

## 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><b>Distance</b></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 8<sup>th</sup> birthday</p> <p>To: the last school day in the academic school year in which their 16<sup>th</sup> birthday falls.</p>	<p><b>Distance</b></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 8<sup>th</sup> birthday</p> <p>To 10 years old.</p>	<p><b>Low income</b></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 <b>or</b> whose family is in receipt of maximum working tax credit (i.e. with no deductions due to income)</p>
<p>From the child's 11<sup>th</sup> birthday</p> <p>To: the last school day in the academic school year in which their 16<sup>th</sup> birthday falls.</p>	<p><b>Low income</b></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 <b>or</b> 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><b>Available Route</b>  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><b>Available route and parental disability</b>  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 &amp; safety implications for travelling to school associated with a disability</p>	<p><b>Permanent Medical Condition of a pupil</b>  Where a child has a permanent medical condition which affects their mobility or has health &amp; 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><b>Special Educational Needs – mainstream school</b>  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><b>Special Educational Needs – resourced or special school</b>  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><b>Pupil Referral Unit</b>  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><b>Permanently excluded pupils</b>  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 16<sup>th</sup> 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 19<sup>th</sup> 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](http://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 6<sup>th</sup> 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.

<b>We will assess:</b>
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'.

<b>In accordance with the Road Safety GB guidelines, we will not consider:</b>
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 law<sup>1</sup>, 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>

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<sup>1</sup>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. 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](mailto: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.