

## 16+ Transport Policy Consultation 2014/15

**For 16 - 19 year olds** in the pursuit of, or receiving education or training at schools, academies and other institutions within the further education sector.

1. Kent County Council considers that in most circumstances the provision of a Kent 16+ Travel Card at the subsidised rate of £400\* per annum is sufficient to facilitate the attendance of persons aged between 16 – 19 at their chosen education or training provider. This may be at schools, academies, colleges or in the workplace though an apprenticeship or other work based training provision.

The Kent 16+ Travel Card is available to purchase from any registered learning provider. The 16 + Travel Card offers free at the point of travel access on the entire public bus network operating in Kent including single destination journeys out of Kent and back into the County. It is available for use 24 hours a day, 7 days a week. The 16+ Travel Card gives unlimited access to the public bus network and learning providers can choose to subsidise this charge further to their students or trainees if they wish.

2. To support the provision of suitable education or training for young people who are 16 and 17 and not in education, employment or training (NEET), Kent County Council may offer fixed term (up to one month) travel cards at subsidised rates to facilitate travel to interviews, work experience and other activities necessary to secure appropriate provision. To be eligible, young people must be registered and receiving support through the Kent Integrated Adolescent Support Service (KIASS).

3. If, however, you have special circumstances which you believe should make you eligible to receive help of an alternative nature you should write to **The Transport Team, Room 2.24, Sessions House, County Hall, Maidstone ME14 1XQ** setting out those circumstances, in full. You may rely upon any circumstances which are relevant to your application. The way that Kent County Council exercises its duty to enable access to education, be it with financial or practical support is entirely at the discretion of Kent County Council, including where appropriate a decision to meet the full cost of your transport or alternatively to offer no additional support. The following considerations will be given greater weight by us when we consider your application, but do not guarantee you will be eligible to receive additional assistance from Kent County Council.

(i) that it is not/would not be reasonably practicable for you to attend the educational establishment at which you are registered or at which you would like to register to receive education or training using a Kent 16+ Travel Card on the terms described above

(ii) that the distances and/or journey times, between your home and the educational establishment at which you are registered or would like to register makes the use of Kent 16+ Travel Card, on the terms described above impractical or not practical without additional assistance. Kent County Council will usually only provide one form of support for Low Income Families

(iii) that you and your family cannot afford the Kent 16+ Travel Card on the terms described above.

This will normally require proof of receipt of certain benefits i.e.

- Income support
- Income based jobseekers allowance
- Child Tax Credit (TC602 for the current tax year with a yearly income of no more than £16,190pa)
- Guaranteed element of state pension credit
- Income related employment and support allowance

and assistance on this ground will normally only be given where the educational establishment is not more than 6 miles from your home. Any additional provision or assistance would be reviewed on an annual basis and your parents would be required to provide the Transport Team with up to date proof of the family's income at that time.

(iv) that the nature of the route, or alternative routes, which you can reasonably be expected to take with a Kent 16+ Travel Card makes the use of the Card impractical or not practical without additional assistance.

(v) that reasons relating to your religion of belief (or that of your parents) mean that the use of the Kent Travel 16+ Card is not practical or is not practical without additional assistance.

Where a learner is attending an educational establishment of the same denomination as themselves (or religion in cases where the religion does not have denominations) in order to be considered for transport assistance, they must also have the application form signed by a vicar/priest or religious leader of the same denomination (or religion where there are no denominations) as the school stating that the learner is a regular and practising member of a church or other place of worship of the same denomination (or religion where there are no denominations) as the educational establishment concerned.

Where a learner is attending a church school of a different denomination or religion to that of the parent, in order to be considered for transport assistance, they must also have the application form signed by a vicar/priest or other religious leader stating that the learner is a regular and practising member of that religion or denomination. The learner will also need to explain why their religion of belief makes it desirable for the learner to attend that particular educational establishment rather than another educational establishment nearer to the learner's home, given that the chosen educational establishment is not of the same religion or denomination as that practised by the learner.

Where a learner is attending an educational establishment for reasons connected with his or her (non-religious) belief, in order to be considered for transport assistance the learner will need to explain what that belief is and why the belief makes it desirable for the learner to attend that particular educational establishment rather than another nearer educational establishment. The learner will also need to

provide evidence to prove that they do indeed hold the belief in question. This could be confirmation from a person of good standing in the community who knows the learner, for example a councillor, a doctor, a social worker or a lawyer or alternatively proof of the learner or his parent's medium or long term membership of a society or other institution relating to that belief.

The Council will also take your parents income into account when deciding whether or not to make an award under this heading.

Free transport or other transport assistance will only be awarded under any of the three categories above where Kent County Council is persuaded that the religion or belief is genuinely held and that the placement of the learner at the institution in question will be of significant benefit to the learner because of the relationship between the religion or belief of the learner and the nature of the educational institution in question and where the provision of the transport assistance requested would not impose a disproportionate expense upon the authority.

(vi) that any disability or learning difficulty that you have means that the use of the Kent Travel 16+ Card is not practical or is not practical without additional assistance. Kent County Council recognises that in some circumstances public transport may not be appropriate as a result of a disability or learning need and again in these exceptional circumstances other means of support will be considered on the provision of evidence supplied by supporting documentation from a range of appropriate specialists or professionals, for example GP/health/educational.

The Local Authority will normally only agree to such requests for a maximum period of one year. Arrangements would then be reviewed. The Local Authority can then agree such requests for the duration of the course up until the end of the year in which the young person reaches the age of 19.

Learners aged 16 – 19 for whom the Local Authority maintains a SSEN, or where the learner has an LDA or EHC plan are also expected to seek a 16+ Travel Card from their learning provider. Where the learners are unable even with appropriate independent travel training, to access public bus travel as a result of their levels of need, consideration will be given to other means of support.

If the learner has a disability or mobility problems in accessing public transport, evidence from their GP/consultant must be provided to the Local Authority in order to consider and review the request.

You should also state what additional or alternative steps you would like Kent County Council to take to assist you in attending the educational institution at which you are registered/would like to register.

4. Please note you will be asked to provide evidence to support any arguments that you may have, for example and where relevant-

- (i) proof that you have applied to or are registered at a particular educational establishment such as a copy of your acceptance/offer letter from the college;
- (ii) proof of your and/or your family's income and savings e.g. TC602 from HM Inland Revenue;

- (iii) proof of any disability or learning difficulty that you have; (report from GP, consultant or report from Special Educational Needs Department providing confirmation that you are unable to access a nearer educational establishment to your home and/or are unable to access public transport for example);
- (iv) proof that you have applied to colleges or other educational establishment closer to your home (for the same course or for a similar course), which if accepted would have meant that you would not have required additional assistance from us and proof that those applications were turned down. (Copies of refusal letters would be required);
- (v) details of the unsuitable route that you say you would need to travel and detailed reasons why you consider the same to be unsuitable;
- (vi) proof that you are a member of a particular religion or religious denomination or (where possible) that you have a particular belief where that is relevant to your argument. Ordinarily, where you are making an application on faith grounds, you will be required to attend an establishment with the same religious denomination as your place of worship.

5. Please send the details of your special circumstances to **The Transport Team, Room 2.24, Sessions House, County Hall, Maidstone ME14 1XQ.** We will let you have a written decision as to whether we are able to make any additional financial or other support available to you within 14 days of you providing any supporting evidence that we may require and of you answering any additional questions that we may raise. In the event that transport assistance is refused, details of the appeals procedure as set out below will be included in the decision letter.

*\*Note the cost of the 16+ Travel Card has historically been £520. Efforts are being made to reduce this figure to £400. A formal decision is expected in the coming weeks however favourable adjustments to the pricing of the 16+ Travel Card will not detract from the broader Transport Policy as set out above.*

### **Home to School Transport Appeals Procedure**

#### **Introduction and Purpose**

This procedure is designed to be used in circumstances where parents, guardians or in the case of those aged 16+ the learners themselves have applied for free or subsidised transport for their child (or for themselves in the case of a person aged 16+) to an educational institution situated either within or outside of Kent County Council's geographical area at which their child has or they personally have been offered a place or at which they are a registered pupil and who have had their application for free or subsidised transport refused.

This procedure only applies to those children and adults for whom KCC has a duty to provide or consider the provision of free or subsidised transport to educational establishments. (To be considered, children/families/applicants must be resident in the administrative boundary of Kent).

Please note references to child and school below, also apply to any eligible educational institution and to the applicant his or herself where the applicant is aged 16+.

Please note that the term school includes an Academy.

#### How and when do I appeal?

In response to your application for free or subsidised transport you will have received a decision letter from the County Council's Transport Team rejecting your application. You have 28 days from the date of that letter in which to appeal.

In order to appeal you must put all of the reasons which you think support your appeal in writing and send it to the Assistant Democratic Services Manager, Democratic Services, Room 1.99, Sessions House, County Hall, Maidstone, ME14 1XQ.

If you are able to do so within the 28 day time limit you may also send copies of any supporting documentation with your reasons for appeal. If not you will be able to send this to us later, provided the appeal has been lodged accordingly.

Please remember that your appeal must be received by the Democratic Services Manager within 28 days of that date of the letter rejecting your application. If your appeal is not received within this time your appeal will not be allowed and you will have no further right to appeal.

#### Upon what grounds can I appeal?

You can appeal for any reason or combinations of reasons that you wish. The Members of the County Council's Regulation Committee Appeal Panel ("the Members") who will consider your appeal will be willing to consider any arguments that you wish to put to them.

Please remember that you can either appeal for free transport to and from school and/or that the Council should make a financial contribution towards the costs of your child's transport.

Common grounds for appeal include, but are not limited to-

1. Financial considerations (I can't afford it);
2. Unsuitability of route (I live within statutory walking distance to the school but the route, in my opinion, is too dangerous for a child accompanied by a parent or responsible adult to walk in safety);
3. Ill health/disability of parent or of child (I live within statutory walking distance to the school but my child cannot walk to school accompanied by me or a responsible adult because of my or my child's ill health or disability);
4. Religion or philosophical belief (I have a religious or recognised philosophical belief which means that I would like free/subsidised transport to enable my child to attend the school in question, because of the nature of that school or the nature of the teaching provided at that school).
5. Error of law (my child is entitled to free transport by law and the Council made an error of law when they rejected my application).

#### What other information must I include in/with my appeal letter?

For your appeal to be considered you must include your grounds of appeal (see above), your name, your child's name, your child's date of birth, your address, the reference on our letter refusing your application for free/subsidised transport (or a copy of that letter), the full name and address of the school to which you would like free/subsidised transport and a contact e-mail address and/or telephone number.

Additionally, where you appealing on the grounds of religion or philosophical belief you must explain your religious or philosophical belief and providing (where possible) supporting evidence that you do indeed hold that religious or philosophical belief (for example a supporting letter from a priest, vicar, or other religious leader, or in the case of a person applying on the basis of a non-religious belief, a person of standing in the community who has known you for some time) or proof of medium to long term membership of a society or institution recognising or promoting that belief.

Failure to provide this information will not initially lead to your appeal being rejected but you will not be entitled to have your appeal listed for a hearing until you have supplied us with this information (please see "What happens once I have lodged my appeal?") for more information.

#### Is there any fee for appealing?

No, but you must meet any costs you incur for preparing your appeal or attending the hearing, such as photocopying or transport costs, yourself.

#### What happens once I have lodged my appeal?

Once your appeal has been received by the Assistant Democratic Services Manager, assuming that it is received within the 28 days allowed, it will be acknowledged in writing as being accepted. If your appeal is received after the 28 day period has expired your appeal will not be allowed and you will be informed of this in writing. You will then not be allowed to appeal again for the same child in respect of the same school unless there has been a significant and material change in circumstances since the hearing.

Once we have accepted your appeal we will check it to ensure that all of the information which you must include in your appeal (please see above) has been included. If the information which we require has not been included we will write to you and tell you what we require, we will also give you a time limit by which you must provide us with the information that we require. If you fail to provide the information that we request within that time limit your appeal will not be allowed and you will be informed of this in writing. You will then not be allowed to appeal again for the same child unless there has been a significant and material change in circumstances.

Once your appeal had been accepted and we have all of the information which we need we will then pass details of your appeal to the County Council's School Transport Office who will prepare the Council's response to your appeal.

We will then offer you a hearing date which will be no later than 31 days from that date when we receive your letter requesting an appeal. You may if you provide us, in writing, with a good reason reject the first hearing date. If you do reject the first hearing date you must in your letter to us provide us with details of any other dates in 12 weeks following the first hearing date upon which you are unavailable. If you do reject the first hearing date and we are satisfied with your reason we will offer you a second hearing date. We will endeavour to

offer you a second hearing date within 3 months of the date when we received your appeal letter. If you reject the second hearing date or if you fail to attend a hearing on a date that you have accepted you will not, save in cases where there are genuinely exceptional circumstances, be offered a further hearing, although Members will still consider your appeal based upon the information that you have provided to us in writing if you so wish.

*Please note that it is not possible for us to hold appeals in the evenings or at the weekend.*

When we offer you a hearing date we will also inform you and the Officer presenting the Council's case of any additional information we require from you and from them in order to properly consider your appeal. We will give you both a time limit by which to comply with this request. Failure to provide the requested information within the time limit will, save in cases of genuine exceptional circumstances, prevent either the Council or you (as the case may be) from relying upon the evidence that you did not produce in time.

At least 5 days before the hearing date we will send you and the Officer presenting the Council's case a copy of each others written case and supporting documentation.

#### Can I bring witnesses to the appeal hearing?

Yes, both you and the Officer presenting the Council's case can bring witnesses to the hearing providing you or the Officer presenting the Council's case notify us at least 14 days in advance of the name of the witness(es) and the purpose of that person attending the hearing. We will tell you and the Officer presenting the Council's case of any witness that the other party intends to call, in advance of the hearing. You 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 your case.

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

#### Can my witnesses claim any fee, allowances or expenses from the Council?

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

#### Can I be accompanied by a friend at the hearing?

Yes, providing you let us know his or her identity at least 14 days prior to the hearing date.

#### Can my friend represent me and/or present my case at the hearing?

No, unless we have agreed that he or she will do so in advance of the hearing. We will only agree to your friend representing you and/or presenting your case if you can demonstrate that you cannot represent yourself and/or present your own case by reason of illness or disability.

#### Can my friend be a lawyer?

Yes, but only if they are not acting as a lawyer as part of a lawyer/client relationship.

#### Can I have legal representation at the hearing?

No, this is not allowed. 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 have the right to have a legal adviser if they so wish.

Can I bring my own video or audio recording device to the hearing?

No, this is not allowed. There will be an official note taker at the hearing provided by the Council. Any attempt by you to record the hearing will lead to its immediate termination and the dismissal of your appeal.

Can I bring new or last minute evidence to the hearing?

Only in exceptional circumstances and in the absolute discretion of the Members hearing your appeal will new or last minute evidence be accepted from you or from the Officer presenting the Council's case. Production of last minute evidence may lead to your hearing being adjourned to a later date.

What is the procedure to be used at the hearing?

1. There will be a panel of between 3 and 5 Members considering your case. There will be a clerk (who may be legally trained or qualified) to advise Members and take notes of the appeal hearing.
2. The Chairperson elected by the Members will introduce everyone present at the hearing.
3. The Officer presenting the Council's case will be asked to present the Council's case and call any witnesses. The Officer presenting the Council's case and/or his or her witnesses may then be questioned by you and the panel.
4. You will be asked to present your appeal and call any witnesses. You and/or your witnesses may then be questioned by the Officer presenting the Council's case and the panel.
5. The Officer presenting the Council's case will then be invited to present a closing summary of the Council's grounds for resisting the appeal.
6. You will then be invited to present a closing summary of your grounds of appeal.
7. Members may ask anyone questions at any time or may alter the order of steps 3 and 4 at their discretion.
8. Members may agree to consider written evidence only for either or both parties at their request.
9. At the close of the appeal, both you and the Officer presenting the Council's case will be asked to leave in order for Members to consider the evidence presented to them. Members may either make their decision immediately at the end of the hearing or they may reserve their decision until a later date. Irrespective of when Members choose to make their decision you will receive a decision in writing giving reasons within 10 working days of the date of the appeal hearing. You will not be advised of the outcome on the day of the hearing as this will only be given in writing.

What criteria will Members use in deciding whether to allow my appeal?



Members will allow an appeal and authorise the provision of free transport where in their opinion, after hearing all of the evidence presented by both parties, the strength of your case outweighs the additional cost to the Council in providing the free or subsidised transport.

Alternatively, where free transport had been requested and Members are satisfied that you have a very strong case but the strength of your case does not outweigh the additional cost to the Council in providing free transport Members may decide to offer you a financial subsidy towards your child's transport costs.

If your appeal is on the basis that you would like your child to attend a particular school because of your religion or philosophical belief; if you are able to satisfy Members that you legitimately follow that religion or have that belief and Members are satisfied that the school you seek free or subsidised transport to would benefit your child because they share your religion of belief, then Members will give your religious or philosophical belief extra weight in your favour when making their decision.

Is there any further appeal against the decision of the Members?

No, there is no further appeal within the Council's procedures.

Can Members backdate my entitlement to free or subsidised transport?

Yes, at their discretion, but only to the date upon which you lodged your appeal and only in case where you have kept relevant receipts e.g. bus or train tickets.

Can I repeat my application for free or subsidised transport for the same child at the same school at some time in the future if my appeal is rejected?

No, you 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-

(i) you can demonstrate a significant and material change in your circumstances since your previous appeal was decided; or

(ii) we change the criteria for offering free or subsidised transport under the Council's published Home to School Transport Policy and that change is relevant to your case; or

(iii) there is a relevant change to the law.

If you do wish to make a further appeal or application for free or subsidised transport in relation to the same child at the same school and you can demonstrate a significant and material change in your circumstances since your previous appeal was decided or you think one of the other two options above applies then you should write to the Assistant Democratic Services Manager, Democratic Services, Room 1.99, Sessions House, County Hall, Maidstone, ME14 1XQ setting out your reasons in detail. You will then be informed whether the Council will be prepared to consider your new application.

There is no appeal against this decision under the Council's policy.