



# Brent Travel Assistance for Children and Young People with Learning Difficulties or Disabilities

Spring 2008

**Children & Families**

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## SECTION 1 – GENERAL INFORMATION

This document sets out Brent Council's guidance for parents, guardians and carers on travel assistance for children with learning difficulties or disabilities (LDD). This includes children with special educational needs (SEN) and very young children with possible SEN.

If your child does not meet the criteria for travel assistance set out in this booklet you can apply for travel assistance in the same way as parents, guardians and carers of other children using the guidance in the booklet *“Assistance with Travelling Expenses for Pupils & Students Attending School or College Full Time”*.

Brent Council (the Council) has duties and powers to help parents of children living in their area with their children's travel to and from school or college and some other educational settings. Appendix 1 gives a detailed description of the education settings that count as “qualifying schools”. In brief all schools, except private schools, are “qualifying schools” as are academies, colleges and pupil referral units.

The purpose of travel assistance is to help you ensure that your child with a LDD attends school regularly and punctually without you incurring unreasonable travel cost. The help given will take account of your particular needs and circumstances.

If your child has a learning difficulty or is disabled within the meaning of the Disability Discrimination Act 1995 the Council has a duty to consider how it will assist you with your child's home to school travel unless you voluntarily make your own arrangements.

The help given is limited to what the Council considers to be suitable. Travel assistance is only suitable if it normally allows your child to reach school in reasonable safety, reasonable comfort and in a reasonable time so that they are not so stressed or strained or experiencing such difficulties that they are then unable to benefit from the education provided. Journeys requiring several changes of public transport or journey times significantly greater than 45 minutes for primary aged pupils or 75 minutes for secondary aged children on a daily basis may make the school unsuitable to meet your child's needs.

In general help does not mean free transport door to door whether or not your child has a statement of special educational needs. Free use of public transport will meet the needs of many children and those who live close to their school may need no help.

When deciding what help is suitable in each case the Council will take into account:

- ◆ How pupils of a similar age travelling a similar distance who do not have a LDD travel to school.
- ◆ the statutory guidance issued in May 2007 by the DfES (now the Department for Children Schools and Families DfCSF) “Home to School Travel and Transport Guidance” and paragraphs 8:87 to 8:90 of the SEN Code of Practice. The Council also has responsibilities to make efficient use of available resources, to promote healthier lifestyles and to adopt greener travel arrangements.
- ◆ the criteria set out in this booklet, all relevant individual circumstances and any evidence provided or representations made.

Your need for help and the help provided will normally be reassessed annually. It may be reassessed sooner if, for example, where your child lives or the school they attend changes.

If you are helped with your child's home to school travel because they fulfil the criteria in this booklet, you do not need to apply for that assistance. Your views about the kind of help you think you need will be sought as part of identifying your child's needs. The help to be given will be assessed as part of that process and what the Council considers to be appropriate will be offered to you. How to appeal against any decisions taken as a consequence of that process is set out in section 6 of this booklet.

## **SECTION 2 – CRITERIA YOUR CHILD MUST MEET FOR TRAVEL ASSISTANCE AS A YOUNG PERSON WITH A LEARNING DIFFICULTY OR DISABILITY (LDD)**

### **Eligibility Criteria**

In Brent your child must meet the following criteria for you to be given assistance with their travel to and from school. Your child must:

- ◆ have a learning difficulty or disability that is sufficiently severe and/or complex to significantly impact on their ability to travel to school under normal arrangements for a child of their age; and
- ◆ attend their nearest suitable qualifying school; and
- ◆ be in school years R to 14 which in brief usually means between 4+ and 18+ years old inclusive; or
- ◆ be 2 years old or older and placed in a nursery school or class or children's centre, by the Council, for the purpose of a statutory assessment of their special educational needs. Decisions about this form of assistance will be taken by officers in the Early Years Service from whom the criteria used when making their decision are available on request.

### **Children with Statements of SEN**

Children with statements will usually need assistance with travel. What help is suitable will be assessed during the statutory assessment process.

### **Students aged 16 to 19 attending a school or college of further education**

The Council will treat students with a LDD attending a further education college full time the same as their peers attending a school. The Council expects that the majority of students of this age will travel independently. Where that is not possible they will be assisted using the criteria set out above except it will be with reference to the nearest appropriate institution rather than qualifying school. Also please note that if group transport is provided it will have a set drop off and pick up time. Students may therefore have to carry out their private study time at school or college.

### **Students aged 19+**

In exceptional circumstances, where a student's LDD would make it inappropriate to travel independently, the Council will consider assistance with travel. To be eligible the student will be attending the nearest appropriate institution of further education or an institution outside the further and higher education sectors where provision has been secured by a further education funding council or local skills council under the Further & Higher Education Act 1992. Each case will be considered on its merits. Again it may not be possible to reflect a student's individual timetable in the drop off and pick up times.

## **Pupils at residential schools**

If the Council places your child at a residential school, the general principles set out above apply.

Unless your child's statement makes clear that attendance at the residential school is dependent on you taking responsibility for travel arrangements (in which case an alternative suitable school will also be named in part 4 of your child's statement) the Council remains responsible for providing suitable travel assistance.

In general the Council will provide support for the following journeys:

- ◆ Weekly boarders:
  - Beginning of the week from home to school; and
  - End of the week from school to home.
- ◆ Termly boarders:
  - At the beginning and end of each half-term.
- ◆ The initial interview;
- ◆ The annual review; and
- ◆ Any emergency meeting called by the school concerning your child.

Your child will usually be expected to travel to and from school by public transport independently or, where necessary, with a passenger attendant. The Council will reimburse you for the cost of your child's travel. The Council will also meet your travel costs to attend the initial interview, annual review, any emergency meeting and where you agree, at the Council's request, to act as your child's passenger attendant. However there is no obligation on you to act as passenger attendant. In all cases there is an expectation that the cheapest suitable route will be taken. It is advisable that you agree your proposed route with the Council before incurring any costs.

Should you choose to transport your child by car a mileage allowance is payable. The mileage rates and limits on payments are specified in section 5.

In some cases the cost of transport from the school to a central London pick-up point is included in the school fees. Where this is the case the arrangements described in the preceding paragraphs will apply between home and the central pick up point.

## **Pupils in Trouble**

In a few cases, usually where a child has been excluded from school, or the conditions attached to bail or an ASBO conflict with the normal route to school, the Council may provide travel assistance to secure attendance. Decisions about this form of assistance will be taken by officers in the Alternative Education Service from whom the criteria used when making a decision are available on request.

## **What if my child does not meet these criteria**

If your child has a LDD but does not meet these criteria you can still apply for travel assistance in the same way as parents of children who do not have a LDD using the information in the booklet *"Assistance with Travelling Expenses for Pupils & Students Attending School or College Full Time"*.

### **SECTION 3 – THE KINDS OF ASSISTANCE THAT MAY BE OFFERED INCLUDING TRANSPORT**

#### **General:**

The assistance given does not usually mean that your child will be transported to and from school door to door. In many cases that will not be the case. The more stringent eligibility criteria for free school transport are set out below.

The assistance offered will be matched to your child's assessed needs. Any changes to the provision will normally be implemented from the beginning of the next term or earlier by agreement. Eligibility and provision will normally be reviewed annually. If your child has a statement of SEN, whether or not transport is recorded in parts 5 or 6, travel assistance will normally be reviewed at the annual review.

In some cases notwithstanding your child's LDD, the Council may suggest that no assistance is necessary. For example, a child with a LDD may live close to their school. It may be reasonable to ask that child to make their own way there accompanied by his or her parents, friends or neighbours just like his or her peers. If no one were prepared to do that, the Council would probably provide a passenger attendant.

Similarly a child may be able to use a bus unescorted notwithstanding their LDD. Because Transport for London (TfL) provides free travel on buses to all children (up to 18) in full time education the Council may conclude that it need provide nothing further.

If the bus journey would be too long or complicated given your child's LDD, financial help may be more appropriate. This might meet the cost of tube or train fares or use of a car. Alternatively a passenger attendant may be provided or an allowance paid to you to be your child's passenger attendant. These forms of help may be particularly appropriate in support of an objective in part 3 of a statement aimed at developing independence, life skills or travel skills or similar. The Council will do its best to tailor its travel assistance to support such objectives.

Any assessment of fares that the Council will pay for will assume that your child will carry a TfL photo card or other proof of age as required to minimise the cost of fares. Ensuring your child has that photo card or similar document is your responsibility. If a photo card is withdrawn by TfL for reasons of bad behaviour the Council will not automatically meet the cost of travel that you may consequently incur and regular attendance at school will become your responsibility without assistance. However the application of such a sanction will not be applied without a discussion with you and a reassessment of the suitability of your child using public transport given their LDD.

During a statutory assessment or reassessment of your child's educational needs you have a right to state a preference for the school you wish your child to attend. If it is a maintained school (mainstream or special) the Council must name that school in part 4 of the statement (assuming that it is suitable to meet your child's needs). Once named, that school becomes your nearest qualifying school. The Council has then to provide the assistance it deems necessary for your child to travel to and from there.

However, if the cost of that assistance is significantly greater than the assistance needed for your child to attend what the Council considers to be a suitable school closer to your home, the Council may seek to over-ride your parental preference on the ground of efficient use of resources and have the Council's preferred school named in the

statement as the nearest qualifying school instead. At this point you have three choices. You can:

- ◆ challenge the Council's proposal using the procedure set out in section 5 of this booklet or by appeal to the Special Educational Needs and Disability Tribunal; or
- ◆ agree with the Council's proposal and send your child to the nearer school; or
- ◆ agree to take responsibility for all or part of the cost of travel to your preferred school. In that case both schools will be named in part 4 of the statement together with a statement making the responsibilities for meeting the cost of travel clear.

### **Eligibility for Transport**

The Council recognises that some pupils will require transporting to and from school due to the nature of their LDD and distance they live from school. The Council will normally provide free transport for your child if your child:

- ◆ meets the criteria in section 2 above; and
- ◆ has severe learning difficulties. For this purpose a child's learning difficulties are severe if and only if that is how they are described in the child's statement; or
- ◆ would have considerable difficulty in walking or using public transport due to his/her disability; or
- ◆ it would be unreasonable to expect the pupil to walk to school or undertake the journey by public transport due to its length and/or complexity; or
- ◆ there are other exceptional reasons why it would not be reasonable for the pupil to walk to school or use public transport.

### **Some limitations and adjustments to the help provided**

Assistance with travel will generally not be provided for medical appointments.

Where possible travel arrangements will be adjusted to enable children with LDD to attend extended school activities. However, if alternative travel arrangements are significantly more expensive, they will be beyond the scope of a reasonable adjustment and the parent would need to take responsibility for the journey home or for the extra cost that would otherwise be incurred by the Council.

Travel during the school day is the responsibility of the school. This will include integration sessions organised for some pupils between the special schools they attend and usually a nearby mainstream school. Where no significant extra cost would be involved the home to school transport provision will adjust its pick up and drop off points to fit in with these arrangements. If that is not possible for any reason the child will continue to be transported from home to school and vice versa in the usual way.

It is quite common for older children with a LDD to spend some of their time at a college of further education whilst still being a registered pupil at a school. If a pupil spends a whole day at college or becomes dual registered at the college, travel arrangements on those days will normally be adjusted to set down and pick up at the college.

Where pupils attend respite care on a regular basis, pick up and drop off arrangements will normally be adjusted accordingly. However parents should be aware that whilst the Council will use its best endeavours to assist, it cannot commit to making such adjustments for ad hoc care and respite care arrangements.

It is unlikely that this section is comprehensive and covers all eventualities. Therefore the Council will consider any representations that fall within this general area and consider each case on its merits.

Parents and siblings of children provided with transport may not use that transport should they also need to travel to their disabled child's school. However where a pre-school or primary aged sibling who needs to be accompanied to and from their education setting attends the same setting as the child provided with transport, consideration will be given to any request for the siblings to travel together. This may be granted if a place is available on the transport and there is no cost to the Council.

We check each term that any child in receipt of transport or a travel grant is attending school regularly.

## **SECTION 4: TRANSPORT PROVISION**

### **Council Transport Provision**

Transport is provided by the Council's in house transport unit, Brent Transport Service (BTS). BTS will plan and provide services in accordance with the policies in this document. Provision will be planned to achieve the most appropriate and efficient means of travel taking full account of individual pupil's safety, journey times and assessed needs. To do this BTS uses several different types of vehicles including coaches, mini buses some with wheelchair lifts, mini cabs and taxis. Where possible new pupils will be placed on an existing route. You will be notified of the pick-up and set-down times for your child as soon as arrangements are finalised.

In most cases pupils will be collected from and returned to their home or a pre-arranged authorised alternative address. Please note, the Council is not obliged to agree to an alternative address and is unlikely to do so if it costs the Council more unless you are willing to meet that extra cost.

In some cases arrangements may be made to pick up from and deliver children to designated pick-up points. You will normally be responsible for your child getting to and from the allocated pick-up point, which will be within a reasonable walking distance of your home and within what can reasonably be expected of your child. This may be particularly relevant where "home" is in a block of flats or side road where vehicular access is restricted.

Once transport is agreed it generally takes 5 working days to make the necessary arrangements. The Council may decide, at any time to vary the provision of transport in order to make more efficient use of resources. You will normally be given 5 working days notice of any change. The Council is well aware of the need for consistency of passenger attendant and driver for some children.

### **Passenger attendants**

Where the Council has decided to provide transport and groups of children are transported together by coach or minibus, at least one passenger attendant will be provided.

The Council will also consider whether it is necessary to provide a passenger attendant if your child travels individually or with one or two other pupils, in, for example, a taxi. A passenger attendant will normally be provided if your child or any one of the other one or two children they are travelling with:

- ◆ is a primary aged pupil; or
- ◆ is a vulnerable child or young adult; or
- ◆ exhibits severe challenging behaviour; or
- ◆ suffers from a severe or complex medical condition which requires continuous support.

Passenger attendants will not normally be provided for students over 16 (i.e. in years 12 and above).

The Council considers it preferable that children travel with someone they know and where practicable, the Council will encourage you or other relative to be the passenger attendant in a taxi, especially if your child is the only passenger. Where a parent acts as a passenger attendant they will be picked up from and dropped back at their home by the vehicle used to transport their child. The Council will not meet the cost of any other use of the taxi by the parent including deviation for the usual route or waiting time at the school (other than that normally associated with dropping their child off) or along the normal route.

### **Journey Times**

Journey times on transport provided by the Council depend on, among other things:

- ◆ the distance between home and school; and
- ◆ the number of stops the vehicle has to make to pick up or drop off other children.

In order to make effective use of vehicles, mini-buses carrying between 8 and 16 pupils are commonly used. For the majority of pupils travelling to schools within Brent, their journeys are likely to be of an hour or less although it may be a little longer for a few pupils at the beginning or end of some routes. The statutory guidance is that journey times should not exceed 45 minutes for primary aged pupils and 75 minutes for secondary aged pupils. This is difficult to achieve in all circumstances, particularly in London due to traffic congestion and where journeys are to schools outside the Borough. However, the Council will do its best to minimise journey times.

### **Safety – Our First Priority**

Where transport is provided or arranged by the Council the safety and welfare of pupils is the first priority. To this end the Council will ensure that:

- ◆ drivers hold the appropriate driving licence;
- ◆ drivers and passenger attendant undergo police checks;
- ◆ drivers and passenger attendants carry identity cards;
- ◆ drivers and passenger attendants are aware of their duties particularly in emergency situations;
- ◆ all vehicles are fitted with approved seat belts and pupils are secured with a seat belt during the journey;
- ◆ mini-buses carrying passengers in wheelchairs are equipped with tail-lifts and approved wheelchair restraints;
- ◆ to ensure continuity, wherever possible, regular drivers and passenger attendants are used on each route;

- ◆ passenger attendants are trained in supervising children with special needs and dealing with challenging behaviour and are familiar with safety and emergency equipment;
- ◆ vehicles used are clean, mechanically sound and have a valid MOT and or other appropriate test certificate and insurance;
- ◆ staff are available at Brent Transport Service (BTS) between 7.00am and 5.00pm on school days to offer assistance and advice;
- ◆ drivers and passenger attendants do not smoke on the vehicle or in the presence of pupils;
- ◆ all vehicles carry a first-aid kit and fire extinguisher and are fitted with an operational two-way communication system; and
- ◆ mini-cabs and taxis are fitted with child-proof locks which are engaged during the journey and that no pupil under 14 travels in the front passenger seat of a mini-cab.

### **Special Seats and Harnesses**

The Council will provide appropriate special seats or harnesses required by pupils due to the nature of their disabilities and to comply with child seat regulations for motor vehicles. Drivers and passenger attendants are required and trained to use them.

### **The Role of Parents Guardians and Carers**

You play an important part in ensuring the smooth running of your child's transport arrangements and that of the other pupils your child may be travelling with. That is why you are expected to:

- ◆ make sure your child is ready at least a few minutes before the pick-up time. Transport will not normally wait more than three minutes after the scheduled arrival time.
- ◆ bring your child to the vehicle and assist with placing them on and taking them off the vehicle;
- ◆ always be at the set-down point on time to meet your child at the end of the school day;
  - If you are not at the agreed drop off point to meet your child, he or she will not be left alone unless that is the arrangement agreed with you. Transport will wait five minutes after the scheduled set-down time and then continue its journey. During this time the driver will contact BTS who will attempt to contact you by telephone to discover what has gone wrong and let you know when your child is now likely to be dropped off. Wherever possible the driver will return at the end of the route and make a further attempt to drop your child off at their home. If you are still not there your child will be taken to a social services centre and a note and or phone message left for you. Unless there are exceptional circumstances, you may be charged for the cost of any extra travel involved and the supervision provided by social services.

- If such incidents occur frequently, the Council may suspend the provision of transport as it has a duty not to waste public money. It will then be your responsibility to ensure your child's regular attendance at school without travel assistance.
- ◆ Telephone BTS, as soon as possible, if your child is sick or unable to attend school for any reason. To avoid unnecessary expenditure please make that call at least 45 minutes before the scheduled pick up time. There will be someone at BTS to take your call from 7 a.m. onwards;
- ◆ Advise the passenger attendant if there may be a particular difficulty with your child on a specific day; and
- ◆ Whether there is a passenger attendant or not, support the Council and their passenger attendants in ensuring that your child behaves in an acceptable manner on the vehicle so as not to detract from the comfort and safety of other passengers or distract the driver.

Whether there is a passenger attendant or not you will normally be responsible for the cost of any damage to the vehicle or property of other passengers caused by your child.

Incidents of serious or persistent indiscipline may lead to transport being suspended or permanently withdrawn. It will then be your responsibility to ensure your child's regular attendance at school without that assistance. Legislation also provides schools with the power to exclude children in such circumstances. Clearly your child's LDD will be taken into account when considering what constitutes serious or persistent indiscipline. It will be important to be clear whether or not your child can control their behaviour or could do so with the appropriate encouragement and support before any sanction for indiscipline is considered. No sanction will be applied before discussing the matter with you.

Should your child's LDD present behaviour so extreme that it would not be safe to transport them by one of the usual means, how regular attendance at school is to be secured will be a matter for their statement and, possibly, school placement.

In addition to the above you **must**:

- ◆ provide home and work telephone numbers and an emergency contact number and address. Please keep BTS updated with any change to telephone numbers
- ◆ notify BTS and transport officers of any changes to normal arrangements. **It is not sufficient** just to inform the passenger attendant and/or driver;
- ◆ appreciate that pick-up and drop-off times cannot always be arranged to suit your convenience although the Council will do its best to do so; and
- ◆ similarly appreciate that pick-up and drop-off times cannot always be adhered to due to unforeseen difficulties including those of other pupils not being ready on time, traffic, adverse weather, emergencies and the like although the Council will do its best to do so.

## SECTION 5: ALLOWANCES AND PAYMENTS

### ◆ Mileage Allowances

- ◆ Parents, carers or the student themselves or their friends may offer at any time to transport the student with a LDD to school, residential school or college. It will be for the Council to decide whether or not to accept that offer. If we do we will pay a mileage allowance in the form of a travel grant.
- ◆ In most cases this will be for the whole of the home to school return journey twice a day.
- ◆ For day pupils where they drive themselves or are carried as a passenger by a fellow student who is attending the same school or college, only one return trip per day will usually be necessary and any payment will be adjusted accordingly.
- ◆ Section 2 makes clear which journeys the Council will pay for for residential pupils.
- ◆ The current mileage rate is 40p per mile.
- ◆ The Council may require the school or college to certify your child's attendance before paying the mileage allowance.
- ◆ The maximum that will be paid will be no greater than the cost the Council would otherwise incur making its own travel assistance arrangements whether those arrangements include transport or not or the provision of a passenger attendant or not.

### ◆ Payments by Travel Grant

- ◆ Where any financial assistance is authorised, support will be provided in the form of a Travel Grant. The amount of the grant will be assessed taking into account the cost of fares, mileage allowance, and passenger attendant duties.
- ◆ You or the relevant person will be given and asked to complete a 'Travel Grant Application' form. The Council needs you to do this to collect the information it needs to make the payment. You are asked to do this promptly but payment will be backdated to when the support was agreed.
- ◆ If a travel grant is awarded to more than one of your children you may use one form for all of them whether they attend the same school or not. You must make it clear if any of these children do not live with you and in that case where they live.
- ◆ The grant will be made as a payment direct to the bank or building society as detailed on your travel grant application form. The payment will cover the cost of travel for one term (or the balance of the term in which the grant was agreed) for the route agreed.
- ◆ Thereafter, you will normally receive one payment per term (3 per year). In a few cases where children are at boarding school, one off payments for specific journeys may be made in addition.

- ◆ Your travel assistance will normally be reviewed each year. If it becomes clear that circumstances have changed, you will probably be asked to fill in a new form. Please notify us immediately if your child/children change school or you or your child's home address changes. This applies whether you live in permanent and temporary accommodation. It will avoid the wrong amount being paid and arrears accumulating.
- ◆ Pupils and students aged 16, 17 or 18 may be eligible for Education Maintenance Grant or EMA. Depending on family income this is currently paid at the rate of £10, £20 or £30 per week. It is paid to help young people from families on low incomes to stay in education. The money can be spent on anything including books, travel and stationery. If a travel grant is awarded up to but no more than one third of a young person's EMA entitlement will be taken into account when assessing the grant to be paid.
- ◆ If your child moves out of Brent your entitlement to assistance with travel from Brent will end immediately. You are advised to seek help from your new local authority as soon as possible. Applications are not transferable between councils.

## SECTION 6: APPEALS AND COMPLAINTS

### ◆ COMPLAINTS ABOUT THE TRANSPORT PROVIDED

- ◆ Officers of the Council will do all they can to ensure that your child's journeys to and from school is safe and as happy as possible. If you have any concerns or complaints about the transport your child is getting please discuss them first with a customer services officer at BTS or write to BTS at:

Brent Transport Service  
Hirst Hall, East Lane Business Park  
Wembley Middlesex  
HA9 7NB  
Telephone: 020 8937 6767 Fax: 020 8937 6759  
[nisha.malhotra@brent.gov.uk](mailto:nisha.malhotra@brent.gov.uk)

Should you wish to take the matter further, a letter detailing your concerns should be sent to:

Complaints Officer, Children and Families Department  
Chesterfield House, 9 Park Lane  
Wembley Middlesex  
HA9 7RW  
Telephone: 020 8937 3153 Fax: 020 8937 3093

### ◆ Appeals Procedures

- ◆ If you disagree with the Council's assessment of the travel assistance they say is appropriate for your child, including a decision that you do not qualify for or need any help, you can appeal against that decision.
- ◆ If you wish to appeal, please do so in writing explaining in detail why you feel your circumstances are exceptional or the assessment carried out is wrong. You are assured that each individual case will be given careful consideration by a senior officer of the Council (not the officers involved in the original decision).
- ◆ There are three stages in the appeal process. The first stage is to write to the Head of the Service of the officer making the assessment or decision. For most parents that will be:

Carmen Coffey, Head of SEN Assessment Service  
Chesterfield House, 9 Park Lane  
Wembley Middlesex  
HA9 7RW

For some parents this may be Lesley Fox-Lee, Head of Early Years, or Paul Roper, Head of Alternative Education Services. The person carrying out the assessment will give you details of whom to appeal to when they give you their written decision.

If you are not satisfied with the response you receive at this stage you can then move to the second stage by making a written appealing to:

Krutika Pau, Director of Children & Families  
Chesterfield House, 9 Park Lane  
Wembley Middlesex  
HA9 7RW

If you are still not satisfied, Stage 3 of the appeal process is an investigation carried out by the office of the Chief Executive. Please write to:

Gareth Daniel, Chief Executive  
Brent Town Hall, Forty Lane  
Wembley Middlesex  
HA9 9HD

- ◆ If you indicate that you intend to appeal your child's statement to the Special Educational Needs and Disabilities Tribunal, and the travel assistance offered is relevant to that appeal, the internal appeals procedure will continue to the first stage as part of the Council's attempt to resolve that dispute. It will not progress to the second or third stage since both parties will be bound by the outcome of the Tribunal. If the Tribunal decision does not resolve the travel support issues, the internal appeal arrangements will resume at stage 2.

## APPENDIX 1

### “QUALIFYING SCHOOLS” AND “THE NEAREST QUALIFYING SCHOOL”

“Qualifying school” in relation to a child means—

1. a community, foundation or voluntary school;
2. a community or foundation special school;
3. a school approved under section 342 (as amended) of the Education Act 1996 (non-maintained special schools);
4. a pupil referral unit (or any other education setting set up under S19(1) of the Education Act 1996);
5. a maintained nursery school; or
6. a city technology college (CTC), a city college for the technology of the arts (CCTA) or an Academy.

In relation to a child with special educational needs, an independent school, other than a college or Academy falling within paragraph (6) above, is also a “qualifying school” if -

- (a) It is the only school named in the statement maintained for the child, or
- (b) It is one of two or more schools named in that statement and of those schools it is the nearer or nearest to the child’s home.

To be “the nearest qualifying school” the school must be “suitable” i.e. it must provide education appropriate to the age, ability and aptitude of the child and be able to meet any special educational needs the child may have. It must also be “available” i.e. it must have or have had a place available for your child when a school place was allocated to your child.