

Camden Council

Home to school travel arrangements

Policy for travel payments for children and young people attending school.

This policy has been reviewed (in January 2023) in accordance with the Department for Education Guidelines

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SECTION 1. INTRODUCTION

The majority of children and young people in Camden are expected to be able to access their education provision by walking or accessing free travel available to them on London Transport.

There are exceptional circumstances under which the Local Authority will provide travel payments. A small number of children and young people in Camden are eligible on the grounds of distance from home to the nearest suitable school. Free travel on Transport for London will be appropriate for those who are unable to walk to school. This policy outlines the criteria that will be taken into account when considering applications for travel payments and the process for appealing decisions.

Camden Council has considered the statutory legal framework and statutory guidance in formulating this policy. The legal basis for this policy is described in section 10.

The overriding expectation is that parents have a legal responsibility to ensure their children's attendance at school when they are on roll at a school or setting.

Sustainable travel

Camden seeks to ensure that children and young people have access to transport and travel arrangements that promote their independence and wellbeing, as well as maximising benefits for the environment. Camden is well resourced with transport links and the Local Authority aims to reduce the use of travel by car wherever other means of transport can be made accessible to those who are eligible for additional support.

The majority of children and young people attending education provision are able to walk to school or access free public transport.

If the free home to school travel payment is agreed, the Council will arrange payment for the most appropriate, sustainable and cost-effective transport provision.

SECTION 2. WHO DOES THIS POLICY APPLY TO?

This document explains the background relating to the provision of travel assistance by the council for children and young people living in the borough of Camden and describes how the policy applies to **eligible children** in the following groups:

- Children of statutory school age, from age 5 – 16 years without an Education & Health Care plan

If you need help with home to school travel and your child has SEND then please contact the Camden special educational needs department on 0207 974 6500 or visit <https://www.camden.gov.uk/school-transport-sensory-needs>

SECTION 3. WHAT ARE THE ELIGIBILITY CRITERIA?

An 'eligible' child is defined in Section 508B of the Act as one to whom at least one of the following criteria applies:

Statutory walking distances eligibility

- provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is:
 - beyond 2 miles (if below the age of 8); or
 - beyond 3 miles (if aged between 8 and 16)

In general Camden Council is not obliged to pay the transport costs for a child, if a nearby school can meet the child's needs but the parent(s) expresses a preference for a school which is further away and beyond reasonable walking distance. If this were the case the parent(s) would be expected to pay the cost of travel.

Unsafe route eligibility

- make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk.

Children whose walking route to school, even if accompanied, is unsafe (whether or not they live within 2 miles of the school if under 8 years old, or 3 miles if aged 8 or older), should be able to access free public transport. If there are specific circumstances which need to be taken into consideration, such as the length of the journey by bus, a child or young person may be eligible for a travel pass.

Extended rights eligibility

- provide free transport where pupils are entitled to free school meals
- the nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11);
- the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);

The following criteria must all be met to qualify for free travel on the basis of religion or belief:

- the child/children attending secondary school is entitled to free school meals
- the school is between 2 and 15 miles from home
- they are attending the nearest suitable school on the grounds of religion or belief.

In all of the above eligible criteria the journey time below, either walking or by public transport, would need to be exceeded in order to be successful for home to school travel payments.

- **75 minutes each way for a secondary school aged child**
- **45 minutes each way for a primary school aged child**

SECTION 4- FREE TRAVEL AND FINANCIAL SUPPORT

Free travel / reduced fares for children until 31 August after they turn 16

Transport for London provides free travel for children and young people of school age up until the end of the academic year in which they turn 16. Almost all children and young people attending school will not require any support with travel arrangements.

Criteria and details about how to apply are on the Transport for London website or are available at underground stations and local post offices. Further information is available from www.tfl.gov.uk

Camden Council will determine whether a child is eligible to receive travel payments, on the basis of the nearest school which can meet the child's needs and at which a vacancy is available.

Financial support for 16 to 18-year-olds without additional needs.

The Council expects full-time learners aged 16 to 18, who need transport to get to and from their place of study, to use the free and concessionary public transport services available. Young people in full-time further education under the age of 18 who live permanently in Camden can travel free on London buses and trams. In addition, there are concessionary fares and reductions available on London tube trains, the Docklands Light Railway (DLR) and some national rail services.

Young people who are unable to travel by bus or tram, and who are experiencing financial hardship, may be eligible to apply for a grant from their college or place of learning.

Places of learning will have their own criteria and learners should discuss applications directly with their school, college or other organisation.

SECTION 5. TRANSPORT FOR LONDON INFORMATION AND BEHAVIOUR AGREEMENT

Travel assistance for all students:

Transport for London provides free or subsidised travel. Further information is available from www.tfl.gov.uk

Behaviour Agreement

Transport for London has a young persons behaviour code, further details can be obtained from www.tfl.gov.uk

Home to school travel payments will only fund discounted travel. If your concession/ zip oyster card has been withdrawn due to a breach of the TfL behaviour code then Camden council will no longer issue travel payments.

Where a direct payment or personal budget is provided, it is expected that this is used to provide transport for the child or young person. Direct payments and personal budgets will be reviewed termly, or earlier if there is evidence that suggests funding is no longer required to support travel arrangements.

SECTION 6. WHAT EVIDENCE AND INFORMATION SHOULD BE PROVIDED WITH YOUR APPLICATION?

Evidence must be submitted in support of any application for travel payments. It is important that you submit as much evidence as possible for us to fully consider your case.

All cases will be considered on their individual merits in line with this policy and in accordance with statutory guidance. The following may be considered as part of the assessment when determining eligibility.

- a. Information about the nature and reasonableness of the route i.e. journey times, changes, safety, etc.
- b. Proof of free school meals (if applicable)
- c. Any other relevant information.

SECTION 7. APPLICATIONS AND DECISIONS

How to apply for home to school travel payments:

- Download the application form on the Council's website at <https://www.camden.gov.uk/free-school-travel>
- Call the School admissions team on 020 7974 1625

Where Camden Council decides to provide travel payments, it is usually agreed for a term and reviewed each term.

Proof of purchase will be required once travel payments begin.

SECTION 8. REVIEW / REAPPLICATION

Travel payments will be reviewed termly or if the child's or parents circumstances change.

Where a pupil/student changes school or moves home, payments will be reviewed accordingly.

SECTION 9. APPEALS

What if I am unhappy with the Council's decision not to provide free travel for my child?

The School Admissions team, will consider additional representations, which may enable them to reconsider their earlier decision.

Appeals stage one: review by a senior officer

If you wish to formally appeal against the decision, you should submit your appeal in writing to:

The School Admissions team
London Borough of Camden
Town Hall, Judd Street
London WC1H 9JE
admissions@camden.gov.uk
Tel: 020 7974 1625

- A parent has 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision.
- The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- Within 20 working days of receipt of the parent's written request, a senior officer reviews the original decision and sends the parent a detailed written notification of the outcome of their review, setting out the nature of the decision reached and how the review was conducted (including the standard followed e.g. Road Safety GB).

Appeals stage two: review by an independent appeal panel

A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parents request an independent appeal panel considers written and/or verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days), setting out:

- the nature of the decision reached
- how the review was conducted (including the standard followed e.g. Road Safety GB)
- 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, and
- information about the parent's right to put the matter to the Local Government Ombudsman.

Stage two appeals will be heard by a panel of 3 members chaired by a Lay member. The decision of the panel will be considered binding on the Council and there is no further right of appeal.

You may wish to attend this hearing or you may put your representations in writing for the Panel's consideration.

The Panel can allow an appeal if:

- (i) the Council had not applied its Home to School Transport Policy correctly
- (ii) there are exceptional grounds to justify making your case an exception.

The Panel may then decide to:

- uphold the appeal, in whole or in part, or
- not uphold the appeal.

The Council will not consider requests for a further transport appeal within the school year unless there has been a significant change of circumstances.

The Local Government Ombudsman

If you believe the local authority has failed to follow correct procedures or if there were any irregularities in the way the appeal has been handled, you have the right to complain to the Local Government Ombudsman.

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

SECTION 10. LEGAL CONTEXT FOR THIS POLICY

Parents / carers are responsible for ensuring that their children attend school regularly. **There is no mandatory entitlement to travel assistance for children under the age of 5 or over the age of 16.**

The Education Act 1996 (as amended by later legislation including the Education Act 2002 and the Education and Inspections Act 2006) places a duty on the local authority to provide home to school transport in certain circumstances for eligible children of compulsory school age living in the local authority's area. There is no legal obligation to provide free transport for children who are below or above compulsory school age of 5 to 16.

Local Authorities are also to assess and promote the use of sustainable modes of travel to school and must produce sustainable modes of travel strategy and a summary on an annual basis which must be published on the Local Authority's website by 31 August each year.

The duty to promote sustainable travel applies in relation to children of compulsory school age and below and young people of sixth form age (16 – 19) who are travelling to and from schools, further education institutions or Pupil Referral Units at which they receive or are to receive education or training.

The government issued statutory guidance to local authorities on home to school travel and transport in July 2014 and the Post16 Transport to Education and Training guidance in February 2014.

In *P v East Sussex County Council* [2014] the High Court held that the duty to provide travel arrangements did not extend beyond the compulsory part of the school day. In this case, a child with SEN failed in her claim that the Local Authority should provide flexible transport arrangements to allow for her attendance at after school clubs and medical appointments.

The provision of travel assistance by Camden Council will be based on individual needs and circumstances and with regard to the efficient use of resources.

Safe and sustainable travel

The Education Act 1996 places a general duty on the Council to assess the travel needs of all children and persons of sixth form age to promote the use of sustainable modes of travel to school to meet those travel needs. Sustainable modes of travel will be defined as those which improve either the physical well-being of those who use them or the environment or a combination of both.

We support this principle and aim to promote safety and sustainability where it provides assistance with travel for pupils and young people.

Websites:

www.camden.gov.uk/free-school-travel