
Home to School Transport – Supporting Information

1. Introduction/Background

- 1.1 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.
- 1.2 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).
- 1.3 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.
- 1.4 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.
- 1.5 The Council reviews its Home to School Transport Policy and post-16 Transport Statement annually and is required to consult on proposed changes.
- 1.6 The consultation covered the Home to School Transport Policy 2017/18.
- 1.7 For clarity, the Post 16 Transport Statement 2017/18 remains unchanged and therefore we are not required to consult on this document.

2. Consultation Process

- 2.1 The consultation was open from 6 June to 20 July 2016.
- 2.2 The Consultation documentation was circulated to all Headteachers in West Berkshire maintained schools and academies on 6 June 2015.
- 2.3 The Consultation documentation was also sent to Councillors, Parish Councils.
- 2.4 Using the routine method of communication with parents, a letter was provided for the schools to cascade to parents, alerting them to the consultation.
- 2.5 Respondents were asked for their views on the proposed addition of transport provision for vulnerable students.

3. Analysis of Responses

- 3.1 The focus of the consultation was the addition of transport 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.

3.2 There were 74 responses to the consultation overall.

3.3 There were 53 responses to the questions about the addition of transport provision for students coping with exceptional social circumstances or who may be at safeguarding risk:

- 42 (79%) agreed with the proposal.
- 11 (21%) disagreed with the proposal.

3.4 There were 6 supportive comments about the new provision (page 3). There were no unsupportive comments.

3.5 There were 2 comments suggesting wording amendments to the Policy (page 4)

3.6 There were 16 comments consisting of further representation about changes previously considered by the Council (Appendix C):

- The cost of Fare Payer seats and the impact on families
- The removal of free discretionary transport to the secondary catchment school
- The cost of buying a Fare Payer seat to the catchment school.
- Concerns about routes to school
- A desire that all children should be provided with home to school transport.

4. New provision for vulnerable students

4.1 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. This is the focus of the consultation.

4.2 There were 6 comments in relation to the proposal to include provision for students coping with exceptional social circumstances or who may be at safeguarding risk, including providing emergency school transport arrangements were:

- *I agree this is a good idea for children that need this and parents alike*
- *Must be included for those in need*
- *It is important to include this provision for pupils coping with exceptional social circumstances. Who decides whether this is an exceptional circumstance?*
- *I agree with new provision. As a parent with a child who has a learning difficulty, who cannot access public transport due to safety risks and lives too far away to be included in the school mini bus scheme, it has been particularly difficult to get my child to school. I am a single working parent, driving my child from Thatcham to Park House and back for work (so making the journey 4 times daily). We were out of catchment, but Park House best suited my child's needs in a mainstream school. Because of her disability, she was/is too vulnerable to make the journey without substantial assistance, so I have always taken her, limiting my working hours to fit*

the travelling and school hours. It can be very stressful squeezing it all in, so I am glad to lend my voice so future parents may benefit from the provision if adopted.

- *This will cover the most vulnerable people in our society. If a child is at risk before and after they get to or come from school then their schooling is almost irrelevant. The fear they experience will affect the whole of their day from waking up to going to sleep. There will be no respite from the fear. They will be scared at the start of the day and frightened of what may come on the next day when going to sleep.*
- *It is important that a policy has flexibility to support our residents.*

4.3 **Based on the positive response to this proposal and the positive comments, it is recommended that new provision is approved.**

5. Feedback on the wording of the proposed Policy

5.1 There were 2 comments

- a) *Where a parent has a medical condition that stops them taking their child to school the draft policy expects another adult with parental responsibility to take the child to school or arrange an alternative. Whilst in most cases this may be possible the policy should allow room for the final impact this may have on the family. For example a parent may not be able to arrange time off work, start their shift late etc. and this could have financial implications on the family. There should be some recourse for a family to be able to apply in those circumstances to request support for Home to School transport. This would support working families through a period of need without having a major impact on their finances.*

Cllr Lee Dillon

Response

This relates to the comment in para 5b of the Policy, which says:

*The Council may take exceptional circumstances into consideration through the Appeal process. **The specific family circumstances are carefully considered.***

As part of a list of clarification, this para notes:

- *Temporary medical condition for a parent (Where one parent is affected, we would **usually** expect other adult(s) with parental responsibility to take the child to school or make appropriate arrangements).*

It is recommended that the wording is amended as highlighted above in red.

b) *The draft policy should be amended to include:*

- *Home-to-school transport should not be removed until any road safety improvements, identified as being required in the risk assessment of associated walking routes, have been implemented.*
- *Risk assessments of walking routes should be repeated every academic year and whenever the Council becomes aware of any change that may affect the safety of a route. Home-to-school transport should be (re-)introduced on any route that has become unsafe.*

Cllr Alan Macro

Response

This relates to Section 9 of the Policy. The Policy includes a 6-week notice period for withdrawal of transport. **Where transport is being withdrawn and the decision has been taken subject to minor remedial works (i.e. cutting back shrubbery, adding signs), the works will be completed before the date transport ends, but the work may be undertaken after notice has been given.** Risk assessments are undertaken as necessary, and refreshed as circumstances change.

It is recommended that the wording in red above is added to the Policy.

6. Further representation on matters previously determined from residents

- 6.1 The Council consulted on a proposal to remove free home to school transport to schools in the catchment area if they were not the nearest school to the pupil's home address consultation. The consultation ran from 8 June to 17 July 2015. Residents explained how they might be affected by the proposals. However, the changes were incorporated into the Home to School Transport Policy 2016/17, which was approved at the Council's Executive meeting on 10 September 2015.
- 6.2 The Council also consulted on a range of other home to school transport budget proposals, and the public consultation ran from 3 November - 14 December 2015. Residents explained how they might be affected by the proposals and put forward ideas which might help mitigate that impact. The feedback from residents was reported to Members at the public meeting of Executive on 11 February 2016 and at the Full Council on 1 March 2016, when a final decision was made.
- 6.3 From the many responses to the public 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 provide greater clarity and have been added in response to feedback from families. We hope that these changes make the Policy easier to understand.
- 6.4 We have added definitions:
- Definition of Compulsory School Age
 - Definition of Home Address
 - Definition of Qualifying School

6.5 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

6.6 We have altered the text to reflect the changes to provision of independent travel training for SEND pupils.

6.7 We are not required to re-consult on the text amendment made directly in response to the previous public consultations. This section is for information only.

6.8 Despite the changes which are being implemented in the 2016/17 Policy being outside of the matters under consideration in this consultation, a number of respondents have made further representation about:

- The cost of Fare Payer seats and the impact on families
- The removal of free discretionary transport to the secondary catchment school
- The cost of buying a Fare Payer seat to the catchment school.
- Concerns about routes to school
- A desire that all children should be provided with home to school transport.

6.9 These issues have already been carefully considered by the Council through the previous public consultations. These additional representations from the public consultation cannot overturn the Council's decision. Therefore, no changes are recommended but the comments are noted. For reference, verbatim comments are included in the Appendix to this Report.

7. Conclusion

7.1 Based on the positive response to the proposal to add discretionary provision for students coping with exceptional social circumstances or who may be at safeguarding risk, it is recommended that new provision is approved.

7.2 It is recommended that the minor wording amendments are approved:

- (1) The specific family circumstances are carefully considered. [in relation to an Appeal concerning a temporary disability for a parent].
- (2) Where transport is being withdrawn and the decision has been taken subject to minor remedial works (i.e. cutting back shrubbery, adding signs), the works will be completed before the date transport ends, but the work may be undertaken after notice has been given.

Background Papers:

- Home to School Travel and Transport Guidance., July 2014
 - Road Safety GB – Assessment of walked routes to school - Guidance
-

Subject to Call-In:

Yes: No:

- 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 priorities:

HQL1 – Support communities to do more to help themselves

MEC1 – Become an even more effective Council

Officer details:

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

Appendix B

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:	25/07/2016

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.

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.

The following are relevant to Equalities:

- Age
- 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>

<p>Gender Re-assignment</p>	<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>	
<p>Marriage and Civil Partnership</p>	<p>Marriage and Civil Partnership are not distinguishing factors 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>Pregnancy and Maternity</p>	<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 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>The DfE Home to School Travel & Transport Guidance July 2014 states that ‘under the European Convention on Human Rights (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>		

3. Result	
Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: The Policy underwent significant change for 2016/17 as a result of the budget cuts round, and was subject to substantial scrutiny and input from Equal Opportunities Officer and Legal colleagues. The Policy for 2017/18 contains additional definitions and clarifications, but the entitlements within the Policy are unchanged. One additional area of discretionary transport has been added.	
Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: 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.	

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:	X

Name: Caroline Corcoran

Date: 25/07/2016

Appendix C

Verbatim comments submitted about previous changes to entitlement (not the subject of this consultation)

1. *I feel it's very unfair that we have to pay a full price way over to transport our children to school. Working parents find it hard already, it disgusting that some children have to pay and others not, especially when the service is already running. I can't believe that you are even considering this unfairness to make parents pay well above what it would cost to take them, to a secondary school, and then to change the catchment is disgraceful, especially when children have friends at the school, which would ease their transition and education due to feeling secure around those who know them. I think this is so unfair we already pay extra high taxes, council taxes and everything is being cut, leave our children alone, leave them with free transport and feeling of security of friendships, siblings and make this fair! Feels like we are being penalised for having our children two years later than others.*
2. *Unfair we only just ends meant now, why change the catchment school to a school only about 400 yards roughly in total from the other one! Then make us pay to send them not fair we live in the country we work cause we have too not because we want to, we send our children to better educate them, for the future! This rate we will all home school them cheaper than me taking or paying not fair for them and a waste in education! All the children before us have had it free. Leave our children to get the education every child deserves.*
3. *It should also include pupils who cannot walk to school as there is not a safe route available. Suggesting that children should cross a 60mph road is not a safe route. It is also absurd to suggest 14 year olds should be accompanied by an adult as although my child would walk with me I do not, as a working parent, have time to accompany my children it what would be a 45 min round trip twice a day. Thus my option, not being able to afford the paying bus options, is to drive my children to school and reluctantly adding to congestion and pollution.*
4. *If there is a provision to lower the cost of transport to school, we are in favor of it. We don't mind paying towards the costs, but we are paying for the whole thing. As winter sets in, do you want your child riding a bicycle across the A4 and down Turnpike Road when it's dark, cold and wet?*

5. *Kids who live in the country should not have to pay for transport to School, it is the fault of the Parents or child that they live and support village life. The Downs school services many villages in our area and should continue to get funding for buses. It seems like the harder you work the more you have to pay, maybe all the working family's should go on the doll and then you would pay for transport, sending your kids cost a lot of money, trips, PE kits, books, uniforms, and now transport, please give it a rest, all the MP's should take a pay cut and put the money back in to the country.*
6. *The Council must ensure that they revisit the needs of local children in Mortimer on a regular basis to ensure that the so-called 'safe walking route' is not only safe but also practical. If such a review finds that the route is no longer appropriate then a school bus should be re-instated for all children. Until such time as West Berkshire receives payment of the Business Rates direct to the Authority a reasonable fare should be agreed and beyond that a free service should be re-instated.*
7. *But there is still a genuine problem for those of us who are told by the council what our catchment school is, but the journey to that school is too far away to reasonably walk it, particularly where there are no street lights or pavements on our road (Ashmore Green Road). There are three of us on this road with an older child who goes on the DJ Travel minibus each day to Trinity School, and we all have a younger child who would need to get to Trinity in Sept 2017. We are in a situation where we would face sending the older child on the bus and then have to drive the younger child to the same destination. The DJ Travel minibus replaces two smaller taxis, and so is big enough now for the younger ones to travel too in 2017, especially since some of the older ones will go to colleges elsewhere. Please consider this; it is going to be a genuine problem for us otherwise. I personally would not mind contributing financially if necessary rather than having to drive my son separately.*
8. *I don't trust anything xxxxxx xxxxxx says - doesn't listen - and we are all so angry still that the council has provided no safe alternative route to school from Mortimer to the Willink that xxxxxx should be sacked for incompetence. Blood will be on your hands West Berkshire Council when the first child is seriously injured on the way to school because of your incompetence. You said the route was unsafe five years ago - nothing has changed - now you say it's safe. Appalling behaviour. Pathetic.*
9. *Needs to transport available to all, and it should be as cheap as possible even if the school should help to pay for it. The roads around Thatcham are very busy and dangerous, the expect children to walk is just not safe, and see as you moved us out of the catchment of Kennet school to Trinity school, even though we live in the middle of the old part of Thatcham does not seem right either. Think again, or work with Vodafone and maybe share a transport with employees of that company as Trinity is next to Vodafone.*
10. *Ridiculous that pupils from Streatley cannot get free transport to their catchment on the feeble premise they can go to the Langtree in Woodcote. A school that is out of catchment, and over-subscribed.*
11. *I have been concerned at times that there are no buses for my daughter after school when she has had activities and had had to walk to my work in Newbury town center.*

12. *All children in local villages should get access to school transport. It is about travelling safely and with friends together. About giving them independence and access to their local secondary school.*
13. *I believe children should be given transport to and from school. Walking and cycling becomes increasingly more dangerous.*
14. *Please don't change this for my children, one of children already attends the downs school, my daughter to start next year, the emotional impact this is already having on her is unfair, knowing she will be at a different school than her brother and all friends in the village and from school potentially. She understands that we will have to find the money to send her school and this unfair, especially with other children in the village getting this for free. The bus already goes to school half empty why not leave this and make it cost effective bringing proposals in for when the bus is full. I am amazed that the school can offer a bus home twice a week for much lower price, how can you charge so much for each child to use the transport when child benefit will not cover what you are proposing.*
15. *This is completely unfair to people living too far away for their children to walk or cycle to school. Please do not cut this for people in the country seems so unfair, it would feel like you are discriminating us and our children's education.*
16. *Proposal penalises families that live on the edge of catchment areas whose catchment school may not be their nearest school. As a resident of Streatley our nearest school is not even within west Berkshire. The proposal does not offer a fair policy for all families across west Berkshire even though we pay the same council tax as other families in the county. The policy will cause more parents to drive their kids to school, which conflicts with the transport policy to reduce the overall number of car journeys within west Berkshire as living in rural areas the children cannot walk or cycle. There is also very limited provision at the school for drop offs and parking, which is likely to cause congestion and unsafe parking around the school.*

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 the Explanatory Note in Annex 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**

From: the term starting 1st January, 1st April or 1st September following the child's 5th birthday To: 7 years old.	Distance Free transport to the <i>nearest qualifying school</i> , if it is more than 2 miles walking distance from home.
From: the child's 8 th birthday To: the last school day in the academic school year in which their 16 th birthday falls.	Distance Free transport to the <i>nearest qualifying school</i> , if it is more than 3 miles walking distance from home.
From the child's 8 th birthday To 10 years old.	Low income 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)
From the child's 11 th birthday To: the last school day in the academic school year in which their 16 th birthday falls.	Low income 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>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 8)</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 <i>mainstream</i> 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 <i>resourced or special</i> 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. The specific family circumstances are carefully considered. 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 usually 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.

Post 19 students may be required to make a contribution to the cost of transport.

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.

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. Where transport is being withdrawn and the decision has been taken subject to minor remedial works (i.e. cutting back shrubbery, adding signs), the works will be completed before the date transport ends, but the work may be undertaken after notice has been given.

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>

10. Personal Transport Budgets (PTBs)

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.

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

Six 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.

Explanatory Note: Annex 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.

Explanatory Note: Annex B Mainstream Home to School Transport - Medical Grounds

This guidance relates to the Council's consideration of medical grounds in relation to Home to School Transport. This comes under Section 4: Free Transport for those children who cannot be expected to walk because of mobility issues or health and safety issues relating to their disability and Section 5: Exceptional Circumstances.

Who is this Topic Note for?

This Topic Note refers to mainstream school pupils who do not have a SEN statement/EHC Plan. There is specific provision for pupils with SEN in the Policy and this is considered separately.

What does the Law say?

Page 2 outlines the legal position in relation to home to school transport and entitlement under disability legislation.

Statutory entitlement (free transport): We will consider whether the pupil satisfies the definition of an eligible child for Home to School Transport purposes based on the evidence you provide. This would relate to children who cannot be expected to walk to school because of mobility issues or health and safety issues relating to their disability.

Discretionary provision: Where we consider your child is not an eligible child as above, we will also consider whether there are exceptional circumstances based on medical reasons. Where there are compelling medical reasons to offer support, discretionary transport may be awarded. This may require a financial contribution from the family.

How do we assess whether there are medical grounds and what evidence is needed?

You will need to submit a Stage 1 Appeal.

<https://www.westberks.gov.uk/index.aspx?articleid=28647>

We will need to see recent medical evidence from the child's medical practitioner. This can be from their GP, or other medical specialist. The evidence should include:

- details about your child's medical condition or evidence of concerns and current medical investigations
- details about any physical or mental difficulties your child has in walking to and from school, accompanied as necessary by a responsible adult or parent.
- Any formal diagnosis of your child's medical condition or disability;

We may also ask to see other evidence, such as your child's School Emergency Plan and a School Risk Assessment for school trips in order to gain a full picture as possible. We may ask clarifying questions about your child's condition and your view about the impact of the condition on the journey to school.

How do we assess whether a child has a disability?

In order to determine whether your child has an associated health and safety issue relating to their disability, we will use the definition of disability contained in the Equality Act 2010 i.e.

- Is there a physical or mental impairment?
- Does the impairment have a substantial and long term adverse effect on the child's ability to carry out normal day-to-day activities?

There are also some conditions which automatically mean that a child has a disability e.g. cancer, and others which are not considered at all such as hay fever. A link to further guidance which we will use to inform our decisions is below.

What can I expect?

Where an Appeal considers that your child meets the definition of an eligible child due to their limited mobility or health and safety reasons connected to a disability in relation to travelling to school, we will provide free transport provision. The Council will determine a suitable mode of transport.

Where an Appeal considers your child does not meet the definition of an eligible child but that there are compelling medical reasons to offer support, discretionary transport may be awarded. This may require a financial contribution from the family.

What does the Law say?

The statutory guidance for local authorities ***Home to school travel and transport guidance dated July 2014*** says:

Section 508B of the Education Act 1996 (the Act) deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.

Schedule 35B of the Education Act 1996 defines eligible children – those categories of children of compulsory school age (5-16) in an authority’s area for who free travel arrangements will be required.

[This includes a duty to...] make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues relating to their special educational needs or disability.

...Eligibility, for such children 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.

In determining whether a child cannot reasonably be expected to walk for the purposes of ‘special educational needs, a disability or mobility problems eligibility’ ...the local authority will need to consider whether the child could reasonably be expected to walk if accompanied and, if so, whether the child’s parent can reasonably be expected to accompany the child. When considering whether a child’s parent can reasonably be expected to accompany the child on the journey to school a range of factors may need to be taken into account, such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied.

Disability is defined in **Section 6 of Equalities Act 2010**: *a person has a disability if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities (S6(1)).*

Further guidance on what constitutes a disability can be found at:

http://www.equalityhumanrights.com/sites/default/files/publication_pdf/odi_definition%20of%20disability%20equality_act_guidance_may.pdf