

# Appeals Sub Committee Agenda

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**Date:** Monday 5th October 2020

**Time:** 2.00 pm

**Venue:** Virtual Meeting

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## How to Watch the Meeting

For anybody wishing to watch the meeting live please click in the link below:

[Click here to watch the meeting](#)

or dial in via telephone on 141 020 33215200 and enter Conference ID: 319 560 066# when prompted.

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings are uploaded to the Council's website.

## **PART 1 - MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

### **1. Appointment of Chairman**

To appoint a Chairman for the meeting.

### **2. Apologies for Absence**

To receive any apologies for absence.

### **3. Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

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For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

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#### **4. Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Members of the public wishing to ask a question or make a statement at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

#### **5. Exclusion of the Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

### **PART 2 - MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT**

#### **6. School Transport Appeals**

The Sub-Committee is asked to determine the following appeals against the decision of the Council not to offer assisted school transport.

The cases will be heard at the following times:

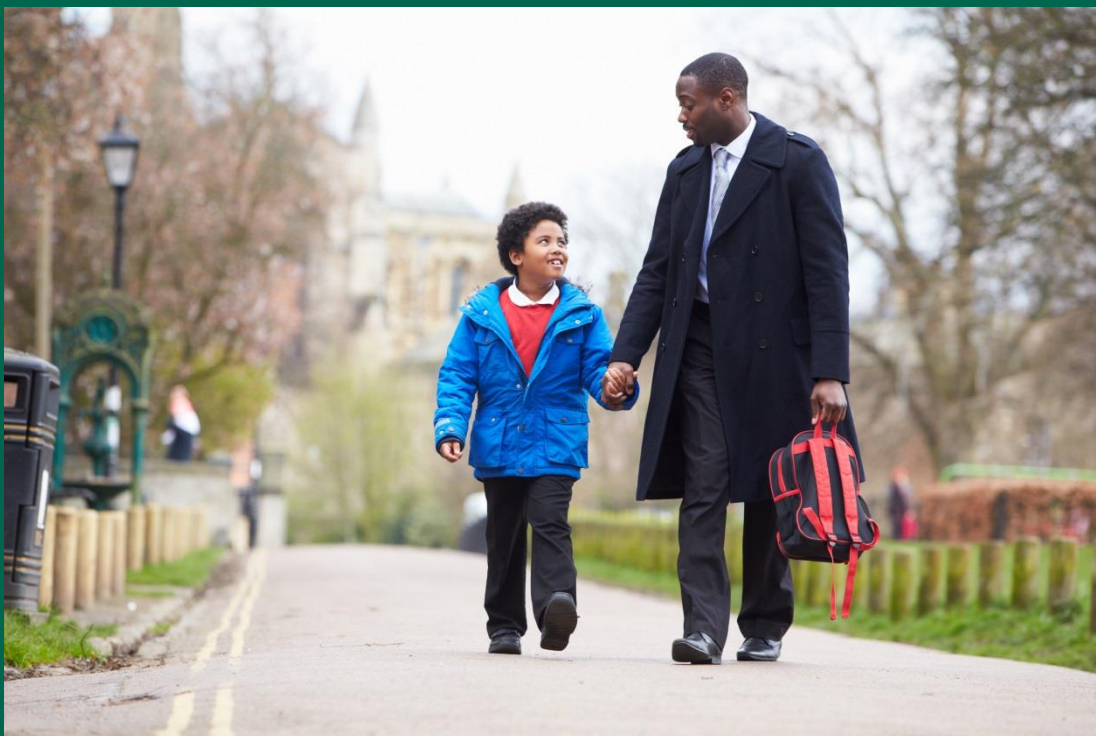
- a) **Case 1 - 2.05 pm** (Pages 63 - 78)
- b) **Case 2 - 2.40 pm** (Pages 79 - 98)
- c) **Case 3 - 3.10 pm** (Pages 99 - 110)

**Membership:** Councillors M Beanland, S Edgar, M Simon and J Weatherill

# Compulsory School Age Education Travel Policy

## Cheshire East Council

1 September 2018



## Document summary

This document details the Local Authority's policy on education travel assistance for Cheshire East resident children of compulsory school age<sup>1</sup> and those attending a reception class the term after their fourth birthday (*rising fives*).

The **Post 16 Travel Policy Statement** provides travel information for young people over compulsory school age, including the travel assistance available for post 16 learners with an Education Health and Care Plan (EHCP) setting out their special educational needs and/or disability (SEND).

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Other related education travel policies:

- Post 16 Education Travel Policy Statement
- Education Travel Payment Policy

<sup>1</sup> Compulsory school age begins at the beginning of the term following a child's 5th birthday and ceases on the last Friday in June in the school year when the child reaches the age of 16.

- Education Travel Behaviour Code
- Education Travel Appeals and Complaints Policy
- Sustainable Modes of Travel Strategy

## 1. Local Authority Education Travel Duty

1.1 Local authorities are required by both the Education Act 1996 and the Education and Inspections Act 2006 to make suitable travel arrangements for certain children to attend school. This policy sets out how the Local Authority will meet this statutory duty and provides information about the categories of eligible children, the provision offered and circumstances when assistance is not provided.

1.2 It is a parent's<sup>2</sup> responsibility to ensure that their child gets to and from school at the appropriate time each day and to put in place the necessary travel arrangements. In exercising its duty, the Local Authority has a general expectation that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so.

1.3 The Local Authority has legal duties under the Education and Inspections Act 2006 to promote sustainable modes of travel for children and young people of compulsory school age<sup>3</sup>. When a child is eligible for travel support the Local Authority will provide that support using the most cost effective option available, these will include the dedicated school bus services, use of the service bus network, information on walking and cycling routes and the availability of walking buses to primary schools. Most schools produce travel plans, which include information about the different options available to parents for getting their child to school. Please see the Council's **Sustainable Modes of Travel Strategy**.

1.4 Additional provision provided by the Local Authority for children and young people who have special educational needs or disabilities (SEND) or other mobility difficulties with travel between home and school is set out in separate documents, as below:

**Annex A - SEND Education Travel Policy**  
**Post 16 Education Travel Policy Statement.**

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<sup>2</sup> As defined in Section 576 of the Education Act 1996. Further Information is published on the Council's website at [http://www.cheshireeast.gov.uk/schools/admissions/advice\\_and\\_guidance.aspx](http://www.cheshireeast.gov.uk/schools/admissions/advice_and_guidance.aspx)

<sup>3</sup> 'Child', 'compulsory school age' and 'sixth-form age' are defined respectively in sections 579(1), 8 and 509 AC of the Education Act 1996.

## 2. Compulsory School Age

2.1 Compulsory school age begins at the beginning of the term following a child's 5<sup>th</sup> birthday and ceases on the last Friday in June in the school year when the child reaches the age of 16. Children may, however, start school in the reception class in the September following their 4th birthday and will therefore be considered eligible children for the purpose of this policy.

## 3. Eligible Children

3.1 Under section 508B and Schedule 35B of the Education Act 1996 local authorities are under a duty to provide free school travel to 'eligible children'. To qualify as an 'eligible child', the child must be of compulsory school age (5—16) or, for the purpose of this policy, a rising five attending school the term after their fourth birthday, attending a qualifying school and must fulfil one of the criteria listed below:

***Criterion 1 - The child is living outside of the statutory walking distance of the nearest suitable school, which is:***

- Beyond 2 miles for children below the age of 8.
- Beyond 3 miles for children aged 8 – 16.

***Criterion 2 - The child cannot reasonably be expected to walk the route to school because the nature of the route is unsafe to walk.***

Case law has established that local authorities are required to make school travel arrangements where a child lives under the statutory walking distance to school but does not have a route available that can be walked in reasonable safety. If the nature of the route is such that the child cannot reasonably be expected to walk to school, even when accompanied by a responsible person, then the Local Authority will deem it 'unavailable'. In determining what is 'reasonable', the Local Authority will take into account the latest national guidance issued by Road Safety GB.

3.2 Issues surrounding personal security do not form part of the assessment and it is assumed the child is accompanied by a responsible adult. There is no requirement for a route to be lit and temporary closures such as road works or flooding are not taken into account.

3.3 If alternative routes are available within the statutory walking distance then assistance will not be granted.

***Criterion 3 - Children from low-income groups or families are defined in legislation as those entitled to free school meals, or whose families receive the maximum level of Working Tax Credit. A child in these circumstances has extended rights to free travel if:***

- The child is aged 8-11 and the nearest suitable school is beyond 2 miles; or
- The child is aged 11-16 and the nearest suitable school is between 2-6 miles and there are not three or more suitable nearer schools; or
- The child is aged 11-16 and the school is between 2-15 miles and is the nearest school preferred on the grounds of religion or belief. Religion or belief includes a lack of religion or belief and so also applies to an atheist parent's wish for their child to attend a non-faith school.

3.4 To qualify under the extended rights eligibility, the child will need to be entitled to free school meals or their parents are in receipt of maximum Working Tax Credit<sup>4</sup>.

3.5 Where entitlement to extended travel rights has been established the entitlement will remain for the entirety of the school year for which the assessment has been made. Proof of entitlement is required at the time of application followed by annual confirmation to confirm low-income status.

***3.6 SEND Criterion - The child cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety concerns related to their SEN<sup>5</sup> or disability<sup>6</sup>.***

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<sup>4</sup> Paragraphs 9-14 of Schedule 35B.



3.7 This will be assessed by the Local Authority on a case-by-case basis to identify particular travel requirements as set out in the Local Authority's SEND Travel Assistance Policy. **The application of this criterion is set out in Annex A - SEND Education Travel Policy.**

#### 4. Measuring Distance

4.1 The statutory distance referred to in this policy is measured by the shortest route along which a child, accompanied if necessary, may walk in reasonable safety. The distance between home and school is measured using a digital mapping system from the child's home gate or drive nearest to the school to the nearest available gate or entrance of the school grounds. A child's home is defined as the place where the child is habitually and normally resident. When measuring the distance to a school with a split site arrangement, the available gate or entrance on the main block (where the reception area and/or main entrance is located) will be used.

#### 5. Nearest Suitable School

5.1 The nearest suitable school is defined as the nearest qualifying<sup>7</sup> school with places available that provides education appropriate to the age, ability and aptitude of the child and considering any special educational needs that the child may have. For most children, including those who have an Education, Health and Care Plan (EHCP) in the mainstream sector, the nearest suitable school is the qualifying school that is declared by the Local Authority to be the school serving the area in which the child's home address falls – referred to as the designated catchment area school. However, it may also mean the nearest qualifying school to the home address; for example, in the absence of a designated catchment school or where that school is nearer than the

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<sup>5</sup> The SEN Code of Practice 2001, paragraphs 8:87—8:90 sets out the considerations for transport for a child with a Statement of SEN. The SEN and Disability Code of Practice 2015 sets out the considerations for a child with an EHCP.

<sup>6</sup> As per Schedule 35 of The Act, disability is as defined in S.6 of EA 2010: a person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial a long-term effect on the ability to carry out normal day-to-day activities. Therefore a chronic health condition may lead to eligibility under this definition.

<sup>7</sup> Section 508B(10) of the Act.

designated catchment area school. A school allocated for a child under the Local Authority's Fair Access Protocol will also be a qualifying school.

5.2 If an application is made for the nearest suitable school but it is unsuccessful as the year group is full, the next nearest school with places available will be deemed the nearest suitable school for travel purposes. For the purpose of education travel assistance, this will be measured using the shortest route along which a child, accompanied if necessary, may walk in reasonable safety, as set out in section 4.

## 6. Qualifying Schools

6.1 Qualifying schools include:

- community, foundation or voluntary schools
- community or foundation special schools
- non-maintained special schools
- pupil referral units
- maintained nursery schools or
- city technology colleges (CTC), city colleges for the technology of the arts (CCTA) or academies, including studio schools, free schools and University Technical Colleges (UTC).
- those specified in an applicable court order

6.2 It will also include an independent (fee paying) school where the Local Authority has agreed that the school is the nearest suitable school to meet the particular needs of the child and names the school in the child's Education, Health and Care Plan, or it is the nearest of two or more schools named on the same basis. It will also include a residential placement.

**6.3 A child attending a school outside the statutory walking distance will not be eligible for assistance if the Local Authority can demonstrate that there is a nearer suitable school.**

## **7. Suitable Travel Assistance**

7.1 Suitable travel assistance will be that which enables an eligible child to reach school safely and reasonably stress free and to arrive at school ready for a day of study. Best practice suggests that a child of primary school age should not travel for longer than 45 minutes and a child of secondary school age should not travel for more than 75 minutes. The Local Authority will normally expect a child to walk up to 1 mile to access travel arrangements. The first priority will be to arrange travel assistance from a suitable pick up point rather than the home address. The responsibility for a child's safety in getting to and from the pick up point is the parent's.

7.2 For eligible children, the Local Authority will provide travel assistance for the start and end of the school day only. Travel assistance during the day between schools or to other specialist provision is the schools' responsibility. Travel outside the usual school start and finish times will be the parent's responsibility.

7.3 The type of travel assistance offered is at the Local Authority's discretion and will be the most cost effective option.

**7.4 Only where there is no reasonable alternative available in the opinion of the Local Authority will travel by minibus/taxi be provided.**

7.5 Travel assistance will be reviewed regularly to make sure that the arrangements made continue to be appropriate for the child's needs and are the most cost effective solution.

7.6 Assistance given for one child in a family will not create a precedent for any of his or her brothers or sisters or other children living at that address. Each child's case will be treated individually and separate applications for assistance will be required for each child. If the Education Travel policy has changed since older sibling received assistance, the younger sibling will be subject to the new travel policy.

## **8. Hired Transport**

8.1 Hired transport, such as a taxi or minibus, will only be provided in exceptional cases or where there is no suitable alternative in the opinion of the Local Authority.

8.2 Transport will usually be shared with a number of other children, unless there is clear evidence that the child must travel alone. Alternatively there may be a school coach or bus service which can be used.

8.3 The first priority will be to arrange travel assistance from a suitable pick up point rather than the home address. Parents are responsible for their child's safety in getting to and from the pick up point.

## **9. Spare Seat Applications**

9.1 The Local Authority will accept applications for non-eligible children for 'spare seats' on contracted provision. A spare seat will be withdrawn (allowing 2 weeks notice) when the seat is required for an entitled child, or if the service is withdrawn or the seating capacity of the vehicle is reduced.

## **10. Behaviour Code**

10.1 The Local Authority publishes an Education Travel Behaviour Code. This code sets out the expectations on children travelling to or from their place of learning and the procedure that will be implemented where there is a failure to comply. Poor behaviour can result in the withdrawal of free travel, either for a fixed period or permanently. This code is provided at the time that travel arrangements are confirmed and parents of learners receiving travel assistance from the Local Authority must ensure that their child is made aware of these requirements.

## **11. Direct Payments**

11.1 Where an entitlement to travel assistance exists a direct payment may be offered to parents if this is the most cost effective solution compared to negotiating a suitable transport contract or using an available public service route. This payment will be based on a mileage allowance. Payment is made on a family basis since the cost will be the same for two or more children, with changes to this cost if children are at different schools. This is not available to parents who prefer to make their own arrangements to transport their child to their designated school if public transport or a hired vehicle is available, unless this is a more cost effective method of travel.

11.2 Entitlement will be reviewed annually to allow other travel strategies to be employed, should they become more cost effective to the Local Authority.

11.3 Full details are contained within the **Education Travel Payments Policy**.

## **12.Children Excluded from School**

12.1 Schools and Academies are responsible for arranging provision from the 6<sup>th</sup> day of a temporary exclusion and communicating these arrangements with parents, in line with DFE guidance<sup>8</sup>. Where a pupil who is eligible for local authority travel assistance is temporarily excluded from school, for a period of more than five days, travel assistance will continue to be provided.

12.2 Children admitted to another establishment following a permanent exclusion will not receive travel assistance other than when qualifying under normal criteria. The Local Authority will, however, work with parents to identify suitable travel arrangements and where travel is arranged on behalf of the family, parents will be required to meet the full cost of travel.

## **13.In Year Changes**

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<sup>8</sup> Exclusion from maintained schools, academies and pupil referral units in England  
Statutory guidance for those with legal responsibilities in relation to exclusion  
September 2017

13.1 A change in circumstances in year can result in a change in eligibility.

Examples include, but are not limited to:

- A change in the child's place of residence;
- A change of school;
- A change in financial circumstances that means parents no longer qualify under low income criterion;
- A change in the length of the walking route (e.g. as a result of a new shorter route being created or a nearer pedestrian entrance to a school being opened);
- Re-classification of a unavailable route (e.g. as a result of a pedestrian crossing being installed or a road improvement which significantly lowers traffic volumes);
- An error in the calculation of distances;
- Change to the statutory walking distance from two to three miles when a child reaches the age of eight (eligibility will automatically be reviewed at the end of year three).

13.2 Where the change in circumstances removes eligibility the removal of that assistance will normally be subject to a 12 weeks notice period. The exceptions to this notice period allowing that assistance to be withdrawn with immediate effect include:

- Change of school;
- Where the normal place of residence has changed
- Where incorrect, misleading or potentially fraudulent information has been used to determine eligibility.
- Where, for any reason, travel assistance has been approved/provided in error, the Local Authority reserves the right to withdraw that provision.

**13.3 Parents must immediately notify the Local Authority of any change in personal circumstances that may change their child's eligibility.**

## **14. Appeals against Refusal of Travel Assistance**

14.1 There is a right of appeal if the Local Authority refuses travel assistance. Cheshire East Council has adopted the process recommended by Government which includes a two stage process for any complaints relating to:

- The travel arrangements offered
- A child's eligibility
- The measurement of statutory walking distances
- The safety of the route.

14.2 Full details are set out in the Local Authority's **Education Travel Appeals and Complaints Policy**.

## **15. Applying for Travel Assistance**

15.1 Applications for travel assistance can be made online at [www.cheshireeast.gov.uk/schooltransport](http://www.cheshireeast.gov.uk/schooltransport)

## **16. Implementation Timing**

16.1 All aspects of this policy will be implemented from 1 September 2018 for all new applicants for travel support. For those pupils already in receipt of some form of support on this date this will continue, normally until the next point of transition in their school career. Ultimately any existing arrangements will be reviewed through the annual review of the Education and Health Care Plan (EHCP) or when circumstances change.

## **Annex A**

# **Special Educational Needs and Disabilities**



## Annex summary

This annex provides additional details in respect of the Local Authority's policy on education travel assistance for Cheshire East resident children of compulsory school age<sup>9</sup> and children receiving education below compulsory school age as rising fives<sup>10</sup>, with special educational needs<sup>11</sup> and/or disability<sup>12</sup> (SEND) or mobility problems.

The **Post 16 Travel Policy Statement** provides travel information for young people over compulsory school age, including the travel assistance available for post 16 learners with an Education Health and Care Plan (EHCP) setting out their special educational needs and/or disability (SEND) and low income families.

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<sup>9</sup> Compulsory school age begins at the beginning of the term following a child's 5th birthday and ceases on the last Friday in June in the school year when the child reaches the age of 16.

<sup>10</sup> Children may start school in the reception class in the September following their 4th birthday and will therefore be considered eligible children for the purpose of this policy.

<sup>11</sup> The SEN Code of Practice 2001, paragraphs 8:87—8:90 sets out the considerations for transport for a child with a Statement of SEN. The SEN and Disability Code of Practice 2015 sets out the considerations for a child with an EHCP.

<sup>12</sup> As per Schedule 35 of The Act, disability is as defined in S.6 of EA 2010: a person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial a long-term effect on the ability to carry out normal day-to-day activities. Therefore a chronic health condition may lead to eligibility under this definition.

## A1. Eligible Children

A1.1 Most children with SEND with an Education, Health and Care Plan (EHCP)<sup>13</sup> do not require special travel arrangements. Through the EHCP process, consideration will be given in the first instance to a child's ability to walk to school, to travel on a public bus or rail service or a contract bus service or to be taken to school by their parents. Therefore, in assessing the necessary travel arrangements and regardless of any special educational need, disability (SEND) or mobility problems, the Local Authority will first consider the eligibility of children who are attending a qualifying school<sup>14</sup> against the criteria set out in the **Education Travel Policy**, as summarised below:

- walking distance (to the designated<sup>15</sup> school);
- unavailable routes;
- families on low incomes when the walking distance is over 2 miles (secondary pupils only);

A1.2 As required by legislation, local authorities must also make suitable travel arrangements for children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety concerns related to their special educational needs or disability (SEND). Where a child with SEND does not qualify for travel assistance under general criteria, as summarised above and set out in section 3 of the Local Authority's Education Travel Policy, travel assistance will be provided subject to the criterion outlined below:  
**The child cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety concerns related to their SEN or disability .**

**A1.3 Travel assistance is only provided to the child's nearest suitable qualifying school. This is based on the nearest qualifying school to the child's home that can meet the child's SEND. If by parental choice a more distant school is attended, any travel arrangements shall remain the responsibility of the parent.**

<sup>13</sup> An education, health and care (EHC) plan is for children and young people aged up to 25 who need more support than is available through special educational needs support. EHC plans identify educational, health and social needs and set out the additional support to meet those needs.

<sup>14</sup> See section 6.

<sup>15</sup> Nearest suitable school agreed through the SEND process.

A1.4 Where the higher rate mobility component of Disability Living Allowance is received for the child, and is taken in the form of a vehicle, it would be expected that the vehicle be used to transport the young person to their place of learning.

## **A2. Application Process**

A2.1 Parents will need to apply for travel assistance by completing the online form found on the Council's website at [www.cheshireeast.gov.uk/schooltransport](http://www.cheshireeast.gov.uk/schooltransport)

A2.2 Travel assistance is not automatically given just because a child has an Education, Health and Care Plan. Many children with SEND and mobility problems are able to travel to school without support from the Local Authority. However, some children with specific needs will require more support, often for an agreed period of time.

A2.3 If the distance to school is below the statutory distance, the Local Authority will need to see medical evidence from a consultant or community paediatrician of the child's mobility difficulties and confirming that the child cannot walk to school (accompanied as necessary).

A2.4 Eligibility is assessed by the Local Authority on an individual basis to identify particular travel requirements and evidence will be sought from relevant health professionals and from parents.

A2.5 Where relevant, a risk assessment will be carried out before the student begins travelling to make sure that the assistance provided meets their needs and safeguarding duties.

## **A3. Completing a Course of Study**

A3.1 Some learners with an Education, Health and Care Plan will take longer to complete their course of study due to their special needs. Where the Local Authority has agreed travel assistance on the basis of the criteria set out in this policy for a child

of compulsory school age, if the learner continues to attend the same educational establishment and their travel needs remain unchanged, as agreed in the EHCP, exceptionally, travel assistance will continue. This will be subject to the outcome of the annual review. Any travel assistance agreed on this basis will be provided in accordance with the arrangements set out in the Post 16 Transport Policy Statement.

#### **A4. Residential Schools**

A4.1 Where a child attends a residential school and is entitled to travel assistance, this is provided at the start and end of each half-term or, at the start and end of each week depending on the boarding arrangements. Transport will **not** be provided at other times or for parental visits for meetings.

#### **A5. Personal Travel Budget**

A5.1 A Personal Travel Budget (PTB) is for children of compulsory school age with special educational needs and/or disability (SEND) who are unable to access public or hired transport because of their needs.

A5.2 It is provided at the discretion of the Local Authority to ensure the most cost effective solution whilst ensuring families have the opportunity for increased choice and control including supporting older children to become independent travellers. The amount received is based on the distance from the child's home to school or college.

A5.3 Full details are set out in the **Education Travel Payment policy**.

#### **A6. Independent Travel Training (ITT)**

A6.1 At secondary school (or college), independent travel training (ITT) can enable the learner to use public transport or travel independently as part of their transition into adulthood. ITT can help support independence by developing personal, social and life skills by looking at the learner's needs and capabilities.

A6.2 The Local Authority will consider the capability of a learner to travel independently. If they are assessed as suitable, the Local Authority may offer learners travel training to become independent travellers.

A6.3 The training will be given by qualified staff following an approved programme in partnership with schools and colleges and include communication with parents. Successful completion of training may result in the removal of free transport.

## **A7. Suitable Travel Assistance**

A7.1 Suitable travel assistance will be that which enables an eligible child to reach school safely and reasonably stress free and to arrive at school ready for a day of study. A child will not therefore be expected to make several changes on public transport. Best practice suggests that a child of primary school age should not travel for longer than 45 minutes and a child of secondary school age should not travel for more than 75 minutes. The Local Authority will normally expect a child to walk up to 1 mile to access travel arrangements. The first priority will be to arrange travel assistance from a suitable pick up point rather than the home address. The responsibility for a child's safety in getting to and from the pick up point is the parent's.

A7.2 For eligible children, the Local Authority will provide travel assistance for the start and end of the school day only. Travel assistance during the day between schools or to other specialist provision is considered to be the schools' responsibility. If a child requires travel to or from school other than at the usual school start or finish times this will be the responsibility of the parent.

A7.3 The type of travel assistance offered is at the Local Authority's discretion and will be the most cost effective option. The Local Authority is under an obligation to minimise public expenditure and therefore will look at the lowest cost option.

**A7.4 Only where there is no reasonable alternative available in the opinion of the Local Authority will travel by minibus/taxi be provided.**

A7.5 Travel assistance will be reviewed regularly to make sure that the arrangements made continue to be appropriate for the child's needs and are the most cost effective solution.

A7.6 Assistance given for one child in a family will not create a precedent for any of his or her brothers or sisters or other children living at that address. Each child's case will be treated individually and separate applications for assistance will be required for each child. If the Compulsory School Age Education Travel policy has changed since older sibling received assistance, the younger sibling will be subject to the new travel policy.

## **A8. Passenger Assistants**

A8.1 Passenger assistants are only provided on hired transport where the child has:

- a severe physical condition;
- a medical condition requiring immediate treatment; or
- severe behavioural difficulties meaning the health and safety of the child, driver or anyone else travelling in the vehicle would be at risk.

A8.2 The use of a passenger assistant will be reviewed regularly since the need may change.

A8.3 The passenger assistant's duty is to supervise students in a vehicle and to help with boarding and leaving the vehicle where the pupil has physical, sensory or medical difficulties. However, they are not able to collect pupils from home or take them into school if that would mean leaving other vulnerable children unattended.

## **A9. Reviewing Travel Assistance**

A9.1 Travel assistance will be reviewed as part of the EHCP review. Parents will be informed of all decisions in writing.

A9.2 For children with an Education, Health and Care Plan, eligibility may end following the conclusion of the annual review process. If this is the case, travel assistance will be withdrawn following a 12 weeks notice period, or at the end of the summer term, whichever is sooner.

## **Annex B**

# **Available Walking Routes**



## **Annex B – Available Walking Routes to School Policy**

This annex provides details in respect of the Local Authority's policy on the assessment of walked routes to school for all Cheshire East resident children of compulsory school age and children receiving education below compulsory school age as rising fives.

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### **B1. Introduction**

This document outlines the method for carrying out the assessment of walked routes to school, which determines whether a route is assessed as available for an accompanied child to walk to and from school.

The route assessments are based on the latest version of the 'Assessment of Walked Routes to School' guidelines developed by Road Safety GB and takes into account the guidance issued by the Department for Education in their 'Home to School Travel and Transport Guidance'.

These assessments do not determine whether a route is 'safe' or 'dangerous', as all roads can present some element of road safety risk. Instead, the assessment determines whether a child should be eligible for travel assistance from the Local Authority because a particular walking route presents exceptional road safety hazards.

The method for measuring distances of the shortest walking route to school is outlined in the 'Compulsory School Age Education Travel Policy'.

The assessment of routes are carried out using a rigorous and robust assessment process as detailed in B3 and B4 of this document and are authorised by a qualified road safety practitioner and senior highways officer.

It should also be noted that a walking route is assessed to see if it is walkable, not whether it should be walked. A parent is responsible for deciding how their child travels to school whether it is on foot, cycle, bus or car.

## **B2. General Points**

Walking routes to school are assessed as unavailable where either walking alongside the road, or crossing the road, is considered to be exceptionally hazardous. Details of the assessment are outlined in B4 of this document.

Parents are responsible in law for ensuring their children receive an appropriate education which in most cases includes regular attendance at school. Case law has also been established that it is the parent's responsibility to accompany a child, regardless of the age of that child, on their journey to and from school. The Local Authority also expects parents to make suitable alternative arrangements if they are unable to personally accompany their child.

Parents are responsible for ensuring their children have suitable clothing and footwear, reflective clothing or other visibility aids such as torches.

It is expected that traffic along assessed routes will abide by all road traffic regulations, including remaining within posted speed limits, obey one-way traffic restrictions, not park in a manner which creates an obstruction to the highway etc. The Local Authority is entitled to expect that the police will undertake enforcement action where necessary.

The Local Authority assumes that a child is accompanied as necessary on their walking route to and from school. Therefore routes are not classified as unavailable solely due to any or all of the following factors:

- Lonely routes
- Personal safety concerns
- Routes that pass close to canals, rivers, ditches, lakes, pond etc.
- Routes that require railway crossings if a suitable, authorised crossing is present.

### **B3. Process for assessing a walked route to school**

1. A request to assess a route for availability is made to the Local Authority by either a parent or school.
2. The request is passed to an Assessing Officer, who will undertake an initial desktop evaluation of the walking route from the home address to the school. Should an available walking route be identified that is shorter than the statutory walking distance, based on the age of the child, then no further assessment is undertaken. Should one or more routes be identified, but there is doubt over the availability of those routes, then an initial assessment of the potential route is carried out.
3. Evidence already available to the Assessing Officer will be taken into account in the full assessment. Other aspects of assessment may (but will not always) include a site visit, information on traffic volumes (where required and where available) and collision data history.
4. The Assessing Officer will complete a written report, using a standard format and detail their findings whether they consider the route to be available or unavailable.
5. The route assessment will then be checked and reviewed by a qualified Road Safety Officer and Senior Highways Officer.

6. Any faults with the highway, such as overgrown vegetation or trip hazards, will be reported to the Council's Highway Service.
7. The findings of the process above will be communicated with the applicant and they will be informed of the outcome of the route assessment.
8. Parents may wish to appeal the assessment, if there are exceptional personal circumstances that they wish to be taken into consideration. However, they may not appeal the road safety decision.
9. If a route is assessed to be unavailable, then travel assistance will be arranged as soon as reasonably practicable. If a route is assessed to be available, but travel assistance had already been provided, then the Local Authority will give notice to withdraw that transport.

#### **B4. The assessment of a walked route to school**

The assessment of walked routes to school is based on the 'Home to School Travel and Transport Guidance' produced by the Department for Education (revised in 2014) and the Assessment of Walked Routes to School guidelines produced by Road Safety GB (revised in 2017), which provides guidance on the interpretation of both case law and what is generally accepted by many Local Authorities as good practice in assessing various elements of the walking route between home and school.

##### **General**

- This guidance is a general summary of the factors taken into account in the assessment of available walking routes.
- Assessments usually take place in the morning during the times that pupils will be travelling to school, but assessments may also be undertaken when returning home from school.
- The start and end points of the assessment and the details of the route taken will be provided along with a map of the route assessed. The route assessment may be split into sections if the nature of the route varies, i.e. from rural to urban and town centre.
- The time and day the assessment is undertaken will be stated.
- The weather and light conditions will be noted.
- Consideration will be given to the nature of the route at different times of the year – for example, problems with flooding or surface conditions.

- On its own the absence of street lighting does not make a route unsafe.
- A route that crosses or follows a public right of way will generally be considered as an available walking route, as long as there is a good walking surface.
- Photographs will be taken to exemplify areas likely to be of concern.

### **Section Characteristics**

- The assessment will record any known collision data (using STATS19 data) for each section.
- The assessment will define the length of each route section (this information is not to be used in measuring a child's home to school distance).
- The assessment will name the roads on the route and any relevant characteristics, including whether the route is urban or rural, single carriageway, speed limit and whether there is any street lighting.
- The assessment will record if there is a footway and if so, it's general availability, condition and suitability. The assessment will show if it is of sufficient width and quality.
- The assessment will define road widths and any variations where there is no footway (noting locations where the footway narrows and pinch points).
- If there is no footway the volume and speed of traffic will be taken into consideration, as well as forward visibility and sighting times.
- Step-offs (this is where a pedestrian may be able to step-off the road onto a grass verge or similar) will be noted.
- Where there is overgrown vegetation that may compromise the availability of a footway, this will be reported to the Council's Highway Service.
- The assessment will consider whether there are any alternative walking routes.

### **Crossing Assessment**

The assessment will:

- Consider whether there is a need to cross a main road or significant side road or entrance on the section of route being assessed.

- Make reference to the fact that there are side roads and entrances and specifically note any that are likely to have significant traffic movements and which need to be crossed.
- Note whether there are any formal crossing facilities in place such as a traffic refuge or signal controlled crossing.
- Outline the most appropriate location to cross the road if there are no formal crossing points.
- Consider whether there is a safe opportunity to cross the road.

### **Walking at the side of the road assessment**

The assessment will:

- Consider whether there is a footway on the section and if there is an available walking route on both sides of the road.
- Consider which side of the road the footway is situated on whether it has a reasonable even surface and is of sufficient width.
- Consider whether availability is likely to remain the same throughout the year and in all conditions.
- Consider the characteristics (length, width and 'condition') of the verge or footway.

### **Traffic Counts and Gap<sup>16</sup> Counts**

- Where there is a need to walk in the road – either because of the lack of pavement, or crossing the road is required – then a traffic or gap count may be undertaken. Traffic counts and gap counts will be carried out if the sighting lines are poor and / or there is a medium to heavy traffic flow.
- Traffic counts will be carried out for a 1 hour period during the time the pupil is expected to walk to and from school.

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<sup>16</sup> A gap count records the number of opportunities to cross in each 5 minute period. Four gaps in each 5 minute period indicate a road that can be crossed without too much delay. Longer gaps are classified as multiple gaps rather than just one gap

The table below illustrates some of the factors considered; however, professional judgement will be exercised to take account of any local circumstances and the merits of any individual case, as required.

<b>Factor Assessed</b>	<b>What is Assessed</b>	<b>Assumptions</b>
The age of the child	<p>The age of the children using the walking route will be assessed.</p> <p>The age of the child is assessed to distinguish between the 2 maximum walking distances from home to school i.e. 2 or 3 miles.</p>	The existence of public transport (bus or rail) or fare paying places on contracted home to school transport is not taken into account when assessing a walking route.
Whether any potential risks might be mitigated if the child were accompanied by an adult	<p>The route is assessed on the basis that a responsible adult will accompany the child as necessary.</p> <p>There may be circumstances where this may not be possible i.e. because of disability. Such circumstances would be considered by means of an appeal.</p>	<p>Existing case law about adults accompanying children remains unchanged.</p> <p>It is recognised that parents may decide that accompaniment is not required as the child matures; however the legal precedent suggests that parents accompany as necessary until the child reaches normal school leaving age.</p>
The existence or otherwise of street lighting	Where crossing roads, or where there is no available footpath, the existence or otherwise of street lighting will be considered (where visibility of pedestrians at the side of the road could be compromised).	The existence or otherwise of street lighting is taken into account where this will assist drivers in seeing pedestrians walking in the road or at identified crossing points where no signal controlled or Zebra crossings exist. If a continuous suitable footway exists then street lighting is desirable but may not be required for a route to be assessed as available.
The condition of the route at different times of the year, at the times of day that a child would be expected to travel to and from school	<p>Site visits will cover the whole route but focus on parts of the route with potential hazards, and will take place at the time in the morning (or afternoon) when children would be travelling to school.</p> <p>Assessments when undertaken will consider seasonal variations in conditions along a route.</p> <p>Assessments may identify improvements to routes which if</p>	<p>The route will be kept well maintained by landowners and / or the Highway Authority. Where problems are identified, such as overgrown foliage and damage to footways on private land we will ask landowners to repair this, or the Council will repair this and recharge landowners as appropriate.</p> <p>Assessments will consider the condition of the route at different times of the year and in particular the effects of vegetation growth.</p>

	undertaken would make the route available, even if the route is deemed to be not available in the interim	
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## **B5. Withdrawal of Transport / Offers of Transport**

The Local Authority will from time to time, reassess routes that have been classified as unavailable to determine whether the criteria for the route has changed. Walking routes to school, that have previously been assessed as unavailable, may become available due to improvements to the highway or public rights of way. If the criteria for a route changes from unavailable to available, then transport assistance may be withdrawn.

Where a route was previously unavailable and becomes available, reasonable notice of the transport provision to be withdrawn will be issued in writing to the parent. This period will be a minimum of a school term, or 12 weeks where shorter.

Where a parent disputes the assessment of an available route, or a request is made for an assessment where no previous assessment has been undertaken, there is a process of review outlined in B4 in this document.

Where a pupil or student has been assessed as eligible for assisted or free transport in error, reasonable notice of the provision to be withdrawn will be issued in writing to the parent.

Where information has been provided that – in the opinion of the council – is both false, and has been deliberately or negligently provided, the council reserves the right to cease transport provision with immediate effect

Where temporary factors are considered to be the reason for a route being assessed as unavailable (e.g. through significant planned roadworks temporarily rendering part of the route unavailable, ground conditions during winter months etc.) the Local Authority may exceptionally consider provision of transport for the period(s) of unavailability. In these instances, notice periods for withdrawal may be shortened from the 12 weeks previously outlined in this document.

## **B6. Appeals Process**



Parents may not request an appeal or review on the grounds that they disagree with the road safety assessment undertaken by a qualified road safety officer. However, they may appeal if parents consider there are exceptional personal circumstances that need to be taken into consideration by the Local Authority.

There is a right to appeal if the Local Authority refuses travel assistance. Cheshire East Council has adopted the process recommended by Government which includes a two stage process for any complaints relating to:

- The travel arrangements offered
- A child's eligibility
- The measurement of statutory walking distances
- The safety of the route

Full details are set out in the Local Authority's **Education Travel Appeals and Complaints Policy**.

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# Post 16 Education Travel Policy Statement

**Cheshire East Council**

1 September 2020



**Document summary**

This document provides travel information for young people of sixth form age<sup>1</sup> and adults aged 19 and over (including those with an Education, Health and Care (EHC) plan) in education and training<sup>2</sup>.

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Other related education travel policies:

- Compulsory School Age Education Travel Policy
- Education Travel Payments Policy
- Education Travel Behaviour Code
- Education Travel Appeals and Complaints Policy
- Sustainable Modes of Travel Strategy

<sup>1</sup> Section 508H and Section 509AB(5).

<sup>2</sup> Section 509AC(1) of the Education Act 1996 defines persons of sixth form age for the purposes of the sixth form transport duty.

## 1. Summary of Policy Statement and Objective

1.1 This policy statement provides information for Cheshire East students and their parents<sup>3</sup> about the travel assistance available to them when continuing in education or training beyond compulsory school age<sup>4</sup>. It relates to Post 16 learners who are

- aged 16-18 years of age including those with special educational needs and disabilities
- aged 19 years of age including those with special educational needs and disabilities who started a course before their 19<sup>th</sup> birthday and who continue to attend that course
- Adults under 25 years of age, including those with special educational needs and disabilities, with or without an Education and Health Care Plan (EHCP) who wish to attend an educational course.

1.2 The policy statement applies to the academic year 2020-21.

1.3 The provision of free or subsidised travel assistance for all Post 16 learners is not a statutory duty and in Cheshire East, will not normally be provided for mainstream students or students who were not eligible for free home to school travel when they were of compulsory school age (5-16 years) unless aged over 19 and Cheshire East considers it is necessary having regard to all the relevant circumstances.

1.4 The policy statement however provides information for certain students on the process of applying for transport assistance from the Local Authority. The level of financial contribution required from parents of learners aged 16-19 will be comparable to the cost incurred by other parents who purchase a spare seat on transport arranged for home to school travel. The level of financial contribution will be published on the Local Authority's website.

1.5 The policy statement also provides all Cheshire East post 16 students and their parents with information about where to access the most up to date transport and

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<sup>3</sup> Includes natural parent, person with parental responsibility and a carer, as defined in Section 576 of the Education Act 1996. Further Information is published on the <https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility#whoisaparent>

<sup>4</sup> Compulsory school age begins at the start of the term following a child's fifth birthday and ends on the last Friday in June of the school year in which they are 16. (S8, Education Act 1996)

travel information, as provided by the Local Authority, schools, and colleges of further education, transport providers and other relevant sources.

1.6 Information on arrangements available to support learners undertaking apprenticeships and traineeships is published online at [www.apprenticeships.org.uk](http://www.apprenticeships.org.uk)

## **2. Post 16 Transport Duty**

2.1 The guidance issued by the Department for Education<sup>5</sup> explains that local authorities have a duty to prepare and publish an annual transport policy statement specifying the arrangements they have agreed<sup>6</sup>. The duty relates to the arrangements for young people over compulsory school age and those continuing students who started their programme of learning before their 19<sup>th</sup> birthday.

2.2 The overall intention of the 16-18 transport duty is to ensure that:

- learners of sixth form age are able to access the education and training of their choice
- if support for access is required, this will be assessed and provided where necessary.

2.3 The policy statement takes the following into account:

- young people are now required to stay in education or training until their 18th birthday. Local authorities are responsible for promoting the effective participation in education and training of young people who are subject to the duty to participate;
- under the September Guarantee, every young person aged 16 or 17 should be offered a suitable place in education or training - further details are available at [www.gov.uk/government/publications/september-guarantee-offers-of-education-or-training-for-16-to-17-year-olds](http://www.gov.uk/government/publications/september-guarantee-offers-of-education-or-training-for-16-to-17-year-olds)

2.4 Local authorities have a statutory duty to provide free transport for children of compulsory school age, subject to eligibility. However, travel assistance for Post 16 students is discretionary. Local authorities have a duty to consider what assisted

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<sup>5</sup> Post-16 transport to education and training, October 2017

<sup>6</sup> Section 509AA of the Education Act 1996



travel and support is necessary in their administrative area to facilitate a young person's participation in education and training.

### **3. Details of Travel Assistance and Eligibility**

#### **3.1 General Information**

3.1.1 The policy statement provides information for certain students on the process of accessing a financial contribution from the Local Authority towards travel needs.

3.1.2 When a young person starts post-16 education, local authorities no longer have to provide free travel support to their educational placement – any such provision is discretionary and will not normally be provided for mainstream students or students who were not eligible for free home to school travel when they were of compulsory school age (5-16 years).

3.1.3 As part of a young person's transition to adulthood, Cheshire East Council encourages as many young people with Special Educational Needs and/or Disability (SEND) as possible to have started to travel independently by the time they reach college age. Independent Travel Training may be available during 2020/21 for those who may benefit, to support transition.

3.1.4 Cheshire East Council remains committed to providing support for young people with SEND who demonstrate exceptional circumstances regarding their journey to post 16 learning. Parents and their children are advised to consider the journey to their preferred placement when making decisions about post-16 education and training.

3.1.5 Cheshire East Council understands that there will be post 16 students with SEND who will not be able to travel independently to their place of learning and, in such cases, the Council will provide assistance either in the form of a direct payment or by arranging and subsidising the costs of transport.

3.1.6 Cheshire East Council may expect a young person to travel to access travel arrangements made by the Local Authority. The LA may arrange travel assistance

from a suitable pick up point rather than the home address. The responsibility for a young person's safety in getting to and from the pick-up point is the parents.

#### 3.1.7 Low income

Local authorities are expected to target any support on those young people, and their families, who need it most, particularly those with a low income. Learners, and their families may apply for assistance. Examples of which are provided in Section 6.

#### 3.1.8 Cared For Children

For Cared for Children, where Cheshire East Council is the Corporate Parent, an exception will be applied if the Headteacher of the Virtual School agrees that it is in the best interest of the child/young person to continue to attend the same school. In such cases, the school attended will continue to be deemed the nearest suitable school for the purposes of this policy. If the child is cared for by another local authority, the cost of travel will be that local authority's responsibility

### 3.2 Eligibility for Travel Assistance

3.2.1 Cheshire East Council understands that there will be post 16 students with SEND who will not be able to travel independently to their place of learning and, in such cases, will consider assistance. This includes:

3.2.1.1 Students who, aged 16-18 with an EHCP, may be entitled to subsidised travel assistance from the local authority are those:

- that cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety concerns related to their SEN or disability
- and where no other suitable transport arrangement is already in place.

3.2.1.2 Students who, aged 19 with an EHCP, maybe entitled to subsidised travel assistance from the local authority are those:

- that cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety concerns related to their SEN or disability



- and where no other suitable transport arrangement is already in place
- and who started a course before their 19<sup>th</sup> birthday and who continue to attend that course.

3.2.1.3 Adult learners who, are aged between 19 and 25 years of age, maybe entitled to travel assistance from the local authority are those:

- where the local authority considers it necessary to make travel arrangements to enable them to attend maintained or further education colleges; or
- the young person has an EHCP and is attending an institution outside the further or higher education sector and the local authority has secured the provision of that education or training and the provision of boarding accommodation in connection with that education or training.
- Where the local authority considers it necessary to make those arrangements, any transport provided will be free of charge. For all other successful applications, a financial contribution will be offered.

3.2.2 In addition, the education or learning establishment must be:

- the nearest suitable publicly funded school sixth form<sup>7</sup> offering the same course or similar; or
- the nearest suitable publicly funded college of further education offering the same course or similar; or
- an establishment where the young person is receiving education outside the further and higher education sector and the course/programme of study has been secured by the Local Authority and includes boarding accommodation.

3.2.3 If an eligible student or their parents choose/secure a place at an education or training establishment that does not fall within these arrangements, transport assistance may not be agreed.

3.2.4 For an application to be accepted, the student must be enrolled onto a full-time course/programme of study, scheduled to provide at least 540 directed learning hours over 30 or more weeks). In exceptional circumstances, for example where a break in

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<sup>7</sup> A local authority maintained school or an academy (including a free school, studio school or University Technical College).

learning is required for medical needs, an application will be accepted for a shorter attendance period. Details must be included in the application.

3.2.5 Travel assistance is not normally provided for part time courses, higher education, or privately funded education.

3.2.6 The student's permanent home address must be in the Cheshire East administrative boundary. The student's place of residence will be the address of the parent with whom the student is permanently resident. Supporting information may be requested to verify the place of residence. To ensure a fair process, administrative checks may be undertaken, which may include verifying addresses against Council Tax records. Where a student lives between two addresses, the permanent home address will be taken to be where the student wakes up for the majority of the week (Monday to Friday) and it is this address that will be used for transport purposes. If it is not possible to determine which is the permanent address by this test then residence will be determined based on where the student is registered for purposes of child benefit (if applicable) or where the student is registered for GP purposes.

3.2.7 All students who are assessed as eligible for travel assistance will be offered, in the first instance, a financial contribution from the Local Authority, which will be reviewed annually. More information is available in the **Education Travel Direct Payments Policy**, section 3 relating to Personal Travel Budgets.

### 3.3 Applying for Travel Assistance

3.3.1 Applications for travel assistance must be made bi-annually (every two years) using the forms available on the Cheshire East Council's website at [http://www.cheshireeast.gov.uk/public\\_transport/school\\_transport/school\\_transport.aspx#TransportforPost16Students](http://www.cheshireeast.gov.uk/public_transport/school_transport/school_transport.aspx#TransportforPost16Students) or by request to 0300 123 5012.

3.3.2 Year 11 students moving into a post-16 placement must complete an application form to request continuing support in Year 12 and 13, even if they are remaining in the same educational establishment. Students continuing on a post-16

course already in receipt of travel assistance will be required to submit a fresh application every other year.

3.3.3 Where circumstances change mid-year, a fresh application will be required.

3.3.4 All applications for travel assistance must be supported by appropriate evidence. Eligibility will be assessed by Cheshire East Council on an individual basis to identify particular travel requirements and based on the evidence provided.

3.3.5 Each case will be considered by the Council's Travel Assistance Application Panel. When reviewing applications, the panel will consider:

- The student's ability to use public transport, either accompanied or unaccompanied by a responsible adult;
- The family's access to a suitable vehicle;
- The length or complexity of the journey. Best practice suggests that a young person of 6<sup>th</sup> form age may reasonably be expected to travel up to 75 minutes each way to access learning. If parents or other family members are unable to take the student to their education/learning establishment, this must be fully explained in the application;
- The student's need for a passenger assistant;
- Financial circumstances of the family;
- Other circumstances relevant to each case.

3.3.6 In all cases, specific and up to date evidence from relevant health and/or educational appropriate professionals supporting the student will be required. Other supporting evidence may be requested to assist the panel in its decision making.

3.3.7 Where the Local Authority deems it to be appropriate, students who have not accessed public transport previously may be offered Independent Travel Training (ITT). The Local Authority will take into account the learner's individual needs in making its assessment. If a student is identified as ready to undertake ITT, refusal to participate may affect any future applications for travel assistance.

3.3.8 Information about receipt of a Personal Independence Payment (PIP) must also be provided for consideration by the panel.

3.3.9 Where travel assistance is agreed, the Local Authority may offer a financial contribution towards the cost of suitable travel to the nearest suitable establishment. The payment will be based on a mileage rate which will be reviewed annually and published on the Council's website. The total payment will be based on 2 return journey per day of attendance with a maximum 190 days for an academic year. Payments will be made as per the **Education Travel Payments policy. Payments to Foster Carers will not usually be made as it is expected that transport arrangements will be as per Foster Care agreements and expenses reimbursed through Fostering allowances if appropriate.**

#### 3.4. Summary of Payments

- Payments will be paid by bank transfer over an 11-month period from October to August inclusive and within the first 2 weeks of each month.
- Payments will not be back dated.
- Parents will be asked to sign a direct payment contract, which confirms parents and Local Authority responsibilities. This is to ensure that a student's attendance is not negatively affected by their travel to and from their place of learning. Full details are set out in the Local Authority's Education Travel Payments Policy.
- For Post 16 students that have not already completed Independent Travel Training (ITT), an assessment of the suitability to receive ITT will be undertaken at the time eligibility for travel assistance is agreed. Where ITT is considered appropriate, temporary travel assistance will be agreed in the first instance with a review date being set to reassess eligibility for travel assistance on completion of the training.

3.4.1 Where the offer of a payment under the Education Travel Payment policy is declined by the parent, the Local Authority will arrange suitable travel to the nearest suitable establishment, subject to a financial contribution being paid by parents. The financial contribution will be published on the Local Authority's website, for learners eligible for travel assistance from 1 September 2020. Flexible payment terms are

available. Failure to make the financial contribution or maintain the flexible payment terms may result in travel assistance being withdrawn. Cheshire East Foster Carers of eligible Post 16 learners will be exempt from making this financial contribution.

3.4.2 Learners who commenced their Post 16 studies during the 2017/18 academic year and who were in receipt of fully funded travel assistance and were resident in Cheshire East during this the 2017/18 academic year will continue to receive fully funded travel assistance for the duration of their course.

3.4.3 Where a student with SEND is recognised as being particularly sensitive to change, the anticipated impact of any proposed change will be taken into consideration by the Local Authority. This will involve discussions with the education or training establishment and/or the parent.

#### **4. Reviewing eligibility for Assistance**

4.1 Applications for travel assistance **must** be made and submitted bi-annually even if circumstances are unchanged.

4.2 In every case, travel assistance will be reviewed following a house move, change in placement or course, or a change in the student's needs (condition, medication or equipment) or any other change in circumstances which may be relevant.

4.3 Parents are obliged to inform the council of any such changes. The Local Authority may undertake checks to ensure circumstances have not changed.

4.4 Where a financial contribution has been made for the full year by parents and circumstances change resulting in travel assistance no longer being required, a request for a pro-rata refund will be considered.

4.5 Incidents on school or college transport will be managed in accordance with the Local Authority's **Education Travel Behaviour Code**.

4.6 If a post 16 student or parent disagrees with the Local Authority's decision to refuse travel assistance, they are entitled to request a review of the decision, as set out in the **Education Travel Appeals and Complaints Policy**.

4.7 Parent/Carers may wish to purchase a 'spare seat', subject to availability. Details are available on the Council's website ([Paid for Seats scheme](#))

## **5. General Details of all concessionary fares, discounts, subsidies, passes or travel cards**

5.1 Cheshire East Council will, wherever possible, promote the use of concessions when agreeing to assisted travel. In addition, some sixth forms and further education (FE) colleges may operate or contract their own transport services where concessions apply. Appendix 1 is a list of post 16 education providers in the area who regularly admit Cheshire East students.

5.2 Travel with any discounted passes or concessions will be subject to the terms of carriage by the operator. Students should contact the operator directly to enquire about any day/time restrictions.

5.3 Details of routes may be available on the individual sixth form or FE college website or by contacting the establishment directly. Students may wish to make enquiries with their chosen sixth form or FE college about what support is available to them.

5.4 A Disabled Person's Bus Pass gives free travel after 9.30am and half priced travel before 9.30am. If entitled, the Local Authority expects students to use it if they are able and if there is a suitable bus service.

## **6. General information on local travel support:**

### **6.1 Travel Cheshire**

Travel Cheshire is a website that provides information about local journeys – from cycling to driving and walking to public transport and includes a travel planner for working out the best way to make a journey in and around Cheshire.

[www.travelcheshire.co.uk/](http://www.travelcheshire.co.uk/)

## **6.2 Public Transport**

Some commercial transport operators offer discounts for regular travellers on their services. Further details about fares and concessions on commercial services can be obtained by contacting the operator direct or visiting the Council's public transport website at [www.cheshireeast.gov.uk/travel](http://www.cheshireeast.gov.uk/travel) . This site is regularly updated and provides a wealth of information which will support students/families in seeking assistance to travel.

## **6.3 Traveline**

This is a partnership of transport companies, local authorities and passenger groups that have come together to bring routes and times for different travel requirements <https://www.traveline.info/about-traveline/traveline-services/> or by telephone on 0871 200 2233. Calls are charged at 12 pence per minute from landlines and cost more from mobile phones as mobile phone companies may add their own access charge.

## **6.4 Rail Services**

6.4.1 Young people aged 16 or 17, can enjoy 50% off standard anytime, off-peak, advance and season tickets with a 16-17 Saver, which is £30 and is valid for one year or until the young person's 18th birthday, whichever comes first. For more information see the 16-17 saver website at: [www.16-17saver.co.uk](http://www.16-17saver.co.uk).

6.4.2 The Student Railcard offers considerable discounts over standard fares, but other cheaper fares are also available. For the best offers students should check with operators what choices are available for their journey at the time they wish to travel.

6.4.3 Information on student railcards can be obtained via the Railcard website at: <http://www.16-25railcard.co.uk> Additional information on rail fares and services can be obtained by ringing: 0870 608 2608.

## 6.5 Concessionary Schemes

Where there is spare capacity on the Local Authority's school bus contracts, it may be possible for students to apply for a spare seat. The Council's charge for a spare seat in 2017/18 was £920 per annum however for the 2018/19 academic year, a trial price of £460 per student is being introduced to encourage learners to purchase a spare seat where they are available. The trial will continue for 2020/21. Spare seat applications can be made online at [www.cheshireeast.gov.uk/schooltransport](http://www.cheshireeast.gov.uk/schooltransport) or by calling the Council on 0300 123 5012. Spare seats can be paid for on a termly or annual basis.

## 6.6 Travel Card

The Cheshire Travelcard offers quicker and easier boarding times and discounts on some tickets. Information is available on the following website [www.cheshirewestandchester.gov.uk/residents/transport\\_and\\_roads/public\\_transport/bus\\_timetables\\_route\\_maps\\_and/travelcard.aspx](http://www.cheshirewestandchester.gov.uk/residents/transport_and_roads/public_transport/bus_timetables_route_maps_and/travelcard.aspx)

Contact details are [travelcard@cheshirewestandchester.gov.uk](mailto:travelcard@cheshirewestandchester.gov.uk) or by telephone on 01244 973353.

## 6.7 16-19 Bursary Fund

6.7.1 Young people in care, recent care leavers, those in receipt of Income Support or Universal Credit in their own name, or in receipt of both Employment and Support Allowance and either Disability Living Allowance or a Personal Independence Payment in their own name could qualify for a vulnerable student bursary and receive a payment of up to £1,200.

6.7.2 For all other students the school or college will determine who will be assisted and what level of assistance will be offered. Information on the Bursary Fund can be requested from the school or college. Students aged over 19 are not eligible for the bursary unless they have an Education and Health Care Plan (EHP).

6.7.3 For students who need financial help but do not qualify for a vulnerable student bursary (as above) they should contact the education or training provider for information about discretionary bursaries. [www.gov.uk/1619-bursary-fund/overview](http://www.gov.uk/1619-bursary-fund/overview)



## **6.8 Care to Learn**

Care to Learn helps young parents aged below the age of 19 by assisting with the cost of childcare, regardless of their income, and will also help pay for travel to and from childcare if the cost falls within the weekly maximum payment made. To apply visit [www.gov.uk/care-to-learn/how-to-claim](http://www.gov.uk/care-to-learn/how-to-claim) or contact Student Bursary Support Services on 0800 121 8989.

## **6.9 The Student Bursary Support Service**

The Student Bursary Support Service (SBSS) is an online service used to administer student support for the Care to Learn scheme and the 16 to 19 Bursary Fund for vulnerable students. The online system at [www.gov.uk/guidance/student-bursary-support-service](http://www.gov.uk/guidance/student-bursary-support-service) is for use by education institutions, childcare providers and for students. The system is easy to use, accessible and responsive. Alternatively, telephone 0800 121 8989 (NB students with queries about the 16 to 19 Bursary fund for vulnerable students should contact their education institution).

## **7. Support for students who reach 19 whilst continuing on a course**

7.1 It is the responsibility of sixth forms and FE colleges to decide how best to support their students who reach their 19th birthday whilst undertaking an education course and initial enquiries should be directed to individual providers.

7.2 For students aged 19 -25 with a Education and Health Care Plan (EHCP) attending sixth form, college or other training providers, the Local Authority will consider arrangements for the provision of assisted travel, as necessary, and in accordance with the policy for students with SEND, as set out in this statement .

7.3. How 19-25 students will be assessed for support

It will be a matter for individual sixth forms and FE colleges to determine level of support they make available, along with any associated eligibility criteria and to communicate this to students. Eligibility criteria may differ between establishments and will depend on the level of funds made available by each provider and how they believe they can best support students travel needs.

## **8. Mobility/independence training for students who face difficulty with transport**

8.1 Personal independence is a vital part of the transitional process. All students, particularly those aged between 16 and 20 years are encouraged to consider strategies to develop independence during their time at College. One way in which this is most effectively demonstrated is through independent travel to and from the College. Indeed many of the skills needed to achieve this goal are transferable and of utmost importance in everyday life.

8.2 Courses on Life Skills may be offered at Colleges in Cheshire and a limited amount of independent travel training can be included in the syllabus. Potential students should enquire at their local College to see what is offered.

8.3 Sustainable transport. Sustrans (<https://www.sustrans.org.uk/>) is the leading sustainable transport charity that provides practical advice for parents and young people to increase confidence in walking and cycling.

8.4 Students should contact the Post 16 provider to discuss options such as the provision and availability of peripatetic teachers, mobile provision and e-learning options.

## **9. When students should start to apply for transport support**

9.1 It would be advisable to contact the preferred sixth form or FE college as soon as possible to enquire about what transport support may be available. The individual sixth form or college will be able to advise students of how and when to make an application for transport support.

9.2 Students applying to the Local Authority on the grounds of SEND will need to make their applications to the Local Authority as described in section 3.4.

## **10. Help students can apply for if they need to travel to a course that is beyond the Local Authority's area**

As each sixth form or college is responsible for setting their own eligibility criteria, students should contact the establishment they wish to attend to enquire about what

support is available for students travelling from outside the area. For students with SEND, this will be assessed through the EHCP process.

**11. Help available for students who attend a further education institution which is beyond daily travelling distance and they need to stay away**

Where a student with disabilities and/or special educational needs is placed at an establishment providing further education which is beyond reasonable daily travelling distance, the Local Authority will consider applications for termly transport for the student depending upon levels of need. Any arrangements would then be regularly monitored.

**12. Appeals and Complaints**

12.1 In certain circumstances, parents and students may request a review or appeal against the decision of the local authority in relation to transport for post 16 students who are subject to a SEND assessment. Details of the process can be found in the

**Education Travel Appeals and Complaints Policy**

([http://www.cheshireeast.gov.uk/public\\_transport/school\\_transport/school\\_transport.aspx](http://www.cheshireeast.gov.uk/public_transport/school_transport/school_transport.aspx))

12.2 Any complaints in relation to the level of support available for mainstream post 16 students should be directed to the individual school or college.

## **Appendix 1**

### **Special Schools within Cheshire East**

#### **Adelaide School**

Adelaide Street, Crewe, CW1 3DT

For further information call 01270 685151 or visit

<http://www.adelaideschool.net/>

#### **Church Lawton School**

Cherry Tree Avenue, Church Lawton, Cheshire, ST7 3EL

For further information call 01270 877601 or visit

<http://www.autism.org.uk/churchlawton>

#### **David Lewis**

Mill Lane, Alderley Edge, Cheshire SK9 7UD

For further information call 01565 640160 or visit

<https://www.davidlewis.org.uk/>

#### **Park Lane School**

Park Lane, Macclesfield, SK11 8JR

For further information call 01625 801964 or visit

[www.parklaneschool.co.uk](http://www.parklaneschool.co.uk)

#### **Springfield School**

Crewe Green Road, Crewe, CW1 5HS

For further information call 01270 685446 or visit

<http://www.springfield.cheshire.sch.uk/website/contact/>

## **Mainstream Schools and Colleges within Cheshire East**

Mainstream schools and colleges providing post 16 education and training have supplied the following information about the travel assistance they intend to provide during the 20198-2020 academic year. Additional information may be available at open evenings held at the school/college.

### **All Hallows Catholic College**

Brooklands Avenue, Macclesfield. SK11 8LB

6<sup>th</sup> form students travelling to All Hallows Catholic College are able to access the transport used by younger students, either by paying a daily fare where available or purchasing a spare seat, if available.

For more information, access the college website or call 01625 426138.

[www.allhallows.org.uk/bus-services](http://www.allhallows.org.uk/bus-services)

### **Alsager School**

Hassall Road, Alsager. ST7 2HR

6th form students travelling to Alsager 6th Form College are able to access a mixture of privately arranged, Local Authority or Service Routes depending on the location.

For more information, access the school website or call 01270 871100

<https://www.alsagerschool.org/parents/transport/>

### **Brine Leas School**

Audlem Road, Nantwich. CW5 7DY

6<sup>th</sup> form students travelling to Brine Leas School are able to access the transport used by younger students, either by paying a daily fare where available or purchasing a spare seat, if available. Applications are invited for the Transport Bursary Fund.

For more information, access the school website or call 01270 625663

<http://bl6.org.uk/student-information/>

Or for information on how to access transport for the main school, please contact Cheshire East Transport Services on 0300 123 5012

[http://www.cheshireeast.gov.uk/public\\_transport/school\\_transport/school\\_transport.aspx](http://www.cheshireeast.gov.uk/public_transport/school_transport/school_transport.aspx)

### **Cheshire College, South and West**

Dane Bank Avenue, Crewe. CW2 8AB

All 16-19 year old students enrolled on a full-time course will be eligible to access free transport to and from College from a range of areas within Cheshire East and beyond including Shropshire and Staffordshire.

For more information, access the college website or call 01270 654654

<https://www.ccsw.ac.uk/learner-toolkit/transport/>

### **Congleton High School**

Box Lane, Congleton. CW12 4NS

6<sup>th</sup> form students travelling to Congleton High School are able to access the transport used by younger students, either by paying a daily fare where available or purchasing a spare seat. Free travel home may be available when students attend or assist with after school activities and clubs. Applications are invited for the Transport Bursary Fund.

For more information, access the school website or call 01260 730123

<http://www.congletonhigh.com/197/student-support>

### **Crewe Engineering & Design UTC**

West Street, Crewe, Cheshire, CW1 2PZ

6th Form students travelling to Crewe Engineering and Design UTC are able to access a range of public transport including buses and trains as used by younger students, either by paying a daily fare or purchasing a seat, if available.

The University Technical College does not provide any direct transport to and from the College site. Travel maybe subsidised if you are eligible for a bursary and applications for travel bursaries are invited.

For more information, access the college website or call 01270 218150

<http://www.utccrewe.co.uk/>

### **Eaton Bank Academy**

Jackson Road, Congleton. CW12 1NT

6<sup>th</sup> form students travelling to Eaton Bank Academy are able to access the transport used by younger students, either by paying a daily fare where available or purchasing a spare seat, if available. Transport home may be available when students attend or assist with after school activities and clubs.

For more information, access the academy website or call 01260 273000

<http://www.eatonbankacademy.org/transport-to-school/>

### **Holmes Chapel Comprehensive School and 6<sup>th</sup> Form College**

Selkirk Drive, Holmes Chapel. CW4 7DX

6<sup>th</sup> form students travelling to Holmes Chapel Comprehensive School and 6<sup>th</sup> Form College are able to access the transport used by younger students, either by paying a daily fare where available or purchasing a spare seat, if available.

The school also arranges transport to and from Wincham.

For more information, access the school website or call 01477 689500

<https://vle.hccs.info/>

### **Knutsford Academy College and Studio School**

Bexton Road, Knutsford, WA16 0AE

6<sup>th</sup> form students travelling to Knutsford Academy and Studio School are able to access the transport used by younger students, either by paying a daily fare where available or purchasing a spare seat, if available.

For more information, access the school website or call 01565 633294

<https://www.knutsfordacademy.org.uk/>

### **Macclesfield College of Further and Higher Education**

Park Lane, Macclesfield. SK11 8LF.

Macclesfield College provides a subsidised bus service for full-time 16-18 year old students who live outside a three mile radius of the College.

For more information, access the college website or call 01625 410000

<https://macclesfield.ac.uk>

### **Malbank School & Sixth Form College**

Welsh Row, Nantwich. CW5 5HD

6<sup>th</sup> form students travelling to Malbank School & Sixth Form College are able to access transport to and from a number of local areas including Crewe, Wrenbury, Shavington, Wistaston and Willaston. The college does offer, subject to means testing, financial support for travel to college.

For more information, access the school website or call 01270 611009

<http://www.malbank.com/school-transport-508>

### **Poynton High School & Performing Arts College**

Yew Tree Lane, Poynton. SK12 1PU.

6th form students travelling to Poynton High School and Performing Arts College are able to access the transport used by younger students through the guaranteed seat system, by purchasing a travel ticket via

[https://www.cheshireeast.gov.uk/public\\_transport/bus/poynton-high-school-transport.aspx](https://www.cheshireeast.gov.uk/public_transport/bus/poynton-high-school-transport.aspx)

Transport is available from Disley, Bollington, Marple, Macclesfield and Cheadle Hulme.

For more information, access the school website or call 01625 871811

<https://www.phs.cheshire.sch.uk/page/?title=Transport+Information&pid=41>

### **Reaseheath College**

Nantwich. CW5 6DF

Students travelling to Reaseheath College are able to access dedicated college buses to and from locations within Cheshire East and other areas including Stoke, Staffordshire, Chester, Warrington and Ellesmere Port.

For more information, access the college website or call 01270 625131

<https://www.reaseheath.ac.uk/further-education/studying-at-reaseheath/transport/>



### **Sandbach (Boys) School**

Crewe Road, Sandbach. CW11 3NS

6<sup>th</sup> form students travelling to Sandbach School are able to access the transport used by younger students, either by paying a daily fare where available or purchasing a spare seat, if available.

For more information, access the school website or call 01270 758870

<https://sandbachschool.org/parents-students/transport/>

### **Sandbach High School & Sixth Form College**

Middlewich Road, Sandbach CW11 3NT

6<sup>th</sup> form students travelling to Sandbach High School and Sixth Form College are able to access the transport used by younger students, either by paying a daily fare where available or purchasing a spare seat, if available

For more information, access the school website or call 01270 765031

<http://sandbachhigh.co.uk/transport/>

### **The Fallibroome Academy**

Priory Lane, Macclesfield. SK10 4AF.

6<sup>th</sup> form students travelling to Fallibroome Academy and Sixth Form College are able to access the transport used by younger students, either by paying a daily fare where available or purchasing a spare seat, if available.

The school also arranges private transport to and from Wilmslow.

For more information, access the college website or call 01625 827898

<http://fallibroome.academy/home/transport-information/>

### **Tytherington High School**

Manchester Road, Macclesfield. SK10 2EE

6<sup>th</sup> form students travelling to Tytherington High School are able to access the transport used by younger students, either by paying a daily fare where available or purchasing a spare seat, if available.

For more information, access the college website or call 01625 610220

<http://www.tytheringtonschool.co.uk/>

### **Wilmslow High School**

Holly Road, Wilmslow. SK9 1LZ.

6<sup>th</sup> form students travelling to Wilmslow High School are able to access the transport used by younger students, either by paying a daily fare where available or purchasing a spare seat, if available.

For more information, access the school website or call 01625 526191

<http://www.wilmslowhigh.com/about-us/>

### **Schools and Colleges Outside of Cheshire East**

The following public information has been compiled to enable ease of access for learners and their parents.

#### **Aquinas College**

Nangreave Road, Stockport. SK2 6TH

For further information call 0161 483 3237 or visit

<http://www.aquinas.ac.uk/>

#### **Bishop Heber High School**

Chester Road, Malpas SY14 8JD

For further information call 01948 860571 or visit

<https://www.bishopheber.cheshire.sch.uk/>

#### **Cheadle & Marple Sixth Form College**

Buxton Lane, Marple, Stockport SK6 7QY

For further information call 0161 484 6600

<http://marple.cmcnet.ac.uk/?s=transport>

#### **City of Stoke-on-Trent Sixth Form College**

Leek Road, Stoke-on-Trent ST4 2RU

For further information call 01782 848736 or visit

<http://www.stokesfc.ac.uk/contact/getting-here/>

**Sir John Deane's College**

Monarch Drive, Kingsmead, Northwich. CW9 8AF

For further information call 01606 810020 or visit

<http://www.sjd.ac.uk/transport/>

**St Nicholas Catholic High School**

Greenbank Lane, Northwich. CW8 1JW

For further information call 01606 706000 or visit

<https://st-nicholas.cheshire.sch.uk>

**Stockport College**

Wellington Road, Stockport. SK1 3UQ

For further information call 0161 296 5000 or visit

<https://stockport.ac.uk/>

**Tarporley High School & Sixth Form College**

Eaton Road, Tarporley. CW6 0BL

For further information call 01829 732558 or visit

<http://www.tarporleyhigh.co.uk/>

**Trafford College**

Manchester Road, West Timperley, Altrincham. WA14 5PQ

For further information call 0161 886 7070 or visit

<http://www.trafford.ac.uk/>

**Warrington and Vale Royal College**

Hartford Campus, Chester Road, Hartford, Northwich. CW8 1LJ

For further information call 01925 494 494 or visit

<https://www.wvr.ac.uk>

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## APPEALS SUB-COMMITTEE

## PROCEDURE TO BE FOLLOWED ON THE DAY

1	Appellants arrive at Reception and will wait in the appointed waiting area.
2	Members assemble in meeting room.  They will be joined by the Committee Officer and the Legal Clerk to discuss any preliminary issues, but not the cases themselves.
3	The <b>Legal Clerk</b> will then meet the Appellants and explain the procedure to them.
4	The <b>Legal Clerk</b> will bring the first Appellant into the meeting.
5	The <b>Chairman</b> will welcome all to the meeting and will invite Members and Officers to introduce themselves.
6	The <b>Presenting Officer</b> will present the case for the Authority.
7	<b>The Appellant</b> to ask questions of the Presenting Officer, by way of clarification.
8	<b>Sub-Committee Members</b> to ask questions of the Local Authority Presenting Officer.
9	The <b>Appellant</b> presents their case.
10	<b>The Presenting Officer</b> to ask questions of the Appellant by way of clarification.
11	<b>Sub-Committee Members</b> to ask questions of the Appellant.
12	The <b>Local Authority Presenting Officer</b> to sum up the Authority's case.
13	The <b>Appellant</b> to sum up their case.
14	The Presenting Officer and Appellant to withdraw from the meeting.
15	The Committee reaches its decision, advised by the <b>Legal Clerk</b> .

**Note:** Neither the Presenting Officer nor the Appellants are permitted to be in the Committee Room in the absence of the other.

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