

POST-19 TRANSPORT POLICY

September 2021



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Summary and appropriate legislation

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

Who is entitled to assistance with transport?

Plymouth City Council has interpreted its duty as set out below.

Assistance will be given to students resident in Plymouth or deemed to be the responsibility of Plymouth City Council, who have no other means of transportation.

Who qualifies?

To qualify for free transport the following criteria must all be met:

- over the age of 19 on 1st September 2021 and are commencing a new full time course of study (over 12 hour a week attendance), and
- have an EHCP that is maintained, and attending either:
 - a further education setting
 - an setting maintained or assisted by the LA and providing further or higher education (or both)
 - a setting outside the further and higher education sectors, where the Authority has secured education or training and boarding accommodation for that learner
- the setting's provision must be an essential requirement to fulfil the learning outcomes identified in the learner's EHCP
- the learner is unable due to his or her disability and/or learning difficulty to walk or use public transport independently

If a young person is seeking to engage with an apprenticeship or traineeship, they should talk to the learning provider who will be able to inform them of any transport assistance that may be available. Employers and learning providers should take into account a young person's transport arrangements when planning any job training, particularly outside of normal working hours. Please also see advice in Access to Work section below.

Preferred Setting

Assistance will be provided for a student to attend their nearest educational setting offering the chosen course of study within the City of Plymouth Boundary.

Assistance will be provided for a student to attend a setting outside Plymouth if this is the nearest setting offering the chosen course of study or the Authority has secured education or training and boarding accommodation for the learner.

How do I apply for transport?

All applications for transport under this policy must be made on an annual basis using the post-19 Transport Application Form and submitted to the Transport Team.

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

Provision of Transport

Students will be assessed according to need, in consultation with appropriate professionals.

Students who are unable to use public transport due to their special or other medical needs will be provided with appropriate transport to meet their needs.

Can I choose the type of transport that is provided?

Plymouth City Council will determine the means of transport between home and the setting. Such transport may be by way of public bus service, petrol allowances, personal payment plans, Plymouth City Council vehicles, contracted minibuses or taxis.

Students attending a residential school whose placement is funded by the Education Funding Agency will be provided with one return journey at the start and end of each half term or the start and end of each week depending on the commissioned boarding arrangements.

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

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

Can I use my own transport?

Yes you can, if the student is entitled to transport. We pay 45p per mile for the round trip eg leaving your home address to take the student to College and for you to return to your home address in the morning and the same journey again in the afternoon to collect the student from College.

Except in very exceptional cases the rate will be 45p per mile and this will be increased on an annual basis by RPI but will not exceed HMRC limits.

Will I get collected from home?

Plymouth City Council uses pick up and drop off point and students will be collected at a suitable pick-up point determined by the Transport team. This will be as near to their home as is reasonably possible or the home address if the student is unable to safely walk the distance to the pick-up point. Some students, however, may have to walk a reasonable distance to and from home to meet their transport.

Journey times

Where possible journey times on contracted vehicles will be a maximum of 75 minutes, except in exceptional circumstances eg travel to an out of authority setting.

Seatbelts

It is Plymouth City Council's policy that on all contracted vehicles, provision will be made for each passenger to have his/her own seat and for seatbelts to be fitted. All passengers must wear seatbelts. Any young person who refuses to wear a seatbelt will not be allowed to travel.

Passenger Assistants

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

Passenger Assistants will only be provided to meet more complex individual needs such as medical or health requirements where there is supporting professional evidence that such support is necessary to ensure a child's safe journey to and from the setting.

Using wheelchairs as a seat in the vehicle

A risk assessment must be undertaken by a Transport Officer before any wheelchair can be used as a seat in the vehicle. This is to ensure that the wheelchair is of a type that is suitable for transportation and that the correct restraints are used in the vehicle. A 'passport' (a coloured plastic disc) will be fitted to the wheelchair to indicate that the risk assessment has been carried out. A wheelchair not displaying the 'passport' will not be carried and it will be the parents' responsibility to arrange their own transport until the risk assessment has been completed.

In exceptional cases, for example if the disc has become detached, it may be possible to arrange for a wheelchair to be carried without the 'passport' subject to agreement by the Principal Transport & Allowances Officer.

It is the parents' responsibility to ensure that the Transport Team is notified at least ten working days in advance of a student changing their wheelchair.

Should it be necessary for specialised restraints/equipment to be obtained before the wheelchair can be carried then parents will be responsible for making their own transport arrangements until such time as the restraints are available. A transport allowance may be payable if this takes longer than ten working days.

A headrest must be provided if a student is travelling in their wheelchair. It is the parent's responsibility to arrange provision of this through the wheelchair provider. Passenger Assistants will not be responsible for the fitting or removal of headrests.

Will I be able to take my other equipment?

Where other equipment needs to be transported, eg oxygen cylinders, suction machines etc, this may require adaptations to the vehicle in order that it can be transported safely. Whilst the adaptation is

being undertaken transport cannot be provided; if parents/carers can provide transport during this period a transport allowance can be made. Except in very exceptional cases this will be 45p per mile. This will be increased on an annual basis by RPI but will not exceed HMRC limits.

Protection of Young Adults

The Local Authority undertakes an enhanced DBS check on all drivers and passenger assistants on contracted vehicles. All drivers and passenger assistants are issued with identity badges, which should be worn at all times whilst on contract.

All passenger assistants receive appropriate training to help them protect children and young people, and to help them identify any concerns as they arise.

Transport Granted in Error

Where transport has been granted in error it will be withdrawn. Six weeks' notice will be given to parents.

Behaviour and Damage on Transport

Behaviour

Parents, carers, schools, transport contractors and Plymouth City Council all want to know about the behaviour of students whilst on transport.

Drivers and passenger assistants are asked to liaise with the setting and the Transport Officers where there are behavioural problems, but are instructed never to evict a student from the vehicle anywhere on a route other than at the normal setting down point.

If problems are such that the safety of other passengers, the driver or passenger assistant is endangered, transport will be withdrawn.

Damage

Plymouth City Council requires contractors to indemnify the Council against all damage, however caused.

Contractors may seek recompense from students where responsibility for damage rests with them.

What do I do if I don't agree with a decision?

The appeals procedure exists to consider representations from appellant relating to the implementation of School Transport policy, but not policy issues.

The appeal procedure is a two stage process consisting of a review and an appeal

Reviews

- A request for a review must be submitted within 20 working days of the date of the refusal letter.
- The written request should detail why the appellant believes the decision should be reviewed and give details of any personal and/or family exceptional circumstances the student/parent believes should be considered to warrant a departure from the policy.
- Within 20 working days of receipt of the appellant's written request a Senior Transport Officer will review the original decision and send the appellant a written notification of the outcome of their review, this will include the decision reached; how the review was conducted; information about other departments and/or agencies that were consulted as part of the process; what factors were considered and the rationale for the decision reached. If the review is refused the letter will also confirm how to appeal against the decision.

Appeals

- The appellant has 20 working days from receipt of the local authority's review decision notification to make a written request to escalate the matter to the appeal.
- Within 40 working days of receipt of the appellant request an independent appeal panel of 3 Senior Officers (independent of the original decision) will consider written and verbal representations from both the appellant and officers involved in the case.
- Within 5 working days of the appeal panel hearing a written notification of the outcome of their appeal will be sent to the appellant; this will include the decision reached; how the appeal was conducted; it will confirm if other departments and/or agencies were consulted as part of the process; what information were considered; and the rationale for the decision reached.
- If the appeal is refused, the letter will also confirm the parent's right to put the matter to the Local Government Ombudsman

If an appeal is upheld then travel costs may be reimbursed from the date of the original application to the date that transport provision is made. This will be reimbursed at the cheapest rate.

What other support is available?

The 16-19 Bursary Fund

The 16 to 19 Bursary Fund provides financial support to help young people overcome specific barriers to participation so they can remain in education.

There are 2 types of 16 to 19 bursaries:

1. A vulnerable bursary of up to £1,200 a year for young people in one of the defined vulnerable groups below:

- in care
- care leavers
- in receipt of Income Support, or Universal Credit in place of Income Support, in their own right
- in receipt of Employment and Support Allowance or Universal Credit and Disability Living or Personal Independence Payments in their own right
- discretionary bursaries which institutions award to meet individual needs, for example, help with the cost of transport, meals, books and equipment

2. Discretionary bursaries which institutions award to meet individual needs, for example, help with the cost of transport, meals, books and equipment

To be eligible for the discretionary bursary young people must:

- be aged 19 or over at 31 August 2020 and have an EHCP
- be studying a programme that is subject to inspection by a public body which assures quality (such as Ofsted), the provision must also be funded by either a Government funding agency or the local authority

Schools and colleges are responsible for managing both types of bursary. Young people who want to apply for support from the bursary fund should contact their chosen school or college to make an application.

Further information can be found at www.gov.uk/ search for post 16 bursaries

Access to Work

Young people who have a disability or health condition (physical or mental) that makes it hard to get to and from work (including apprenticeships and traineeships) may also be eligible for support through Access to Work. Further information can be found via: www.gov.uk/access-to-work

Privacy Notice - Being transparent and providing accessible information to individuals about how we use personal information is a key element of the Data Protection Act.

The full policy and notice is available on the Plymouth City Council website at:

<https://www.plymouth.gov.uk/aboutwebsite/privacypolicy>

Amendments to this policy

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