



**Isle of Man
Government**

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Policy on Home to School Transportation of Pupils with Special Educational/Behavioural Support Needs

Department of Education, Sport and Culture
Rheynn Ynsee, Spoyrt as Cultoor

1. LEGISLATION AND CONTEXT

The statutory obligations which apply to the Department in relation to the provision of transport for pupils derive from section 38 of the Education Act 2001, which states:

“(1) The Department may make arrangements for the provision of transport and otherwise for the purpose of facilitating the attendance of pupils at schools or colleges.

(2) Arrangements under subsection (1) may require the making of such reasonable charges for the use by such pupils of any transport so provided as the Department, with the Concurrence of the Treasury, may determine.

(3) The Department may pay the reasonable travelling expenses of any pupil in attendance at any school or college for whose transport no arrangements are made under subsection (1).”

Applications for pupils with special educational needs who attend a school within their local catchment area will only be considered in extenuating circumstances.

2. POLICY STATEMENT

The Department places great importance on the wellbeing, safeguarding and support needs of pupils which includes, so far as is possible, the ability to access relevant educational provisions according to their specific needs.

The Department of Education Sport and Culture (“the Department”) may therefore provide transport from home to school for pupils who have been identified as having special needs and have been placed at a specialist provision, i.e. the Pre School Assessment Centre, a Special Needs Unit based at a school, the University College Isle of Man (UCM Complex Needs Unit) or the Education Support Centre, and applies where the criteria set out in this document are met.

However in doing so, the Department is cognisant of cost implications in delivering such services and the role it plays in contributing to cost savings within Government programmes. A balanced approach therefore needs to be taken to ensure the cost effectiveness of services against pupil transport requirements which may include shared or alternative provisions from time to time.

This policy may apply in respect of transport requirements for:-

- Special educational or behavioural support needs pupils
- Pre-school assessment centre pupils
- Education Support Centre
- Home to school assistance

although some of the procedures and transport arrangements may differ according to the respective requirements.

3. PROCEDURE

- 3.1** Parents or carers who wish to apply for transport will be required to complete a ‘Home to School Transportation of Pupils with Special Educational Needs’ application form.
- 3.2** Subject to the criteria set out in this policy document being met, transport shall be provided by the Department.
- 3.3** If parents or carers are unhappy with the outcome of a transport request, they have the right to appeal in accordance with the Department’s Appeals Procedure.

4. ELIGIBILITY FOR APPLICATION

- 4.1** A pupil may be eligible for transport provided by the Department where one of the following criteria is met:
- 4.1.1 Provision has been made for the child to attend the Pre-School Assessment Centre and the parent/carer is unable to provide transport.
 - 4.1.2 The Department places a pupil to attend the Education Support Centre or the UCM Complex Needs Unit and the parent/carer is unable to provide transport.
 - 4.1.3 The Department places a pupil at a school which is outside their local catchment area and the parent/carer is unable to provide transport.
 - 4.1.4 In order that their special educational needs can be met a pupil has been attending an out of catchment primary school and is due to transition to their catchment high school. In such circumstances transport shall be provided to the secondary school until such time as Independent Travel Training can be successfully completed.
 - 4.1.5 The Department determines that transport is necessary because the level of the pupil's needs makes it difficult for them to travel independently or unescorted and the parent/carer is unable to provide transport.
 - 4.1.6 Circumstances dictate that temporary or emergency transport is necessary. (In such circumstances there will be a review of transport provision on a termly basis).

5. GENERAL CONDITIONS

- 5.1 Transport shall only be provided between home* and:**
- 5.1.1 the Special Unit or nominated provision recommended by the Department; or
 - 5.1.2 the Pre-School Assessment Centre; or
 - 5.1.3 the Education Support Centre; or
 - 5.1.4 the UCM (Complex Needs Unit); or
 - 5.1.5 an alternative destination (or other appropriate place) agreed by the Authorised Officers of the Department.
 - 5.1.6 Where the pupil resides at multiple locations, home is normally taken as the address at which any child benefit is registered. Where parents have joint custody determination of the pupil's place of residence for transport related purposes under this policy will be undertaken by the Department after making appropriate further enquiries where considered necessary.
- 5.2** Transport shall **not** be provided for the initial assessments, meetings or appointments regarding a child.
- 5.3** Other than in the case of temporary or emergency transport arrangements in respect of which there shall be earlier reviews, all transport and passenger assistant provision shall be reviewed on an termly basis, or when there are changes in either the parents' or child's circumstances.
- 5.4** Transport may only be provided until a pupil leaves school or UCM, and is normally taken as the end of the academic year in which the pupil attains 19 years of age.
- 5.5 Provision may be withdrawn if:**
- 5.6.1 Individual circumstances change;

- 5.6.2 The behaviour or specific needs of the pupil makes transport dangerous to the pupil themselves, other passengers, the driver or passenger assistant;
- 5.6.3 Parents/carers move to within the catchment area of the specialist provision; or
- 5.6.4 Parents move within the Isle of Man or the pupil is placed in long-term care and the Department agrees that the pupil should transfer to a school nearer their new home address.
- 5.6.5 Provision of transport support services is, in the opinion of the Department, being abused.

In such circumstances, transport provision may be continued until the end of the half term in which the changes occur.

6. PARENTS AND CARERS' RESPONSIBILITIES

- 6.1 Informing the Department immediately of any change in circumstances, which would influence eligibility for transport. Please contact the Department on telephone number 685808, email: DECAAdmin@gov.im or in writing to Administration, Hamilton House, Peel Road Douglas, IM1 5EZ.
- 6.2 Informing the Department in writing/email as soon as possible of any changes in address and/or contact telephone numbers.
- 6.3 Informing the Department in writing/email as soon as possible of any planned absences or other changes in requirements.
- 6.4 Ensuring that the child is ready to be picked up at the agreed time and taking the child from their home to the vehicle.
- 6.5 Ensuring that they are at home when their child is due to be collected or dropped off.
- 6.6 Ensuring that the correct booster or car seat/restraint is provided particular to the pupil's age & other requirements under law (as required) and at no additional cost to the Department. It should be noted that all children will be expected to wear a seatbelt or appropriate safety harness at all times when travelling in the vehicle.
- 6.7 Agree to the appropriate sharing with the Department and its transport service contractors such personal data (including relevant health, medical, medication and care plan information) considered necessary to ensure the safety and wellbeing of the pupil in accessing transport services provided by the Department.
- 6.8 To ensure that transport services provided under this policy is not duplicated where the parents already receives comparable funding via benefits or other payments in respect of the pupil's support needs (e.g. the mobility component of the disability living allowance)
- 6.9 Should there be any concerns regarding the standard of service provided by contracted providers of the transport service, please advise the Department immediately.

7. RESPONSIBILITY OF THE PRE SCHOOL ASSESSMENT CENTRE/SPECIAL NEEDS UNIT BASED AT A SCHOOL/ UCM (COMPLEX NEEDS UNIT) /EDUCATION SUPPORT CENTRE

In the event of a pupil behaving inappropriately whilst being transported, the relevant Centre or Unit attended by the pupil is responsible in conjunction with the delegated Officers of the Department, for liaising directly with the parents/carers and the transport provider to agree a strategy to return the pupil's behaviour during transport to acceptable levels.

8. DEPARTMENT OF EDUCATION AND CHILDREN RESPONSIBILITIES

- 8.1** The timescale for arranging transport, where such provision is approved, shall be a maximum of 5 (five) working days from receipt of the completed paperwork by Department. Transport will usually commence on a Monday excluding bank or public holidays.
- 8.2** The Department, via its Contracted Operators shall endeavour to transport children in the shortest possible time and shall take account of individual pupil risk assessments. Where possible:-
- adjustments will be made to transport arrangements to ensure that no child is in a vehicle for more than 50 (fifty) minutes provided this can be achieved without a significant increase in transport costs **and except** in the case of matters outside the Department's/its service contractors influence (e.g. road works and road closures)
 - age appropriate passenger assistants will be provided.
- 8.3** A passenger assistant shall be provided on each vehicle for children up to the age of 14 years and a review will take place after a child has turned 14 years.
- 8.4** If the Department cannot provide transport within the scope of this policy, transport may be refused.
- 8.5** Parents or carers have the right to appeal against the decision in accordance with the Department's Appeals Procedure.

If you wish to apply for help with transport to and/or from school, you must fully complete the form and disclosure permission document attached and return it to this office at the above address as soon as possible.

PURPOSE OF THE APPEAL HEARING

The purpose of an appeal hearing is to give the appellant the opportunity to present to an appeal panel reasons why the appellant feels that the Department's Legislation or Policy has not been applied correctly to their application.

BEFORE THE HEARING

1. The time, date and venue for the hearing will be arranged by the Department.
2. All parties to the appeal will be asked to provide a written submission of their case.
3. If any of the parties wishes to be accompanied by another person as a friend or adviser they may do so, but each of the parties is expected to present their own case and answer any questions put to them. There is no requirement for each of the parties to attend if the parties involved are content that their written submission is sufficient.
4. If any of the parties wish to call another person as a witness to attend the hearing they may do so and make arrangements for that person to attend the part of the hearing in which they give their evidence and leave the meeting immediately thereafter.
5. During the appeal hearing meeting if new evidence not previously disclosed or shared prior to the meeting is presented, any of the parties may request an adjournment whilst the new evidence is considered by the other parties. It is in the interests of everyone that any such adjournment is avoided and, if one is requested, that it should only be for a short period of time.

STARTING THE HEARING

6. At the beginning of the appeal hearing meeting the Chair of the Panel will make introductions of the various parties and remind the meeting of what decision had previously been taken.

PRESENTATION OF THE CASES

7. After this case for the appellant will be made and any witnesses called.
8. At the conclusion of this presentation any of the parties to the appeal, the Panel and the Chief Executive Officer or his representative may ask questions of the appellant and of any witnesses before they withdraw.
9. After the case for the appellant has been made the case for the Department/school will be presented and any witnesses may be called.
10. Following this presentation, again any questions may be asked and afterwards witnesses will withdraw.
11. In the case of an appeal for an admission, the case for the Department will be presented by one of its officers, who may call witnesses.
12. Following this presentation, again questions may be asked and afterwards witnesses will withdraw.

RE-EXAMINATION

13. Following the presentation of cases all parties to the appeal will be asked if they wish to re-examine any of the evidence by asking questions of the others.

FINAL STATEMENTS

14. All parties to the appeal will then be asked if they wish to make a final statement, which should summarise their case already presented.

CONSIDERATION OF THE CASES

15. All parties to the hearing will then be asked to withdraw so that the case can be considered by the Panel with the Chief Executive Officer or his representative advising on legal or procedural matters.
16. If it is necessary to recall either party or witnesses in order to resolve any points of uncertainty, all parties to the appeal will be recalled notwithstanding the fact that only one may be concerned with the point giving rise to doubt.

DECISION

17. After the case has been considered the decision will, if possible, be given orally immediately after the hearing but, in any case, such decision will be confirmed in writing within seven calendar days of the hearing, with copies being sent to all those who have attended the hearing.
18. The decision of the panel is final.