

## Appendix 2



### Home to School Transport Policy

May 2013

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<b>Date agreed:</b>	
<b>Agreed by (e.g. council):</b>	<b>Cheshire East Cabinet</b>
<b>Date to be reviewed:</b>	<b>April 2014</b>

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## **A. Introduction**

This policy sets out how Cheshire East Council (the Council) will assist children of statutory school age with travel between home and school. It generally relates to transport between home and school to facilitate a child's education and outlines the responsibilities that parents and the Council have in this process.

The policy also explains the way in which the Council may help with the transport needs of those children who qualify for assistance as a result of specific special educational needs, disability or other mobility difficulties.

This policy applies only to children who are ordinarily resident within the Borough of Cheshire East.

### **1. Equality statement**

The Council will only commit to policies and practices which will eradicate discrimination and promote equality for all, regardless of age, gender, disability, religion and belief, race and ethnicity and sexual orientation.

### **2. Safeguarding statement**

The Council and its partners recognise that safeguarding is everybody's responsibility. Whether their interest is in all young people 'staying safe' in all aspects of our services, or whether they are working in specific areas of vulnerability, all staff will receive appropriate training and induction so that they understand their roles and responsibilities and are confident in carrying them out.

Schools, settings, children, young people and their parents or carers, or any member of the community should feel secure that they can raise any issues or concerns about the safety or welfare of children and know that they will be listened to and taken seriously. This will be achieved by maintaining an ethos of commitment to safeguarding and promoting the welfare of children and young people. This is supported by a clear child protection policy, appropriate induction and training, briefings on and discussion of relevant factors and refreshed learning in line with current legislation and guidelines.

The Council acts as a Corporate Parent for Children in Care. This means that the local authority has a legal and moral duty to provide the kind of support that any good parents would provide their own children. This policy has been written to comply with these principles.

### **3. The legal framework**

Sections 508 to 509 of the Education Act and Schedule 35B inserted by Part 6 of the Education and Inspections Act 2006, set out the statutory obligations and powers of local authorities to support children with travel to and from school. These provisions are mandatory for children of compulsory school age and discretionary for children under or over this age.

Statutory distance is defined as:

- 2 miles for a child under 8 years of age; and
- 3 miles for a child who has attained the age of 8 years

These distances are defined in Section 444 of the Education Act 1996 and they have long been established in detailed government guidance. The shortest available walking route is used to measure the distance between home and school, although this does not mean that the child is expected to walk alone, as they should be accompanied by a responsible person as appropriate for their age.

### **4. Status of policy**

*By accepting any offer of assistance made by the Council under this Policy, it will be assumed that a parent / carer will be accepting of all the provisions of this Policy.*

#### **B. Eligibility Criteria**

A child of statutory school age (5-16 years) who meets one of the criteria listed within this section will be provided with travel assistance if the child attends a 'qualifying school'.

For most children, including those who have a Statement of SEN in the mainstream sector, the 'qualifying school' is the school that is declared by the Council to be the school or academy serving the area in which the child's home address falls. However, it may also mean the nearest school to the home address where that school is nearer than the designated catchment area school.

## **1. Distance criteria**

Travel assistance will be provided when a child lives beyond **the statutory** distance from his or her qualifying school as set out below:

- a) A child under 11 years of age who attends a qualifying school and lives more than 2 miles from the school, unless parents / carers voluntarily make suitable arrangements.
- b) A child aged between 11 and 16 years who attends a qualifying school and lives more than 3 miles from the school, unless parents / carers voluntarily make suitable arrangements.

## **2. Low income families criteria**

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. Confirmation of low income status is requested (annually) prior to awarding travel assistance, which will be provided when a child meets one of the following criteria:

- a) A child aged between 11 and 16 years who is from a low income family and attends one of his or her three nearest qualifying schools and lives more than 2 miles but less than 6 miles from the school.
- b) A child aged between 11 and 16 years who is from a low income family and attends his or her nearest qualifying school preferred by his or her parents on grounds of religion or belief and who lives more than 2 miles but less than 15 miles from the school.

## **3. Walking routes to schools**

When determining whether the child's home is within the statutory distance, there must be a walking route to the qualifying school that is 'available'. 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 Council will deem it 'unavailable'. In determining what is 'reasonable', the Council will take into account the latest national guidance issued by Road Safety GB – please refer to section E2 for further details and also Appendix 1 for details of the assessment process.

## **4. Children with SEN and / or a disability**

There is no automatic entitlement to travel assistance for a child or young person who is the subject of a statement of special educational needs or other formal assessment outcome or agreement. Assistance will be given where the distance criteria has been met or when a child / young person has been identified as having a specific need as set out below:

- a) Long term<sup>1</sup> severely restricted independent mobility arising from factors such as:
  - *a physical disability e.g. severe cerebral palsy which may necessitate the daily use of significant mobility aids such as a wheelchair;*
  - *a medical condition resulting in severe persistent pain and / or extreme fatigue, an example of this might be juvenile arthritis;*
  - *a medical condition resulting in serious persistent health and safety risks. Examples of this might be intractable epileptic seizure disorders. Or,*
- b) Significant lack of awareness of common dangers and lack of age appropriate independence skills, so the child could be at significant risk when travelling to school. This could be caused by factors such as:
  - *severely restricted communication skills. Examples might be profound hearing impairment or severe autism or severe language disorder;*
  - *a sensory impairment resulting in significantly restricted mobility, e.g. a severe visual impairment;*
  - *significant learning disability, e.g. a child with severe learning difficulties who is unable to assess risk and adapt to everyday situations;*
  - *severe difficulties with interpreting complex social situations or being able to cope with unexpected change, e.g. a pupil with Asperger's Syndrome who has very little awareness of personal danger;*
  - *severe behavioural emotional and/or social difficulties in comparison with other children of their age.*

## **5. Children at boarding or residential schools**

Where the Council arranges for a child to board at a school, pupils will be entitled to assistance if they meet the usual distance criteria. Transport will be provided in accordance with the boarding arrangements.

Where a parent has, without the agreement of the Council, decided to educate the child at a boarding school, no assistance with transport will be available from the Council.

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<sup>1</sup> Long term describes something that is likely to last for at least a year or for the rest of the life of the person affected. This can include intermittent or sporadic conditions such as epilepsy or multiple sclerosis



## **6. Children with temporary medical conditions**

Where a child is temporarily unable to travel to school independently, as a result of an accident, planned surgery or an illness, then travel assistance may be available to the usual school attended. Requests for transport to an alternative school will generally not be approved. Requests should be made to the Medical needs Team Manager on 0300 123 5012. Supporting medical advice must accompany the request detailing:

- a) full medical details of the condition, including timescales for recovery;
- b) written medical confirmation regarding the child's fitness to return to school;
- c) the likely period for which revised travel arrangements may be needed;
- d) the type of vehicle needed, where appropriate, for example, where the child is in a full body cast;
- e) any manual handling risks.

All decisions will be based on the facts provided, taking into account the needs of the child, the availability of appropriate transport and any significant increase in the costs. A review date, based on medical evidence, will be set when the travel assistance is agreed. Where this is not possible, all arrangements will be reviewed in relation to the specific circumstances.

## **7. Children permanently excluded from school**

A child permanently excluded from a school will be provided with assistance to his or her next mainstream school provided it is both the nearest suitable /qualifying school and is outside the statutory walking distance from home.

When considering the admission of children under the Council's Fair Access Protocol, which operates outside normal admission procedures, the nearest schools to the child's home address will be identified to determine which school should be offered. The Council will look at available provision and identify with the child, their parents and other relevant agencies which school should be approached. The travelling distance to each school will also be taken into account. Children who are placed under the Fair Access Protocol will be considered for transport as if the named school was their nearest suitable (qualifying) school.

If the Council places a permanently excluded child in a Pupil Referral Unit or similar alternative provision, this will be regarded as a qualifying school for the duration of the placement.

The transport needs of children who attend an alternative provision because of a fixed term exclusion from a school or academy will be a matter for the school and parents to arrange.

## **8. Children placed in alternative provision**

Where the Council arranges for a child to receive education other than in a school, or in alternative provision, the location where education is provided will be considered as if it were a school when determining eligibility for free transport. In determining reasonableness, the Council will take into account the cost of the proposed travel assistance and the availability of alternative arrangements.

Where a parent or carer has decided to educate the child other than at school, no assistance for transport will be available from the Council.

## **9. Children with a disability**

Where a child has a disability, under the Equality Act 2010 Disability Discrimination Act 1995 and 2005, reasonable adjustments will be made, as appropriate, in the application of this policy.

## **10. Parents / carers with a disability**

Travel assistance may be provided for a young person reflecting the practical impact of the disability of either or both of his or her parents. Each such instance will be considered on its own merits at the discretion of the Council. Documentary evidence will be required to support any request for assistance on these grounds, e.g. latest notification of highest level of DLA for mobility or a medical consultant letter outlining the nature of the parent's / carer's disability and the impact this has on them carrying out their day to day responsibilities to ensure that their child attends / travels to and from school.

## **11. Children in the Council's care (looked after children)**

The school at which the child is placed by the Council will be deemed the 'qualifying' school for transport purposes. This is irrespective of the Council's normal zoning arrangements in order to provide continuity of educational provision for such children. The allocation of school will be reviewed as part of the child's regular Care Plan review.

## **12. Children in temporary residential circumstances**

The following relates to the determination of entitlement to free transport on a short-term basis where families are forced to relocate temporarily to alternative accommodation owing to circumstances outside of their control:

The Council is prepared to consider applications in respect of children accommodated under a temporary / emergency arrangement, otherwise than where responsibility is accepted by Children's Social Care in (b) below, having regard to the usual distance criteria (though this requirement may be waived in the case of a child accommodated in a refuge, whose safety would otherwise be at risk). Any such temporary transport arrangements made will be subject to review as necessary and at least on a termly basis.

- b) Where school transport becomes necessary on social grounds as a result of the intervention of Children's Services, the cost of providing transport as requested should, where appropriate, be considered the responsibility of and re-charged to the requesting service.

Travel assistance may be awarded, on a discretionary basis, to provide support and stability to a child of statutory school age who is in general education and subject to a temporary change of address due to domestic violence, child protection or homelessness.

When the child / family is permanently re-housed the child will be subject to the usual eligibility criteria, but safeguarding issues will always be considered when determining this and when deciding what type of assistance should be offered.

At no time can the parent / carer delegate their responsibility for the safety of their child's journey to and from school.

### **13. Emergencies and requests at short notice**

The Council will attempt to make arrangements at short notice when requested. However, this cannot be guaranteed, and parents / carers of children who rely upon assistance may need to make their own arrangements at their own expense in the case of an emergency. The Council will not accept responsibility for any arrangements so made by a parent.

No transport provision will be made, other than at the beginning and end of the normal school day, regardless of circumstances, that is in cases of exclusion, illness etc, if a child has to go home during the course of the school day, or during examination periods, the school, parent or carer is responsible for transport.

## **14. Cases agreed by the Transport Appeals Sub Committee**

Notwithstanding the contents of this policy, there may be exceptional circumstances that merit consideration on an individual basis. Assistance with travel will be provided for applications that have been considered and agreed by the Council's Transport Appeals Sub Committee, in recognition of the family's individual circumstances. A copy of the Council's appeals procedure can be found on appendix 8

### **C. Reasons why travel assistance will not be considered**

#### **1. Children below statutory school age**

Where a child is admitted as a rising five under admission arrangements agreed by the Council, a request for travel assistance will be considered as if he or she were of statutory school age. A child reaches statutory school age at the beginning of the term immediately following his or her fifth birthday. No travel assistance will be provided at lunchtimes or at any time other than the normal start and end of the school day. Travel assistance between these times will remain a parental responsibility.

The Council does not provide travel assistance to a nursery or pre-school setting for mainstream pupils. However, arrangements may be made for a child below statutory school age with SEN to attend a special school nursery or a similar setting offering special needs provision. When making such arrangements the normal eligibility criteria for children of primary school age, including walking distance, will apply.

Transport arrangements to attend a special school nursery or similar setting are provided on a discretionary basis. Parents / carers are advised not to rely upon the provision of travel assistance to enable attendance.

#### **2. Children attending a non-qualifying school (parental preference)**

A child will be ineligible for transport if he or she attends a school (mainstream or special) which is not their qualifying school, where this is as a result of parental preference.

When expressing a preference for a school other than the qualifying school, parents / carers are strongly advised to consider their commitment to providing transport for the whole duration of their child's attendance at that school and to consider whether their ability to provide or pay for that transport is likely to continue over that period of time.

Where a child is withdrawn by a parent / carer from one school and placed in another school, travel assistance will not be provided unless the child is eligible from the home address to the new school. Such a transfer of school will be regarded as an expression of parental preference. Parents are strongly advised to seek to resolve difficulties locally wherever possible without withdrawing the child from school.

Where a parent's / carer's preferred school is further away from the child's home than another school that can meet their child's special educational needs, the Council may name the preferred school on the statement with explicit reference in Part IV of the statement that the parents will endorse and agree to meet the costs of all transport needs for their child to attend the preferred school.

### **3. Children attending a school on the grounds of religion or belief**

The Council has a duty to have regard to any wish of a parent / carer for their child to be educated at a particular school on the grounds of the parents' / carers' religion or belief. However, there is no general statutory duty that requires local authorities to provide free transport to faith schools, except in the following circumstance:

*Where a child, aged between 11 and 16 years, is from a low income family and attends his or her nearest qualifying school preferred by his or her parents on grounds of religion or belief and who lives more than 2 miles but less than 15 miles from the school.*

Except in the circumstance outlined above, the Council will not generally accept applications where a denominational school is not the nearest available educational establishment and the distance criteria set out in section B1 is not met.

### **4. Post 16 students**

The Council is required to consider annually whether and to what extent it supports the travel needs of post 16 students. This assessment is published annually by the end of May on the Council's website at [www.cheshireeast.gov.uk/schooltransport](http://www.cheshireeast.gov.uk/schooltransport)

Travel assistance will not be provided to students over the age of 16 who are attending either a school sixth form or college of further education (full or part-time). Exceptions are made for students who would previously have qualified for transport i.e. pre 16, as a result of their special educational needs.

#### ***Raising of the participation age***

The Government is increasing the age to which all young people in England must continue in education or training, requiring them to continue until the end of the academic year in which they turn 17 from 2013 and until their 18th birthday from 2015.

Raising the participation age (RPA) does not mean that young people must stay in school; they will be able to choose one of the following options post-16:

- full-time education, such as school, college or home education
- an apprenticeship

- part-time education or training if they are employed, self-employed or volunteering full-time (which is defined as 20 hours or more a week).

There is no statutory duty for local authorities to provide travel assistance to post 16 students, irrespective of the raising of participation age.

### ***The 16-19 bursary fund***

The 16-19 bursary fund helps 16 to 19 year olds continue in education, where they might otherwise struggle for financial reasons. Providers of education, training or employment can distribute the discretionary funds to support any student who faces genuine financial barriers to participation such as costs of transport, food or equipment. Providers have the freedom to decide the scale and frequency of bursary payments.

The 16-19 bursary fund is administered by providers. Young people should apply directly to their academy, school, college or other training provider for support from the scheme.

## **5. Change of address**

When there is a change of address, a pupil's transport entitlement will be reviewed under the policy in existence at that time.

Travel assistance will not be given to maintain a child's place at a school if the family moves house within Cheshire East to a more distant address from the child's school, and where a nearer suitable school exists. However, if no place is available at the nearest qualifying school within the statutory walking distance from the new address then assistance would normally be given to the next nearest qualifying school.

Families moving house are reminded that if they move to an address in another authority, their child will then become subject to the policies of the authority into which they have moved.

Parents of a child with special educational needs, currently receiving transport who move house within Cheshire East should provide at least one month's notice to the SEN Team and to allow their eligibility to be reassessed. The SEN Team may offer to move the child to a nearer suitable school bearing in mind any special circumstances, for example, examinations or children in their final year. Should this offer be refused the current school may be deemed as a 'parental choice' and may not meet the criteria of this policy.

## **6. Sibling, brother, sister**

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 must be made for each child. If the transport policy has changed

since another sibling received assistance, the younger sibling will be subject to the new transport policy.

## **7. Part time attendance, detention, after school clubs, etc.**

Travel assistance will not be provided at a time other than standard school times e.g. home during the day or late after school, including payback, detention, sporting or other after school activities, clubs or societies. Pupils are expected to complete a full school day and fit into the normal timing of transport.

Where a pupil's/student's day starts or finishes earlier or later the parent / carer would generally be required to make other travel arrangements outside of the Council provision.

## **8. Other circumstances where travel assistance will not be considered**

Travel assistance will not be considered:

- a) on account of regular work commitments or domestic difficulties. Parents / carers are expected to take responsibility for ensuring their child attends school and that any necessary travel arrangements are made / funded;
- b) for extracurricular activities or between institutions within the school day. For journeys of this nature, the organising school or institution will be responsible for travel arrangements;
- c) to attend dental, medical or other non-educational appointments;
- d) in the event of sickness, where a child has to be collected early from school (or returned to residential school midweek);
- e) for parents / carers to attend review meetings;
- f) for children attending work experience;
- g) for children attending an induction day at another establishment;
- h) for children to accompany a friend home;
- i) following misbehaviour occurring on transport which threatens the health and safety of staff and / or other pupils (see the Council's Code of Behaviour for Children);
- j) Following a school closure or reorganisation, other than where the application meets the eligibility criteria set out in this policy

## **D. Type of travel assistance / support offered**

### **1. Usual travel assistance**

The type of travel assistance offered is at the Council's discretion and will be the most cost effective option. The Council is under an obligation to minimise public expenditure. Only where there is no reasonable alternative available will travel by minibus / taxi be provided for the entire journey.

There is an expectation that all children will travel by public transport and a travel pass will be issued, unless either no public transport is available or the child's needs are such that this would not be appropriate (as decided by a relevant Officer). Parents may be required to provide medical or other supporting evidence where there is a request for provision other than by public transport.

### **2. Other types of travel assistance**

Where public transport is not available or appropriate, the following forms of travel assistance may be arranged:

- a) a travel pass for use on a private service contracted to the Council;
- b) an annual cycling allowance;
- c) an annual parental mileage allowance / grant for reimbursement of reasonable travel expenses;
- d) travel by minibus or (in exceptional circumstances) a taxi

### **3. Passenger assistants**

Passenger assistants are not provided for journeys undertaken on mainstream transport. For children with SEN, access to a passenger assistant may be necessary if there is specific evidence of behaviour that poses an identified risk to the child's or others' safety during travel or where the child would become severely anxious or distressed without close supervision or support during the journey. The provision of a passenger assistant will be reviewed annually.

Passenger assistants are generally only provided where the child has:

- a) a severe physical condition;
- b) a medical condition requiring immediate treatment;
- c) severe behavioural difficulties.

Except in exceptional circumstances, passenger assistants will not be provided for:

- d) pupils attending mainstream schools;
- e) hearing impaired pupils;



- f) **where there are fewer than three pupils in a vehicle.**

#### **4. Independent travel training**

Secondary aged pupils who have been assessed as requiring travel assistance because of their special needs will receive support for independence and mobility training as part of their school curriculum. This has the aim of reducing their reliance on individual transport, in preparation for adult life.

Plans to encourage independent travel must be put in place by the school and parents / carers, working in partnership to mutually agreed targets. Progress will be evidenced at each subsequent Annual Review. This step is regarded as a positive achievement towards the child's progress in becoming an independent traveller.

### **E. How to make an application and deciding eligibility**

#### **1. How to apply for travel assistance**

For all mainstream children, parents or carers should make a travel application either online at [www.cheshireeast.gov.uk/schooltransport](http://www.cheshireeast.gov.uk/schooltransport) or by calling the Council on 0300 123 5012.

Parents / carers will be notified of the Council's decision in writing and, if successful, assistance is effective from the date of receipt of application or as soon thereafter as practicable. Assistance will not normally be provided retrospectively.

Children undergoing formal assessment for special educational needs will have their transport needs considered as part of that process. In cases where a child's transport need has not been assessed at the annual review or as part of the statutory assessment process, it will be necessary for a transport request form to be completed by the child's parent / carer and the SEN Inclusion Officer.

The Council will require details about the child's mobility, any special medical or behavioural conditions and any special equipment needed. The form should be passed to the Special Needs Co-ordinator at the school for endorsement.

The view of the Special Needs Co-ordinator at the school will be taken into consideration when assessing the need for transport.

## **2. How eligibility is decided**

Requests for transport will be assessed, in accordance with this policy, by officers of Cheshire East Transport or the SEN Team.

### ***Distance***

Eligibility will normally be agreed when the child meets the 'distance from school' criteria or other criteria as outlined in section A of this policy. 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 and by way of the shortest available walking route.

For applications under the 'low income' criteria, evidence that the family receives a qualifying benefit will be required prior to any travel arrangements being made.

### ***Walking route to school***

The Council expects to provide travel assistance where it has judged that, on grounds of road safety, no available walking route within the statutory distance exists. The

Council recognises that not all routes are available for a child to walk to and from school. A route is considered to be unavailable when a child cannot be expected to walk to school, accompanied as necessary by a responsible person, in reasonable safety.

Guidelines for how the assessment is undertaken are published by Road Safety GB – a national road safety organisation that represents local government road safety teams across the UK and is a suggested standard by the Department for Education. This guidance is used by the Council in order to determine whether a particular route encompasses road safety hazards that may be sufficient to make the route unavailable. The assessment must take into account a variety of factors, including:

- Widths of available footway, highway, bridleway etc;
- Traffic flows;
- Road collision records;
- Crossing points;
- 'Step-offs' from the highway, such as roadside verges

### ***General points for the assessment of walking routes to schools***

- a) All roads – urban and rural – are potentially dangerous. Provision of transport is considered and provided only where road conditions are exceptionally or abnormally hazardous. The Council considers that the most appropriate means of ensuring children can safely travel to school is through road safety education, and parents and schools are expected to educate children in road safety matters from an early age.
- b) Parents are responsible in law for ensuring their children receive an appropriate education which in most cases includes ensuring regular attendance at school. The law also requires parents to ensure a child is accompanied on their journey to and from school by an adult if necessary, with no age limit for the child prescribed in law for this responsibility. The Council expects parents to make suitable alternative arrangements if they are unable to personally accompany the child.
- c) Parents are responsible for ensuring their children have suitable clothing and footwear, reflective clothing or other visibility aids, torches etc.
- d) 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 Council is entitled to expect that the police will undertake enforcement action.
- e) In accordance with the law, the Council assumes that children are accompanied by an adult as necessary. Routes are not classed as unavailable solely due to any or all of the following factors. They are, however, used to assess risks and hazards that a child may face that can be avoided if the child were to be accompanied as necessary in assessing the availability of a route:
  - Lonely routes;
  - Routes that pass close to canals, rivers, ditches, lakes, ponds etc;
  - Routes that require railway crossings if a suitable, authorised crossing is present

Detailed guidelines and the assessment process are contained within Appendix 1, which may be updated to reflect local interpretation of Road Safety GB guidance as required.

### ***Special educational needs and / or a disability***

When assessing entitlement to SEN transport, decisions will be based on written evidence from a range of sources, for example, Educational Psychologist, parents and school SENCO. A copy of the Special Educational

Needs Transport Assessment Form and Guidance Notes are available on the Council's website or from the SEN team.

Post 16 SEN students who continue their education after the age of 16, whether at school or college, can apply for travel assistance under this policy. Support with transport may be provided at least up to the age of 21 and for a maximum of three years. Transport will only be considered to the nearest appropriate school or college offering the course or similar.

Where SEN transport has not been agreed, a review of the decision may be requested. Parents / carers will need to set out details about why they are requesting a review of the decision and should include which aspects of the Council's policy they believe have not been followed correctly. Further details about the Council's review process can be found in section E2 and also Appendix 2.

### **3. Setting up travel arrangements**

When eligibility is agreed, the Council will use the information provided to determine the most suitable type of transport (as defined in section D). The Council will take into account the needs of the individual child, their ability to travel independently, existing transport provision to the same school as well as our responsibility to procure the most cost effective suitable arrangements.

When arrangements are agreed, the Council will notify the parent / carer by sending them:

- a) details of the transport service to be provided for their child;
- b) a code of conduct / behaviour for children;
- c) useful information and contact details.

The Council will aim to make travel arrangements within 14 days, but this may take longer during busy periods. Parents / carers will be responsible for making alternative travel arrangement in the interim.

### **4. Changes to circumstances**

If the travel arrangements made by the Council are not considered appropriate as a result of an accident, planned surgery or an illness, then a request for revisions to the transport arrangements must be made in writing to the Medical Needs Team Manager, providing the relevant information and giving a minimum of 5 days notice.

In all cases, the Council would seek information as to the possible options and associated costs. These may include:

- a) placing the child on a different route;
- b) providing a separate or different vehicle;
- c) providing a specialist vehicle with medical support;

- d) providing a passenger assistant.

If there has been a significant change in circumstances, such as a change of school or home address, a change in parent / carer circumstances or a change in the child's needs, an immediate review of entitlement and provision may be required. It is the responsibility of the parent / carer to promptly notify the Council of any change in circumstances that may affect the provision of travel assistance.

## **5. Deciding on travel arrangements**

The Council will endeavour to follow established best practice in the provision of the most cost effective and appropriate travel assistance for each entitled child, taking into account their individual needs. The Council will make arrangements that enable children to reach school without such stress, strain, or difficulty that would prevent them from benefiting from the education provided.

Assisted travel arrangements will be designed to allow the child to travel in reasonable safety and in reasonable comfort. Factors considered will include:

- a) the child's home location;
- b) the location of the school the child is attending;
- c) the number of other children living in the area and attending the same school (or another school on route to that school);
- d) traffic conditions;
- e) the availability and accessibility of public transport and / or contract services;
- f) other operational issues that might affect the travel arrangements.

Priority will be given to travel assistance solutions that help to develop travel independence skills, so as the child grows older, they are better equipped to lead independent lives.

## **6. Pick-up / set down points and timing**

Children will be picked-up and set-down from a convenient point or, in exceptional circumstances, from home (where the child's needs require this). The Council will notify parent / carers of the arrangements made.

A child will normally be expected to walk a reasonable distance to and from home to meet their transport. This will not normally exceed:

- a) 0.5 miles for a child attending primary school
- b) 1 mile for a child attending secondary school

It is the responsibility of parents / carers to ensure that their child is ready and waiting at the agreed pick-up point on time. Drivers are instructed not to delay longer than 5 minutes at any pick up point in order not to inconvenience other passengers. The Council will not make alternative transport arrangements if the transport is missed.

Parents / carers are responsible for their child's safety in getting to and from the pick-up / set-down point. They are also responsible for their child whilst waiting for the transport and when they leave the transport at the end of the day.

If the child has special educational needs, then parents / carers have a responsibility to present their child to and to greet the child from the transport (unless by prior notice that, due to medical conditions, they are unable to do so - this should be indicated on the application form).

Parents / carers may not normally vary the agreed pick up / drop off arrangements. Occasional minor variations may be possible, by agreement with the Council. Variations are unlikely to be agreed where the change would have a negative impact on other passengers or increase the cost of the journey. Neither passenger assistants or drivers are authorised to agree route variations.

A child's pick up / set down arrangements will be reviewed annually and children with special educational needs will be encouraged towards independence.

## **7. Maximum journey times**

Best practice suggests that the maximum each way length of journey for a child of primary school age might be considered to be 45 minutes; whilst a child of secondary school age might be expected to travel up to 75 minutes each way. However, a child's special educational needs and / or disability might be such that it implies a shorter maximum journey time.

Journey times may exceed these limits for exceptions such as:

- a) exceptional traffic or weather conditions;
- b) attendance at a special school;
- c) attendance at a remote boarding / residential school;
- d) attendance at an alternative school / provision following exclusion.

The Council may determine lower reasonable maximum journey times in individual cases, notwithstanding the exceptional circumstances detailed above.

## **8. Reimbursement of reasonable travel costs**

Where entitlement to travel assistance exists and there are difficulties in arranging public or other suitable transport, or where it would be exceptionally expensive, the Council may agree to reimburse reasonable travel costs, eg a mileage payment to parents / carers who are willing to transport their child to school in their own vehicle.

Parents are under no obligation to accept the offer of reimbursement of travel costs and should contact the Council or visit the website for further information.

## **9. Sustainable travel.**

The Council has legal duties, under the Education and Inspections Act 2006, to promote sustainable modes of travel for children of compulsory school age and young people of sixth form age. These duties include:

- Produce sustainable modes of travel strategy and summary, on an annual basis, published each year on the website by 31 August each year;
- Assess the school travel needs of all children and promote sustainable modes of travel to school.

The Council's Sustainable Travel Policy will be updated and published in accordance with Department for Education (DfE) guidance and timescales.

## **10. Spare seat scheme**

Where a vehicle is contracted to provide travel assistance for entitled children, and no other public transport service exists, the Council will consider applications for 'spare seats' for non-entitled children. If there are spare seats available, these may be purchased by parents / carers at a fixed charge. This charge will be set at a rate in line with the cost of provision and will be reviewed annually. A spare seat will be withdrawn (with a minimum of 1 week's notice) when:

- a) the seat is required for an entitled child;
- b) the service is withdrawn;
- c) the seating capacity of the vehicle is reduced

The withdrawal or unavailability of a spare seat will not be considered as grounds for an appeal for assistance from the Council. Parents should consider whether they are likely to be able to make and fund their own travel

arrangements should either of these occur, prior to them taking up a school place or moving house.

The Council will not be responsible for any alternative travel arrangements for any non-entitled children who are affected by changes to school contract routes.

Full details of the scheme, along with current charges will be published on the Council's website.

## **11. Behaviour on transport**

The Council may decide to impose a temporary ban or withdraw travel assistance, as it considers appropriate, in the case of any child whose behaviour during the journey to or from school is not of an acceptable standard. In addition, schools can impose a number of sanctions ranging from detention to exclusion in order to deal with persistent misbehaviour on school transport.

The Council publishes a code of behaviour for children, which can be found on the website. This code will be sent to children at the time that travel arrangements are confirmed.

## **F. Review of eligibility / provision and withdrawal of / changes to travel assistance**

### **1. Review of eligibility**

Generally, travel assistance will be awarded for entitled children until such time that they reach the end of their statutory education at the school attended or are due to transfer from primary to secondary school.

Travel assistance will be reviewed and, where appropriate, automatically renewed by the Council each year without the need to re-apply (with the exception of non-entitled children who purchase a 'spare seat').

In the event of a change of address or school taking place earlier than the above, notification must be provided to the Council so that the child's eligibility can be re-assessed in accordance with the policy.

### **2. Route planning and route reviews**

The Council regularly reviews transport provision and individual transport routes. A review may result in a change of arrangements to be provided. Wherever possible notice will be given to parents / carers of any proposed long-term changes to transport provision.

Consultation with parents / carers will not normally take place as part of a route review. This is to enable route reviews to be carried out in a timely and



efficient manner and to avoid raising parental expectations that preference for a particular form of provision will override cost-effectiveness or efficiency.

Parents may receive notification at any time that the type of travel assistance for their child is to be changed as a result of a review. Changes may involve:

- a) new pick-up and set-down points;
- b) changes to timings;
- c) changes to the contractor employed;
- d) withdrawal of a passenger assistant;
- e) mode of transport, e.g. transfer from taxi to bus / public transport

Wherever possible, notice will be given of any changes, but some may need to be made at very short notice, for example as a result of sickness, road closures or the termination of a contract with a vehicle operator.

Children who are not entitled to transport assistance, e.g. children who have purchased a place on existing transport under the Council's spare seat scheme are not included in the reviewing or planning of transport routes.

### **3. Changes to travel assistance for children with SEN and / or a disability**

The need for travel assistance and the type of provision required will be reviewed on a continuing basis and at least once a year. Where possible, the review will be undertaken following the child's statutory annual SEN Statement review. Any changes will be implemented from the beginning of the next school term, or sooner by mutual agreement.

Where a child's special educational needs indicate that he or she is particularly sensitive to change, the anticipated impact of any proposed change will be taken into consideration. This will involve discussions with the school and / or the parent / carer. The opinion of the school will be sought prior to any changes to transport provision for a child with SEN.

Where parents / carers are unhappy with the type of travel assistance being offered for their child, a review of the decision may be requested. Parents / carers will need to set out details about why they are requesting a review of the decision and should include which aspects of the Council's policy they believe have not been followed correctly. Further details about the Council's review process can be found in section E2 and also Appendix 2.

### **4. Withdrawal of travel assistance**

For children with a statement of special educational needs, eligibility may end following the conclusion of the Annual Review Process. If this is the case, travel assistance will be withdrawn following a 6 week notice period, or at the end of the summer term, whichever is sooner.

Where, for any reason, travel assistance has been approved / provided in error, the Council reserves the right to withdraw that provision. A minimum of 12 weeks notice will be given to allow parents / carers sufficient time to make alternative travel arrangements.

## **G. Complaints, appeals and contact details**

Decisions as to the eligibility for travel assistance, the mode of transport and other practical matters of travel assistance will be taken by the Council's officers with particular authorisation to do so.

### **1. Complaints**

Should a parent / carer have cause for complaint about the service provided for their child, they should first take the matter up informally with the officer or department responsible. If the complaint is not resolved to your satisfaction, it may be escalated via the Council's Corporate Compliments, Suggestions and Complaints Policy. A complaint can be made in the following ways:

- online at [www.cheshireeast.gov.uk/customerfeedback](http://www.cheshireeast.gov.uk/customerfeedback)
- by telephone – 0300 123 5038
- by email to [letusknow@cheshireeast.gov.uk](mailto:letusknow@cheshireeast.gov.uk)
- in writing to Let Us Know, Customer Relations Team, Cheshire East Council, Westfields, Middlewich Road, Sandbach, CW11 1HZ
- in person at any of our Customer Service Centres
- by fax - 01625 504191

Further details about how to make a complaint can be found on the Council's website: [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

### **2. Appeals process**

#### **Stage 1**

If a parent / carer disagrees with the Council's decision to refuse eligibility for travel assistance for their child, they may wish to request a review of the decision. Any requests for review must be made in writing (within 20 working days of receipt of the Council's decision letter) and should include details of any personal and / or family circumstances the parent / carer believes should be considered.

A senior officer will then review the decision within 20 working days of receipt of the parent's / carer's request and will provide a detailed written response.

#### **Stage 2**

If a parent or carer is dissatisfied with the Council's response following the stage 1 review, then they have 20 working days to escalate the matter to stage 2 and request that their case is considered by the Council's Transport Appeals Sub Committee. The Sub Committee will consider written and verbal representations from parents / carers and officers within 40 working days. Notification of the outcome will be given in writing.

Where the child in question holds a statement of special educational need, it may be that a disagreement about transport is part of a wider question of school provision and placement. In this case, it may be necessary for the matter to be considered by the Special Educational Needs and Disability Tribunal. Although this body does not hear appeals specifically about transport, it may consider it as part of a wider appeal. Officers of the SEN Assessment and Monitoring Team will discuss the appropriate means of appeal in each case as necessary.

Full details of the appeals process is attached to this policy, see Appendix 2

### **3. Contact details**

Queries about eligibility for transport for a child with special educational needs should be directed to the SEN Assessment and Monitoring Team either by telephone on 01625 378042 or in writing to:

SEND Assessment and Monitoring Team  
Macclesfield Town Hall  
Market Place, Macclesfield  
Cheshire, SK10 1DX  
Tel: 01625 378042

For general mainstream eligibility or other school transport enquiries, you can visit the Council's website at [www.cheshireeast.gov.uk/schooltransport](http://www.cheshireeast.gov.uk/schooltransport) where you will find full details, along with a list of frequently asked questions. Alternatively, you can email [schooltransportenquiries@cheshireeast.gov.uk](mailto:schooltransportenquiries@cheshireeast.gov.uk) or call us on 0300 123 5012.

### **4. Glossary of terms**

#### **Academic Year, School Year**

The academic year is deemed to start on 1st September in any given year and to end on 31st August in the following calendar year. In the exceptional case of a school whose academic year begins in August, the Council will consider whether it should take the date when that school's academic year starts as being the start of the academic year for a child attending that school.

**Address, Home Address**

For the purposes of home to school transport, the home address will be deemed to be where the child predominantly resides, normally with someone who holds parental responsibility. Proof of residence may be requested to confirm that a child and the child's family are resident at a specified address. The following are examples of documents that may suffice as proof of residence:

- Child or Working Tax Credits
- registration on the electoral roll
- utility bills
- bank statements
- driving licence
- mortgage or tenancy account details

The list of documents above is not exclusive and the Council may ask for permission to gain access to other local authority information, for example Council Tax or Housing Benefit records. If doubt exists, the Council may also require a parent to complete a formal statement to certify the home address. This would be discussed at the appropriate time.

**Authority, Local Authority, Council**

This is Cheshire East Council. Decisions of the Council are carried out in the name of the Council by its officers.

**Child, Children**

A child or young person of statutory school age.

**Cared for Children and Children who were previously Cared for.**

A 'cared for child' is a child who is in the care of a local authority or provided with accommodation by that local authority (as defined in section 22 of the Children Act 1989).

Children previously 'cared for' (as defined above) are those who immediately after being 'cared for' became subject to an adoption, residence, or special guardianship order. An adoption order is an order under section 46 of the Adoption and Children Act 2002. A 'residence order' is as an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

**Disability**

From 1 October 2010, the Equality Act replaced most of the Disability Discrimination Act (DDA) 1995 and 2005. However, the Disability Equality

Duty in the DDA continues to apply. The Equality Act 2010 aims to protect disabled people and prevent disability discrimination by ensuring that reasonable adjustments are made to accommodate the needs of all individuals. Under the Act, a person has a disability if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

### **Dual Registration**

The law provides for children to be registered at two separate schools in cases where a child has no fixed abode for the reason that a parent is engaged in a trade or business of such a nature as to require travel from place to place.

### **Alternative provision**

For some children, an education outside of school can be the most appropriate option. When this is arranged by LAs, schools or a group of schools, it is called alternative provision. It can range from pupil referral units (PRUs) and further education colleges to voluntary or private-sector projects.

In individual exceptional circumstances, where an alternative form of education has been agreed, the term will be taken to include such agreed sources of alternative provision.

### **Boarding/Residential Schools**

Boarding/Residential schools are those that provide overnight accommodation arranged or provided by the school, at the school or elsewhere.

### **Private Schools**

Private schools may be either non-maintained or independent, according to their foundation and legal status and receive their funding either direct from parents, from charitable trusts or from places purchased by local authorities. Generally, although not exclusively, an independent school is usually one run privately for profit whereas a 'non-maintained' school is run 'not for profit' usually by a charitable body.

### **Publicly Funded Schools**

Maintained schools are funded by central government via the local authority and do not charge fees to students. The categories of maintained schools are: community, community special, foundation (including trust), foundation special (including trust), voluntary aided and voluntary controlled. There are also maintained nursery schools and pupil referral units.

Academies and free schools are publicly funded independent schools. Some academies, generally those set-up to replace underperforming schools, will

have a sponsor. Sponsors come from a wide range of backgrounds including successful schools, businesses, universities, charities and faith bodies. Academies receive their funding directly from the Education Funding Agency (EFA) rather than from local authorities.

University Technical Colleges (UTCs) are Technical Academies for 14-19-year-olds. They offer technical courses and work-related learning, combined with academic studies. Each UTC is sponsored by a university and industry partner and responds to local skills needs. They provide young people with the knowledge and skills they need to progress at 19 into higher or further education, an apprenticeship or employment.

Studio Schools cater for 14 to 19-year-olds, delivering project-based, practical learning alongside mainstream academic study. They are small schools - typically with around 300 pupils - delivering mainstream qualifications through project based learning. Students work with local employers and a personal coach, and follow a curriculum designed to give them the skills and qualifications they need in work or to continue in education.

The Funding Agreement between the establishment and the Secretary of State provides the framework within which Academies, Free Schools, UTCs and Studio Schools operate.

### **Special School**

Schools that provide specialist education for children and young people with complex or specific needs.

### **Qualifying Schools / Nearest Suitable School**

The legislation defines qualifying schools as being:

- community, foundation or voluntary schools;
- mainstream academies;
- free schools;
- community or foundation special schools;
- special academies and free schools;
- University Technical Colleges
- Studio Schools
- non-maintained special schools;
- pupil referral units;
- nursery schools maintained by a local authority;
- city technology colleges, city colleges for the technology of the arts or an Academy;

independent school (if it is named as the local authority's preferred placement in the pupil's statement of special educational need).

For the purpose of secondary school transport, the qualifying school includes the three nearest schools to the child's home address (and within 2-6 miles) for low income families.

In relation to a child with SEN, an independent school (other than a CTC, CCTA or Academy) will be a qualifying school if it is the only school named in the child's statement, or it is the nearest of 2 or more schools named in the statement. In the case of special education, it will be the nearest suitable special school with places available that can provide an education appropriate to the age, ability and aptitude of the child and any special educational needs that the child has as specified in his or her statement of special educational need.

A school designated by the Council as the appropriate school for a particular child e.g. a permanently excluded child, a child with a statement of special educational needs, a child in the care of the local authority and placed at a particular school or a child placed at a particular school under the Fair Access Protocol, will normally be deemed to be the nearest suitable school for the purposes of this policy.

### **Low Income Families**

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. Annual confirmation of low-income status is required and assistance will usually be withdrawn if a family ceases to hold low-income status. To qualify the child will need to be entitled to free school meals because their parent / carer receive one of the following benefits:

- Income Support;
- Income Based Job Seekers Allowance;
- Employment Support Allowance (income related);
- Child Tax Credit with income less than £15,860.00 (unless you claim Working Tax Credit) - form TC602(A);
- Support under Part VI of the Immigration and Asylum Act 1999;
- Guaranteed Element of State Pension Credit

## **Out-of-County**

In reference to a school, this means a school which is neither maintained by Cheshire East Council nor is an academy, free school, UTC or Studio School within the Council's boundary. In reference to a place it means a place located outside the administrative boundary of Cheshire East Council.

## **Parent or Carer**

In this Policy, the parent will be taken to be the person with whom the child or student predominantly resides. This can include a person who is not a parent but who has parental responsibility or care of the child or student. If the person is not the birth parent or adoptive parent, then evidence may be sought to ascertain that the legal basis of the relationship. In this policy the terms parent or parents are taken to include carer or carers.

## **Special Educational Needs Statements**

A Statement of Special Educational Need is a statement made by the local authority under Section 324 of the Education Act 1996 that specifies the special educational provision required for that child. Schools must admit a child with a **Statement of Special Education Needs** that names their school.

## **Statutory School Age**

Children reach statutory school age at the beginning of the term following their 5th birthday. In compliance with legal requirements, children may start school in the reception class in the September following their 4th birthday. Parents / carers can request that the date their child is admitted to the primary school is deferred until later in the school year or until the child reaches statutory school age in that school year. To help younger children adjust, schools may phase full-time admission, admitting these children on a part-time basis. Any such arrangements are decided at school level.

Statutory school age ceases on the last Friday in June in the school year when the young person reaches the age of 16. No account is taken of the National Curriculum Year in which a child is being educated when determining the year in which compulsory school ages ceases.

## **Raising the Participation Age (RPA)**

The Education and Skills Act 2008 raises the age at which young people are required to participate in education or training. This does not necessarily mean they will have to stay on at school after Year 11 as they will have a choice about how they want to participate post-16, which could be through full-time education, such as school or college; work-based learning, such as



an Apprenticeship; or part-time education or training if they are employed, self-employed or volunteering for 20 hours or more a week.

This change applies from 2013, when young people will be required to stay in education or training until they are 17 years of age and increases until they are 18 from 2015. Any enquiries regarding this document should be sent to us at:

[www.schooltransportenquiries.gov.uk](http://www.schooltransportenquiries.gov.uk)

## **Appendix 1**

### **Assessment of walking routes to schools**

#### **1.0 Description of the Assessment Process**

- 1.1 All assessments will be undertaken in accordance with the current guidance note issued by Road Safety GB in 2012 'Assessment of Walked Routes to School' and will be carried out by a professional safety assessor.
- 1.2 The assessment will assume that pupils are accompanied by a responsible person. Assessments will be carried out at the times the pupils are expected to travel to and from school and any required traffic counts will be undertaken at the busiest time of the day.

#### Route Overview

- 1.3 The route overview will give a general description of the route to be assessed and include a map as well as photographs highlighting any areas of concern. The following details will also be taken into account:
  - Weather at the time of the assessment.
  - Ages of the pupils and the times they are expected to walk the route.
  - Recorded collision data for the previous 5 year along the route.
  - Length / names of the roads on the route and any relevant characteristics, for example, whether the route is rural / urban, single / dual carriageway, A/B class, one-way, speed limit, and whether the route is traffic calmed.
  - Any features along the route that may need re-assessment in the future (e.g. likely change in traffic patterns or vegetation that may compromise available footway width).
  - Consideration of any alternative routes.

#### Footway Assessment

- 1.4 The assessment will take into consideration whether the pupils will be required to walk along a route with either a pavement, 'step-off'<sup>2</sup> or at the side of the road. The following information will be included:

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<sup>2</sup> A 'step-off' is where pedestrians can step clear of the roadway onto a reasonably even and firm surface such as a roadside verge

- A record of whether there is a footway, which side of the road it is situated and if so, it's general availability, if it is of reasonable condition with even surface and sufficient width. The minimum width required will generally be deemed to be 0.5m, although each case is treated on its own merits and widths may be unacceptable or acceptable if wider or narrower than this guidance.
- If there is no pavement then the availability of 'step-offs', volume of traffic and sight lines will be taken into consideration.
- If there are no 'step-offs' then the volume of traffic and sight lines will be taken into account. The following table gives a general guidance as to the expected traffic volume on narrow roads without 'step-offs' or footways.

Acceptable maximum length of single sections of road without verges or refuge before broken by verge, 'step-off' or bend	Acceptable number of vehicles per hour by road width			
	< 3.5m Width	3.5 – 4.5m width	4.5m–5.5m width	>5.5 m width
10 meters	201-240	301-360	401-480	501-600
15 meters	161-200	241-300	321-400	401-500
25 meters	121-160	181-240	241-320	301-400
35 meters	81-120	121-180	161-240	201-300
55 meters	61-80	91-120	121-160	151-200
75 meters	41-60	61-90	81-120	101-150
120 meters	31-40	46-60	61-80	76-100
160 meters	21-30	31-45	41-60	51-75
240 meters	11-20	16-30	21-40	26-50
300 meters	6-10	9-15	11-20	13-25
500 meters	1-5	1-8	1-10	1-12

### Crossing Assessment

1.5 The assessment will also note if there is a need to cross the road and whether the type of road to be crossed is a main road, significant side road, quiet side road or vehicular access to service area. The assessment will also take into consideration whether there are any crossing facilities such as zebra or puffin crossings, traffic islands or dropped kerbs. Where there is a controlled crossing (zebra, puffin, pelican or toucan crossing) traffic counts will not be required. Where there is need to carry out further assessment the following will be taken into account.

- Where there is two way (one-way or a dual carriageway or where there is a pedestrian traffic island) traffic flow of below 240 vehicles per hour the road is assessed as safe to cross. This is equivalent to 1 vehicle every 15 seconds and allows a reasonable gap time to cross a 7 m wide road at a walking speed of 3 ft (0.91m) per second. A record of any vehicle counts will be kept.
- Where traffic counts are above 240 vehicles per hour a gap count will be required. This will record the number of gaps in each 5

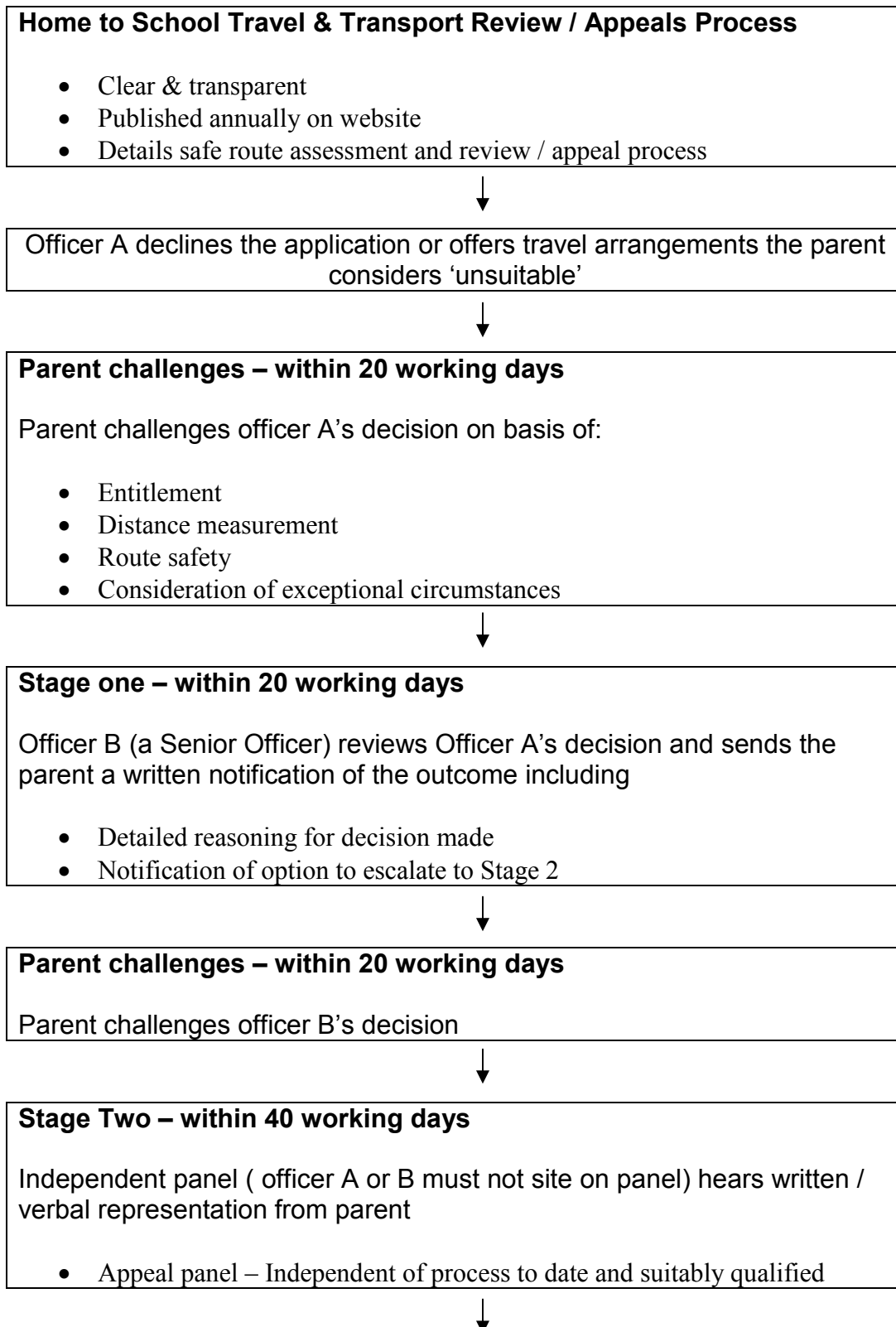
minute period that are longer than the road crossing time, using 3ft (0.91m) per second as the walking speed. Four gaps in each 5 minute period indicated a road that can be crossed without too much delay. Longer gaps will be classified as multiple gaps rather than just one gap.

- For all roads that need to be crossed there will need to be at least 4 seconds sighting time for drivers to see pedestrians and vice versa.

- 1.6 Routes that are traffic free (greenways, public rights of way, etc) will generally be considered as 'available' as long as the path is of reasonable condition and sufficient width.

## Appendix 2

### Home to School Travel & Transport Review / Appeals Process Flowchart



Independent Panel sends decision letter within 5 working days including  
how to escalate to LGO