letter in support of this. The older child is given travel assistance under policy as he is in Year 6 which is deemed a critical year group. The previous school has advised that the mother is unable to transport her children to that school as she cannot drive owing to her mental health, and there is no public transport route. If transport is agreed for the younger child also, transport would be for a fixed period of time, with the expectation that the parent would apply for a place at a local school for the younger child for the next school year, when the older child will be transferring to a local secondary school