

## Individual Decision

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The attached report will be taken as an  
Individual Portfolio Member Decision on:

**Wednesday, 20 July, 2011**

<b>Ref:</b>	<b>Title</b>	<b>Portfolio Member</b>	<b>Page No.</b>
ID2297	<b>Home to School Transport Policy 2012-13</b>	Councillor Irene Neill	1 - 38



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## Individual Executive Member Decision

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<b>Title of Report:</b>	<b>Home to School Transport Policy 2012-13</b>
<b>Report to be considered by:</b>	Individual Executive Member Decision
<b>Date on which Decision is to be taken:</b>	20 July 2011
<b>Forward Plan Ref:</b>	ID2297

**Purpose of Report:** To approve the Home to School Transport Policy for 2012-13

**Recommended Action:** Approval of Policy

**Reason for decision to be taken:** Statutory requirement

**Other options considered:** None

**Key background documentation:** Home to School Travel and Transport Guidance - DfE  
 West Berkshire Home to School Transport Policy 2011/12  
 C&YP PDC Review Report - Executive Report Item 12  
 12.3.09  
 Proposed West Berkshire Home to School Transport Policy 2012/13  
 West Berkshire Consultation Document - May 2011

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## Implications

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<b>Policy:</b>	As set out in the report
<b>Financial:</b>	Fare Paying charges have been increased by approximately 2.0%
<b>Personnel:</b>	None
<b>Legal/Procurement:</b>	None
<b>Environmental:</b>	None
<b>Property:</b>	None
<b>Risk Management:</b>	None
<b>Equalities:</b>	Equality Impact Assessment is to follow

## Consultation Responses

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### Members:

<b>Leader of Council:</b>	Councillor Graham Jones
<b>Overview &amp; Scrutiny Management Commission Chairman:</b>	Councillor Brian Bedwell
<b>Ward Members:</b>	N/A
<b>Opposition Spokesperson:</b>	Councillor Alan Macro
<b>Local Stakeholders:</b>	Wide consultation on proposed policy amendments including all in receipt of assistance - responses summarised in Appendix C
<b>Officers Consulted:</b>	Ian Pearson; Caroline Corcoran
<b>Trade Union:</b>	N/A

Is this item subject to call-in.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by O&SMC or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>

## Supporting Information

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### 1. Background

- 1.1 Regulations require Local Authorities to determine a Home to School and College Transport Policy annually and publish details in an admissions composite prospectus (West Berkshire Parents Guides to Admissions) to enable parents to consider transportation implications when choosing preferred school places. These guides are published by September each year.
- 1.2 It is proposed that the 2012/13 policy remains unchanged from the 2011/12 policy other than to remove all sections that refer to, the availability of the Transport Partnership Funding in the Post 16 section of the policy. It is also proposed to apply an inflation factor of approximately 2.0% to the charges made for the fare-paying scheme, the details of which were clearly identified in the consultation document.
- 1.3 The government previously provided funding through the Post 16 Partnership Fund administered by the Young People's Learning Agency (YPLA). The Local authority, in the same way as other local authorities, received the funds and used them to support Post 16 students encountering difficulty with transport costs, on a needs basis. The government has withdrawn this funding and now gives it directly to the providers of the courses, that is, colleges and sixth forms through the new Bursary scheme. While the Council will continue to meet its obligation to Post 16 students through the Post 16 Travel Scheme as it did before, providers now have the obligation to give extra support in cases of additional need. The 2012/13 policy provides this information to students.
- 1.4 As the effects of the wide ranging policy review by the Children & Young People Policy Development Commission Task Group are not yet fully seen it is considered appropriate to keep the policy unchanged. The full proposed policy is attached as Appendix A.
- 1.5 A consultation document (Appendix B) outlining proposed fare-paying scheme charges was released as in previous years. The document was also placed on the Council's Website for wider access by parents of pupils in Year 10 (due to transfer to post-16 education in September 2012), parents of pupils in Year 5 (due to transfer to secondary education in September 2012) and Parents of pupils in Nursery Schools and Nursery classes due to enter school in the 2012 following notification via schools. It was also issued to parents currently receiving assistance.
- 1.6 Following the consultation responses it is proposed that the policy for 2012/13 with the inflationary factor applied to fare-paying charges is approved for 2012/13 with only the amendment described in 1.2 and 1.3 above relating to coming into line with changes in funding legislation and that all fare payers continue to be offered the opportunity to pay in two instalments as in the previous year.

### Appendices

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Appendix A – 2012-13 Home to School Transport Policy-proposed  
Appendix B - 2012-13 Home to School Transport Consultation Document

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**WEST BERKSHIRE COUNCIL'S  
HOME TO SCHOOL TRANSPORT POLICY  
2012/13**

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## **INTRODUCTION**

Parents have a legal duty and a responsibility to ensure that their statutory school aged children attend school regularly and to make any necessary arrangements to ensure attendance. In certain circumstances West Berkshire Council, as the Local Authority (LA), has a duty to provide transport. Education Law details this duty and other discretionary powers that LAs have in considering transport provision when there is no duty to assist. LAs are also required to adopt and publish a Home to School Transport policy.

The main purpose of school transport is to assist in enabling pupils to attend school. The Council aims to provide equitable, safe, efficient and cost effective transport to all entitled pupils in accordance with its duties and powers as provided for in legislation.

This document sets out West Berkshire Council's Home to School Transport policy and describes how the Council fulfils its duties and exercises its discretionary powers as required under legislation. The policy detailed here is determined in accordance with the relevant provisions of the Education Act 1996 and subsequent amendments by the Education and Inspections Act 2006.

West Berkshire Council only considers offering transport assistance for pupils that are resident in West Berkshire, although provision can be used by those living outside the area who pay to travel. No other Home to School Transport will be provided by the Council except as detailed in this Policy. When there are changes in legislation and funding arrangements the Council will revise the policy and any accompanying statements and forms accordingly.

We acknowledge the role that the Local Transport Plan (LTP) has to play in shaping other corporate documents where transport contributes to the delivery of services. Future Home to School Transport policy documents will have cognisance of the overall aims and objectives of the LTP and its strategies, particularly in the areas of Accessibility, Passenger Transport and Travel Plans. Officers across all Directorates will be working closely to ensure consistency of approach.

# **HOME TO SCHOOL TRANSPORT POLICY**

## **1. BACKGROUND**

### **1.1 LEGISLATION AND GUIDANCE**

#### **1.1.1 LA DUTY TO PROVIDE TRANSPORT**

The Education and Inspections Act 2006 inserted new sections 508B and 508C into the Education Act 1996. These sections place a duty on local authorities to ensure that suitable travel arrangements are made, where necessary to facilitate a child's attendance at school (defined as the 'relevant educational establishment' in relation to the child).

The duty applies to "home to school" travel arrangements at the start of the day, and "school to home" travel arrangements at the end of the day for compulsory aged children (i.e. from the first full term following the child's 5th birthday to the end of the academic year in which falls the child's 16th birthday). It does not relate to travel between educational institutions during the school day.

Parents are responsible for ensuring that their children attend school regularly. However, section 444 of the Act outlines the situations in which a parent may have a defence in law against a prosecution by a local authority for their child's non-attendance at school. Section 444(3B) provides a parent with a defence if he or she proves that:

- the qualifying school at which the child is a registered pupil is not within "statutory walking distance";
- no suitable arrangements have been made by the local authority for boarding accommodation at or near to the school;
- no suitable arrangements have been made by the local authority for enabling the child to become a registered pupil at a qualifying school nearer to his/her home; and
- the local authority has a duty to make travel arrangements in relation to the child under section 508B and has failed to discharge that duty.

Schedule 35B of the Act defines "eligible children" – those categories of children in an authority's area for who travel arrangements will always be required. Under section 508B, every feature of these arrangements must be provided free of charge. These are outlined within the West Berkshire Home to School Transport Policy below.

## **1.1.2 LA DISCRETIONARY POWERS**

In cases of pupils who do not qualify for free transport, Section 508C provides a discretionary power for authorities to provide assistance by paying all or part of the pupil's reasonable travelling expenses. Authorities may take account of parental means in deciding whether or not to do so. Each authority decides whether and how to exercise these powers.

Free transport might exceptionally be necessary for a 5 to 16 year old who lives within walking distance of school or who does not attend the suitable or nearest school<sup>1</sup>. The Council has an obligation to consider all such cases on their merits.

The Council may consider arrangements 'necessary' that go beyond the minimum, e.g. free or subsidised transport for those who live within walking distance of the school but have health problems or are under age.

Local Authorities must annually publish their policy on free and subsidised transport.

## **1.1.3 PARENTAL DUTIES AND RESPONSIBILITIES**

Although the Council offers transport assistance, it is still the responsibility of parents in all circumstances to ensure their children get to school if he/she is of compulsory school age. Even where transport is provided they still have a responsibility for the behaviour of the child and will need to play a part in the process.

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<sup>1</sup> The courts have held that authorities do not have a duty to provide free transport for pupils whose parents have chosen to send them to a school other than the suitable or nearest one, even if it is beyond statutory walking distance. Authorities may help in such cases if they wish. This would be on the basis of their discretionary powers (Section 509 (3)).

## **2. MAINSTREAM TRANSPORT**

Section 509 of the 1996 Education Act and its amendments in subsequent education acts obliges authorities to make transport arrangements if they consider it necessary to facilitate a pupil's attendance at specified educational institutions. Provision is based on age:

1. Provision for pupils of compulsory school age:
2. Post 16 Students (16 to 19).

The legislation applies to all pupils, whether they do or do not have statements of Special Educational Needs<sup>2</sup>.

### **2.1 FREE SCHOOL TRANSPORT**

#### **2.1.1 Statutory Free School Transport**

Free transport will normally be provided to pupils of compulsory school age (including those with and without statements of Special Educational Needs), attending mainstream schools, if:

A. They attend their suitable<sup>3</sup> or nearest maintained school and they live:

- more than 2 miles (3.218688 kilometres) from school for those aged between 5 and 7; or
- more than 3 miles (4.828032 kilometres) for those aged 8 – 16; or
- more than 2 miles (3.218688 kilometres) from school for those aged between 8 and 11 from a 'Low Income Family'.

OR

B. They are aged between 11 and 16, are from a 'Low Income family' and they live:

- more than 2 miles (3.218688 kilometres) but less than six miles (9.656064 kilometres) from one of 3 nearest maintained schools; or
- more than 2 miles (3.218688 kilometres), but not more than 15 (24.14016) miles from the nearest suitable maintained school for those who attend a school on the basis of a religious belief.

OR

C. They are pupils who attend their suitable or nearest maintained school:

- and are unable to walk whether by reason of SEN, disability or mobility problem including temporary medical conditions, with the necessary assessments applying; or

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<sup>2</sup> Special Educational Needs Code of Practice: Department for Education and Skills (DSCF), November, 2001 paragraphs 8:87 to 8:90.

<sup>3</sup> The courts have held that authorities have the powers to designate a suitable school for the pupil (see R v Kent County Council), exp C [1998] ELR 108, Bulletin 11, p 8. (see 2.1.5)

- whose parents cannot accompany them along a walking route because of a disability where no other arrangements could be made; the necessary assessments will apply.

The categories for eligibility for free transport are provided for information only. This is the law; the council must provide free transport for these children.

### **2.1.2 Low Income Families**

For transport under criteria specifically referring to Low Income Families - defined in legislation as those eligible for free school meals or whose parents are in receipt of the highest level of Working Tax Credit - a transport supplementary form will need to be completed at the start of each year and evidence of continued entitlement provided each term.

### **2.1.3 Eligibility**

Eligibility for transport depends on:

- the age of a pupil;
- travelling distance between the suitable or nearest school and a pupil's home address; and
- availability of the walking route or alternative walking routes to the school.
- the pupil's family income status, entitlement to free school meals or those whose parents are in receipt of the maximum level of Working Tax credit, within specified age ranges.
- Pupils who are unable to walk whether by reason of SEN, disability or mobility problem including temporary medical conditions. Requests must be supported by a doctor's certificate and the Council reserves the right to seek further evidence of the condition. Any such Transport given for temporary medical conditions causing mobility problems will be time limited and subject to regular review.
- With the exception of 2.1.1 B, transport will normally only be provided if a child attends the suitable or nearest maintained school.

### **2.1.4 Compulsory School Age**

In England and Wales a pupil becomes of compulsory school age on the 1st day of the term following the 5<sup>th</sup> birthday. A pupil ceases to be of compulsory school age at the end of the last Friday of June following the 16<sup>th</sup> birthday.

### **2.1.5 Pupils Below Compulsory Age**

Free transport is not normally provided for pupils below compulsory school age. Fare paying seats may be available (see 2.3.1).

### **2.1.6 Pupils Over Compulsory Age**

Refer to Post 16 Transport in Section 4 of this policy for transport arrangements for pupils over compulsory age.

### **2.1.7 The Suitable School**

The Suitable School for the purposes of assessing eligibility is considered to be the West Berkshire transport catchment area school, NOT the catchment area school as defined for admission purposes. When such a school is unavailable, the Suitable School will be considered to be the nearest available school.

However, for a pupil from a Low Income Family aged 11 to 16 (secondary) the 3 nearest qualifying schools will be considered under new legislation.

Distance is measured using the West Berkshire Geographical Information System (GIS) taking a straight line between the home address and the schools<sup>4</sup>.

If parents choose to send their child to a school which is not the suitable or nearest school, free transport will not be provided by the Council, even if the school is not within statutory walking distance. Parents will be responsible for all arrangements and costs. This also applies to parents of children with special educational needs.

If parents request free transport to a preferred school at any time on the grounds that the admissions catchment area school is full, the Council will not consider the request if, during the normal admission round or at the time of application for a school place, parents had not preferred the catchment school or nearest school at that time.

### **2.1.8 Qualifying Schools**

A qualifying school must be one of the 3 nearest maintained schools<sup>4</sup> to the home of a child from a Low Income Family, with a space at the time of allocation. (Qualifying schools apply for secondary school aged children only.)

### **2.1.9 Travelling Distance**

The travelling distance between home and school is normally measured in terms of walking distance between the child's home and the school, via public rights of way and other routes available to the public.

Measurement is taken from the nearest entrance to the property such as the front or back gate of the house or start of the driveway, to the nearest available entrance to the school, which is not necessarily the main entrance.

Statutory walking distance is related to the age of the pupil and is defined in legislation as:

- 2 miles (3.218688 kilometres) for a child who is under the age of 8 and children aged 8-16 who qualify under one for the Low Income Family criteria (In all other cases, transport provision will cease when a child attains the age of 8, if the distance between the pupil's home and school is between 2 and 3 miles);
- 3 miles (4.828032 kilometres) for a child who is between 8 and 16.

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<sup>4</sup> These are termed the 'Qualifying schools'. See section 2.1.8



Walking distance is measured by the shortest available walking route which a child, accompanied as necessary, can walk with reasonable safety to school<sup>5</sup>.

For Low Income Families, the 6 mile and 15 mile travelling distance upper limits are not walking routes and these upper limits would be measured along road routes.

### **2.1.10 Pupil's Home Address**

Transport to and from school will normally be determined and approved from a single permanent residence. This is normally the one where the child spends most time with the parent / carer and has been used for admission purposes. The Council should be notified in writing of all changes of home address. Transport provision may cease if there is a change in home address and attendance will not be at the suitable or nearest school from the new address. Similarly transport will cease with any change of school. In such cases a new application should be made to assess transport provision.

In exceptional cases where there is a change in the pupil's home address, or placement if in public care, the Council may consider the continued attendance at the current school to be in the child's best interest. In such cases transport will be considered to ensure attendance, for example during the final year of GCSEs. Consideration will be given as to whether the change of address was entirely outside any parental control.

### **2.1.11 Nature of Routes to School**

The Council recognises the challenges in rural areas for the availability of safe walking routes especially in areas where pupils may have to cross fields, wooded areas and public parks and may encounter livestock. Rights of Way will normally be considered to be available at all times, as will Permitted Paths, following consultation with the Environment Directorate.

Off road walking routes will not be considered to be unavailable because of lack of lighting, isolation of route, temporary unavailability (e.g. due to seasonal flooding) or proximity of any residences, water hazards, livestock, horses, etc.

When challenged regarding the availability and safety of routes, the Council will undertake appropriate risk assessments which will include a review of public availability, walking the route with appropriate officers and local members, and involve discussion with Education Transport, Transport Services, Transport Policy, Road Safety and Countryside Environment officers.

Whilst a parent may make a case that a route is believed to be unsafe, it is the Council that determines if a route is available.

The Council will consider, in line with its vision for general transport provision across West Berkshire, through the Local Transport Plan, the provision and improvement of safe walking

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<sup>5</sup> The House of Lords held unanimously that a route is available if a child, accompanied as necessary, can walk along it with reasonable safety to school. A route does not fail to qualify as 'available' because of dangers, which would arise if the child were unaccompanied, *Essex County Council v Rogers*, F [209].

routes and the building of foot / cycling paths or crossings in some areas, as more cost effective alternatives to providing free transport<sup>6</sup>. This may result in the withdrawal of transport where safe walking routes are established.

### **2.1.12 Transport Provided in Error or Subject to Change**

Where free transport has been provided in error or where there have been material changes to the route to school, provision may be withdrawn<sup>7</sup>. However, transport will continue until the end of the term in which the error was notified, or a change in consideration of the circumstances of eligibility was determined, in order to allow for alternative arrangements to be put in place by the parents.

Where free transport may be withdrawn due to identification of alternative safe walking routes being available, any decision to withdraw assistance will be made following risk assessment and consultation with affected families, schools in the area, local and portfolio members of the Council.

## **2.2. DISCRETIONARY TRANSPORT**

Legislation on school transport gives the Council discretion to provide transport in cases where there is no duty to assist, but where the Council may decide that it is necessary to ensure attendance. Where transport is considered necessary to ensure attendance then the Council must provide it free.

### **2.2.1 Denominational Transport**

With effect from the 2010/11 academic year, assistance with denominational transport other than statutory entitlement will not normally be approved. Please refer to 2.1.1 for eligibility to Statutory Free Transport.

Existing denominational transport arrangements will continue for pupils until the pupil leaves the school currently attended or there is a change in circumstances that would have affected eligibility if assistance was still available similarly to the 2009/10 policy.

### **2.2.2 Peripheral Activities**

Free Transport is provided for pupils at the beginning and end of the school day only; it will not normally be provided for additional activities, e.g:

- After school activities;
- Induction / open day / interview visits;
- Medical and dental appointments;
- Parental / Carer attendance at school;
- Respite Care;
- Exchange students.

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<sup>6</sup> Viring of funds will be considered for improvements to provide safe available walking routes as a cost effective alternative to vehicular transport.

<sup>7</sup> The courts have ruled that where a Local Authority has provided free transport in the belief that the distance involved is over three miles, they are bound to review this exercise of their discretion when this belief proves to be mistaken. *Rootkin v Kent County Council* (1981), F [211] CA.

## **3. SPECIAL EDUCATIONAL NEEDS TRANSPORT**

### **3.1 PUPILS WITH STATEMENTS**

#### **3.1.1 General Principles**

There is no automatic entitlement to free school transport on the grounds that a pupil has a Statement of Special Educational Needs<sup>8</sup>.

Transport will be provided only in accordance with the usual provision and eligibility criteria (see section 2).

Where transport is deemed necessary, it will only be provided to the nearest school considered appropriate to meet the child's Special Educational Needs. If parents express a preference for an equivalent school that is more distant, the Council may agree to such a placement but will not provide transport. (See Fare-paying Scheme 2.3.1).

For all pupils who receive transport, the Council is required to review the pupil's ongoing transport needs at the statutory Annual Review. Older pupils who are capable of doing so will be encouraged to develop independent travel skills.

#### **3.1.2 Transport to Mainstream Schools / School with Resource Units**

Pupils with Statements who attend mainstream schools are not provided with transport, unless they qualify for transport under the mainstream home to school transport policy (see Section 2).

In a small number of cases, some pupils who live less than the statutory distances referred to in Section 2 may warrant provision of transport because the nature of the Special Educational Needs is such that they would be unable to physically walk; for instance, pupils with severe physical disabilities or those with medical conditions that limit their ability to walk.

#### **3.1.3 Transport to Special Schools**

Compulsory aged pupils who are placed by the Council at special schools should not be regarded as automatically entitled to free transport. Pupils with Statements who attend special schools are not normally provided with transport unless they qualify for transport under the normal home to school transport policy (see Section 2).

It is acknowledged that some pupils living within statutory walking distance with complex needs, attending special schools, will require assistance with transport. The need for assistance with transport will be made clear when developing a Statement and will be amended by the Annual Review.

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<sup>8</sup> Home to School Travel for Pupils requiring Special Arrangements: Department for Education and Skills, November 2004, pages 27– 28.

Each pupil's capacity for independent travel to a special school will always be considered before transport is provided.

### **3.1.4 Transport to Residential Special Schools**

Transport should be considered when determining whether a residential placement is appropriate and if so what type of boarding arrangement should be put in place. For example, it may be more cost effective for a pupil to attend as a termly rather than a weekly boarder when transport arrangements are taken into consideration. Where a pupil with a statement is placed at a residential special school because a suitable day placement is not appropriate or available, transport costs will be considered in determining the type of boarding arrangement.

Eligible weekly boarders will be provided with transport at the start and end of each week. Eligible termly boarders will be provided with transport at the start and end of each term and half term, and for up to one weekend in each half term.

Where pupils are placed in residential schools and their places are jointly funded with Children's Services and Health, it is expected that transport costs will be shared.

### **3.1.5 Provision of Escorts**

Some pupils with Statements who qualify for transport may need to be supervised on the transport by an escort. Escort provision is costly and would only be agreed in exceptional circumstances. Annual Reviews for pupils who are transported with an escort will pay particular attention to the ongoing need or otherwise for an escort and will make recommendations accordingly to the Council. This will be achieved through a review of the actual forms and processes used for the Annual Review to ensure that transport needs are assessed annually.

### **3.1.6 Education Other Than At School (EOTAS) including Referral Units**

Where parents have made the choice to educate their child other than at school, no assistance will be available from the Council in connection with any transport need arising.

Where the Council arranges for a pupil to have education other than in school, the Council will provide transport subject to normal eligibility rules on home to school transport.

### **3.1.7 Transport to Language and Literacy Centres**

Pupils attending morning sessions at a Language and Literacy Centre (LAL) will either be transported to the LAL from their own mainstream school or from their home address, whichever is closer. They will then be transported back to school.

Pupils who attend afternoon LAL sessions will be transported from their own mainstream school to the LAL. If the end of the session coincides with the end of the school day, pupils will either be transported home or returned to their mainstream school, whichever is closer.

## **3.2 PUPILS WITHOUT STATEMENTS**

Transport for pupils without statements of Special Educational Needs attending mainstream schools will be provided on the basis of normal eligibility criteria (see Section 2). For exceptional circumstances, each case will be considered on its own merit.

## 4. ASSISTED SCHOOL TRANSPORT

### 4.1 FARE PAYING SCHEME

The Council offers seats on a fare paying basis for pupils who are not entitled to free transport if spare seats exist on transport arrangements contracted by the Council. Priority will be given to West Berkshire residents applying for fare paying seats, by date order of receipt.

However, for two similar fare payer applications received for the same route on the same day, priority will be given to the student living the furthest from the school measured by the West Berkshire GIS taking a straight line between the home address and the school. As a final arbiter, the youngest child will be offered a place first.

The Council will apply a graded fare charging system which is based on radial distances comprising of the following bands:

- A up to 3 miles;
- B up to 6 miles;
- C over 6 miles.

These three bands apply on all routes<sup>9</sup>.

Fares will be discounted by 30% for additional fare paying siblings.

Parents/Carers will be required to pay in two instalments: the first to be paid prior to issue of the travel pass and the second to be paid early in February.

When there is a greater demand from fare paying pupils, the Council will consider increasing transport provision to meet the demand, where this is cost effective<sup>10</sup>.

The issue of a fare paying pass is a concession which can be withdrawn at any time for the following reasons:

- the seat is required for a pupil entitled to free or Post-16 transport;
- the contract ceases to operate;
- the contract is re-routed;
- seating capacity is reduced.

The order of withdrawal will be the reverse order of the priority for eligibility, i.e. non West Berkshire residents before West Berkshire residents.

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<sup>9</sup> Rates for each band will be agreed annually in line with an inflation factor and will be listed in parent's guides for admissions and on application forms (see Appendix 2 for all rates).

<sup>10</sup> The Council will consider provision of more fare paying seats on school transport to encourage less use of cars for the school run and to reduce pollution. The aim is to encourage take-up for short distances while making sure that the higher band is still attractive.

When transport is withdrawn because a seat is no longer available or it has been provided in error, a refund will be made on a pro rata basis. If a pupil withdraws from the scheme for any reason, a refund will only be given on a half-termly basis. If a pupil is withdrawn for behaviour reasons no refund will be made.

## **5. GENERAL PRINCIPLES**

### **5.1 Mode of Transport**

The Council will procure transport between home and school via the Transport Services Team, by way of council vehicles, contracted services, public bus or rail services by applying Best Value procurement practices.

### **5.2 Mileage Reimbursement for Parental Transport**

In some cases, transport to and from school may be provided by parents themselves. Where there is no existing home to school transport available, parents could provide their own transport. The Council may reimburse mileage at a rate to be considered annually for the home to school journeys only, i.e. when the pupil is being transported (see Appendix 2, Rates).

In cases where public/ commercial transport is available, the Council may reimburse mileage on request when it is cost effective to do so. In exceptional cases the rate of reimbursement can be varied where it would be cost effective to do so.

### **5.3 Boarding and Alighting Points**

Appropriate boarding and alighting points will be determined by the Transport Services Team.

Pupils are expected to walk a reasonable distance to and from home to meet their transport. The maximum distance to a boarding point for any pupil will not normally exceed one mile.

Parents are responsible for their children's safety in getting to and from the boarding and alighting point at the appropriate time. They are also responsible for their children when they are waiting for transport and when they leave the transport at the end of the day.

Boarding arrangements for individual pupils will not be altered without prior agreement with the Transport Services Team, in consultation with the relevant school, and then only for reasons restricted to pupils' personal safety. Bus passes will then be reissued as appropriate by the Transport Services Team.

## **5.4 Journey Times**

For schools within West Berkshire, one-way journey time should not normally exceed 75 minutes for a secondary aged pupil and 45 minutes for a primary age pupil. However, in some circumstances travel to special schools may result in a need for longer travel times.

## **5.5 Change of School Hours**

Any change to school hours, INSET days or term dates requires consultation. Where a school determines a change to school hours that results in the Council incurring higher home to school transport costs, these costs will be recovered from the school's budget<sup>11</sup>. Changes to school hours with an aim of reducing home to school transport costs will be investigated<sup>12</sup>.

## **5.6 Exclusions from School**

Where it is considered appropriate for a pupil to be excluded from school, including from Pupil Referral Units (PRUs) during the school day, it is the parents' responsibility to collect the pupil on request. The school will hold the pupil until the parent's arrival or the end of the school day.

## **5.7 Behaviour on School Transport**

Parents, schools, pupils, transport contractors and the Council, working in partnership, all share responsibility for ensuring that acceptable behaviour is maintained to ensure safe and stress free school transport for all.

The Council aims to adopt a zero tolerance policy to bad behaviour. Pupils and their parents will be required to sign the Council's Behaviour Policy when applying for home to school transport.

Any breach of discipline will be dealt with through the school's behaviour policy and may lead to the withdrawal of those who have deemed themselves unable to take advantage of it owing to their bad behaviour. Subsequently there will be parental responsibility to ensure attendance. Appropriate sanctions will be applied in line with the policy. A no-pass-no-travel policy will apply. All parties concerned are encouraged to report incidents of bad behaviour for resolution of the incident and for recording on the Council's Webrisk database.

Withdrawal of transport is not a cost effective way of dealing with bad behaviour on school transport due to the statutory responsibilities to make provision. The Council will therefore work closely with schools to ensure that the full extent of school behaviour policies is used in dealing with pupils who cause problems<sup>13</sup>.

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<sup>11</sup> Education legislation allows for sustainable recovery from school budgets.

<sup>12</sup> This is in accordance with the results of the Scrutiny Task Group considerations.

<sup>13</sup> The courts have ruled that while schools have no absolute obligation to deal with issues that occur outside of school premises and the school day, they have discretion to act and take reasonable measures that could deal with a problem that occurred outside of school premises.



## **6. POST 16 TRANSPORT**

### **6.1 LEGISLATION AND GUIDANCE**

The legislation and guidance of school transport for persons of sixth form age are covered within the Education Act 1996, Learning and Skills Act 2000, Education Act 2002, Education and Inspections Act 2006 and Education Act 2008. Section 508C of the 1996 Act provides local authorities with discretionary powers to make arrangements for those children not covered by Section 508B.

Under legislation, a Local Authority should make such arrangements for the provision of free transport or otherwise, as they consider necessary, or as the Secretary of State directs, for the purpose of facilitating the attendance of students in further education at schools and specified further and higher education institutions.

They should not discriminate between pupils at maintained schools and persons in other specified categories.

Local Authorities are required to prepare and publish agreed local Further Education Transport Policy Statements in consultation with their partners by 31st May each year. The policy should be published nationally, locally and on the Department for Children, Schools and Families (DCSF) website.

Authorities must have regard to guidance from the DfE and the Young People's Learning Agency on Transport Support Arrangements for Students aged 16-19<sup>14</sup>.

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<sup>14</sup> Further details about the national guidance can be found at <http://www.ypla.gov.uk>

## **6.2 POST-16 TRAVEL SCHEME**

Full time Post-16 students living in West Berkshire attending a maintained school or further education college who are over compulsory school age, but under the age of 19, or who have begun a particular course of education or training before attaining the age of 19 and continue to attend that course, are eligible to apply for the Post-16 Travel Scheme.

The Post-16 Travel Scheme offers seats to students on transport arrangements contracted by the Council. The student will be provided with a pass to use on the contracted service. It will be valid for journeys to and from school/college, Mondays to Fridays only. Assistance is limited to contracted transport where spaces are available.

Students will be charged according to the School Transport Banded Rates (see Appendix 2, Rates).

A graded fare charging system is applicable to all students which is based on radial distances from the home address comprising of the following bands:

- A up to 3 miles
- B up to 6 miles
- C over 6 miles

Students who need help with transport costs should ask their school or college for assistance.

Contracted services include Closed Door contracts (not available to members of the public) and Non-commercial Open Door contracts (specific public buses) subsidised by West Berkshire Council. Full details of available services can be obtained by contacting the Transport Services Team (see Appendix 1).

Where no contracted transport exists, students will need to arrange the purchase of tickets directly from commercial operators.

Students should also consider transport arrangements made in association with their college (e.g. Thames Valley University (Reading Campus) students can obtain discounted passes from Reading Transport Ltd. On production of their student card; Newbury College operate a free shuttle bus service between the college and Newbury station; Berkshire College of Agriculture operate their own bus services to the college; Henley College have negotiated contracts with Horseman Coaches to provide services to the college from the surrounding areas).

### **6.2.1 Spaces on Contracted School Transport**

Assistance is normally limited to existing contracted school transport where spaces are available.

Priority for spaces will be given in the following order, on a first-come-first-served basis:

1. Compulsory age students eligible for free transport;

2. Post-16 Travel Scheme students;
3. Fare-paying students (living within West Berkshire);
4. Fare-paying students (living outside West Berkshire);
5. Students applying for assistance who already have a West Berkshire pass valid for another route.

It may be necessary to withdraw assistance if a place is required for another pupil with a higher priority.

## **6.2.2 Dates and Application Procedure**

Each request for assistance with Post-16 Home to School/College Transport will be considered on an individual basis. Students should contact the West Berkshire Parent and Student Advice Centre (see Appendix 1) for more information about the scheme or for an application form. Application forms are also available on the West Berkshire Council website.

Completed application forms should be returned to the Education Transport Assessment Officer at West Berkshire Education Service as soon as possible, and no later than 14 days before the start of the course, to secure assistance for the academic year. Failure to complete this form fully and accurately may result in a delay in approving and providing assistance.

## **6.2.3 Payments**

Invoices will be raised via West Berkshire Council's Exchequer Service and sent to applicants who will be required to pay in two instalments, one to be paid prior to issue of the travel pass and the second to be paid in February. Payment should be made by:

- Paying at one of West Berkshire Council's cash offices (by cash or credit card); or
- Telephone to West Berkshire Council (by credit card to 01635 519595).

Travel passes will be withdrawn if students do not pay the second instalment promptly. If a student no longer needs their pass, they should return it to the Transport Services Team immediately. The Transport Services Team will only be able to cancel an invoice if they return their pass within one week of the first day of the relevant term, and if refunds can be obtained from the relevant operator.

## **6.3 RESIDENTIAL SCHEMES**

Students attending schools/colleges beyond 'reasonable daily travelling distance' should apply for their travel cost/accommodation assistance from the Further Education Residential Support Scheme – contacting 0845 602 6880 for more details.

A Reasonable Daily Travelling Distance is defined for the purposes of the Post-16 Travel Scheme and the Further Education Residential Support Scheme as:

- A return daily journey taking less than 2 hours; or
- A distance of under 15 miles from the student's home to school/college; or

- A journey that requires only one change on public transport.

## **6.4 Additional Resources**

Throughout the year, further research and investigation will be undertaken to consider additional ways to improve Post-16 Transport and to increase access and retention. For example:

- Considering the procurement of new routes if there is no transport available
- Considering the introduction of new schemes to support Post-16 Special Educational Needs provision;
- Supporting mobility and independent travel schemes;
- To review particular bus or train services supporting local schools and colleges e.g. Newbury College, Thames Valley University (Reading Campus) and School of Arts and Design, West Berkshire Secondary Schools and Berkshire College of Agriculture.

## **6.5 SPECIAL EDUCATIONAL NEEDS POST-16 TRANSPORT**

### **6.5.1 Annual Review of Needs**

Students with statements aged 14 and over will have a Transitional Review involving the school and other relevant agencies. The Connexion Service will produce a Transition Plan as outlined in the review which should include an assessment of transport needs. Students will be assessed on their individual merits and recommendations for support for transport will be given to West Berkshire's Special Educational Needs Team and/or other appropriate organisations.

### **6.5.2 Special Educational Needs Free Post-16 Transport**

Students with learning difficulties and/or disabilities applying for help with their home to school/college transport should initially be referred to the West Berkshire Special Educational Needs Team. They will then be considered under the Special Educational Needs Transport Policy.

Free transport for students aged 16-19 is normally limited to those:

- With a Statement of Special Educational Needs at a school; or
- Attending the nearest suitable Special Needs course (e.g. Life Skills) at a Further Education College.

In all cases, transport will only be provided where the Council is satisfied that the student would be unable to access suitable educational provision without transport assistance (i.e. are unable to travel independently).

Transport can only be provided free up to the end of the academic year in which the student attains the age of 19<sup>15</sup>.

### **6.5.3 Provision of Escorts**

Pupils with statements who qualify for transport may need to be supervised on the transport by an escort e.g. students with severe behavioural difficulties, life threatening conditions or who are unable to communicate effectively with the driver. Provision of escorts will be at the agreement of the Special Educational Needs Manager. On-going need or otherwise for an escort will be considered at the student's Annual Review.

### **6.5.4 Post-16 Travel Scheme**

Individual students with learning difficulties and/or disabilities whose applications for assistance cannot be processed through the Special Educational Needs Policy can be considered on their individual merits under the Post-16 Travel Scheme by West Berkshire's Parent and Student Advice Centre.

### **6.5.5 Mobility and Independence Training**

Mobility and independence training may be offered to students attending West Berkshire's Maintained Special Schools.

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<sup>15</sup> The Council remains responsible for pupils in the transition stage until the end of the academic year in which a student attains the age of 19 (page 132 SEN code of Practice).

## **7. COMMENTS, COMPLAINTS AND APPEALS**

Comments and/or complaints about the service provided will be processed via West Berkshire Council's Comments and Complaints Procedures.

Appeals against decisions for transport applications will be processed through the Appeals Panel which is made up of Elected Members. Please contact the West Berkshire Corporate Policy Team (see Appendix 1) to receive the appeal paperwork.

## **8. SUSTAINABLE TRANSPORT AND SCHOOL TRAVEL PLANS**

In West Berkshire there are high levels of car ownership and some hot spots for congestion during peak hours. Twenty percent of West Berkshire's population is under 16 (2001 census) so actively encouraging them to travel using sustainable modes is an important way of improving the health and fitness of a significant portion of the population and will go some way to improving the levels of congestion on our roads both now and into the future. Children who walk or cycle to school are fitter, have better developed social skills, are more familiar with their surroundings, have better road sense and arrive at school more relaxed and ready to learn.

The Sustainable Modes of Travel Strategy (SMOTS) has been developed by West Berkshire Council in response to a statutory requirement from the Government. The strategy shows how the council will develop its transport infrastructure and promote sustainable journeys to, from and between schools.

### **How are we going to do this?**

There are many ways to do this, including:

- Encourage walking and cycling where there are opportunities for the safe use of these modes
- Promote car sharing for the journey to school in areas where the car is the only accessible mode of travel (e.g. Rural areas)
- To continue to work with all schools in the area to develop and implement a travel plan
- To produce maps of walking routes in key urban areas
- To encourage schools to increase where appropriate cycle facilities and cycle training to support cycle use
- To undertake a review of school crossing patrols
- To open up access and opportunities to young people to education, leisure and employment opportunities, especially in rural areas.

When thinking about the school a child will attend, it is important that the journey to and from each possible school is considered. Each school should be able to provide information on suitable walking and cycling routes, as well as bus travel. Where walking, cycling or public transport are not feasible, car sharing can save time and money as well as being sociable for children. Schools will have identified aims for encouraging sustainable travel to school in their School Travel Plans. Current figures put the average cost of driving a child to school at £535 per year. Unless the school that is chosen is less than 800 metres from the home location (2km for secondary) it will probably result in children being driven to school.

The full Sustainable Modes of Travel Strategy can be obtained as a download from the Council's website, <http://www.westberks.gov.uk/>

## REFERENCES PAGE

1. Education Acts:
  - 1996
  - 2002
  - 2005
  - School Standards and Framework Act 1998
  - Education and Inspections Act 2006.
2. Education Law: Issues, 55 and 72.
3. School Admissions Code 2007.
4. Home to School Travel and Transport Guidance 2007.
5. Full Regulatory Impact Assessment for the School Transport Bill, 6/10/04; Department for Education and Skills, School Transport, Safety and Independent Education Division.
6. West Berkshire Local Transport Plan 2001– 6 and Provisional Local Transport Plan 2006-11.
7. Home to School Transport for Children with Special Educational Needs; Good Practice Guidance: Department for Education and Employment, February 2001. Ref: DfEE 0068/2001.
8. Home to School Travel for Pupils Requiring Special Arrangements: Department for Education and Skills, November 2004. Ref: LEA /0261/2004.
9. Special Educational Needs Code of Practice: Department for Education and Skills, November 2001. Ref: DSCF 581/ 2001.
10. Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units. Department for Education and Skills, October 2004. Ref: DSCF 0354/ 2004.
11. Home to School and College Transport: Tony Clark, EMIE, December 2001. EMIE Report No. 63.
12. Making Arrangements to Safeguard and Promote the Welfare of Children – Draft Section 11 Statutory Guidance, 11 April 2005.
13. Travelling to School: an Action Plan; Department for Transport, Department for Education and Skills, 2003. Ref: DSCF 0520/ 2003.
14. Travelling to School: a Good Practice Guide; Department for Transport, Department for Education and Skills, April 2004.
15. Home to School Transport in Devon: A Policy Document, September 2003.
16. Home to School Transport Policy for Pupils of Statutory School Age, North Lincolnshire Council, July 2002.
17. Home to School / College Transport Policy, Cambridgeshire County Council, May 2003.
18. Pupil and Student Transport Policy; A Guide for Parents, Carers, Drivers and Escorts, Rotherham Metropolitan Borough Council, Draft document revised July 2004.
19. Managing Occupational Road Safety, Including Emergency Evacuation of Transport, Portsmouth City Council Social Services Department.



## **APPENDIX 1 - CONTACT DETAILS**

Education Transport Assessment Officer

Responsible for eligibility and application forms for Mainstream and Post-16 Home to School Transport:

### **Education Transport Assessment Officer**

West Berkshire Education Service

West Street House,

West Street,

Newbury,

Berkshire,

RG14 1BZ

Tel: 01635 519777

Fax: 01635 519048

### **Special Educational Needs**

Responsible for SEN statementing process and eligibility for non mainstream statemented pupils:

West Berkshire Special Educational Needs Team

West Street House House,

West Street,

Newbury,

Berkshire,

RG14 1BZ

Tel: 01635 519713 / 519237

Fax: 01635 503154

### **Transport Services Team**

Responsible for procurement, management of transport and season ticket production, Fare

Paying Schemes and transport safety issues:

West Berkshire Transport Services Team

Council Offices,

Faraday Road,

Newbury,

Berkshire,

RG14 2AF

Tel: 01635 519100

Fax: 01635 519979

### **Clerk to the Appeals Panel**

Responsible for administration of appeal panels and appeal requests:

Corporate Policy

West Berkshire Council Offices,

Market Street,

Newbury,

Berkshire

RG14 5DL

Tel: 01635 519684

## **CONNEXIONS**

Responsible for advice and information for 14 – 19 year olds:

[www.connexions-berkshire.org.uk](http://www.connexions-berkshire.org.uk).

### **Newbury**

Mill Reef House, Cheap Street, Newbury, RG14 5DD.

Tel: 0845 408 5010

Fax: 0845 408 5011

### **Reading**

136/7 Friar Street, Reading, RG1 1EX.

Tel: 0845 408 5004

Fax: 0845 408 5005

## **TRANSPORT INFORMATION**

### **National Timetable Information:**

Traveline

Tel: 0871 200 2233

[www.traveline.info](http://www.traveline.info).

### **Reading Transport Limited**

[www.reading-buses.co.uk](http://www.reading-buses.co.uk)

Great Knollys Street

Reading

RG1 7HH

Tel: 0118 959 4000

[customerservices@reading-buses.co.uk](mailto:customerservices@reading-buses.co.uk).

### **Newbury area**

Bus Station

Market Street

Newbury

RG14 5DP

Tel: 01635 567 500

### **National Express (Coaches)**

[www.nationalexpress.com](http://www.nationalexpress.com).

Tel: 08717 818181

### **National Rail Enquiries (Trains)**

National Rail Enquiries

08457 48 49 50

### **Young Person's Railcard**

[www.youngpersons-railcard.co.uk](http://www.youngpersons-railcard.co.uk).

## **APPENDIX 2 - RATES**

### **1. SCHOOL TRANSPORT BANDED RATES**

Charge applicable for Fare-Paying and Post-16 students

Band A, up to 3 miles --- £ 200 per year (2 payments of £ 100.00)

Band B, up to 6 miles --- £ 400 per year (2 payments of £ 200.00)

Band C, over 6 miles ---- £ 770 per year (2 payments of £ 385.00)

### **2. MILEAGE REIMBURSEMENT RATE**

40 pence per mile

## **APPENDIX 3 - CATCHMENT AREA MAPS**

Catchment area maps are available at [www.westberks.gov.uk/schooltransport](http://www.westberks.gov.uk/schooltransport).

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## WEST BERKSHIRE HOME TO SCHOOL AND COLLEGE TRANSPORT POLICY 2012/13 CONSULTATION DOCUMENT – MAY 2011

**Annual consultation on proposed changes to how help will be given by West Berkshire Council with free or subsidised home to school and college transport to pupils and students for the 2012/2013 school year.**

1. West Berkshire Council's Home to School Transport Policy sets out the circumstances in which it will provide free or subsidised transport to help children and young people get to school or college. It therefore relates to West Berkshire residents of statutory school age (from the term following 5<sup>th</sup> birthday to the end of Year 11).

Local Authorities are required by law to provide help for some pupils but may also provide help for others on a discretionary basis. In order to run an effective and efficient best value home to school and college transport service within financial constraints, West Berkshire Council reviews its policy each year to consider whether or not changes are needed.

Any policy is subject to any change in government legislation when they occur. West Berkshire Council implements all mandatory requirements and subsequent operational changes that are necessary following new government legislation.

The Council are proposing one change to the current policy which will take effect for the 2012/13 academic year. This consultation document sets out the main provisions of the current home to school transport policy with the only change being an adjustment to the fare paid for the Fare Paying scheme. As there have been changes to government legislation regarding funding sections of the policy that are now not applicable will be removed in order to reflect correctly the provision that will be available.

2. The current agreed policy is the 2011/12 Home to School and College Transport policy which can be seen in full on the Council's website [www.westberks.gov.uk/hometoschooltransport](http://www.westberks.gov.uk/hometoschooltransport) , or simplified in the Parent's Guides to Admissions which are available at, [www.westberks.gov.uk/secondaryadmissions](http://www.westberks.gov.uk/secondaryadmissions), and [www.westberks.gov.uk/primaryadmissions](http://www.westberks.gov.uk/primaryadmissions) . A copy is also available from the Council, through the contact given at the end of this consultation document.

The policy covers the eligibility to receive statutory free transport assistance. This is subject to age, the school attended, availability of walking routes and distances involved, as well as the level of family income. It also outlines the discretionary assistance available through the fare-paying scheme which is a scheme available to those who are not entitled to free transport. Statutory free transport will remain as is detailed in the 2011/12 policy.

***Please Note: There is no change to those who are entitled to Free Home to School Transport. The Fare paying scheme does not apply to those entitled to Free transport.***

Appendix B

1

WEST BERKSHIRE HOME TO SCHOOL AND COLLEGE TRANSPORT POLICY 2012/13  
CONSULTATION DOCUMENT – MAY 2011

3. The only change being proposed for 2012/13 is the application of an inflation factor to the charges made for the fare-paying scheme, as outlined in the paragraph below.

**Fare Paying Scheme (paragraph 4.1)**

The Council will continue to apply a graded fare charging system based on radial distances from home addresses to the schools concerned.

To ensure recovery of charges, parents/carers will be required to pay in two instalments; the first to be paid prior to issuing a travel pass and the second to be paid early in February 2012. Fares will remain discounted by 30% for additional fare paying siblings.

It is proposed that a small inflationary increase be applied as follows:

Band A, up to 3 miles --- £199.00 per year (2 payments of £99.00) (increased from £196)

Band B, up to 6 miles --- £398.00 per year (2 payments of £199.00) (increased from £393)

Band C, over 6 miles ---- £763.00 per year (2 payments of £381.00) (increased from £753)

The paragraph number, **4.1**. shown refers to the full policy document and should be quoted on the consultation response form if any comments are made.

**4. The consultation will run until 30 June 2011.** The Council will then consider the comments received and decide on the Home to School transport policy to be applied in the academic year 2012-13. There will be no individual responses, the council's decision will be published on the website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

A short version of the policy is published annually in the Parents' Guides to Admissions for Primary and Secondary Schools published each September to enable parents to make informed decisions on preferred schools.

**5.** If you wish to comment on the proposed change you can do this on line by going to: [www.westberks.gov.uk/hometoschooltransport](http://www.westberks.gov.uk/hometoschooltransport) where an online response form is provided. The response form is also available from the Council's website and can be printed and posted or e-mailed to the email address given below **by 30 June 2011**.

Any queries regarding the consultation process can be emailed to [accesspolicies@westberks.gov.uk](mailto:accesspolicies@westberks.gov.uk) , or you can write to: Home to School Transport Section, West Street House, West Street, Newbury RG14 1BZ.

**WEST BERKSHIRE HOME TO SCHOOL TRANSPORT POLICY 2012/13**

**COMMENT FORM**

Please return the form as soon as possible and **no later than 22 June 2011** to Home to School Transport Section, West Street House, West Street, Newbury RG14 1BZ.

Please refer to the Policy paragraph number if applicable followed by the comment in each case.

**4.1.Fare paying scheme**

General Comments:

Which of the following best describes you?

Please tick all applicable and fill in names of school/s

Parent  currently receiving transport? Yes  No

School \*  .....

Governor\*  .....

College \*  .....

Parish Council

Other  (Please Specify) .....

Authority \*  .....

Your Name and address are not required, but will be useful to us in assessing responses and participation

Name .....

Address

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