

Individual Decision

The attached reports will be taken as
Individual Portfolio Member Decisions on:

Thursday, 19th May, 2016

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Individual Executive Member Decision

Speed Limit Review March 2016

Committee considering report:	Individual Executive Member Decision
Date ID to be signed:	19 May 2016
Portfolio Member:	Councillor Garth Simpson
Date Portfolio Member agreed report:	16 March 2016
Forward Plan Ref:	ID3117

1. Purpose of the Report

- 1.1 To inform the Executive Member for Highways, Transport and Emergency Planning of the recommendations of the Speed Limit Task Group following the speed limit review undertaken on the 10th March 2016 and to seek approval of the recommendations.

2. Recommendation(s)

- 2.1 That the Executive Member for Highways, Transport and Emergency Planning approves the Recommendations as set out in section 6 of this report.

3. Implications

- 3.1 **Financial:** The recommendations will be funded from the Council's approved capital budget.
- 3.2 **Policy:** The consultation is in accordance with the Council's Consultation procedures.
- 3.3 **Personnel:** None arising from this report.
- 3.4 **Legal:** The speed limit traffic regulation orders will follow the statutory consultation / advertisement procedure.
- 3.5 **Risk Management:** None arising from this report.
- 3.6 **Property:** None arising from this report.
- 3.7 **Other:** N/A

4. Consultation Responses

Members:

- Leader of Council:** Cllr Roger Croft - To date no response has been received from Councillor Roger Croft, however any comments will be

verbally reported at the Individual Decision meeting.

Overview & Scrutiny Management

Commission Chairman:

Cllr Emma Webster - To date no response has been received from Councillor Emma Webster, however any comments will be verbally reported at the Individual Decision meeting.

Opposition Spokesperson:

Cllr Billy Drummond - To date no response has been received from Councillor Billy Drummond, however any comments will be verbally reported at the Individual Decision meeting.

Members:

Cllr Paul Bryant – To date no response has been received from Councillor Paul Bryant, however any comments will be verbally reported at the Individual Decision meeting.

Cllr Marcus Franks – To date no response has been received from Councillor Marcus Franks, however any comments will be verbally reported at the Individual Decision meeting.

Cllr Keith Chopping - To date no response has been received from Councillor Keith Chopping, however any comments will be verbally reported at the Individual Decision meeting.

Local Stakeholders: N/A

Officers Consulted: Mark Edwards and Mark Cole.

Trade Union: N/A

5. Other options considered

N/A

Background Papers:

None

NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Operations Board.

Subject to Call-In:

Yes: X No:

If not subject to call-in please put a cross in the appropriate box by double-clicking on the box and selecting 'Checked':

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected:

Speen and Sulhampstead.

Please put a cross in the appropriate box(es) by double-clicking on the box and selecting 'Checked':

Strategic Aims and Priorities Supported:

The proposals contained in this report will help to achieve the following Council Strategy priority(ies):

X SLE2 – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by N/A

Officer details:

Name: Glyn Davis
Job Title: Principal Engineer
Tel No: 01635 519501
E-mail Address: glyn.davis@westberks.gov.uk

6. Executive Summary

- 6.1 The Speed Limit Task Group carefully considers the introduction or amendment of speed limits that have been requested by Members, Parish or Town Councils, members of the public or officers. These requests are assessed with regard to the Department for Transport Circular 1/2013 (setting local speed limits), the character and nature of the road, the recorded injury accident record and any available traffic survey data.
- 6.2 The Speed Limit Task Group, which met on 10th March 2016, is comprised of the following members:
- Councillor Graham Pask;
 - Councillor Billy Drummond (Absent);
 - Glyn Davis, Principal Traffic & Road Safety Engineer;
 - Alan Dunkerton, Speed Management Co-ordinator;
 - Chris Hulme, Thames Valley Police Traffic Management Officer.
- 6.3 The Task Group considered two requests for an amendment or introduction of a speed limit at the following locations:
1. Westbrook, Boxford – request for a 20mph speed limit.
 2. Common Hill, Englefield – request for a 40mph speed limit.
- 6.4 If the recommendations contained in this report are approved then the individual sites will be taken forward to the statutory consultation stage, which means that the formal and public consultation of a speed limit can be undertaken. This will include consulting a wide range of statutory consultees together with the appropriate parish/town council, local members and local residents by the way of a notice published in the local newspaper, notices erected on site and publication on the Council's web site.
- 6.5 A report of any comments and objections received during the formal consultation together with an officer's recommendation will be presented to the Executive Member for Highways, Transport and Emergency Planning for Individual Decision. Should the proposal to introduce or change a speed limit be considered appropriate then that proposal will be implemented.
- 6.6 The Task Group considered both of the above requests and recommended that the following is progressed to the statutory advertisement and consultation stage:
1. Westbrook, Boxford – request for a 20mph speed limit.
- 6.7 The Task Group recommended that the current speed limit on Common Hill should not be changed. It was recommended that West Berkshire officers work with the Parish Council in identifying damage only accidents and devise improvements to address these accidents.
- 6.8 All the persons requesting the speed limit amendments will be informed of the Executive Member's decision.

- 6.9 Subject to there being no objections received to the statutory consultation for individual Traffic Regulation Orders for each speed limit, the advertised restrictions will be introduced.

7. Conclusion

- 7.1 Following the task group meeting one of the two requests was recommended for approval. Further investigation/work was recommended at Common Hill. The recommendations set out in 6.6 and 6.7 above are therefore put forward for approval.

8. Appendices

- 8.1 Appendix A - Equalities Impact Assessment
- 8.2 Appendix B – Minutes Speed Limit Review Mar 2016

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Individual Executive Member Decision

Home to School Transport Policy 2017-18 – Summary Report

Committee considering report:	Individual Executive Member Decision on 19 May 2016 Corporate Board on 26 April 2016
Portfolio Member:	Councillor Dominic Boeck
Date Portfolio Member agreed report:	12 April 2016
Forward Plan Ref:	ID3107

1. Purpose of the Report

- 1.1 To seek approval to consult on the Home to School Transport Policy for 2017/18 (statutory requirement).

2. Recommendation

- 2.1 To approve the consultation on Home to School Transport for 2017/18.

3. Implications

- 3.1 **Financial:** The Council made significant cuts to the mainstream Home to School Transport provision in March 2016, removing discretionary and subsidised aspects of the Policy to generate c£400k savings. This included changes to the discretionary Fare Payer Scheme and the implementation of a Standard unsubsidised Rate. A Special Fare Payer Rate for children attending their catchment but not nearest school had previously been approved for 2016/17 in September 2015. This commitment was honoured for 2016/17, but is removed for 2017/18 as a direct consequence of the decision in March 2016.
- 3.2 **Policy:** The Local Authority must publish the 2017/18 policy and the post-16 statement by September 2016, to inform parents making school choices for September 2017.
- 3.3 **Personnel:** None
- 3.4 **Legal:** The Policy meets the Council's statutory obligations regarding home to school transport.
- 3.5 **Risk Management:** None
- 3.6 **Property:** None

3.7 **Other:** None

4. Consultation Responses

Members:

Leader of Council: To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting

Overview & Scrutiny Management Commission Chairman: To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting

Ward Members: To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting

Opposition Spokesperson: To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting

Local Stakeholders: n/a

Officers Consulted: Corporate Board

Trade Union: n/a

5. Other options considered

5.1 None

6. Introduction/Background

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

6.2 West Berkshire Council's post-16 Transport Statement sets out how the Council will meet the requirements of the statutory guidance for post-16 pupils.

6.3 Local Authorities are required by law to provide help for some pupils but may also provide help for others on a discretionary basis, such as through the Fare Payer Scheme.

6.4 The Council reviews its Home to School Transport Policy, post-16 Transport Statement and Fare Payer Scheme annually and is required to consult on proposed changes.

6.5 The consultation covers the Home to School Transport Policy 2017/18.

6.6 For clarity, the Post 16 Transport Statement 2017/18 remains unchanged and therefore we are not required to consult on this document.

- 6.7 The Fare Payer Scheme is a discretionary Scheme, and not part of the Council's statutory provision. It has been the subject of changes as a result of the Council budget consultations.
- 6.8 The Fare Payer Scheme has 2 rates in 2016/17: the unsubsidised Standard Rate and the subsidised Special Rate Fee for children attending their catchment school, when it is not their nearest school. The public consultation confirmed that the Special Rate Fee would be retained for 2016/17.
- 6.9 In March 2016, the Council determined that all subsidies would be removed from Home to School Transport prices. Therefore, for 2017/18, the Scheme will only have the Standard Rate, and the Special Rate fee will be removed. This will be considered in the consultation.
- 6.10 The prices for 2017/18 will be determined by the Council in spring 2017.

7. Clarifications and Definitions

- 7.1 From the many responses to the major consultation about Home to School Transport in autumn 2015, there were a range of areas where the wording in the Policy could be improved. The proposed amendments do not change entitlement to transport. The proposed wording amendments are to provide greater clarity and have been added in response to feedback from families. We hope that this makes the Policy easier to understand.
- 7.2 We have added definitions:
- Definition of Compulsory School Age
 - Definition of Home Address
 - Definition of Qualifying School
- 7.3 We have added or amended text to explain:
- Provision for students attending a Pupil Referral Unit.
 - The criteria for parental and pupil disability and how this is assessed in relation to transport entitlement
 - The criteria (based on the Road Safety GB guidelines) for assessing available walking routes
 - That we do not provide escorts for pupils that we are transporting
 - The circumstances in which transport may be withdrawn
 - Clearer explanation of the circumstances for Appeals
 - How we consult on our Policy
- 7.4 We have altered the text to reflect the changes to provision of independent travel training for SEND pupils.

8. New provision

- 8.1 The Exceptional Circumstances section 5a now includes provision for students coping with exceptional social circumstances or who may be at safeguarding risk, including providing emergency school transport arrangements. This provision could also apply to mainstream students.

9. Supporting Information

9.1 A comparison of the wording from the 2016/17 Policy and the proposed wording for the 2017/18 Policy explaining the clarifications and definitions is detailed in Appendix C (Mainstream pupils), Appendix D (students attending a Pupil Referral Units) and Appendix E (SEND pupils).

10. Proposals

10.1 It is recommended that the new provision amendments are the subject of public consultation.

11. Conclusion

11.1 It is recommended that permission to consult is granted to ensure the Council meets its statutory requirement.

12. Consultation and Engagement

12.1 This report has been commented on by Councillor Dominic Boeck, Rachael Wardell (Director) Ian Pearson (Head of Education), Cathy Burnham (Service Manager), Jane Seymour (Service Manager), Rachel Craggs (Equalities) and Leigh Hogan (Legal).

Background Papers:

Home to School Transport Policy 2017-18,

Post 16 Statement 2017-18,

Department for Education Home to School Travel and Transport Statutory guidance

Road Safety GB guidelines

Subject to Call-In:

Yes:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected: All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

MEC – Become an even more effective Council

The proposals contained in this report will help to achieve the following Council Strategy priority:

MEC1 – Become an even more effective Council

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by

Officer details:

Name: Caroline Corcoran
Job Title: Service Manager
Tel No: 01635 519030
E-mail Address: caroline.corcoran@westberks.gov.uk

13. Executive Summary

- 13.1 The Council regularly reviews its Home to School Transport Policy, post-16 Transport Statement and is required to consult on proposed changes. The Council also consults on its discretionary Fare Payer Scheme.
- 13.2 For the 2017/18 Home to School Transport Policy, proposed wording amendments have been added to provide greater clarity, in response to feedback from families.
- 13.3 We have added exceptional provision for students coping with exceptional social circumstances or who may be at safeguarding risk, including providing emergency school transport arrangements.
- 13.4 The content of the post-16 Transport Statement is unchanged.
- 13.5 The content of the Fare Payer Scheme reflects the removal of the Special Rate fee.

14. Conclusion

- 14.1 Following the public consultation of the proposed changes, an analysis of the consultation responses and a revised Home to School Transport Policy will be brought forward for formal determination.

15. Appendices

- 15.1 Appendix A – Equalities Impact Assessment
- 15.2 Appendix B – Clarifications/Definitions - Mainstream
- 15.3 Appendix C – Clarifications/Definitions - Students attending a Pupil Referral Unit
- 15.4 Appendix D – Clarifications/Definitions – Pupils with SEND

Appendix A

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Home to School Transport Policy 2017/18
Version and release date of item (if applicable):	
Owner of item being assessed:	Caroline Corcoran
Name of assessor:	Caroline Corcoran
Date of assessment:	21/03/2016

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	/No		

1 What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	The proposed wording amendments are to provide greater clarity and have been added in response to feedback from families.
Objectives:	We hope that this makes the Policy easier to understand
Outcomes:	Improved understanding of the Policy and how this applies to a family's circumstances
Benefits:	Better communication with the public.

<p>2 Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</p> <p>The following are relevant to Equalities:</p> <ul style="list-style-type: none"> • Age
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<ul style="list-style-type: none"> • Disability • Pregnancy and Maternity • Religion and Belief • Sex 		
Group Affected	What might be the effect?	Information to support this
Age	<p>The Home to School Transport policy provides statutory transport provision, and we also offer Fare Payer provision for families who are not entitled to free transport – Positive Effect.</p> <p>The parent is expected to determine how their child will get to school and this may include making appropriate arrangements such as with a friend or a childminder to ensure that the child is accompanied, as appropriate. It is for families to determine their domestic arrangements.</p>	<p>The Home to School Transport Policy applies to all children of Home to School Transport Age and provides statutory transport provision (as defined in Home to School Travel and Transport guidance (Statutory guidance for Local Authorities, July 2014)). The transport provision in the Policy meets the LA's statutory duties under the statutory guidance.</p>
Disability	<p>The Home to School Transport policy has specific entitlement to transport for children with Special Educational Needs and Disabilities and also in relation to parents who cannot accompany their children due to temporary or permanent illness or disability – Positive Effect.</p>	<p>The DfE Home to School Travel & Transport Guidance July 2014 states that the eligibility of children with special educational needs, a disability or mobility problem should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability. Therefore transport arrangements should be made for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of the mobility issue of their parents.</p>
Gender Re-assignment	<p>Gender is not a distinguishing factor in the application process or the allocation of school transport. There should be no greater impact on this group than on any other.</p>	
Marriage and Civil Partnership	<p>Marriage and Civil Partnership are not distinguishing factors in the application process or the</p>	

	<p>allocation of school transport. There should be no greater impact on this group than on any other.</p>	
Pregnancy and Maternity	<p>Pregnancy and maternity are not distinguishing factors in the application process or the allocation of school transport.</p> <p>In practice, however, it may be more difficult for women in the later stages of pregnancy.</p> <p>In normal circumstances, the parent is expected to determine how their child will get to school and this may include making appropriate arrangements such as with a friend or a childminder to ensure that the child is accompanied, as appropriate.</p> <p>The Home to School Transport Policy includes provision where a parents' disability prevents them from accompanying the child along a walking route.</p> <p>We would normally expect other adult(s) with parental responsibility to take the child to school or make appropriate arrangements. However, we can consider a temporary medical condition for a parent under the provision for exceptional circumstances. This could include issues associated with pregnancy where there is medical evidence from the GP and/or Consultant. Transport or alternative support may be provided for a time-limited period based on the medical information available.</p>	
Race	<p>Race is not a distinguishing factor in the application process or the allocation of school transport. There should be no greater impact on this group than on any other. The consultation was made available in different language formats on request.</p>	
Religion and Belief	<p>The Guidance also states that 'the Act places a duty on local authorities to make arrangements for secondary pupils from low</p>	<p>The DfE Home to School Travel & Transport Guidance July 2014 states that 'under the European Convention on Human Rights</p>

	<p>income backgrounds to attend the nearest school preferred on grounds of “religion or belief”, where that school is between 2 and 15 miles from their home. Local authorities should pay particularly careful attention to the potential impact of any changes on low income families (those not eligible under extended rights) whose parents adhere to a particular faith or philosophy, and who have expressed a preference for a particular school because of their religious or philosophical beliefs.’</p> <p>The affected secondary schools are Willink and Kennet schools, and neither is faith-based. Therefore, there is no impact from this proposal.</p>	<p>(ECHR), parents do not enjoy a specific right to have transport arrangements made to and from any religious or secular school. In addition, the Equality Act 2010 does not apply to the exercise of an authority’s functions in relation to transport.’</p>
Sex	<p>For assessment purposes to determine entitlement to free transport, parental responsibility is equally shared by both parents. It is for each family to decide how to manage their domestic arrangements, and what works for them. In a 2-parent household, this may rely on one parent more than the other in terms of school runs</p>	<p>The statutory guidance states that it is the parents’ responsibility to accompany the child to school, and this expectation affects both genders.</p>
Sexual Orientation	<p>Sexual Orientation is not a distinguishing factor in the application process or the allocation of school transport. There should be no greater impact on this group than on any other</p>	
<p>Further Comments relating to the item:</p>		
<p>The proposals relate to clarification and definition changes to the Policy to make it easier for non-experts to understand.</p>		

<p>3 Result</p>	
<p>Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?</p>	<p>No</p>
<p>Please provide an explanation for your answer:</p> <p>The Home to School Transport Policy will be the subject of consultation, and we will carefully consider any equalities concerns which emerge.</p>	
<p>Will the policy, strategy, function or service have an adverse impact</p>	<p>No</p>

upon the lives of people, including employees and service users?	
<p>Please provide an explanation for your answer:</p> <p>The Exceptional Circumstances section 5a now includes provision for students coping with exceptional social circumstances or who may be at safeguarding risk, including providing emergency school transport arrangements. This provision could also apply to mainstream students. Therefore, the changes are delivering improved provision for vulnerable students.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage 2 Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	We will determine if a Stage 2 for the paper which determines the Policy, subject to the feedback from the formal consultation.

Name: Caroline Corcoran

Date: 21/03/2016

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

Appendix B

Clarifications and Definitions - Home to School Transport Policy 2017/18

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
School Admissions	The Council may also take steps to create safe walking routes.	The Council may also determine available walking routes using the Road Safety GB guidelines.	
The Statutory Position			<p><u>Definition of Compulsory School Age</u> Compulsory school age starts at different times as described below:</p> <ul style="list-style-type: none"> • Children becoming 5 years old between 1st January and 31st March are of compulsory school age at the beginning of the term after 1st April. • Children becoming 5 years old between 1st April and 31st August are of compulsory school age at the beginning of the term after 1st September. • Children becoming 5 years old between 1st September and 31st December are of compulsory school age at the beginning of the term after 1st January. <p>We provide transport for children of compulsory school age. Children who are not of compulsory school age but are attending a nursery or Reception class are not eligible for transport.</p>
Definition of Home Address	The Statutory Guidance states that “A child’s “home” is the place where he/she is habitually and normally resident”.	There is guidance on what constitutes a home address in the School Admissions Guides and the same rules would apply: http://info.westberks.gov.uk/index.aspx?articleid=27811 Primary http://info.westberks.gov.uk/index.aspx?articleid=29469 Secondary	

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
Definition of a Qualifying School	Most schools in West Berkshire fit the criteria of <i>qualifying school</i> .	Most schools in West Berkshire and our neighbouring Local Authority areas fit the criteria of <i>qualifying school</i>	
Free Transport			Please note that the <i>nearest qualifying school</i> may be outside of West Berkshire in a neighbouring Local Authority area.
Available route and parental disability	Where a walking route is considered to be safe for a child who is accompanied, but a parent has a disability which prevents them from walking the route, support will be provided where the pupil lives within the statutory walking distance from school.	Where a walking route is considered to be available for a child who is accompanied, but a parent has a disability which prevents them from walking the route, we will consider the family circumstances. Parental responsibility is equally shared by both parents. Depending on the circumstances and the medical condition, transport or alternative solutions may be offered. The application must be supported with medical evidence from the GP and/or Consultant.	For temporary disability, parents are expected to have considered whether they can make temporary arrangements, for example by re-arranging their work commitments or by asking a friend to help for a time-limited period. Transport or alternative support may be provided for a time-limited period based on the medical information available, and could be subject to periodic review.
Pupils with a permanent medical condition, which affects their mobility or has health & safety implications for travelling to school associated with a disability			Where a child has a permanent medical condition which affects their mobility or has health & safety implications for travelling to school associated with a disability.. The application <u>must</u> be supported with medical evidence from the GP and/or Consultant. Transport may be provided for a time-limited period based on the medical information available, and could be subject to periodic review. Depending on the medical condition, alternative solutions may also be offered.

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
Temporary Medical Condition of a pupil	<p>A child may develop a temporary medical condition which prevents them getting to school. Parents are expected to have considered whether they can make temporary arrangements, for example by re-arranging their work commitments, driving a child who normally walks or by asking a friend to help for a time-limited period.</p> <p>The application <u>must</u> be supported with medical evidence from the GP and/or Consultant. Transport may be provided for a time-limited period based on the medical information available, and could be subject to periodic review. Depending on the medical condition, alternative solutions may also be offered.</p>		Consideration of temporary medical conditions has been subsumed into Section 5 – under Exceptional Circumstances (see below)
Exceptional Circumstances: Medical conditions			<p>Exceptional Circumstances may include:</p> <ul style="list-style-type: none"> • Medical conditions <ul style="list-style-type: none"> ○ Permanent medical condition for the pupil (which falls outside the statutory entitlement in Section 4) ○ Temporary medical condition for the pupil (Parents are expected to have considered whether they can make temporary arrangements. ○ Temporary medical condition for a parent (Where one parent is affected, we would expect other adult(s) with parental responsibility to take the child to school or make appropriate arrangements). <p>Applications <u>must</u> be supported with medical evidence</p>

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
Measuring the nearest qualifying school			<p>The nearest qualifying school can be checked on the website by typing the postcode into the search box: www.westberks.gov.uk. The nearest qualifying school may be located in West Berkshire or in a neighbouring Local Authority area.</p> <p>Where a school operates on more than one site: If any of the sites is the nearest school site to the home address, the school will be designated as the nearest school for the entirety of the student's time at the school. The student will use different sites during the course of their schooling at that school, depending on their year group.</p>
Determining an available route	Existence of Rights of Way, Permitted Paths and Bridle Paths	Existence of Rights of Way, Permitted Paths and Bridle Paths (adequate walking width, clear of overgrowth)	
Determining an available route	We will not consider:	In accordance with the Road Safety GB guidelines, we will not consider:	
Determining an available route	Isolation of route	Isolation of route - A route would not fail to qualify as "available" because of dangers which would arise if the child was unaccompanied.	
Determining an available route	Local weather conditions	Local weather conditions - The weather is not considered to be a factor in the guidelines	
Determining an available route	Temporary surface conditions (e.g. mud, puddles)	Temporary surface conditions (e.g. mud, puddles) – It is	

		expected that the child will use appropriate clothing/footwear	
Determining an available route	Lack of street lighting	Lack of street lighting - The presence or absence of street lighting on a route is not considered to be a factor in the guidelines	
Determining an available route	Lack of pavements	Lack of pavements, but we do assess "safe refuge"	
Determining an available route	The time taken to walk the route	The time taken to walk the route – routes are based on statutory walking distances	
Sustainable travel	The Council will consider, in line with its general transport provision and duty to promote sustainable travel across West Berkshire, the provision of walking routes, and building of footpaths, cycling paths and crossings as more cost effective alternatives to providing free transport. This may result in the withdrawal of transport, where available walking routes are subsequently established.	The Council will consider, in line with its general transport provision and duty to promote sustainable travel across West Berkshire, the provision of walking routes, and use of footpaths, cycling paths and crossings as more cost effective alternatives to providing free transport. This may result in the withdrawal of transport, where available walking routes are subsequently identified.	
Type of transport			The Council does not provide escorts for mainstream children, and it is the parent's responsibility to ensure that their child can adhere to the Behaviour Code when travelling unaccompanied.

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
Transport which is Subject to Change	<p>Where free or discretionary transport has been provided in error, or where material changes have been made to the route to school, provision may be withdrawn.</p> <p>Six weeks' notice will be provided to allow alternative arrangements to be put in place by the parents.</p>	<p>There may be circumstances where free or discretionary transport is withdrawn. For example:</p> <ul style="list-style-type: none"> • Transport has been provided in error • Changes have been made to the statutory Home to Schools Travel and Transport guidance or Road Safety GB guidelines about how we assess entitlement to transport, and the changes affect the assessment of a route. • Material changes have been made to the route to school <p>Six weeks' notice will be provided to allow alternative arrangements to be put in place by the parents. Notice will be served by letter or email to the parents/carer.</p>	
Consultation			<p>We run an annual consultation through our consultation portal. You can register for email alerts so we can automatically let you know about new consultations. You can also follow us on Twitter</p>
Appeals: Stage 1 Appeal submission & Stage 2 Appeal submission	<p>Parent submits appeal on the basis of:</p> <ul style="list-style-type: none"> • Distance measurement (walking) • Transport offered, if applicable • Exceptional circumstances 	<p>Parent submits appeal on the basis of:</p> <ul style="list-style-type: none"> • The suitability of transport arrangements offered, if applicable • The child's eligibility under the statutory regulations, including statutory walking distance • The safety of a route (but if the route has already been assessed, this may be dealt with as a complaint) • Exceptional circumstances 	

Appendix C

Students Attending Pupil Referral Unit - Home to School Transport Policy 2017/18

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
Pupils attending a Pupil Referral Unit	<p>Parents may wish to transport pupils themselves. If the pupil is entitled to free transport, a bus or train pass to the Pupil Referral Unit for those pupils who are not attending mainstream schools may be provided. Free transport entitlement is subject to statutory age and distance criteria.</p> <p>Parents/carers must be aware that if the child requires transport to and from the Pupil Referral Unit outside of the bus timetable covered by the bus pass, it is the parent's responsibility (including exclusions)</p> <p>Transport may be withdrawn from pupils who regularly fail to attend the PRU – responsibility for attendance will then pass to parent/carers</p>	<p>Statutory entitlement to transport for pupils attending a Pupil Referral Unit is the same as for pupils of the same age attending other schools, and is subject to assessment under the rules for Distance, Low income, Available Route and Temporary Medical Condition (pages 4-5 of the Policy).</p> <p>Due to the nature of timetabling within the Pupil Referral Unit, it is usual to provide a bus or train pass to allow flexibility in the timing of travel.</p>	
Exceptional Circumstances			<p>Vulnerable pupils who have exceptional social circumstances may be entitled to free home to school transport where these circumstances would otherwise prevent them from attending school regularly or cause a significant safeguarding risk. Each case will be considered on an individual basis through the Appeal process. Evidence may be required. Emergency transport arrangements may be put in place for up to 5 days prior to the Stage 1 Appeal being considered.</p>

Appendix D

Pupils with SEND - Home to School Transport Policy 2017/18

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
Post-16 students with a Statement of Special Educational Needs / EHC Plan	In the majority of cases, travel assistance will take the form of a bus or train pass. Other means of transport will only be offered if the young person is not able to travel independently and is not suitable for independent travel training.	In the majority of cases, travel assistance will take the form of a bus or train pass. Other means of transport will only be offered if the young person is not able to travel independently.	
Post 19 Students with an EHC Plan or Learning Difficulty Assessment (LDA)	In the majority of cases, travel assistance will take the form of a bus or train pass. Other means of transport will only be offered if the young person is not able to travel independently and is not suitable for independent travel training.	In the majority of cases, travel assistance will take the form of a bus or train pass. Other means of transport will only be offered if the young person is not able to travel independently.	Post 19 students may be required to make a contribution to the cost of transport.
Independent Travel Training		The entire section is removed, to reflect the changes to independent travel training.	
Personal Transport Budgets		This sentence about the pilot is removed. PTBs will initially be offered to children attending The Castle or Brookfields Special Schools. If the pilot scheme is successful, the scheme may be rolled out to other children with SEN who qualify for assistance with transport.	

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Home to School Transport Policy 2017/18

1. Introduction

The Council is responsible for setting a Home to School Transport policy which ensures the equitable provision of transport to those who qualify under the Council's statutory duties and to explain when discretionary transport provision might be available.

The Council consults with the public on the Home to School policy on an annual basis, and it should be noted that the Council's policy is in line with the statutory guidance.

The law states that it is the parent's responsibility to ensure that a child gets to school, including accompanying them, if necessary. This includes the parent determining how their child will get to school and may include making appropriate arrangements such as with a friend or a childminder to ensure that the child is accompanied, as appropriate.

This policy applies to West Berkshire residents only and covers:

- a. Free Transport (see Section 4)
- b. Discretionary Transport (see Section 5)

Transport is only provided at the beginning and end of the normal school day.

Exclusions

The Policy is written in the context of an accompanied child. The law states that the responsibility for ensuring that a child gets to school sits with the parents. This includes the parent determining how their child will get to school and may include making appropriate arrangements such as with a friend or a childminder to ensure that the child is accompanied, as appropriate.

Transport is not provided for:

- Journeys during the course of the day
- Journeys to a work placement
- After school activities
- Induction/open day/interview visits
- Medical and dental appointments
- Parent/Carer attendance at school
- Respite Care
- Exchange students

2. School Admissions

Admission and Transport policies are separate and not directly linked. This reflects the national legislation. Eligibility for a place at a school is not affected by this transport policy and obtaining a place at a school does not bring with it any entitlement to transport, even if a pupil is attending their catchment school.

The policy may change before a pupil completes their time at school. The Council recognises that it is good practice for changes to be phased in and whilst the Council will endeavour to do this, it is not guaranteed, and entitlement may be subject to change, depending on specific circumstances.

The pupil's circumstances may change during their time at school, and this could also affect eligibility, e.g. moving house or school, no longer qualifying under low income, no longer qualifying under distance as age changes (see section 3). The Council may also determine available walking routes using the Road Safety GB guidelines.

Admission choices should not be made on the assumption that the same transport eligibility rules will apply throughout a child's education.

If a child does not qualify for transport under the provisions in this policy, parents may wish to explore the Council's Fare Payer Scheme for places on school transport. This discretionary scheme is not an entitlement and is often over-subscribed. Places may also be withdrawn in certain circumstances. Parents are strongly advised to read the rules of Fare Payer Scheme before applying for a Fare Payer place.

3. The Statutory Position

Parents are legally responsible for making sure that their children get to and from school at the appropriate times each day. This includes a parent making appropriate arrangements for their child where the parent has working commitments at the relevant times in the school day.

Definition of Compulsory School Age

Compulsory school age starts at different times as described below:

- Children becoming 5 years old between 1st January and 31st March are of compulsory school age at the beginning of the term after 1st April.
- Children becoming 5 years old between 1st April and 31st August are of compulsory school age at the beginning of the term after 1st September.
- Children becoming 5 years old between 1st September and 31st December are of compulsory school age at the beginning of the term after 1st January.

We provide transport for children of compulsory school age. Children who are not of compulsory school age but are attending a nursery or Reception class are not eligible for transport.

Definition of Home Address

There is guidance on what constitutes a home address in the School Admissions Guides and the same rules would apply:

<http://info.westberks.gov.uk/index.aspx?articleid=27811>

Primary

<http://info.westberks.gov.uk/index.aspx?articleid=29469>

Secondary

Where parents are separated or divorced, entitlement is assessed from the home where the child spends the majority of their time. Where a child spends equal amounts of school days with each parent, travelling from two addresses to school, entitlement will be assessed from both addresses. Evidence may be required.

Definition of a Qualifying School

If parents choose to send their child to a school which is not the nearest qualifying school free transport will not be provided by the Council unless the circumstances meet the discretionary transport criteria described in section 5. Parents will be responsible for arrangements and costs.

A *qualifying school* is a school which provides education appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have. Most schools in West Berkshire and our neighbouring Local Authority areas fit the criteria of *qualifying school*. To be a qualifying school, the school must be:

- a community, foundation or voluntary mainstream school, or
- an academy, or
- a community, foundation or non-maintained special school, or
- a maintained nursery school, or
- pupil referral unit

Independent and non maintained schools can only be qualifying schools in relation to a child with a Statement of Special Educational Needs or Education, Health and Care (EHC) Plan, and then only if the school is named in the child's EHC Plan or Statement.

Any other type of school which is not listed above, including other West Berkshire independent schools, is NOT a qualifying school.

There is no legislative entitlement to transport to a particular type e.g. by gender, structure [academy, maintained, free school] or catchment.

There is no legislative entitlement to transport to a particular type by faith for most pupils. The only exception is for secondary pupils from a low income

family (see page 4). The entitlements are set out in the 1996 Education Act and 2006 Education and Inspections Act.

4. Free Transport

The *nearest qualifying school* is explained on page 3. Please note that the *nearest qualifying school* may be outside of West Berkshire in a neighbouring Local Authority area. Information on how this operates in practice is included at Appendix A.

Free transport is explained in the table below:

- **Distance**
- **Low Income**
- **Available route (including parental disability)**
- **Temporary medical condition of a pupil**
- **Statement of Special Educational Needs/ EHC Plan (in certain circumstances)**
- **Pupil Referral Units and permanently excluded pupils**

<p>From: the term starting 1st January, 1st April or 1st September following the child's 5th birthday</p> <p>To: 7 years old.</p>	<p>Distance</p> <p>Free transport to the <i>nearest qualifying school</i>, if it is more than 2 miles walking distance from home.</p>
<p>From: the child's 8th birthday</p> <p>To: the last school day in the academic school year in which their 16th birthday falls.</p>	<p>Distance</p> <p>Free transport to the <i>nearest qualifying school</i>, if it is more than 3 miles walking distance from home.</p>
<p>From the child's 8th birthday</p> <p>To 10 years old.</p>	<p>Low income</p> <p>Free transport to the <i>nearest qualifying school</i>, if it is more than 2 miles walking distance from home. To qualify, the child must be entitled to free school meals or whose family is in receipt of maximum working tax credit (i.e. with no deductions due to income)</p>
<p>From the child's 11th birthday</p> <p>To: the last school day in the academic school year in which their 16th birthday falls.</p>	<p>Low income</p> <p>Free transport to one of the three <i>nearest qualifying schools</i>, if it is between 2 and 6 miles walking distance away, or to the school preferred by reason of a parent's religion or belief which is between 2 and 15 miles away from the home address, travelling by road. To qualify, the child must be entitled to free school meals or whose family is in receipt of maximum working tax credit (i.e. with no deductions due to income)</p>

<p>Pupils living within the statutory walking distance but who are unable to walk because there is not an available route</p>	<p>Available Route Free transport to the <i>nearest qualifying school</i>, where the pupil lives within the statutory walking distance from school and where, due to the nature of the route, they are unable to walk in reasonable safety even when accompanied by an appropriate adult.</p> <p>A route is defined as “available” if it is a route along which a child, accompanied as necessary, can walk with reasonable safety to school. A route will be “available” even if the child would need to be accompanied along it by his or her parent or carer.(see section 9)</p>
<p>Parental disability prevents them from accompanying the child along a walking route, which is considered safe for a child who is accompanied</p>	<p>Available route and parental disability Where a walking route is considered to be available for a child who is accompanied, but a parent has a disability which prevents them from walking the route, we will consider the family circumstances, which may include those of a non-resident parent. Depending on the circumstances and the medical condition, transport or alternative solutions may be offered. The application <u>must</u> be supported with medical evidence from the GP and/or Consultant.</p> <p>For temporary disability, parents are expected to have considered whether they can make temporary arrangements, for example by re-arranging their work commitments or by asking a friend to help for a time-limited period.</p> <p>Transport or alternative support may be provided for a time-limited period based on the medical information available, and could be subject to periodic review.</p>
<p>Pupils with a permanent medical condition, which affects their mobility or has health & safety implications for travelling to school associated with a disability</p>	<p>Permanent Medical Condition of a pupil Where a child has a permanent medical condition which affects their mobility or has health & safety implications for travelling to school associated with a disability.. The application <u>must</u> be supported with medical evidence from the GP and/or Consultant. Transport may be provided for a time-limited period based on the medical information available, and could be subject to periodic review. Depending on the medical condition, alternative solutions may also be offered.</p>

<p>Pupils with a Statement of Special Educational Needs / EHC Plan attending a <u>mainstream</u> school</p>	<p>Special Educational Needs – mainstream school Assistance with transport to the <i>nearest qualifying school</i>, if it is more than 2 miles or 3 miles walking distance from home (see distance rules above re child’s age on page 4).</p> <p>Also, assistance with transport to the <i>nearest qualifying school</i>, where the pupil lives within the statutory walking distance from school and where, due to their special needs or disability, they are unable to travel to school even when accompanied by an appropriate adult.</p>
<p>Pupils with a Statement of Special Educational Needs/ EHC Plan attending a <u>resourced or special</u> school</p>	<p>Special Educational Needs – resourced or special school Assistance with transport to the <i>nearest qualifying school</i>, if it is more than 2 miles or 3 miles walking distance from home (see distance rules above re child’s age on page 4).</p> <p>Also, assistance with transport to the <i>nearest qualifying resourced school or special school</i>, where the pupil lives within the statutory walking distance from school and where due to their special needs or disability they are unable to travel to school even when accompanied by an appropriate adult.</p>
<p>Pupils attending a Pupil Referral Unit</p>	<p>Pupil Referral Unit Statutory entitlement to transport for pupils attending a Pupil Referral Unit is the same as for pupils of the same age attending other schools, and is subject to assessment under the rules for Distance, Low income, Available Route and Temporary Medical Condition (pages 4-5 of the Policy).</p> <p>Due to the nature of timetabling within the Pupil Referral Unit, it is usual to provide a bus or train pass to allow flexibility in the timing of travel.</p>
<p>Pupils permanently excluded from school</p>	<p>Permanently excluded pupils The case of a pupil permanently excluded from a school will be considered based on the most appropriate school for the pupil’s needs.</p> <p>The parent must consider transport implications before requesting a specific school and should understand that they would usually be responsible for arranging transport.</p>

5. Discretionary Transport

The Council has extended its transport provision to include other circumstances. These are:

- a) Post-16 students
- b) Exceptional Circumstances
- c) Post-16 students with a Statement of Special Educational Needs / EHC Plan
- d) Post-19 students with an EHC Plan or Learning Difficulty Assessment

Discretionary transport may require a financial contribution towards the cost.

Transport provided at the discretion of the Council will be provided for the entirety of the school year in which the assessment has been made, unless otherwise stated. This means that a new assessment will be made for the following academic year and eligibility may be re-checked if personal circumstances have changed. The applicant is required to inform the Council if they move house or school or are no longer entitled under the low income criteria.

a. Post 16-Students

The Council's Post-16 Transport Statement and 16-19 Travel Guide provide travel information and assistance for post-16 students. This includes advice and guidance on the provision that is made for post-16 students by providers and how to access this support.

Schools and Colleges receive funding from the government to offer bursary support to low income families.

The Statement explains that students can apply for a Fare Payer place on a school bus or a train pass.

The Statement also makes allowance for the Council to consider exceptional circumstances and provide financial assistance.

<http://info.westberks.gov.uk/index.aspx?articleid=27824>

b. Exceptional Circumstances

The Council may take exceptional circumstances into consideration through the Appeal process. There is **no automatic entitlement**. Exceptional Circumstances may include:

- Medical conditions
 - Permanent medical condition for the pupil (which falls outside the statutory entitlement in Section 4)
 - Temporary medical condition for the pupil (Parents are expected to have considered whether they can make temporary arrangements.
 - Temporary medical condition for a parent (Where one parent is affected, we would expect other adult(s) with parental responsibility to take the child to school or make appropriate arrangements).
 - Applications must be supported with medical evidence.
- Temporary re-housing

Vulnerable pupils who have exceptional social circumstances may be entitled to free home to school transport where these circumstances would otherwise prevent them from attending school regularly or cause a significant safeguarding risk. Cases will be considered through the Appeal process. Evidence may be required. Emergency transport arrangements may be put in place for up to 5 days prior to the Stage 1 Appeal being considered.

The Council will not consider an unaccompanied child. The law states that it is the parents' responsibility to ensure that a child gets to school, including accompanying them, if appropriate. This includes the parent determining how their child will get to school and may include making appropriate arrangements such as with a friend or a childminder to ensure that the child is accompanied.

The Council does not consider work commitments as an exceptional circumstance. The law states that it is the parents' responsibility to ensure that their child gets to school, and this may include making appropriate arrangements. This could include use of a childminder, friend, before school and after school club. Parents may be able to access a Fare Payer place on the school bus, which incurs a fee.

Parental Preference - If a parent has chosen a school which is not the nearest school to the home address, this is parental preference. **The Council expects parents to have considered how to get their child to school.** This could include use of a childminder, friend, before school and after school club. Parents may be able to access a Fare Payer place on the school bus, which incurs a fee.

The decision of the Council is final in relation to consideration of exceptional circumstances.

Where exceptional circumstances are taken into account, transport may be strictly time limited and may not be for the entire school year.

Discretionary transport may require a financial contribution towards the cost.

c. Post-16 students with a Statement of Special Educational Needs / EHC Plan

This section of the policy applies from the beginning of the academic year following the young person's 16th birthday.

The Council does not provide travel assistance for students who are 16 years and older who have a Statement of Special Educational Needs / EHC Plan and who attend a *mainstream school*. There is a Council discretionary Fare Payer scheme which post 16 pupils with SEN who attend mainstream schools may be able to access. The student would pay to access the scheme at the prevailing rate, subject to availability.

The Council will provide assistance with transport to a resourced school, special school or FE College that is the nearest qualifying school or college, where the school or college is outside the statutory walking distance of 3 miles, or, if it is within the statutory walking distance, due to their special needs or disability, the student is unable to travel to school or college even when accompanied by an appropriate adult.

The nearest "qualifying" resourced school, special school or FE College will be the nearest establishment which is able to meet the young person's needs. In the case of FE Colleges, preference for specific courses will be taken in to consideration within the context of what is reasonable.

In the majority of cases, travel assistance will take the form of a bus or train pass. Other means of transport will only be offered if the young person is not able to travel independently.

Parents may be required to make a contribution to the cost of transport for post 16 students. This will be in line with the contribution made by parents of post 16 students who do not have SEN.

d. Post 19 Students with an EHC Plan or Learning Difficulty Assessment (LDA)

This section of the policy applies from the beginning of the academic year following the young person's 19th birthday.

Students who have an EHC Plan or Learning Difficulty Assessment may transfer to or continue at FE College after the age of 19 years (and potentially up to 25 years) if they still require educational provision in order to achieve the outcomes set out in their EHC Plan or LDA.

The Council will provide assistance with travel to the nearest "qualifying" FE College if it is necessary to do so in order for the young person to be able to access a place at the qualifying establishment.

In order to determine whether it is "necessary" to provide assistance with transport, the Council will take into consideration what other sources of help have been made available to or could be made available to the young person to enable them to attend college, e.g. An adapted vehicle; Transport assistance provided by the College; Transport assistance provided by Adult Social Care.

The nearest "qualifying" FE College will be the nearest establishment which is able to meet the young person's needs. Preference for specific courses will be taken in to consideration within the context of what is reasonable.

In the majority of cases, travel assistance will take the form of a bus or train pass. Other means of transport will only be offered if the young person is not able to travel independently.

Assistance with transport for students who have a Learning Difficulty Assessment (but not an EHC Plan) will normally only be offered if the young person is a "high needs student", i.e. the College receives additional funding from the Local Authority to meet the young person's special educational needs.

6. Measuring the *nearest qualifying school*

The *nearest qualifying school* is measured on a computerised GIS mapping system in a straight line between the GIS point of the home address and GIS point of the school. The nearest qualifying school can be checked on the website by typing the postcode into the search box: www.westberks.gov.uk. The nearest qualifying school may be located in West Berkshire or in a neighbouring Local Authority area.

Where a school operates on more than one site: If any of the sites is the nearest school site to the home address, the school will be designated as the nearest school for the entirety of the student's time at the school. The student will use different sites during the course of their schooling at that school, depending on their year group.

7. Measuring the *walking distance*

The *walking distance* measured is the shortest available route from the GIS point at the child's home address to the nearest approved entry point to the school site. The distance will be measured on a computerised GIS mapping system. The route measured may include footpaths, bridleways and other permitted paths as well as recognised roads.

Where a school has more than one site, the Council will measure to each of the sites where compulsory school education is provided. This would mean, for example, that a 6th form site would be excluded. If the child qualified for transport to any of the sites which deliver compulsory school education, transport would be granted for the entirety of the compulsory school education at that school, regardless of which site they were being educated on in any specific year.

For low income entitlement, the 6 mile and 15 mile distance is measured as the travelling distance by road taking account of appropriate vehicular access.

8. Determining an *available route*

The Council's does not assess routes for unaccompanied children, as this is not the legal standard which applies, and therefore any consideration about the availability of a route is in the context of an accompanied child.

Risk assessments are undertaken in accordance with guidance notes issued by Road Safety GB in 2012 'Assessment of Walked Routes to School' and the Department for Education 'Home to School Travel and Transport Guidance'.

The Courts have defined an 'available route' as one "along which a child accompanied as necessary can walk with reasonable safety to school. It does not fail to qualify as 'available' because of dangers which would arise if the child is unaccompanied."

It is the parents' responsibility to ensure that a child gets to school, including ensuring that they are accompanied if appropriate; and to ensure that a child has suitable clothing and equipment for the journey (for example: boots, wet weather clothing, reflective bands, torch).

Risk Assessment

Assessments usually take place in the morning during the time children would be travelling to school and may also be undertaken at home time in the afternoon. Visits are timed so that crossing assessments of main roads take place at the times when the number of children travelling to school is highest.

No crossing point can be absolutely safe; the term used in the guidance is "reasonable safety" which would make the walking route available.

Assessments do not determine whether a route is “safe” or “dangerous”. All roads may be thought of as presenting some element of road safety risk, whether they are heavily trafficked urban routes, or more lightly trafficked rural routes. Statutory guidelines confirm that available routes may include crossing fields, wooded areas and public parks. Rights of Way will normally be considered available at all times as well as Permitted Paths and Bridleways.

The Council takes a range of factors into account. The fact that there is a high volume of fast-moving traffic is not in itself a reason to grant a route unsuitable - there may be a footpath and good crossing points along the route that would render it safe. Similarly, the lack of a footpath or verge would not be a reason to grant a route unsuitable if there was, for instance, a very low volume of traffic and good visibility. Even if there isn't a footway the walking route might still be assessed as available. The assessment will take account of traffic flows and whether car drivers have enough time to slow down or pedestrians have time to step-off the road or verge.

We will assess:
Road width, visibility and the severity of bends
Existence of 'safe refuge': footpaths and verges, road markings at the side of the road
Existence of Rights of Way, Permitted Paths and Bridle Paths (adequate walking width, clear of overgrowth)
The volume of traffic at the relevant period of day
The type of traffic and its relative speed
Difficulty of road crossings
Nature of road (urban/rural) and driver expectation
The presence or otherwise of speed limits and other warning signs
The accident record along the route

All assessments are undertaken in line with the guidance from Road Safety GB in 2012 'Assessment of Walked Routes to School' and the Department for Education 'Home to School Travel and Transport Guidance'.

In accordance with the Road Safety GB guidelines, we will not consider:
Isolation of route - A route would not fail to qualify as “available” because of dangers which would arise if the child was unaccompanied.
Local weather conditions - The weather is not considered to be a factor in the guidelines
Transient events - road closures, construction work, seasonal weather (e.g. flooding, snow, ice)
Temporary surface conditions (e.g. mud, puddles) – It is expected that the child will use appropriate clothing/footwear
Lack of street lighting - The presence or absence of street lighting on a route is not considered to be a factor in the guidelines
Lack of pavements, but we do assess “safe refuge” – see above
Difficult terrain/arduousness of the route - steep hills are not a hazard
The time taken to walk the route – routes are based on statutory walking distances

Assessments are recorded in a written report which contains maps and, if necessary, photographs.

The Council has the final decision on whether a route is available.

Concerns about the availability of a route would be addressed through the Complaints process.

Where there is a concern about a route, a formal route assessment will be commissioned by the Education Service and this will clarify the level of risk and a detailed report will be produced.

- a) Where a route is classified as low risk, transport will not be provided, unless exceptional circumstances apply.
- b) Where a route is classified as a medium risk, transport will not be provided, unless exceptional circumstances apply. The parents will be advised of the recommendations in relation to the medium risk sections of the route.
- c) Where a route is classified as high risk, transport will be provided.

Where concerns are raised about the ability of the parent or pupil to walk the route (see Section 4), this would be considered under the Appeal process.

Sustainable Travel

The Council will consider, in line with its general transport provision and duty to promote sustainable travel across West Berkshire, the provision of walking routes, and use of footpaths, cycling paths and crossings as more cost effective alternatives to providing free transport. This may result in the withdrawal of transport, where available walking routes are subsequently identified.

9. Type of Transport

As required by law¹, the Council will either provide or pay for statutory transport by the most economic means for pupils resident in West Berkshire who meet the criteria. The Council determines the mode of transport and normally only one mode of transport is provided. Transport could be:

- School Bus (where necessary supplemented by other methods)
- Public Transport – Bus or train season ticket on public transport for the child
- A Personal Transport Budget, in the case of children with SEN who qualify for assistance with transport under this policy and are unable to travel independently (if this is more cost effective than direct provision of transport).
- A place in a taxi or minibus for children with SEN who are unable to travel independently. This would usually be shared with other children.

The Council does not provide escorts for mainstream children, and it is the parent's responsibility to ensure that their child can adhere to the Behaviour Code when travelling unaccompanied.

<http://info.westberks.gov.uk/index.aspx?articleid=29687>

¹Sections 508A and 508D of the Education Act 1996, and sections 508A, 508B, 508C, 509AD, and Schedule 35B of the Act which were inserted by Part 6 of the Education and Inspections Act 2006.

10. Personal Transport Budgets (PTBs)

Personal Transport Budgets may be available for children and young people with SEN, who qualify for assistance with transport under this policy.

PTBs will be offered in cases where a child or young person is unable to travel to school independently. This will be an alternative to providing transport by minibus or taxi. The PTB will be calculated based on a formula and will be allocated to families in lieu of direct provision of transport by the Council.

Families will be free to use the funding in any way they see appropriate, provided that they get their child to school safely, on time and in a fit state to learn. A PTB will usually be greater than a traditional mileage allowance, but the Council reserves the right only to offer PTBs in cases where this would be more cost effective than direct provision of transport.

If parents choose to accept a PTB, they will be asked to sign a formal written agreement. Payments will be made in monthly instalments. The Council reserves the right to withdraw the PTB if the parent is unable to deliver the child to school safely, on time and in a fit state to learn.

Parents can withdraw from the PTB scheme if they wish, subject to giving an agreed period of notice. Parents are not obliged to take up a Personal Transport Budget if they do not wish to do so.

11. Provision of passenger assistants (escorts) for children with SEN

There is no automatic entitlement to provision of a passenger assistant on a vehicle if a child travels by minibus or taxi. The need for a passenger assistant will be considered on a case by case basis, taking in to account the child's age and the nature of their special educational needs.

Provision of passenger assistants for individual children will be subject to ongoing review.

12. Transport to after school activities or respite care for children with SEN

Children and young people who qualify for assistance with transport to school under this policy are not entitled to transport for after school activities or respite care.

The Council will, however, endeavour to assist with transport for after school activities or respite care if this can be offered with no additional cost.

13. The Journey

The Council will determine the boarding and alighting points for the journey. Pupils are expected to walk to and from home to meet their transport. The pick-up point will not normally be more than one mile away from the home address. Journey times will not usually exceed 45 minutes for primary pupils and 75 minutes for secondary pupils.

Parents are responsible for the safety of the child in getting to and from the pick up point, and whilst they are waiting for transport or leaving transport at either end of the day.

14. Poor Behaviour on School Transport

The Council operates a zero tolerance approach to poor behaviour on school transport. Behaviour which endangers other pupils, the driver and other passengers and other road users will not be tolerated. The Council's Home to School Transport Behaviour Code provides more information:

<http://info.westberks.gov.uk/index.aspx?articleid=29687>

There are two versions, one for pupils and one for parents

The Council will work in partnership with schools to promote good behaviour on school transport through a range of initiatives. The Council will work with the headteacher of a school, to ensure appropriate sanctions are in place for poor behaviour. Sanctions may range from:

- Warning in relation to misbehaviour
- Exclusion from the bus for a temporary period
- Permanent exclusion from the bus for more serious or persistent misbehaviour

15. Transport which is Subject to Change

There may be circumstances where free or discretionary transport is withdrawn. For example:

- Transport has been provided in error
- Changes have been made to the statutory Home to Schools Travel and Transport guidance or Road Safety GB guidelines about how we assess entitlement to transport, and the changes affect the assessment of a route.
- Material changes to the route to school

A minimum of four weeks' notice will be provided to allow alternative arrangements to be put in place. Notice will be served by letter or email to the parents/carer.

16. Further Information

For information on how to apply for free home to school transport, please refer to the Transport pages on the Council's website.

<http://info.westberks.gov.uk/index.aspx?articleid=29687>

17. Complaints

Where a Transport application has been considered through the Transport Appeal process, there is no right to use the complaints process with regard to the decision made. The complaints process has no jurisdiction over the Appeals process.

Where the issue relates to the Home to School Transport policy and the parent feels it is not objective, clear or fair – this is a complaint. The complaint must refer to the current policy and explain which aspect of the policy is unsatisfactory and why.

Where the parent feels that the Transport Appeals process has not been administered correctly – this is a complaint. The complaints process will only look at whether the Appeal was administered correctly. It cannot change the decision made by the Appeal Panel.

The complaint will be reviewed by a Senior Officer, and a response will be provided within twenty working days.

Email: Pupiltransport@westberks.gov.uk

Write to: Service Manager (APT), West Berkshire Council, West St House, Newbury RG14 1BZ.

18. Consultation

The Council consults on its transport policies for pupils and 16-19 students. We write to schools and provide them with information to cascade information to their families through their parent mail systems. We run an annual consultation through [our consultation portal](#). You can [register for email alerts](#) so we can automatically let you know about new consultations. You can also follow us on [Twitter](#).

19. Appeals

The Council will maintain an appeal process regarding eligibility decisions made under this policy, in line with national guidance. The process is as follows:

Once your application has been considered (including the use of the Appeals process, where applicable), we will not accept a further application for transport for the same child and same school unless:

- a) Your circumstances have materially changed (i.e. change of address, exceptional circumstances see 5b) OR**
- b) You believe you are now entitled because the Council's policy has been amended**

Initial Application Declined

Parent has up to 20 working days to decide whether to submit an Appeal



Stage 1 Appeal Submission

- Parent submits appeal on the basis of:
 - The suitability of transport arrangements offered, if applicable
 - The child's eligibility under the statutory regulations, including statutory walking distance
 - The safety of a route (but if the route has already been assessed, this may be dealt with as a complaint)
 - Exceptional circumstances
- Review of information provided – is additional evidence or information required to fully assess the Appeal? Is this a complaint?
- Information/evidence requested from parent, if applicable.
- Information/evidence received from parent, and Appeal is registered.

Parent has up to 20 working days from initial submission of Appeal to provide the required evidence/information



Stage 1 Appeal (Review by a Senior Officer)

- Senior Officer reviews the circumstances of the case
- Written notification of the outcome is sent to the parent. This will include detailed reasoning of the decision made and notification of the option to escalate to Stage 2.

Up to 20 working days but complex cases may take longer



Stage 2 Appeal Submission

- Parent submits appeal on the basis of:
 - The suitability of transport arrangements offered, if applicable
 - The child's eligibility under the statutory regulations, including statutory walking distance
 - The safety of a route (but if the route has already been assessed, this may be dealt with as a complaint)
 - Exceptional circumstances

Parent has up to 20 working days to decide whether to submit an Appeal



Stage 2 Appeal (Review by an Appeal Panel)

- Appeal Panel reviews the circumstances of the case
- Written notification of the outcome is sent to the parent. This will include detailed reasoning of the decision made and notification of the option to escalate to Local Government Ombudsman.

Up to 40 working days

The timings are recommended and not compulsory. We envisage that many appeals will be dealt with much sooner than these timings, particularly those which have a time pressure, whilst complex cases may take longer. Where there is an urgent matter which has safeguarding implications or the case relates to a Looked After Child, the Appeal will be processed at Stage 1 as a priority.

Appendix A

If the Qualifying school is full and the application for a school place was made in the normal admissions round:

If a parent:

- has applied **on time** for their qualifying school (nearest school) **and**
- has not been offered a school place at the nearest school

Then

- the nearest school with available spaces at the point of allocation will be considered to be the qualifying school:

Provided that:

- the child remains on the school waiting list until a place is offered **and**
- the offer of a place is taken up from a school waiting list. School places are offered for the following half term and at that point transport to the current school would be cancelled.

Children remain on school waiting lists for the remainder of the academic year in which a school place has been applied for. Parents will be prompted to apply for a place in each new academic year which they will be expected to do. If parents do not re-apply the home to school transport will be cancelled from the start of the next academic year.

Parents who apply for a school place **late** and, for that reason, their child is not allocated a school place at their qualifying school are not in the same position. The nearest school with available places will not be considered to be the qualifying school unless the application was late for good reason, e.g. moving into the area.

Applications for school places outside the normal admissions round (In year school admissions) as a result of moving house:

Where a parent has applied for their qualifying school (nearest school) and has not been offered a school place at the school, the nearest school with available spaces will be considered to be the qualifying school:

Provided that:

- the child remains on the school waiting list until a place is offered **and**
- the offer of a place is taken up from a school waiting list. School places are offered for the following half term and at that point transport to the current school would be cancelled

Children remain on school waiting lists for the remainder of the academic year in which a school place has been applied for. Parents will be prompted to apply for a place in each new academic year which they will be expected to do. If parents do not re-apply the home to school transport will be cancelled from the start of the next academic year.

Individual Executive Member Decision

Outside Body Appointments – Royal Berkshire Fire Authority and Thames Valley Police and Crime Panel

Committee considering report:	Individual Executive Member Decision
Date ID to be signed:	19 May 2016
Portfolio Member:	Councillor Roger Croft
Date Portfolio Member agreed report:	3 rd May 2016
Forward Plan Ref:	ID2998

1. Purpose of the Report

1.1 To consider West Berkshire Council nominations to the following outside bodies:

- Royal Berkshire Fire and Rescue Service Fire Authority;
- Thames Valley Police and Crime Panel.

2. Recommendation

2.1 To agree the Council's representatives on the following outside bodies:

- Royal Berkshire Fire and Rescue Service (four);
- Thames Valley Police and Crime Panel (one);

3. Implications

- 3.1 **Financial:** West Berkshire Council Members are not paid to attend Outside Body meetings however any costs associated with meeting attendance will be met from within existing Members Allowances budget where the Outside Body does not pay these costs.
- 3.2 **Policy:** Appointments will be made in accordance with Part 13 Appendix J (Protocol for Council Representation on Outside Bodies) of the Council's Constitution
- 3.3 **Personnel:** None except for the Thames Valley Police and Crime Panel where South Buckinghamshire District Council acts as Host Authority, providing Scrutiny Officer and other secretariat support as needed to enable the Panel to undertake its functions. Any dedicated staff employed to support the Panel will be employed by the Host Authority, and as such their terms and conditions will be that of the Host Authority.

- 3.4 **Legal:** The introduction of the Police Reform and Social Responsibility Act 2011 ('the Act') introduced revised structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.
- 3.5 **Risk Management:** The Council indemnifies Members in certain circumstances – details are set out in Appendix J to Part 13 of the Constitution (Protocol for Council representatives on Outside Bodies).
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Consultation Responses

Members:

- Leader of Council:** Councillor Roger Croft – emailed on the 03rd May 2016
- Overview & Scrutiny Management Commission Chairman:** Councillor Emma Webster - emailed on the 03rd May 2016
- Ward Members:** Not applicable
- Opposition Spokesperson:** Councillor Alan Macro - emailed on the 03rd May 2016

Local Stakeholders: Fayth Rowe (RBFRS) and Clare Gray (SBDC)

Officers Consulted: Robert Alexander

Trade Union: Not applicable

5. Other options considered

- 5.1 Not to appoint representatives

6. Introduction

- 6.1 The Council is required to appoint representatives to a range of Outside Bodies. The bulk of these appointments were made via an Individual Decision in June 2015 following the local elections. Where appropriate these appointments were aligned to the Council's electoral cycle and the bulk of these appointments were made for a four year period.
- 6.2 The Council is however required to make annual appointments to the Royal Berkshire Fire Authority and the Thames Valley Police and Crime Panel. It was agreed that in 2015 these two appointments would be made by Full Council to expedite the decision making process but that in the following three years these appointments would revert to being Individual Decisions made by the Leader of the Authority as was agreed at the 17 May 2007 Executive meeting.

- 6.3 Outside Body appointments are made in accordance with Appendix J to Part 13 of the Constitution (Protocol for Council Representatives on Outside Bodies).

7. Royal Berkshire Fire Authority

- 7.1 Members are responsible for setting the Fire and Rescue Service operating budget and determining how the service is run. Meetings of the Royal Berkshire Fire Authority take place in the evenings, on a quarterly basis, at the authority's Headquarters in Calcot, Reading. Members should note that a Member appointed to this Fire Authority is expected to attend all Fire Authority meetings and to serve on at least one committee or working party.
- 7.2 Appointments to the Royal Berkshire Fire Authority are made on a proportionality basis based on the electoral roll. Following a decision made at the 25 April 2016 Fire Authority meeting it has been agreed that there will be 20 members appointed in 2016/17, a reduction of five members in total. The Fire Authority comprises local councillors appointed by the six unitary authorities in the county: Bracknell Forest Borough Council (3 seats); Reading Borough Council (3 seats); Royal Borough of Windsor and Maidenhead (3 seats); Slough Borough Council (3 seats); West Berkshire Council (4 seats) and Wokingham District Council (4 seats).
- 7.3 At the Executive meeting in May 2007 it was agreed that West Berkshire Council appointments will be made based on the Council's proportionality rules.
- 7.4 The representatives for the 2015/16 period were Councillors Paul Bryant, Adrian Edwards, Carol Jackson-Doerge, Anthony Chadley and Emma Webster.
- 7.5 The following Members have expressed an interest in being nominated to this Outside Body: Emma Webster, Carol Jackson-Doerge, Adrian Edwards, Alan Macro and Paul Bryant.

8. Thames Valley Police and Crime Panel

- 8.1 The Panel comprises 18 elected members (one from each Authority) and 2 co-optees. Appointments of elected Members to the Panel are made in accordance with each Authorities own procedures with a view to ensuring that the 'balanced appointment objective' is met so far as is reasonable practicable.
- 8.2 The balanced appointment objective requires that the Panel should (when taken together):
- (1) Represent all parts of the police area;
 - (2) Represent the political make-up of the Authorities;
 - (3) Have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 8.3 A Member shall be appointed annually to the Panel to hold office matching the Municipal Year, subject to the following provisos that he/she:
- (4) Shall cease to be a Member of the Panel if he/she ceases to be a member of:

- (a) The Authority;
- (b) The political group in the Authority when the appointment to hold office was made.

8.4 The Council's current representative on the organisation is Councillor Quentin Webb.

8.5 The following Member has expressed an interest in being appointed to the panel: Councillor Quentin Webb.

9. Equalities Impact Assessment Outcomes

9.1 There are no equalities issues associated with this report.

10. Conclusion

10.1 That the Council appoints representatives to the organisations as set out in the paragraphs above.

11. Supporting Information

11.1 Letter from the Royal Berkshire Fire and Rescue Service dated 28 April 2016.

Background Papers:

Part 13 Appendix J (Protocol for Council Representation on Outside Bodies) of the Council's Constitution

Report to and Minutes of the Executive on the 17th May 2007

Subject to Call-In:

Yes: No:

Wards affected: All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

MEC – Become an even more effective Council

The proposals contained in this report will help to achieve the following Council Strategy priority:

HQL1 – Support communities to do more to help themselves

MEC1 – Become an even more effective Council

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by ensuring that the authority is represented on these important bodies.

Officer details:

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Job Title: Democratic and Electoral Services Manager
Tel No: 01635 519045
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Moira Fraser
Democractic & Electoral Services Manager
West Berkshire Council
Strategic Support
Market Street
Newbury RG14 5LD

Your Ref:
Our Ref:
Ask for:
Date: 28 April 2016

Dear Moira

Royal Berkshire Fire Authority Member nominations 2016/17

At the Royal Berkshire Fire Authority meeting held on 25 April, Members approved the restructure of the Fire Authority reducing the size of membership from 25 to 20 Member Councillors.

Earlier in the year, I requested each Unitary Authority to confirm the number of local government electors as of 31 January 2016. Based on the number received calculated against 20 Fire Authority seats, illustrated in the table below, please may I have the name and contact details of four nominated Councillors by Monday 6th June 2016.

Please note that it is the decision of your Unitary Authority to determine whether nominations are politically balanced.

I hope this has cleared up any confusion my email sent earlier in the week may have caused.

	20 Seats		
	Electors	30,696.35	Seats
Bracknell	85,005	2.7	3
Reading	102,383	3.3	3
Slough	88,397	2.8	3
RBWM	100,648	3.2	3
West Berks	116,724	3.8	4
Wokingham	120,770	3.9	4
	613,927		20

Kind regards

Fayth Rowe
Committee Officer



Andy Fry • Chief Fire Officer

