

Home to School Transport

Guidance 2023/24



Introduction

This guidance sets out Kent County Council's (KCC) obligations to provide home to school transport to children living in Kent who are eligible to receive transport assistance. If you do not pay council tax to one of the borough councils located within the Kent boundary, you should not apply to KCC. Please contact your own Local Authority to find out details of their transport policy and how to apply.

When considering whether to assist with home to school transport, Local Authorities are under a statutory duty to have regard to the Education Act 1996 and Schedule 35B of the Act which was inserted by Part 6 of the Education and Inspections Act 2006.

Sections 508B and 508C of the Act make provision for Local Authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. Kent County Council has developed its transport guidance in accordance with this legislation and equalities legislation to ensure it is able to meet its statutory duty for pupils up to Year 11. Transport provision is different for pupils in Year 12 onwards, which is explained in more detail in the relevant section of this guide.

The Transport Eligibility Team is responsible for assessing applications for all children in accordance with Kent's transport criteria. Please be aware that Transport Officers are unable to assess transport requests over the phone and all applicants will have to complete a formal application form.

Free transport is only available where a student fulfils strict criteria, so most applications for free transport last year were unsuccessful. It is important that parents understand whether they meet the criteria for free school transport before taking the time to make an application. In most instances, children will not meet the statutory conditions for further support. For those children not entitled to free transport to school, KCC also offers the KCC Travel Saver card and the KCC 16+ Travel Saver card, which are discretionary passes subsidised by KCC and which many children use to access their school and travel for less than it would cost to buy tickets from bus operators.

These schemes are the subject of a separate application and if you think that you may not be eligible for free transport to school then you may also want to apply for one of these passes at the same time.

Further information on these schemes is also provided within this guidance. If you have previously had your application for free home to school transport refused, **do not reapply for free transport again, unless your circumstances have changed** (e.g. changed schools, moved address or because the needs of the child have changed), as it will be refused again.

It is **strongly recommended** that all parents read this guidance carefully.

The information given in this guidance relates to the 2023 – 2024 school year and the details are correct as at January 2023.

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SEND Home to School Transport Quick Guidance 23-24

This quick guide should be considered alongside the main Home to School Transport Guidance 2023/24.

Who is this guide for?

Parents and carers of children and young people living in Kent with Special Educational Needs and/or Disabilities with or without an Education Health and Care Plan who are interested in finding out if they're eligible for transport support.

How do I know if I need to apply to KCC?

You should apply to KCC if you pay Council Tax to one of the twelve Borough Councils within the Kent boundaries.

Who assesses eligibility?

The Transport Eligibility Team in line with KCC's Transport Criteria.

What are the criteria?

No child, including those with an EHCP and/or disability, is entitled to free school transport to any school. Assessment for eligibility will be made in stages. Most transport criteria are set by Government, so KCC will offer you the same support as any other Local Authority in the country.

First, the child or young person MUST attend the nearest appropriate school AND that school must be over 2 miles from home for under 8's or 3 miles from home for over 8's (see pages 6-8). These are known as statutory distances and Government decides how long they should be. When considering the nearest appropriate school KCC only takes account of age appropriateness (primary or secondary) or ability appropriateness (mainstream or special).

When considering a child with an EHCP, KCC can offer transport to a child who lives closer than the distances above, but they will need evidence that shows why the child's needs mean that the journey is too long. Children with an EHCP must still attend their nearest suitable school to qualify for transport support. More information can be found on page 15.

Low income criteria (see page 8-9) and children in care (see page 14) are covered in more detail in this guidance.

What is not considered?

KCC Transport Officers can only consider the eligibility criteria outlined. This means they are unable to consider many personal circumstances which may mean that you would find transport support helpful. If your child is attending a different school to their nearest because you requested this when your child received their EHCP, you are unlikely to receive transport support, even if your living arrangements mean it will be difficult to get your child to school. This is why it's very important for you to think about how you will get your child to school as early as possible in the EHCP process.

How is the statutory distance calculated? (see page 7)

It is the shortest available route between a child's permanent main residence and their school. KCC uses computer software to calculate this distance for all pupils and it may take into account public footpaths, bridleways, other footpaths and recognised roadways. A safe walking route is one where a child can walk safely accompanied as necessary by a responsible adult. KCC will also consider if the route to school is unsafe (pages 7 - 8) and will agree transport even if a child lives closer than the statutory distance.

When should I apply?

KCC will only start assessing transport eligibility after you apply, so you should submit an application as soon as possible after your child receives their EHCP. If your child is moving to a new school through a phased transfer, there will be a deadline, usually around mid-July, which you will need to consider to guarantee transport for the start of the new school year.

How do I apply?

Online at www.kent.gov.uk/schooltransport. Applications are NOT accepted over the telephone, however, you can receive support by contacting homeschooltransport@kent.gov.uk.

What happens after you apply?

KCC will manage your application differently depending on when you apply and when your child needs transport. If you are applying for transport during a school year, it can take up to 6 weeks for your child's eligibility to be assessed and for transport to be provided. This is because two teams are required to complete this work and both have to follow national legislation when completing their tasks. The Transport Eligibility Team will work with the Client Transport Team, who work with transport providers to find suitable arrangements for your child. Client Transport are required to complete strict tendering processes before they can agree what transport your child will be given. This means parents cannot decide what vehicle or provider their child will travel with.

If you are applying for transport for the next school year, such as when your child moves to a new secondary school, the Client Transport team will agree transport arrangements in much larger groups. This is necessary to ensure that KCC is not wasteful, which could mean that there is not enough space to get all eligible children to school. This means that most parents will need to wait until a couple of weeks before the new school year to hear what transport their child is receiving. It is still helpful for parents to apply as soon as possible, as this means the Transport Eligibility Team will not get overwhelmed over the busiest period in the year. It also means that you'll get confirmation that your child is eligible sooner, even if you may need to wait a while longer to hear details about their provider.

Parents can also apply for a Personal Transport Budget, which is a fund to make their own arrangements to get their child to school. You can find more information on this on page 19 or at www.kent.gov.uk/personaltransportbudgets.

Older children may be suitable for travel training, which is discussed on page 27 or at www.kent.gov.uk/independenttraveltraining.

What if my application is unsuccessful?

If your child is not eligible for free school transport, your assessment outcome letter will tell you why they did not meet the criteria outlined above. It's important that you read this letter fully as it gives you advice about what to do next.

If you have forgotten to include information that you think will support your application, you can send this to the Transport Eligibility Team and they will reconsider the application. If you think that your child should still receive support even though they do not qualify, you can make an appeal. You can find more information on this on pages 20-23.

What alternatives are there?

- KCC Travel Saver Card (Secondary – page 23) www.kent.gov.uk/travelsaver
- KCC 16+ Travel Saver (page 25) www.kent.gov.uk/16plustravelsaver
- KCC Vacant Seat Payment Scheme (page 24) www.kent.gov.uk/vsps

These are all subject to separate application.

Where can I find out more?

Further Information can be found on pages 15-19 in this booklet

Kent County Council's Transport Guidance for Parents

All applications are assessed on an individual basis in accordance with Kent County Council's (KCC) transport criteria.

To qualify for free school transport a child must attend their nearest appropriate school for transport purposes **and** for that school to be over the statutory distance from their home. Free school transport will not be provided where a child only fulfils one of these criteria.

Nearest appropriate school

While parents are free to name any school they wish during the admissions process, their child will only be eligible for free transport where the school selected is their nearest appropriate school for transport purposes. In other words, while KCC are happy for parents to exercise parental choice in their selection of schools, this may mean forgoing your entitlement to free transport.

When considering which school is a child's nearest appropriate school for transport purposes, KCC's transport criteria only considers the following two points:

- i) Age appropriateness – relating to attendance at a Primary or Secondary school
- ii) Ability appropriateness – relating to attendance at a mainstream or special school

The nearest appropriate school for transport purposes is the nearest school that is considered suitable by the Department for Education to provide education for the child's age and ability. This includes all Academies, Free schools and faith schools, even if a family is not of the same faith. In some areas of the county, a child's nearest appropriate school may be located in another educational authority, outside of Kent. Parents who live in areas such as Bredhurst, Cowden, Cranbrook, Dartford, Edenbridge, Hartlip, Hawkhurst, Higham, Lamberhurst, Lydd, Shoreham, Shorne, Swanley, Upchurch, Wadhurst, Walderslade, Westerham and Wittersham should pay particular attention to schools outside of KCC's borders, however, this is not an exhaustive list and all parents that live near to other local authority areas should ensure they find out which schools are their nearest before submitting their school admission application, if free school transport assistance will be important to their personal circumstances.

Parents can contact homeschooltransport@kent.gov.uk for help finding out which schools are closest to their home.

When deciding which is the nearest appropriate school for transport purposes, KCC does not take into account parents preference for a single-sex, mixed, specialist or particular type of school. This means that children will not automatically receive transport assistance to any school that may offer them a place. Where parents name schools outside of their local area, in most cases it will be their responsibility to ensure their children can access their preferred school.

Children assessed suitable for a Grammar school do not automatically secure eligibility for transport assistance to a Grammar school. A Grammar school is a parental preference and where it is not the nearest school, there may be no eligibility to receive free transport. All mainstream schools are required to be able to meet the educational needs of children across the mainstream ability range including those in the top 25% of the range. Just as a Grammar school assessment does not guarantee entry into a Grammar school, an offer of a place at a Grammar school does not determine that transport will be provided if an alternative mainstream non-selective school or Academy is closer to a child's home address.

While a Grammar assessment in the Kent Test will allow a child to apply for a place at any Kent Grammar school, some Kent Grammar schools also offer their own test. Children can take these school specific tests and a "Grammar assessment" will allow them to apply for that school only. If a child has been assessed suitable for a specific Grammar school and it is not the nearest Grammar school to their home, they will only be eligible for free school transport if they have also taken the Kent Test and received a "High school assessment" and no other mainstream or Academy school is closer to their home.

Unlike other Secondary mainstream schools that are able to cater for children across the entire ability range, Grammar schools do not accommodate pupils below the top 25% of the ability range. Consequently where a child's nearest school to their home is a Grammar school but they have not been assessed suitable for any Grammar school, for transport purposes, the Grammar school will not be considered as the nearest school.

Where a younger sibling will attend the same school as an older sibling, who currently receives transport assistance, the younger sibling will not necessarily receive transport assistance just because the older one does. Each child is assessed in accordance with Kent's Transport Guidance on an individual basis at a given time. Similarly, a child may not be eligible for free school transport just because a child in a neighbouring home qualifies. The nearest school to the child's home will not necessarily be the same as other houses in the immediate vicinity.

One key area which will impact a younger child's eligibility is where the closest school to their home has changed since their older sibling was assessed. Due to the ever changing nature of the road and public footpath network that results from the ongoing development across Kent, no mapping software can ever be 100% up to date at all times. Mapping data accuracy also improves over time, highlighting pre-existing routes that were not historically available for use during the assessment process. To account for this, KCC regularly updates this software to ensure that assessments are made using the most accurate data available.

While there are clear advantages in updating our systems in this way, it does increase the likelihood that parents will find themselves in a situation where their family's eligibility changes between an older and younger sibling applying, especially where new developments and infrastructure open up new routes.

It is understood that some families will benefit as a result of these ongoing improvements and some families will be frustrated where transport is no longer provided, however, failing to account for the ever changing environment in which school transport is assessed would be considerably less fair than taking this approach.

Where an older sibling is not eligible, but due to changes in the road or walking route networks and subsequent advancements in the mapping data, a younger sibling is assessed as eligible, free school transport will be provided to both siblings going forward as a reflection of their newfound eligibility.

Where an older sibling was eligible, but a younger sibling is assessed as not eligible at a later date, transport will not be provided to the younger sibling, but there are no current plans for this to be withdrawn from the child that was previously assessed as eligible, unless they have a change of circumstances that requires a reassessment such as a change of address or school.

No transport will be provided for a child attending a fee paying mainstream independent school.

Statutory School Distance

Statutory school distance is set in legislation and is different depending on the child's age. A child's school must be over the statutory school distance for them to be considered for free school transport. For a child under the age of 8, the school must be over 2 miles from their home. For children over 8 years of age, statutory distance increases and the school must be over 3 miles. This means that where a child lives between 2 and 3 miles from their nearest school, they will only be eligible for free school transport assistance until the end of the term after they turn 8 years of age.

KCC will initially identify your nearest appropriate school via the shortest available route. School transport distances are calculated between the permanent main residence and the school. Route assessments may take into account public footpaths, bridleways, other footpaths as well as recognised roads where they are available. Where the distance to a school is over 6 miles, vehicular road routes may be favoured regardless of where there may be shorter walking routes.

This initial assessment will not consider whether the chosen route is of a hazardous nature as there is no expectation that children will necessarily use this specific route to access their place of education. This stage simply establishes which school is the closest school to your home.

All distances between children's homes and schools are measured using Kent County Council's own software and not any other internet measuring device. In this way, all children are assessed consistently in the same way under the distance criterion and conditions. Distances will be calculated to the school point defined in this software, which is not necessarily the nearest point between your home and the school's perimeter.

KCC will normally only provide transport assistance to your nearest school, if the school is over the statutory walking distance outlined. Where a safe walking route is available to your nearest appropriate school that is shorter than the statutory walking distance, transport will not be provided as it is expected that your child would be able to walk to school. Where no safe walking route is available or where the shortest available safe walking route is over the statutory distance, free school transport will be provided to your nearest appropriate school. A safe walking route is one where a child can walk safely accompanied as necessary by a responsible adult. Once your nearest school has been established, KCC will not consider the route your child may take to any other school, as they will not be eligible to receive free school transport to that school.

If parents live within the statutory walking distance and consider the route to their child's school to be hazardous, they can request for it to be assessed by KCC Transport Officers. A route is considered hazardous where it would be unsafe for a child to make use of it even if they were accompanied by a responsible adult. While KCC uses this criterion to assess a route, parents must decide if they wish their child to travel to school on their own and make alternative arrangements if they do not feel that this is appropriate. To be eligible for a review, children must be attending their nearest appropriate school for transport purposes. The assessment will consider whether the route is a safe walking route. If a route is assessed as hazardous, free school transport will be provided, so long as there are no other safe walking routes to the school under the statutory distance for that child's age.

Low income criteria

KCC's Transport criteria assesses applications from families with a low income background in a different way. A child will be assessed under Low Income criteria if they are entitled to receive free school meals or where their parents are in receipt of one of the following benefits:

- Income Support.
- Income based jobseekers allowance.
- Child Tax Credit (without Working Tax Credit and with an annual income of no more than £16,385).
- Guaranteed element of state pension credit.
- Income related Employment and Support Allowance.
- Maximum level of Working Tax Credit.
- Universal Credit (provided you have an annual net earned income of no more than £7,400, as assessed by earnings from up to three of your most recent assessment periods).

When parents receive Child Tax Credit but not Working Tax Credit, the level of yearly income (currently £16,385) would be taken into account when assessing the child's eligibility.

If parents receive both Child Tax Credit and Working Tax Credit, then the Working Tax Credit element overrides the Child Tax Credit element and parents must be in receipt of the maximum level of Working Tax Credit to qualify for transport assistance on Low Income grounds.

Changes to eligibility when assessed under Low Income criteria

Children from low income families who attend a Primary school and who are aged 8 years and over but less than 11 years, and who attend their nearest appropriate school as outlined above, will be eligible for free school transport as long as they live between 2 and 6 miles from the school. In most cases this means that a Low Income child would not lose free transport eligibility when they turn 8 years of age and live less than three miles from their nearest school.

Children from low income families over 11 years of age but under 16 years are given eligibility to one of their three nearest appropriate schools as outlined above, where their home is between 2 and 6 miles from the school.

Children from low income families aged between 4 and 16 years old who are attending the nearest church school between 2 and 15 miles from their home, will be

eligible for free school transport where they can produce an application form signed by a vicar/priest of the same denomination as the school stating that the child is a regular and practising member of a church of the same denomination as the school.

Children from low income families will also receive transport assistance to their nearest Grammar school where they have met the entry requirements and been offered a place there and it is between 2 and 15 miles from their home. If a child has been assessed suitable for a specific Grammar school and it is not the nearest Grammar school to their home, they will only be eligible for free school transport if they have also taken the Kent Test and received a "High school assessment" and their specific Grammar school is between 2 - 15 miles.

Transport that is granted under the Low Income criteria is reviewed on an annual basis. Renewal forms are sent out in April to remind families to re-apply.

Parents should return the renewal form to KCC as soon as possible with proof of benefit and no later than **14 July** to ensure their pass is available at the beginning of the new school year.

Please note that it will not be possible to process your application under the Low Income Criteria if you do not provide the appropriate proof of benefit. This may delay your child receiving transport they are otherwise entitled to. Suitable evidence includes:

- A full copy (screen shots can be accepted) of your most recent Universal Credit Statement.
- Form TC602 which is sent to you by HMRC annually
- An Income Support Letter.

School preference selection

A transport application begins when a parent applies for a child's school place through the admissions application process, as preference selection plays an important part when KCC considers if a child is attending their nearest appropriate school. KCC would not refuse transport where a parent has applied to their nearest appropriate school, but the school was unable to offer their child a place. It will then look to see if the next nearest school was named. The rationale behind transport eligibility assessment requires that parents must have tried to access their nearest schools and where this has not been possible through no fault of their own, then the council may assist with transport support to other schools.

Main Admissions Process

Where parents are applying for a school place through the main admissions round (where a child is starting school for the first time or transferring to Junior or Secondary school), admissions legislation makes clear they are free to name any maintained school that they wish. Parents are not required to name schools in distance order from their home, but it will likely impact their child's eligibility for school transport if they do not.

Transport eligibility remains where there is no school that could have been named as a higher preference closer to the family home than the school they have been offered. Free transport may also be available where nearer schools have been named as a lower preference than the school that has been offered, but it can be demonstrated that the child would have had no real prospect of being offered a place there had they been named as a higher preference than the offered school.

Parents are also not required to make use of all available preferences when completing their child's school admissions application, but where a parent chooses not to, they are limiting KCC's ability to offer their child a school close to their home. Parents should therefore make use of all available preferences on their child's school admissions application if they wish to be considered for free school transport. Where a new school is opening in the vicinity of a child's home, but making school offers outside of KCC's co-ordinated admissions process, parents would also be expected to have applied directly to the school for a place.

Where it is not possible to offer any of a parent's school preferences through the main admissions round, KCC will allocate a place at the next nearest school with an available space. Where this occurs, children will be eligible for free school transport to the allocated school, where it is beyond the statutory distance, if their parent has named their nearest schools, making use of all available preferences. If parent's admission preferences are not expressed in the order outlined above, Kent County Council will not be responsible for providing transport assistance.

The examples in the following pages have been provided to aid parents in understanding how their preference selections may impact their child's eligibility for free school transport.

The first column shows the school preference ranking that the parent named the school as on their child's school admissions application.

The second column shows how that school would be considered when assessing the distance criterion (e.g. 1st means that this school is the closest school to the child's home via the shortest walking route, 2nd means that it is the second closest school etc).

The third column describes whether the child would be eligible for free school transport if that school was offered to them on National Offer Day (e.g the description in the row for the first preference school explains what would happen if the first preference school was offered. The description in the row for the second preference school explains what would happen if the first preference school could not be offered, but the second preference school could etc).

The final row in each example shows if a child would be eligible for free school transport if none of their preferred schools could be offered and KCC was required to allocate them an alternative school and that school is over the statutory distance.

Where a child is assessed as not suitable to attend Grammar school through the Kent Test or school's own test or where a child has failed to take the Kent Test, but a parent decides to name Grammar schools to allow them to appeal following the refusal of an offer on National Offer Day, their Grammar preferences will be ignored when assessing transport eligibility. These cases will be assessed in line with the examples laid out below where parents have failed to make use of all available preferences.

This is not an exhaustive list of all possible permutations, but is intended to help parents understand how the transport guidance will be applied.

Named nearest schools in distance order

Preference Number	Distance order from home	Eligibility if offered this school preference
1	1st	Eligible – Nearest school
2	2nd	Eligible – Nearest school named higher but couldn't be offered
3	3rd	Eligible – Nearest schools named higher but couldn't be offered
4	4th	Eligible – Nearest schools named higher but couldn't be offered
Allocated school	N/A	Eligible – Named all four nearest schools

In this example, the applicant would be eligible for free school transport if they were offered any school, as long as it was over the statutory distance from their home. As the schools are in distance order from their home, if one school cannot offer the child a place, the next preferred school would become the nearest. If KCC had to allocate the child a place at an alternative school as all of their preferred schools were full, they would be eligible for free transport assistance as they have made use of all of their preferences and named their nearest four schools.

Named four nearest schools but not in distance order

Preference Number	Distance order from home	Eligibility if offered this school preference
1	2nd	Not Eligible – Nearer school not named as higher preference
2	3rd	Not Eligible – Nearer school not named as higher preference
3	4th	Not Eligible – Nearer school not named as higher preference
4	1st	Eligible – Nearest school
Allocated school	N/A	Eligible – Named all four nearest schools

In this example, the applicant would not be eligible for free school transport if they were offered any of their top three preferences, as there is a nearer school to their home that they would have been offered that they could have been named as a higher preference. They would be eligible if they were offered their fourth preference school as it is their nearest school, provided that it is over statutory distance. As the parent has named their four nearest schools, they would be eligible if KCC had to allocate them an alternative school over the statutory distance, even though their preferences were not in distance order, as the four nearest schools had still been considered during the admissions process and been unable to offer the applicant a place.

Not named all nearest schools - Example 1

Preference Number	Distance order from home	Eligibility if offered this school preference
1	2nd	Not Eligible – Nearer school not named as higher preference
2	3rd	Not Eligible – Nearer school not named as higher preference
3	4th	Not Eligible – Nearer school not named as higher preference
4	5th	Not Eligible – Nearer school not named as higher preference
Allocated school	N/A	Not Eligible – Did not name all four nearest schools

In this example, the applicant would not be eligible for free school transport to any school, including an allocated school where no preferred school was available, as they failed to name their nearest school as any of their preferred schools.

Not named all nearest schools - Example 2

Preference Number	Distance order from home	Eligibility if offered this school preference
1	5th	Not Eligible – Nearer school not named as higher preference
2	1st	Eligible – Nearest school
3	4th	Not Eligible – Nearer school not named as higher preference
4	2nd	Eligible – Nearest school named higher but couldn't be offered
Allocated school	N/A	Not Eligible – Did not name all four nearest schools

In this example, the applicant would not be eligible for free school transport to their first preference school, as it is not the closest school to their home. They would be eligible if they were offered their second preference school as it is the closest school to their home provided that it is over statutory distance. If they were offered their third preference school, the applicant would not be eligible as there are other schools closer to their home, but they would be eligible if offered their fourth preference school as it is the second closest to their home and they named their closest school as a higher preference. While the applicant has named all four preferences, they would not be eligible for free school transport to a school KCC was required to allocated them if all of their preferred schools were full, as they named their fifth closest school as a preference instead of their third closest school.

Not named all nearest schools - Example 1

Preference Number	Distance order from home	Eligibility if offered this school preference
1	2nd	Not Eligible – Nearer school not named as higher preference
2	3rd	Not Eligible – Nearer school not named as higher preference
3	4th	Not Eligible – Nearer school not named as higher preference
4	5th	Not Eligible – Nearer school not named as higher preference
Allocated school	N/A	Not Eligible – Did not name all four nearest schools

In this example, the applicant would not be eligible for free school transport to any school, including an allocated school where no preferred school was available, as they failed to name their nearest school as any of their preferred schools.

Not named all nearest schools - Example 2

Preference Number	Distance order from home	Eligibility if offered this school preference
1	5th	Not Eligible – Nearer school not named as higher preference
2	1st	Eligible – Nearest school
3	4th	Not Eligible – Nearer school not named as higher preference
4	2nd	Eligible – Nearest school named higher but couldn't be offered
Allocated school	N/A	Not Eligible – Did not name all four nearest schools

In this example, the applicant would not be eligible for free school transport to their first preference school, as it is not the closest school to their home. They would be eligible if they were offered their second preference school as it is the closest school to their home provided that it is over statutory distance. If they were offered their third preference school, the applicant would not be eligible as there are other schools closer to their home, but they would be eligible if offered their fourth preference school as it is the second closest to their home and they named their closest school as a higher preference. While the applicant has named all four preferences, they would not be eligible for free school transport to a school KCC was required to allocate them if all of their preferred schools were full, as they named their fifth closest school as a preference instead of their third closest school.

Not named all preferences - Example 1

Preference Number	Distance order from home	Eligibility if offered this school preference
1	1st	Eligible – Nearest school
2	2nd	Eligible – Nearest school named higher but couldn't be offered
3	No school named	Not Eligible – No school named
4	No school named	Not Eligible – No school named
Allocated school	N/A	Not Eligible – Did not name all four nearest schools

In this example, the applicant would be eligible for either of their preferred schools as long as they are over the statutory distance, as they are the closest schools to their home, in distance order. They would not be eligible if KCC had to allocate them an alternative school if their two preferred schools were full because they have not made use of all available preferences.

Not named all preferences - Example 2

Preference Number	Distance order from home	Eligibility if offered this school preference
1	2nd	Not Eligible – Nearer school not named as higher preference
2	1st	Eligible – Nearest school
3	No school named	Not Eligible – No school named
4	No school named	Not Eligible – No school named
Allocated school	N/A	Not Eligible – Did not name all four nearest schools

In this example, the applicant would not be eligible for free school transport to their first preference school, as it is not the closest school to their home. They would be eligible if they were offered their second preference school provided that it was over the statutory distance, as it is the closest school to their home. They would not be eligible if KCC had to allocate them an alternative school if their two preferred schools were full, as they have not made use of all available preferences.

In Year Admissions Process

Where parents have moved home and secure a new school place for their child through the In Year Admissions Process, outside of the normal admissions round, transport eligibility will only be granted where their child is attending the nearest appropriate school that has a space at the time that they apply for free school transport.

Where parents have moved home but a child remains at the same school that they attended from their old home address, transport eligibility will be reassessed on the basis of current school spaces at the time that KCC are advised of the change of circumstances.

If a child changes their school through the In Year Admissions Process, but the family has not moved home since the child last applied through the main admissions process, the child's eligibility for free school transport will be assessed on the basis of the preferences and spaces available during the last admissions round in which they took part.

Parents should ensure that they advise KCC in advance of any change of circumstance, to allow time for a new pass or alternative transport arrangements to be made available, if they are still deemed eligible to receive transport assistance. Parents will be responsible for making their own arrangements to transport their child to and from school until a reassessment has been completed.

Children in receipt of education outside of school or college

There will be some circumstances where children will have additional needs, either medical or health related, that means they are unable to access educational support in a mainstream or special school setting. This will usually be a temporary arrangement and may include accessing facilities like Pupil Referral Units (PRU), Health Needs PRUs or even hospital schools. When considering transport eligibility to these facilities, the LA will take account of whether they remain on role at a mainstream or special school and whether they are attending the nearest appropriate facility for their health or medical needs. Where a child remains on role at their home school, it may be incumbent on the school to enable access to any specialist off site learning provision.

When applying for free school transport in these scenarios, parents should attach a copy of any information or evidence in relation to their child's health or medical needs that supports their application for transport assistance. This may include information from the child's doctor or consultant. Any evidence provided should support the parent's request for transport where their child's needs may inhibit their ability to walk to and from school or where they cannot access public transport.

Where the learning package of support may require attendance at different locations, eligibility for transport will be considered on a site by site basis.

Children in Care

KCC's transport arrangements make additional provisions available to children in the care of Kent County Council. Children in Local Authority Care are children under the age of 18 years who are (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).

Changes to eligibility for Children in Care

Children in the care of Kent County Council will receive transport assistance to their nearest Grammar school where they have met the entry requirements and been offered a place there and it is between 2 and 15 miles from their home. If a child has been assessed suitable for a specific Grammar school and it is not the nearest Grammar school to their home, they will only be eligible for free school transport if they have also taken the Kent Test and received a "High school assessment".

Children in the Care of Kent County Council do not have an automatic right to free home to school transport, they are assessed in accordance with Kent's Transport criteria in the same way as any other child. Children in Care and Young Carers can however, apply for a KCC Travel Saver card. This pass is free for all children in care and young carers until the age of 21. The application form will need to be endorsed by the child's case worker confirming that they are in care.

Children in the Care of other Local Authorities residing in Kent

It is for the corporate parent of a Child in Care to assist with transport arrangements for the child. KCC makes discretionary provision for children for whom it is the corporate parent, other children in care would need to seek assistance from their own corporate parent authority where there is no statutory entitlement to assistance.

Children with an Education, Health and Care Plan or Disability

There is no guarantee that a child with special educational needs, an Education, Health and Care Plan (EHCP), who have a disability or who have mobility problems will receive free home to school transport provided by Kent County Council. All children will be assessed in accordance with KCC's Transport criteria. Parents of children with special educational needs, a disability or mobility problems or an EHCP must therefore apply for free school transport in the same way as other parents.

It is a parent's responsibility to apply for transport for their children and not the responsibility of any KCC department to do so on their behalf.

Where a child has special educational needs, a disability or mobility problems, but does not have an EHCP, when considering eligibility for free transport, KCC will regard the child's nearest appropriate school as the closest school to their home via the shortest available route that can support their specific needs.

Where a child has an EHCP, their nearest appropriate school will usually be named in their EHCP. Where a parent is requesting that transport should be provided to a school that is not the nearest appropriate school, it is unlikely that their child will be eligible for free school transport. Similarly, transport assistance will not be provided if attendance at the school is conditional upon the parent agreeing to pay part or all of the transport costs.

In accordance with these principles the Transport Eligibility Team will work with colleagues in KCC's Special Educational Needs and Disabilities Team to identify which school is considered a child's nearest appropriate school.

Where a parent is requesting that transport should be provided to a school that is not the nearest appropriate school, it is unlikely that their child will be eligible for free school transport unless it can be demonstrated that any associated costs or additional costs would represent an efficient use of KCC's resources or are negligible. Unless a child is eligible for free school transport parents will need to make their own arrangements for their child to access school. In most circumstances greater distance travelled results in greater associated or additional costs and consequently it would not normally be considered an efficient use of public resources to provide free home to

school transport where the child's parents have decided that the child should not be attending the nearest appropriate school as previously defined.

Irrespective of whether or not parents have expressed a preference for their nearest appropriate school, they should attach copies of any further information that they feel evidences their child's special educational needs and/or disability and/or mobility problems that supports their application for transport assistance. This may include information from the child's doctor or consultant. Any evidence provided should support the parent's request for transport where their child's needs may inhibit their ability to walk to and from school or where they cannot access public transport. The law allows us to assume that the parent must do those things which are reasonably practicable to be done and which an ordinarily prudent parent would do in assisting their child to attend school, for example accompanying your child to school. Therefore, if your child cannot attend school, without your assistance, but could attend school if you accompanied them and you claim that you are unable to accompany your child we will need to see and to consider evidence as to why you say that you are unable to accompany your child to school. We will take statutory guidance provided by the Home to School Travel and Transport Statutory Guidance (Ref:DFE-00501-2014) into account when considering the appropriateness of parental accompaniment.

If parents have difficulty completing the forms, they should seek support from the Area SEND teams who will help gather the necessary information.

Please note that we cannot return documents that you supply to us, and so you are requested to only provide copies of documents that you may wish to send accompanying or supporting your application.

For children with SEN and/or disabilities and/or mobility problems, journeys may be more complex and a shorter journey time, although desirable, may not always be possible if their nearest appropriate school with a vacancy is a considerable distance away.

Medical conditions

To qualify for assistance on medical grounds, the child must be attending their nearest appropriate school.

If a child's medical needs affect their ability to travel to and from school, accompanied as necessary by a responsible adult, parents must provide the Transport Eligibility Team with evidence from their child's consultant to demonstrate the difficulties they have in walking or travelling by public transport.

If transport is granted on medical grounds, the child's case will be reviewed on an annual basis and up to date information on their medical condition will be required at each review.

If a parent has medical problems that prevent them from taking their Primary aged children to and from school, transport assistance may exceptionally be granted. The child must attend their nearest appropriate school and parents must provide evidence of their medical need from their consultant. It is highly unlikely that transport will be provided on the basis of a parent's medical problems where their child is attending Secondary school, as it is expected that the child will be able to travel to school without parental assistance.

As with a child's medical condition, transport granted because of a parent's medical condition will be reviewed on an annual basis and up to date evidence will be sought in order for the transport assistance to be renewed.

Applying for free transport assistance

If your child is in year 6 and you submitted an application for a Secondary School place by 31 October 2022, you will automatically receive an email to advise whether or not you are entitled to free home to school transport.

Further information on your next steps will be included within the email.

Applications for free school transport can be made online at www.kent.gov.uk/schooltransport or by contacting KCC's Transport Eligibility team at **homeschooltransport@kent.gov.uk**

It is a parent's responsibility to apply for transport for their children and not the responsibility of any KCC department to do so on their behalf.

The Transport Eligibility Team cannot accept applications or inform you of the outcome of an assessment over the telephone.

If you are applying for transport for the next school year, such as when your child moves to a new secondary school, the Client Transport Team will agree transport arrangements in much larger groups. This is necessary to ensure that KCC is not wasteful, which could mean that there is not enough space to get all eligible children to school.

KCC will process applications slightly differently depending on when parents apply and when their child needs transport.

Where parents apply for transport during a school year, it can take up to 6 weeks for their child's eligibility to be assessed and for transport to be provided, however, they may wait longer where the Transport Eligibility Team has insufficient information to assess a child's free school transport application. This is because more than one team is required to complete this work and all have to follow national legislation when completing their tasks. The Transport Eligibility Team will work with the Public Transport Team for mainstream pupils and Client Transport Team for SEND pupils. These teams then work with transport providers to find suitable arrangements for each child. Public Transport and Client Transport are required to complete strict tendering processes before they can agree what transport a child will be given.

Where parents apply for transport to coincide with a new academic year, they should ensure that applications are made as soon as possible after receiving their child's school offer. The Transport Eligibility Team receive a considerable number of applications and many parents wait until shortly before the beginning of the new school year before applying for free school transport. This can lead to a significant backlog in processing applications and can increase the time it takes for parents to receive an assessment decision.

Where transport arrangements are made for a forthcoming academic year, Public Transport and Client Transport will finalise transport arrangements in much larger batches. This is necessary to ensure that KCC is not wasteful, which could mean that there is not enough spaces in vehicles to get all eligible children to school. This means that most parents will need to wait until a couple of weeks before the new school year to hear what transport their child is receiving. It is still helpful for parents to apply as soon as possible, as this means they will get confirmation of their child's eligibility sooner, which will allow them time to make alternative arrangements where necessary.

Mainstream applications for the following school year should be received no later than 14 July to ensure a pass is available for the child on the first day of term, however, parents are advised to submit their applications much earlier than this to avoid unnecessary delay.

Due to the specialist nature of commissioning SEND transport, parents of children attending a special school the following school year should ensure their application is received no later than 1 April. We are aware that this is not always possible due to the time it may take to allocate a suitable place for a child with SEND. If this is the case parents should apply as soon as they are notified of their child's placement.

Every effort will be made for transport to be arranged for the first day of term, however where applications are received after these dates this cannot be guaranteed.

Due to the specialist nature of commissioning SEND transport, parents of children attending a special school the following school year should ensure their application is received **no later than 1 April**. While parents of SEND pupils should expect to be informed of the assessment outcome of their application in line with timescales detailed for mainstream pupils above, **children will not be allocated a provider until early August, so specific information about their vehicle and driver will not be made available until shortly before the beginning of the school term**. This is to ensure that KCC can make efficient use of the transport options available within the marketplace.

Every effort will be made for transport to be arranged for the first day of term, however where applications are received after these dates this cannot be guaranteed.

If you are concerned that you may not be entitled to free transport to school then you should also consider applying for a KCC Travel Saver card which can then be cancelled if it hasn't been collected from the school. Entitlement to free transport to school does not provide you with a KCC Travel Saver card which is subject to a separate application process. At busy times of the year, applications for a KCC Travel Saver card can take up to 6 weeks to process and in order for passes to be ready for the start of the school year, applications need to be made by stated deadlines. Please check the scheme pages on www.kent.gov.uk website for details.

Parents that apply for free school transport at any other time of the year can be expected to wait up to 6 weeks to receive a decision, although this time may be exceeded where we do not have sufficient information to process your application.

Until transport is in place, it will be the parent's/carer's responsibility to make the necessary arrangements for the child to attend school.

If a child is assessed as eligible for free school transport and it comes to light at a later date that the assessment outcome was incorrect, free school transport provision will be withdrawn at the end of the current school term. KCC will continue to provide free school transport during that time to allow parents sufficient opportunity to make alternative arrangements.

Mode of transport

If a child is deemed eligible for free transport to school, the Transport Eligibility Team will advise parents by email or post. The child's details will then be passed to KCC's Public Transport department who will identify the most appropriate mode of transport. Once this task has been completed, the Public Transport Department will contact parents to advise them of the arrangements and how any pass will be provided.

Children who are eligible to receive transport assistance will usually be given a pass for public transport or where this is not appropriate, a seat on a vehicle such as a coach or minibus. KCC will ensure that pupils are assigned to vehicles that meet central government requirements for COVID-19 safety and provision will be reviewed whenever government guidance changes. Please note, if you have applied late and a pass is not ready for the first day of term it will not be possible for your child to pay on a daily basis to travel on a hired vehicle and you will need to make alternative arrangements until the pass is available.

As a general guide, transport arrangements will operate to and from a reasonable proximity to the home address and the school (typically no more than 1 mile at either end), will run at times compatible with the school and not demand excessive waiting time, should not require a child to make several changes on public transport and not result in an unreasonably long journey time. Best practice suggests that the maximum individual journey length for a child of Primary school age should be no longer than 45 minutes each way. For Secondary school children, the length of a journey should be no more than 75 minutes each way.

For children with SEN and/or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible.

Unfortunately, parents are not able to choose which form of transport or specific vehicle their child will travel on. The routes and types of transport are determined by the KCC's Public Transport Department. They will determine the mode of transport that delivers the best value for money for Kent tax payers, taking into account any special arrangements needed to support the child's particular

needs. KCC is obliged to secure transport via a fair and open tendering process. This means it is not possible to assign a child to a preferred provider if their journey has been awarded to another transport company.

Where children with an EHCP are provided with transport assistance, no guarantee can be given that the arrangements e.g. passenger assistant/driver, will stay the same throughout the child's academic career. KCC's Public Transport Department will always try to provide as much notice as possible when making changes to your child's transport arrangements.

There is no guarantee that a child with special educational needs, an Education, Health and Care plan (EHCP), who have a disability or who have mobility problems will automatically receive a Passenger Assistant in the vehicle provided nor will a sole occupancy transport be approved due to their age or needs. Every request will be assessed on an individual basis based on evidence provided from the child or parent's medical practitioner.

Parents are expected to provide most specialised equipment that may be required to allow their child to travel to school, however, in most circumstances KCC will be able to provide a specialised harness.

If the child requires more than one type of transport to travel to and from school, several passes may be provided (e.g. bus and/or train pass) in order that they are able to complete their journey.

Transport assistance is only provided at the start and end of the school day. Where children start school on a part time basis (e.g. school day starts/ finishes at mid-day) or take part in an induction process that limits the length of the normal school day, parents would be responsible for making the necessary alternative transport arrangements. Transport will not be provided on a flexible basis as vehicles often have to accommodate other learners or duties procured by KCC.

Additional journeys

Transport assistance is only provided from the child's home to the main school at which they are on roll. The child's home will normally be the address where they reside for the majority of the school week, and any transport arrangements to or from an alternative address would be the responsibility of the parent to arrange. If they attend another school or establishment for off-site provision, it will be the responsibility of the parent or school to arrange travel to and from the other site.

Transport assistance would not be provided for any medical appointments or any other domestic arrangements for the child to go to or from a different address other than their main residence.

Transport will not be provided for breakfast or after school clubs or activities outside of normal collection times.

Transport will not be provided to allow students to take part in work experience and parents will need to make their own alternative arrangements.

Where a child is taking part in an induction process or has a temporarily reduced schedule at school, transport will not be provided for any different journey requirements that this creates. Parents will be responsible for making their own alternative arrangements.

Transport will not be provided where a child needs to leave school before the end of a school day due to sickness.

It is unlikely that transport will be provided where a family are residing in a temporary address, as it will usually take longer for transport arrangements to be organised than the time the family are living at the alternative address.

Please Note:

Where situations arise that are not directly addressed within this guidance, Transport Officers will work in conjunction with the Head of Fair Access to apply the principles contained here to identify a suitable resolution.

Personal Transport Budgets

A Personal Transport Budget (PTB) may be available to children with an Education Health and Care Plan who have been assessed as eligible to receive home to school transport and Post 16 transport. It is granted entirely at the discretion of the Local Authority and only provided where it is the most cost effective option for KCC to meet its statutory duties. It will therefore not automatically be given and is unlikely to be available where existing suitable transport is in operation locally. Applicants who have previously been withdrawn from the PTB scheme will be ineligible for consideration for future requests.

The PTB is a payment designed to help parents make any arrangements needed, and can be used in any way to facilitate their child's access to school. It is paid over 11 months directly into a parent's bank account. It is based on a child's proximity to school and therefore bears no relationship to the actual costs associated with a child accessing school. Where a child receives a PTB partway through the school year, or where a child attends school on a part-time timetable, the total payment will be offered on a pro rata basis to account for the reduced timescale that the parent will be responsible for transport arrangements.

Where a child is deemed eligible to receive a PTB, payments are set out as follows (full year equivalent)

PTB Band	Payment
Band 1 - Up to 5 miles	£2000
Band 2 - Between 5 and 10 miles	£3000
Band 3 - Over 10 miles	£5000

The distance measured is based on a straight line distance (as the crow flies) and Kent County Council's own measuring software is used to determine this. For fairness and consistency, the same software is used for all applications.

To ask to be considered for a PTB, parents should tick the relevant box on their child's application for free school transport or apply online at www.kent.gov.uk/personaltransportbudget where further information is also available.

Mileage Payments

Where parents consider they must transport their child to school, it is likely that a mileage payment may be more appropriate than a Personal Transport Budget. This is also the case where children attend boarding schools and only make journeys at the beginning and end of the school term.

Home to school transport appeals

Parents are entitled to appeal against decisions by the County Council to refuse their application for free or subsidised transport for their child. This appeal process has two stages and parents should complete the first stage before moving on to the next.

Stage 1 Procedure for Officer Review by the Transport Eligibility Team

Applications for free transport are only refused where a child is not eligible under KCC's transport criteria. Where parents receive a refusal to their application, the first step is to carefully read the outcome letter that has been sent to you by KCC's Transport Eligibility team. It will explain to you why transport cannot be offered to your child. This is usually because they are not attending their nearest appropriate school and/or the school is under the required statutory distance.

Parents may have their own reasons why they feel that their child should be given free school transport. These may include:

- Their child was assessed as eligible for Grammar school through the Kent Test, but their nearest school is not a Grammar school and they cannot apply under low income criteria.
- They would prefer for their child to attend a faith school, but their nearest school is not a faith school and they cannot apply under low income criteria.
- Parents do not like a particular feature of their nearest school (faith school, non-Grammar school, elements of the curriculum, mixed/single sex) and so did not name it as a preference.
- KCC was unable to offer their child one of their preferred schools and was required to allocate their child a place at another school, but their initial preference selection means that their child is not eligible for free school transport.

- Their child is not attending their nearest appropriate school for transport purposes, but there is no public transport to get their child their preferred school.
- The route a child's offered school is hazardous, but it is not their nearest appropriate school for transport purposes.
- Another child in the same village is eligible for transport, but their child is not.
- A parent is just above the threshold to be considered under low income criteria.

While parents may feel strongly that they should be given free school transport in these and similar circumstances, it is highly unlikely that transport will be approved following an Officer Review. There is no discretion for Officers to deviate from strictly applying the transport eligibility procedures when considering spending from the public purse. Parents may also request an Officer Review if they are unhappy with the transport provision that they have been offered, although they should consider the advice found in "Mode of Transport" on page 15 before doing so.

In most circumstances, Officer Reviews will only result in a decision being overturned where:

- A parent failed to indicate that an application was being made under Low Income Criteria, or did not provide sufficient evidence and that evidence can now be made available.
- An application is being made for a child that has an EHCP or disability, or where a parent of a Primary aged child is applying on the basis of their own disability, but did not provide sufficient evidence and that evidence can now be made available.
- Parents are aware of an alternative route to the school that was not included in KCC's distancing software and can provide evidence.
- KCC has made a genuine mistake in the assessment and the child is attending their nearest appropriate school and it is over the statutory distance.

Parents should carefully consider before submitting an Officer Review whether they are likely to have their decision overturned, in light of the information above. If parents feel that they can submit sufficient additional evidence to show that their application was assessed incorrectly, they should email it to homeschooltransport@kent.gov.uk along with their child's full name, school/college, date of birth and an explanation as to why they feel that their application should be reassessed. Post 16 requests should be sent to post16transport@kent.gov.uk. Transport Officers cannot discuss a parent's reasons for requesting a reassessment over the telephone. It is important that Officers maintain a written audit trail of their assessment decisions. Parents will be responsible for any costs that they incur arranging alternative transport while their application is being

reassessed, but every effort will be made to complete this as expediently as possible. Making telephone contact to seek an update on the processing of an application is likely to result in further delays.

Stage 2 Procedure for Appeals to Members of the Transport Regulation Committee Appeals Panel

Where an applicant's Officer Review is not upheld, if they wish, they are then able to appeal to Members of the County Council's Transport Regulation Committee Appeal Panel (Members). Parents can submit an appeal online at www.kent.gov.uk/schooltransportappeals

Grounds for appealing

Parents can appeal for any reason or combination of reasons that they wish, but should carefully consider if they have sufficient additional evidence to support a case where their child is not eligible for free school transport as a result of selecting a school that is not their nearest appropriate school for transport purposes.

Parents cannot appeal for their child to be transported by a particular driver or transport provider, as KCC is obliged to secure transport through a fair and open tendering process.

There is no charge to parents for the appeal but they must meet any costs they incur for preparing their appeal or attending the hearing, such as photocopying or transport costs.

The Appeals Team will then offer a date and time to hear the appeal. If parents wish to, they can, for a good reason, reject the first hearing date. If the second hearing date is also rejected or if parents fail to attend a hearing on a date that has been accepted they will not, except in exceptional circumstances, be offered a further hearing. The Members will, however, consider the appeal in their absence, based upon the information that has been provided in writing. Please note that it is not possible to hold appeals in the evenings or at the weekend.

At least 5 days before the hearing date, the Appeals Team will send parents and the Officer presenting the Council's case a copy of each other's written case and supporting documentation.

Witnesses

Parents are welcome to bring a witness, including their locally elected Kent County Councillor, but they must advise the Transport Appeals Team at least one day in advance who this will be. Parents may wish to provide a written summary of the witnesses' evidence on the day of the hearing as this may be helpful to the Members considering the case.

Please note that the Members hearing the appeal have the right to refuse to listen to witnesses produced by parents or by the Officer presenting the Council's case if they believe that the evidence given is irrelevant to the appeal.

No fees, expenses or allowances will be paid to the witnesses by the Council under any circumstances.

Parents can have a friend to accompany them or represent them at the appeal and must provide the Appeals Team with their identity at least 1 day prior to the hearing date. If the friend is a lawyer, they cannot act as one as part of a lawyer/client relationship.

If parents are appealing because they are on a Low Income and have been refused transport to a church school, they may wish to provide evidence with their appeal letter that they hold that religious or philosophical belief (for example a supporting letter from a priest, vicar or cleric).

Legal presentation is not allowed and the Officer presenting the case on behalf of the County Council will also not be allowed to have legal representation. The Members deciding your appeal do have the right to have a legal adviser if they so wish.

There will be an official note taker at the hearing provided by the Council and any video or attempt by parents to record the hearing will lead to its immediate termination and the dismissal of the appeal.

As far as possible parents should send all evidence with their appeal letter. Any additional evidence should be sent to the Transport Appeals Team at least 2 days before the appeal hearing. Written evidence produced on the day of the appeal hearing will be considered at the absolute discretion of the Members hearing the appeal and may lead to the hearing being adjourned to a later date.

The appeal hearing

The Panel consists of between a minimum of three and a maximum of five elected Members along with a Clerk who will be there to advise members and take notes of the appeal hearing. The Panel's remit is to consider whether the Authority's criteria on discretionary free home-to-school transport has been applied properly and, if so, whether the strength of your case outweighs the additional costs to the Council in providing free transport – the Panel cannot change the policy itself or the designation of the nearest appropriate school for the area generally.

When you submit your appeal, you will be given the following options as to how you wish your appeal to be considered.

Face to Face Hearings (where restrictions allow due to COVID-19) and these will be held centrally in Maidstone. Virtual Video/telephone Hearings via Microsoft Teams. Paper Based Hearings (based on the written submissions only and you will not be required to attend a hearing in person/virtually). If you opt for either a face to face hearing or a virtual one, the Panel like appeals to be conducted as informally as possible, but in order that all relevant points can be considered has decided that the meetings should be structured in the following way:

1. A Presenting Officer will explain the reasons that have prevented the County Council meeting parents' wishes up to this stage.
2. Parents and the Members may then ask the Officer questions.
3. Parents and/or their representative (who can be a Member of the County Council) will explain the grounds of the appeal and its desired outcome.
4. The Presenting Officer and the Members will ask parents and/or their representative questions.
5. The Presenting Officer is asked to summarise the case for the Council.
6. Parents and/or their representative will then be asked to summarise the grounds of the appeal.
7. Parents and the Presenting Officer will be asked to leave the room and the Members will make a decision.

It is important that you submit any evidence that supports your appeal (for example, letters from your school, GP or social worker, financial evidence such as benefit receipts).

You can appeal for any reason or combination of reasons that you wish, but should carefully consider if you have sufficient additional evidence to support your case. All communication will be issued via email and we will write to you to let you know we've received your appeal and to offer you a date for the appeal to be heard by the panel.

The decision

In reaching their decision the Members must have regard to the County Council's criteria on Home to School Transport. They will need to satisfy themselves that the criteria has been applied correctly. They will then look at the specific circumstances to determine whether they are sufficiently strong to enable them to use their discretion to make an exception. The Members have a responsibility to consider the most cost effective and appropriate mode of home to school transport taking into account the family circumstances at the time of the appeal.

The Members may decide to:

- uphold the appeal in all respects
- not uphold the appeal
- partially uphold the appeal.

This can include meeting parents' wishes in part or for a time limited period. At the end of the time limited period the Members can review the circumstances again and may ask that additional information such as up to date medical records or school attendance records be made available at the time of the review.

Parents will receive a decision in writing within 5 working days of the appeal hearing. Decisions cannot be given over the telephone.

There is no further appeal within the Council's procedures if you remain dissatisfied and believe that you have suffered injustice as a result of maladministration by the Panel, you can ask Local Government & Social Care Ombudsman to review your case. This is not a right of appeal and has to relate to issues such as a failure to follow correct procedures or a failure to act independently and fairly, rather than the person making the complaint thinks that the decision is wrong.

The Ombudsman investigates matters fairly and impartially and is free to use.

The contact details for the Ombudsman are below. You will need to provide them with a copy of the decision letter, and any earlier responses to you, so it can consider your case.

Website: www.lgo.org.uk

Telephone: **0300 061 0614**

Opening hours: Monday to Friday – 10am to 4pm (except public holidays)

This is not a right of appeal and relates only to issues such as failure to follow correct procedures, or failure to

act independently and fairly. If the person making the complaint simply disagrees with the decision there is no recourse. If parents have a complaint of a procedural nature, they should refer it direct to the Local Government Ombudsman PO BOX 4771, Coventry, CV4 0EH.

Parents will not be able to make any further applications for free or subsidised transport in relation to the same child at the same school unless:

- they can demonstrate a significant and material change in circumstances since the previous appeal was decided
- the County Council changes the criteria for offering free or subsidised transport under the Council's published Home to School Transport Guidance and that change is relevant to the case
- there is a relevant change to the law

If any of the above grounds apply parents will need to write a fresh appeal to the Transport Appeals Team using the online form at www.kent.gov.uk/schooltransportappeals, this statement setting out the reasons in detail. Parents will then be informed whether the Council will be prepared to consider the new application. There is no appeal against this decision under the Council's guidance.

KCC Travel Saver card

The KCC Travel Saver (KTS) is a bus pass scheme that supports the parents of children not entitled to free transport to school with the cost of bus travel to and from school. To be eligible a child must live in Kent and be of Secondary school age.

A pass costs £450 for a full year (subject to change). Costs are reduced for children from Low Income Households and passes are issued for free for children in KCC Care. The pass provides free at the point of use bus travel on Mondays to Fridays between 6am and 7pm all year round, excluding August. Some bus operators accept the pass at other times including evenings and weekends. The KCC Travel Saver card is not valid on hired school taxis, minibuses, coaches or trains.

Full details and terms and conditions, including a list of participating bus operators and service exceptions, are provided at www.kent.gov.uk/travelsaver

Applications need to be made separately to free transport applications and can be made from early June for the new school year. All applications must be made on-line at www.kent.gov.uk/travelsaver.

Vacant Seat Payment Scheme

If you are not eligible for free school transport, you may be able to receive transport assistance through our Vacant Seats Payment Scheme. If there are empty seats on the vehicles we hire to transport children who are eligible for free travel, we can offer these seats to other children. This is only available on existing transport that meets suitability criteria where there is a space and we cannot make any special arrangements in terms of altering routes or times.

There is a fee and seats are offered on a first come, first served basis at the council's discretion. We offer this scheme annually, so you must re-apply each year. There is no guarantee that the scheme will always be available and even if you are offered a seat when you apply, it may not be possible to offer a seat to you in subsequent years.

It is the parents responsibility to arrange transport for their child while awaiting the outcome of the application. Seats can only be offered after the October Half Term once children who are eligible for free school transport have been allocated a seat and we know what space we have available. The Council will not allocate seats under this scheme before this time so please do not chase your application before this date.

The scheme currently costs £450 per annum and can be split into two payments of

£180 for Terms 2 and 3
£270 for Terms 4, 5 and 6.

Invoices and payment instructions will be issued in advance of allocating a seat. Non-payment of invoices will result in transport being withdrawn.

Apply

If you want to be considered for the scheme, please complete the application form which can be found at www.kent.gov.uk/vsps. This form will also need to be completed if you have not applied for free school transport but still wish to be considered for the scheme. Please send completed forms to either Public Transport, PO Box 441, Aylesford, Kent, ME6 9HJ or email to mainstreamschooltransport@kent.gov.uk.

If you have any questions regarding the scheme please email mainstreamschooltransport@kent.gov.uk

If you have any questions regarding the scheme please call the relevant school area below:

- East Kent (Ashford, Canterbury, Swale)
03000 41 45 71
- East Kent (Sandwich, Folkestone and Thanet)
03000 41 36 28
- West Kent (Maidstone, Tonbridge and Malling, Tunbridge Wells, Dartford, Gravesham, Sevenoaks)
03000 41 35 83

Further information can be found at

www.kent.gov.uk/vsps

Lost passes

You can order a replacement pass on-line at kent.gov.uk/education-and-children/schools/school-transport/free-school-transport or by calling us on **03000 418484**. You will need a Credit or Debit Card to pay a £10 administration fee.

If you lose the replacement card, you can get two further replacements each school year (at a cost of £10 each). After this, you will have to reapply and pay the full application fee again.

You will be responsible for meeting any fares or charges incurred whilst waiting for the replacement.

Transport for young people (aged 16 and over)

Kent 16+ Travel Saver

The Kent 16+ Travel Saver is a discretionary scheme provided by Kent County Council to support students aged 16 – 19 and who are in full-time education or undertaking work based learning or an apprenticeship. The scheme offers free at the point of travel access to most public buses in Kent and can be secured by applying directly to KCC. The normal cost of the pass is £420 per annum (subject to change) but learning providers are encouraged to use Bursary Funding that they receive for students to subsidise the cost of the pass.

The criteria to apply for a Kent 16+ Travel Saver card are:

- the student must be over 16.
- live in a house that pays Council Tax to a borough located with the Kent boundary
- attend a recognised school, college or work-based learning provider.

The pass will be available direct to learners for an annual fee of £500 (subject to change).

Children who may be eligible for bursary funding will need to contact their school or college directly to secure financial support for their pass.

The cost may be further subsidised by the education and training providers for their registered students and they may choose to use Bursary Funding for this. It is expected that schools and colleges, who will have benefited from the government's 16-19 Bursary scheme, will use elements of this funding for Low Income families to further support the cost of their students' travel.

If bus travel is not the most appropriate form of transport for a learner, the learning provider may facilitate alternative support if it wishes.

Any learner in education or training who is not eligible for a contribution from their provider or employer is expected to pay the full cost of the Kent 16+ Travel Saver card at £420 (subject to change). KCC provides no direct support with transport assistance for Post 16 learners, other than in exceptional circumstances and where there is a statutory duty to do so. This is normally in relation to a learner's special educational needs or disability.

If the student is in the care of Kent County Council or a recent care leaver, the student can apply for a KCC Travel

Saver Card, which is free to all children in care and care leavers aged between 16 – 21 years and in full time learning or a work based apprenticeship. The application form will need to be endorsed by the student's case worker confirming that they are in care until the age of 16 and for students aged 17 and over, the endorsement can be made by CXK.

If parents feel their child qualifies for assistance because of their exceptional circumstances, they may write to the Head of Fair Access for further consideration. It will be for learning providers to determine the level of subsidy they wish to introduce, however, KCC recommends that providers model their support structures based upon the guidance set out below:

Eligibility criteria for financial support

- a) A learner whose family income is not more than £16,385 who is on Income Support, Income Based Job Seekers Allowance, Guaranteed Element of State Pension Credit, Income Related Employment and Support Allowance or Child Credit, but not Working Tax Credit; it is recommended that they receive a contribution of not less than 50% for the Pass.
- b) A learner whose family income is between £16,385 and £20,818; it is recommended that they may receive a learning-provider contribution to the cost of the Pass, at a level set by the learning provider. This is to be in addition to the KCC subsidy. For example, learners may benefit from a further subsidy payable by, and at the discretion of, their learning provider, reducing the cost to the learner of their Pass.
- c) A learner whose family income is above £20,818, it is recommended that they pay the full cost.
- d) Where a 16-19 year old apprentice falls outside these criteria, but can demonstrate hardship caused by travel-to-learn and travel-to-work pressures, then they can be treated as category (b) above. Training providers and employers should be approached for additional funding support.
- e) All eligible learners must demonstrate to their institutions that they have a genuine travel-to-learn need.
- f) While the learning-provider funding or employer funding that could be used to further subsidise each Pass is entirely discretionary, the guidance in (a) to (e) above is designed to assist in ensuring a standard level of subsidy for all learners in Kent.

To access the KCC 16+ Travel Saver Card parents should contact KCC and if they consider they may be eligible for bursary support they should contact their school or college directly.

Or go to: www.kent.gov.uk/16plustravelsaver
You can also **email:** kent16plustravelcard@kent.gov.uk

SEND 16+ students attending school, college or other learning providers

There is no automatic entitlement to travel assistance for Post 16 students. SEND students who are transferring onto further education, have an Education Health Care Plan (EHCP) and are able to access public transport, must in the first instance, apply for a KCC 16+ Travel Saver card.

Learning providers have access to the Government 16-19 Bursary, which can assist with travel costs. Apply to your school, college or learning provider via their student services department.

If the student's needs are such that it inhibits their ability to walk to and from their place of learning or they are unable to access public transport, then parents or carers can apply for transport through the Local Authority by completing an online AW3 application. This can be found on the KCC website www.kent.gov.uk/applyforpost16transport or by emailing the team on post16transport@kent.gov.uk for a paper AW3.

A new application is required for each academic year. Please attach all supporting evidence to your application as evidence from historic applications is not kept.

Where a child has an EHCP, their nearest appropriate school will usually be named in Section I of their EHCP. Where a parent is requesting that transport should be provided to a school that is not the nearest appropriate school, it is unlikely that their child will be eligible for free school transport. Similarly, transport assistance will not be provided if attendance at the school is conditional upon the parent agreeing to pay part or all of the transport costs.

The application should be returned to the Post 16 Transport Team who will assess the application in accordance with Kent's transport guidance. An new AW3 application is required for each new academic year

Applications for the following academic year should be received no later than 31 May to ensure transport is available for the start of the new academic year. However, it is advisable to submit an application as soon as the new learning provider is named in Section I of the EHCP.

Please do not apply before a learning provider is named in Section I of the EHCP as this will result in your application being refused. If you are unsure if this stage has been completed, please contact your local SEND department.

If you are requesting a Passenger Assistant or sole occupancy vehicle it is essential that the reason for the request is fully explained within your application and supporting evidence is provided e.g. consultants letter.

While assessment work will start on these applications as soon as they are received, the Post 16 Transport team will not start to send out assessment decisions until the end of May, to allow applications for the current academic year to be completed in a timely fashion. Applicants should therefore expect to wait up to 6 weeks from the end of May at the earliest to receive the outcome of their Post 16 transport application when applying for a new academic year.

It is a parent's responsibility to apply for transport for their child and not the responsibility of any KCC department to do so on their behalf.

Applicants that apply for free school transport at any other time of the year can expect to wait up to 6 weeks to receive a decision, although this time may be exceeded where we do not have sufficient information to process your application.

At times it may take longer to complete the assessment process if the team are required to contact other departments for information.

Until transport is in place, it will be the applicant's responsibility to make the necessary arrangements to ensure that the young person can attend their provision.

Unfortunately, parents are not able to choose which form of transport or specific vehicle their young person will travel on. The routes and types of transport are determined by the KCC's Public Transport department. They will determine the mode of transport that delivers the best value for money for Kent tax payers, taking into account any special arrangements to support the young person's particular needs. KCC is obliged to secure transport via a fair and open tendering process. This means it is not possible to assign a young person to a preferred provider if their journey has been awarded to another transport company. There is no guarantee that the arrangements e.g. passenger assistant/driver, will stay the same throughout the young person's 16 plus academic career.

The young person must have an Education Health and Care Plan (EHCP). Transport will be considered to the learning provider which is stated in Section I. If you would like to apply for a different learning provider please contact your local SEND Department to discuss the change before you make an application.

The Local Authority will assess the student's application and if the student is eligible to receive transport assistance, there are several options that can be considered:

1. The Local Authority will initially consider all applicants for Travel Training (see opposite). Refusal to embark on such training where this is considered appropriate, may affect any future decisions where additional support for transport is being requested. Where the learners are unable, even with appropriate Travel Training, to access public transport as a result of their levels of need, consideration will be given to other means of support.
2. The Local Authority may consider granting a student a Personal Transport Budget at its discretion.
3. The Local Authority may consider the direct provision of transport where there is a particular need and/or disability that makes Travel Training inappropriate.

Transport assistance to college is normally only provided at the beginning and end of the academic day. The beginning and end of the academic day is determined by the times of the first programmed educational lesson delivered during normal college hours, and the end of the last programmed lesson during normal college hours. Queries should be directed to ***Post16Transport@kent.gov.uk***

Transport is not provided for: Induction Days; Work Experience; Breakfast Club; After school/college activities; Medical appointments; Off site provision.

Travel Training

Travel training helps young people with special educational needs to travel independently to school or college. Being able to access public transport provides important life skills for students.

It will help students make their own decisions about how they live and what they want to achieve, develop an important skill for life and open up educational, social and employment opportunities.

Young people are trained to travel safely from home to their place of learning and back again, promoting their independence. The training aims to provide the skills and knowledge that is needed to be able to complete journeys safely, confidently and successfully.

The training is delivered by a professional team and available for all age groups who meet the eligibility criteria for transport assistance and who have an EHCP. The training and support is delivered on a 1:1 basis and is tailored and delivered at the pace suitable for the young person.

Travel training is provided until the young person is confident and competent on the journey from home to the learning provider and return. A member of the travel training team will carry out the assessment. On 'sign off' the young person will be issued a bus pass (or train pass if this is the appropriate route) for the remainder of the academic year.

If the young person continues in education the following academic year they will be required to purchase a Kent 16+ Travel Saver – if age appropriate. For other options contact the Student Support Services at the learning provider.

Parents can apply online for their child to be considered for Travel Training at

www.kent.gov.uk/independenttraveltraining

Alternatively parents can email the team at ***ITT@kent.gov.uk*** for further information.

Transport related responsibilities

Parents

As a minimum, parents are expected:

1. To ensure child is taken to the appropriate drop off or collection points, these may be bus stops/train stations etc for journeys to and from the school.
2. Should the mode of transport be a taxi, to ensure that a responsible adult or parent is at home, or at a predetermined boarding/alighting point, to place the child into the vehicle and to be available upon their return from school.
3. To make own transport arrangements should a child finish school before the normal departure time.
4. To make own transport arrangements should a child make use of breakfast clubs or after school clubs.
5. To make own transport arrangements if a child is on work experience.
6. To make own transport arrangements if a visiting relative or foreign student stays with the family.
7. To ensure sufficient notice is provided to the Transport Eligibility Team to reassess their child's eligibility and to receive transport if the family move home or child changes schools.
8. To make own transport arrangements for transport if the family should move home or the child change schools until the reassessment of the child's eligibility has been undertaken by a Transport Eligibility Officer.
9. Should the mode of transport be on a hired service, to contact the identified transport provider to make the necessary arrangements.
10. If the child is eligible to receive transport, parents are responsible for making their own arrangements until such time as the transport is arranged.

Fair Access – Transport Eligibility Team

Responsibilities include:

1. Assess transport applications in accordance with Kent County Council's Transport Guidance.
2. Provide publications with appropriate information for parents to be aware of eligibility criteria and on how to apply for transport assistance.
3. Advise parents of the decision to grant or refuse transport assistance and the reason why.
4. Assess the route taken between a child's home and a school against Kent County Council's guidelines.
5. Arrange and reassess any review of transport assistance made under the Low Income Criteria and the appropriate mainstream or SEND Guidance.

6. Assess a child's eligibility with an EHCP to receive a Personal Transport Budget.
7. Provide Travel Training to children/ students who are eligible and who are able to be trained to use public transport.
8. Process appeals for parents who are in dispute with a decision refusing their child transport assistance.
9. Remove transport assistance in the event of reports of misbehaviour on transport.
10. Inform parents on the outcome of those investigations and the sanctions taken to address the behaviour.

Public Transport

Responsibilities include:

1. Plan and procure hired transport.
2. Negotiate contracts and ticket discount prices for the bulk purchase of season tickets from commercial public transport.
3. Arrange re-tender of existing contracts.
4. Undertake regular surveys of children carried on school transport services.
5. Undertake regular checks on vehicle provision and time keeping.
6. Maintain a record of licensed and approved operators for use as transport contractors.
7. Maintain records of insurance for approved operators and police checks for their staff acting as Passenger Assistants.
8. Receive approved transport applications from Admissions & Transport and determine the mode of transport and allocate children to the appropriate route.
9. Advise parents of their child's transport arrangements.
10. Order/issue appropriate passes.
11. Investigate complaints from parents regarding operational issues.
12. Investigate reports of misconduct with operators and schools and report back to The Transport Eligibility Team.
14. Obtain reports from operators of accident or damage and to forward any letters or claims to the Insurance Section.
15. Determine mode of transport and allocate children to routes under the Vacant Seat Payment Scheme.
16. Undertake regular reviews of the transport network ensuring the services are efficient and the best value for money.
17. Support school led transport initiative as appropriate.
18. Maintain data and reporting mechanisms to inform future transport initiatives and policy development.
19. Manage parents claims for Fuel Allowance.

School transport and the environment

Using some of the ideas explained below, parents and their children can help to tackle congestion on the school-run and help to create a cleaner, greener, healthier school and community.

Walk to school

KCC enjoys a unique partnership with Medway Council and the Kent and Medway Charity Team in promoting and encouraging walking to school. The Charity organises a range of activities to help the charitable sector with its fundraising and supports initiatives to promote health and wellbeing, particularly amongst Primary school children. The charity works in partnership with the KM Group, Kent's biggest media organisation. Parents can find more information about Walking Buses and walk to school incentive schemes on the charities website at www.kmwalktoschool.co.uk

Even if parents and children can't walk to school every day or live too far away, they could consider walking just once a week or 'park and stride' by parking a short distance from the school and walking the last bit of the journey.

Cycle to school

Cycle training is a very important way to increase confidence and safety. We deliver Bikeability, the National Standard Cycle Training. There are 3 levels of training that aim to give people the skills and confidence to ride their bikes on today's roads. We deliver Level 1 and 2 training to Primary schools. In addition, we deliver Level 3 training to Secondary school children. Bikeability will either be provided by KCC, or if the school is part of a School Games Organisation, training will be arranged via School Games Organisers (SGOs). We are working with SGOs to make sure every year 6 child has access to level 2 training.

Children will need to:

- be at least 10 years old for level 2 training
- be able to ride their bike
- have an appropriate cycle helmet
- have a bike that is roadworthy.

Level 1 and 2 training costs £10 per student with KCC. However, this may vary in some schools because they are part of a School Games Organisation. Level 3 training with KCC is £5 per student.

We are working hard to improve cycle routes across the county. For information about cycle routes in your area visit www.kent.gov.uk/cycling

Printed maps are available for some locations and can be found in libraries, Gateways and Tourist Information Centres.

Public transport

Buses and trains may prove to be a good option for some pupils. For information about available services in your area, together with discounted tickets and incentive schemes visit www.kent.gov.uk/publictransport

Car sharing/buddy scheme

Parents can reduce the cost and time involved in the school-run by sharing cars with friends and neighbours. They can find out more about sharing cars in Kent on the website www.kentjourneyshare.com, or ask their chosen school if they can match them with parents travelling from the same area. If half of UK motorists received a lift one day a week, congestion and pollution would be reduced by 10%.

Responsible parking

Inconsiderate parking and manoeuvring in the vicinity of school entrances can present a significant safety hazard. Parents should support their school, other road users and local residents by avoiding parking on 'Keep-Clear' markings and, where possible, park or drop-off at a safe distance from the school and encourage pupils to walk to the school gates.

KCC work with schools, Kent Police and Local Civil Enforcement Teams to take action against inconsiderate and dangerous parking. For further details and access to our online toolkit and resources please go to: www.responsibleparking.co.uk

Code of conduct for students when travelling

Many thousands of pupils and students in Kent will receive transport or help with travel costs from Kent County Council each year. Many of them will travel on public transport services and will therefore travel with large numbers of other young people, as well as members of the general public.

There is a responsibility on students to behave appropriately while travelling. Where any behaviour falls short of the required standards, the Council has mechanisms to work with parents, school and transport providers to rectify problems and it retains the right to suspend or remove transport or passes where this is deemed appropriate.

It is the responsibility of students to:

- Arrive for their transport on time and with a valid travel pass for travel
- Behave in a safe and responsible way at all times
- Get on the first available vehicle they have a valid pass for
- Show their passes to the driver or other officials when asked
- Follow all instructions from the driver, inspector or other official at all times especially in an emergency
- Wear seatbelts at all times (if they are fitted)
- Get off safely at the right stop and cross roads carefully
- The following behaviour is not acceptable and if reported, parents will be contacted by the Local Authority as to the appropriate action that will be taken.

Nuisance or offensive behaviour (Category 1)

This includes irritating and unpleasant behaviour which, while not necessarily a threat to safety, may impair the comfort of others. Such behaviour includes:

- Failing to respond to the driver or inspector appropriately. For example, not showing a valid travel pass.
- Eating or drinking on the vehicle
- Smoking
- Spitting
- Using bad or abusive language
- Making excessive noise
- Placing feet on the seats of the vehicle

Dangerous behaviour (Category 2)

This includes behaviour which may present some potential or actual threat to the physical safety of the child and others and includes:

- Standing on the vehicle steps or in the doorway
- Leaning out of the window or door
- Harassing or verbally abusing other passengers or the driver
- Bullying
- Running around inside the vehicle or climbing on the seats.

Destructive or very dangerous behaviour (Category 3)

This category includes behaviour which causes or has the potential to cause physical injury to others and damage to the vehicle and includes:

- Fighting
- Threatening physical violence
- Breaking windows
- Interfering with the opening of the doors or emergency exits
- Causing graffiti including scratching glass
- Spraying aerosols
- Damage to seats, seatbelts or other equipment.

Extremely dangerous or life threatening behaviour (Category 4)

This category includes behaviour which is likely to cause serious injury to others and includes:

- Physical assault on the driver or other passengers
- Lighting fires including igniting aerosols
- Threatening physical violence with a dangerous weapon
- Interfering with the vehicle controls.

