

Home to School Transport Policy 2013/2014

1. Introduction

This policy sets out who is eligible for free transport to and from school, and applies to West Berkshire residents only.

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

A parents' guide to the policy gives information about how the policy operates and practical information such as how to apply for transport. This will be primarily available on the Council web-site, but hard copies may be obtained on request. The Guide and associated "Frequently Asked Questions" are kept under regular review so the latest version should always be consulted when considering transport entitlement. The Guide does not form part of the policy.

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 take steps to create safe walking routes.

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 scheme for farepayer 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 Places may also be withdrawn in certain circumstances.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 Farepayer Scheme before applying for a farepayer place.

2. The Statutory Entitlement

Parents are responsible for making sure that their children get to and from school at the appropriate times each day.

West Berkshire provides the statutory entitlement which is summarised in the table in section 3. It is based upon distance and/or special circumstances (Special Needs or Disability; Low income; Safety of walking route). Eligibility is usually determined at the point of admission with some exceptions e.g. the development of a disability or entering a low income category.

Qualifying School

The legislation about Home to School Transport says that 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 fit the criteria of *qualifying school*. To be a qualifying school, the schools 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 schools can only be a qualifying school in relation to a child with a statement of Special Educational Needs, only if the school is named in the child's statement or it is the nearest of two or more schools named in the 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, faith, structure [academy, maintained, free school] or catchment.

The entitlements are set out in the 1996 Education Act and 2006 Education and Inspections Act.

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 it fits any of the discretionary transport described in section 4. Parents will be responsible for arrangements and costs.

3. Free Transport – as defined in Law

The *nearest qualifying school* is: The nearest school to the pupil’s home address, that the pupil is eligible to attend, that can provide a suitable education and with places available during the normal admission cycle.

Free transport is defined in 5 categories, explained in the table below:

- Distance
- Low Income
- Safety of route (including parental disability)
- Statement of Special Educational Needs (in certain circumstances)
- Temporary medical condition
- Pupil Referral Units and permanently excluded pupils

The Council also offers some discretionary transport, see section 4, for:

- Catchment School
- Exceptional Circumstances
- Post-16 students with a statement of Special Educational Needs who qualify due to low income, distance and type of course.

<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 in safety to school because of the nature of the route</p>	<p>Safety of walking 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>The parents' disability prevents them from accompanying the child along a walking route, which is considered safe for a child who is accompanied</p>	<p>Safety of walking route and parental disability Where a walking route is considered to be safe for a child who is accompanied, but the parents' disability prevents them from walking the route, free transport will be provided to the <i>nearest qualifying school</i>, where the pupil lives within the statutory walking distance from school. Transport will be provided if the application is supported in writing by their GP and/or Consultant.</p>
<p>Pupils with a statement of Special Educational Needs or disability problems attending a <i>mainstream</i> school</p>	<p>Special Educational Needs – mainstream school Free 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 3). Also, free 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 walk to school even when accompanied by an appropriate adult.</p>
<p>Pupils with a statement of Special Educational Needs or disability problems attending a <i>special</i> school</p>	<p>Special Educational Needs – resourced or special school Transport provision will be provided as written in the SEN Statement. Free 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 walk to school even when accompanied by an appropriate adult.</p>
<p>Pupils with a temporary medical condition</p>	<p>Temporary Medical Condition A child may develop a temporary medical condition which prevents them making their own way to school, even if accompanied by an appropriate adult. Transport will be provided if the application is supported in writing by the GP and/or Consultant. Appropriate transport will be provided for a limited period based on the medical information available, and then reviewed taking account of any new medical information</p>

<p>Pupils attending a Pupil Referral Unit</p>	<p>Pupil Referral Unit Transport to the Pupil Referral Unit for those pupils who are not attending mainstream schools will be provided at the start and the end of teaching sessions only.</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>Parents/carers must be aware that if the child requires transport to and from the Pupil Referral Unit at any other time, it is the parent’s responsibility (including exclusions).</p>
<p>Pupils permanently excluded from school</p>	<p>Permanently excluded pupils A pupil permanently excluded from a school will be provided with assistance to the new school, provided it is both the <i>nearest qualifying school</i>, as agreed with the Access and Inclusion Team, and meets the distance requirements (see distance rules above re child’s age on page 3).</p> <p>Exceptional arrangements may be made if the pupil attends a Pupil Referral Unit or similar establishment, and these may include assistance with part-time attendance at other educational establishments as required by the pupil’s particular needs.</p>

4. Transport Provided at the Discretion of the Council

The Council has extended its transport provision to include other circumstances where transport is not required by Law. These are:

- Catchment School
- Exceptional Circumstances
- Post-16 students with a statement of Special Educational Needs
- Post-16 students

a. Catchment School

The Council recognises that parents may also wish to choose the local catchment school for their child. The catchment area for a West Berkshire school is the same as used in the Admissions application process and can be checked on the Council website here:

<http://www.westberks.gov.uk/index.aspx?articleid=21374>

Where the applicant lives in the catchment area of a maintained school e.g. Community or Voluntary Controlled school, located in West Berkshire, and they meet the requirements in terms of the walking distance or safety of route, the Council will provide free transport.

Where the applicant lives in the catchment area of an Academy, Foundation school, Voluntary Aided school or Free school, located in West Berkshire, and they meet the requirements in terms of the walking distance or safety of route, the Council will provide free transport, *except* where the catchment area overlaps with a maintained school.

Where there is an overlap, the maintained school catchment area would take priority and the Council would only provide transport to the maintained school.

The Council will not provide free transport for a catchment school where the school site is outside of West Berkshire. For example, where a Hampshire or Oxfordshire school has a catchment area which also includes a portion of West Berkshire.

b. Exceptional Circumstances

The Council may take exceptional circumstances into consideration for a very short limited period of time and **only** until a formal appeal can be heard. There is **no automatic entitlement**, and the phrase “exceptional circumstances” primarily refers to the circumstances of the pupil rather than those of the parent. Parental work commitments or having children in more than one school is not deemed “exceptional”, and the decision of the Council is final in relation to consideration of exceptional circumstances.

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

The Council provides travel assistance for post 16 students with SEN (who have a Statement or had a Statement when at school) where young people are remaining in education, in line with the transport entitlement policy for children with Statements under the age of 16. That is, the school/college must be 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 walk even when accompanied by an appropriate adult.

This provision will not, however, be free of charge. The post-16 student would pay to access the scheme at the prevailing rate. Families who are on a low income will be exempt from the charge. To qualify the family must be in receipt of maximum working tax credit (i.e. with no deductions due to income) or the young person should be entitled to free school meals.

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.

Transport assistance will not be afforded after the end of the academic year in which the young person's 19th birthday falls.

d. Post 16-Students

The Council does not provide travel assistance for those students who are 16 years and older and are remaining in Further Education, although there is a Council discretionary fare payer scheme which post-16 pupils may be able to access.

Places are very limited and will be allocated on a first-come-first-served basis, and applications must be made via the online form. The application window opens in June. Applications received from that date will be ranked in order of application, by a unique identification number, and places will be offered in order of application.

5. Independent Travel Training for children with a statement of Special Educational Needs

All children with a Statement of Special Educational Needs aged 11 years or above who qualify for free transport will be considered for independent travel training (ITT). If a child is considered by the Council to have the potential to travel to school independently, either walking or using a bus or train, they will undergo an assessment of suitability for ITT and, if deemed suitable, will be provided with an intensive programme of travel training with a travel trainer. If they complete the programme successfully, they will be provided with a bus or train pass, as appropriate.

Transport by other means such as minibus or taxi will only be provided if a child is considered unsuitable for travel training or if they have been unable to complete the travel training course successfully.

A review of transport entitlement and provision will be carried out at each child's annual review. Children allocated transport by taxi or minibus at primary school age will be expected to undertake independent travel training at secondary school age in cases where the child is considered to have the potential to achieve independent travel to school.

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.

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 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.”*

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

The Council will undertake appropriate risk assessments which will include a review of public availability and walking the route with appropriate Officers and Councillors. The Council has the final decision on whether a route is safe.

The Council will consider, in line with its general transport provision and duty to promote sustainable travel across West Berkshire¹, the provision of safe 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 safe walking routes are subsequently established.

9. Type of Transport

As required by law², the Council will either provide or pay for free transport by the most economic means, for pupils resident in West Berkshire, who meet the above criteria. Transport could be:

- School Bus (where necessary supplemented by other methods as appropriate)
- Public Transport – Bus or train season ticket on public transport for the child
- A place in a taxi or minibus where there is no public or other transport available. This would normally be shared with other children and even if not shared initially could become shared over time.
- A mileage allowance where this is more economical than a taxi based upon the home to school distance and only where there is no public or other transport available. A mileage allowance would only be paid for the portion of the journey where the child is in the vehicle.

The Council determines the mode of transport and normally only one mode of transport is provided.

¹ Sustainable Home to School Transport <http://www.westberks.gov.uk/index.aspx?articleid=15948>

² Sections 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. 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.

The parent is 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.

11. 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 Policy provides more information³.

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

12. Transport provided in Error or Subject to Change

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. Six weeks notice will be provided to allow alternative arrangements to be put in place by the parents.

13. Further Information

For information on how to apply for free home to school transport, or to access the Parents' Guide including frequently asked questions, please refer to the Transport pages on the Council's website.

<http://www.westberks.gov.uk/index.aspx?articleid=23652>

³ West Berkshire Council Home to School Transport Behaviour Policy is available on the West Berkshire website <http://www.westberks.gov.uk/CHttpHandler.ashx?id=28294&p=0>

14. Appeals

The Council's policy regarding eligibility to transport assistance is based on the DfE Home to school Travel and Transport Guidance:

<https://www.education.gov.uk/publications/standard/publicationdetail/page1/D/FES-00373-2007>

The Council will maintain an appeal process regarding eligibility decisions made under this policy, and information about this will be available on the Council's website.

Where an application for transport has been refused, the applicant has the right to appeal the decision, using the Transport Appeal Panel process. The complaints process should not be used in relation to a refused application, as the Appeals process takes precedence.

Where an application has been considered by the Transport Appeal Panel, 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.

If you feel that the Appeals process has not been administered correctly, this aspect can be processed through the Council's corporate complaints process. The complaints process will only look at whether or not the Appeals process was administered correctly. It cannot re-consider the decision made by the Appeals process.

The Local Government Ombudsman will be prepared to consider complaints about the administration of the Appeals process once this has been considered through the Council's complaints process, but the LGO does not have the jurisdiction to overrule a decision made by the Appeals process if the LGO finds that the process was correctly administered.

If you believe that the Council's policy for providing help with school transport is not objective, clear and fair, comments can be directed to the Council about the policy. These comments will be considered in the next consultation round on the policy.