

Appendix A

Children Families and Learning

Home to School Transport Policy

DRAFT

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Introduction

1. Parents have a legal duty and a responsibility to ensure that their statutory aged children attend school regularly and to make any necessary arrangements to ensure that they attend.
2. In certain circumstances a Local Authority has a duty to provide transport. This document sets out Central Bedfordshire Council's Home to School Transport Policy and describes how the Council fulfils its duties and exercises its discretionary powers as required under the Education Act 1996 and subsequent amendments of the Education and Inspections Act 2006.

Principles

3. Central Bedfordshire Council is committed to providing free home to school transport to meet its statutory obligations.
4. The Council aims to provide equitable, safe, efficient and cost effective transport for pupils entitled to transport in accordance with its duties and powers as provided for in legislation.
5. Central Bedfordshire Council recognises that there are some children who do not meet the criteria for free home to school transport but who, nonetheless, would benefit from free home to school transport to enable them to access education and to achieve their potential.
6. Central Bedfordshire Council is committed to supporting sustainable modes of travel to school. As well as helping to boost children's fitness and concentration, walking and cycling helps to reduce the congestion caused by the journey to school, together with the associated accidents and pollution and carbon emissions.
7. Walking buses and bike trains help children walk or cycle to school safely with adult supervision. They are a sustainable alternative to transport by car, bus or train, and help keep children healthy.
8. If walking or cycling is not an option, school buses, public transport and car-sharing are more sustainable alternatives to taking the car.
9. The Council is committed to equality of opportunity and access to services and facilities and has undertaken an Equalities Impact Assessment of this policy.
10. Parents remain responsible for their children before they board the vehicle in the morning, when they are travelling, and when they leave the school bus at the end of the school day. Parents are expected to make arrangements for their children to be accompanied by an appropriate person while walking to and from the vehicle pick up/drop off point, where they consider it necessary. Parents are expected to instruct their children to wear their seatbelts whenever these are provided.
11. Eligibility for transport will be reviewed regularly to ensure that those who are receiving transport are still eligible.
12. Information will be made accessible for parents and carers so that they are aware of their entitlement.
13. Take-up of the service will be monitored to ensure that access is fair and equitable and that hard to reach groups and those who are most vulnerable are aware of their entitlement.

Legislation and Guidance

14. Statutory guidance produced by the DFES in 2007 on Home to School Travel and Transport Guidance, derived from the Education Act 1996 as subsequently amended by the Education and Inspections Act 2006, is used throughout this policy.
15. The policy links to the Council's Sustainable Transport Strategy.

Eligibility for Transport

16. Free transport is provided for all statutory age children who live in Central Bedfordshire and who attend their catchment area or nearest school, where the distance from home to school is over the statutory walking distance:
 - More than 2 miles from home for children aged under 8
 - More than 3 miles from home for children aged 8 and over.
17. The measurement of the "statutory walking distance" is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, **accompanied as necessary**¹, may walk with reasonable safety. As such, the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads.
18. In addition, where children are in a family with a low income where there is additional entitlement:
 - Children aged 8 but under 11 must have travel arrangements made where they live more than 2 miles from their nearest qualifying² school by the shortest available walking route.
 - For children aged 11 and over free transport is provided in one of two ways:
 - to a choice of one of the three nearest qualifying schools, provided it is more than 2 miles by the shortest available walking route, but not more than 6 miles by motorised route from the child's home.
 - and also to the nearest suitable school preferred by reason of a parent's, or those with legal responsibilities, religion or belief, provided it is more than 2 miles by the shortest available walking route and not more than 15 miles by motorised route from home.
19. Families with a low income are defined as those children entitled to free school meals or whose family is in receipt of maximum working tax credit. There is currently additional Government funding to meet the cost of transport for these children.
20. Parental working commitment is not a criterion that will be considered in providing transport.

¹ Home to School Travel and Transport Guidance, DCSF, 2007 - para 47

² A qualifying school is defined as a community, foundation or voluntary school; community or foundation special school, non-maintained special school; pupil referral unit or maintained nursery school, with places available that provides education appropriate to the age, ability and aptitude of the child and any special educational needs that the child may have

Suitability of arrangements

21. A local authority must ensure that travel arrangements are “suitable”. The suitability of arrangements will depend on a number of factors. Best practice guidance is set out in the Department for Education and Skills “Home to School Travel and Transport Guidance”, 2007. This includes enabling children to reach school without stress, strain, or difficulty and in reasonable safety and comfort. The criteria identified in the best practice guidance will be applied to ensure provision is suitable.

Transport on grounds of road safety considerations

22. Where children live within the statutory walking distance of their catchment or nearest school, the local authority has to ensure that it is possible for them to walk to school, accompanied by a responsible adult if necessary. Where this is not possible, because the route to school is not safe, the local authority has to make arrangements for free transport.
23. In assessing the comparative safety of a route, the Council will conduct an assessment of the risks a child might encounter along the prescribed route using the national guidelines: “Identification of Hazards and the Assessment of Risk of Walked Routes to School”. The national guidelines will be used for all new assessments from 1st April 2010.
24. Existing routes, previously assessed using the outdated criteria, will be reassessed using the above national guidelines and may result in changes to current entitlement to free home to school transport on road safety grounds.
25. Assessments will feed into the Council’s duty relating to sustainable school travel, and may inform the Council’s plans for upgrading the highway infrastructure, supporting sustainable school travel.

Transport to a faith school on grounds of the parent’s religion

26. In considering entitlement to free transport a council has to take in to account any wish of a parent for their child to be provided with education or training at a particular school or institution on grounds of the parents’ religion or belief. There is no statutory entitlement to such transport, as attendance at a denominational school is through parental choice. Parents sending their children to a school on the grounds of their religion will not be given free transport as an entitlement. However, in line with legislation, children over the age of 11 who attend a denominational school on the grounds of the parents’ religion or belief who also meet the low income criteria, will be entitled to free transport where the closest school is between 2 and 15 miles.

Children who are currently attending faith schools through parental choice and who are receiving free transport from home to school through the former Bedfordshire County Council policy will no longer receive free transport from September 2010.

Transport for permanently excluded pupils

27. Where a pupil has been permanently excluded from school the pupil is first allocated a place in the Pupil Referral Unit and is then allocated a new school place through a process called the In Year Fair Access Protocol. Where a new school is allocated in this way a child will be entitled to transport to the new school as long as the 2 or 3 mile distance criteria or road safety criteria are met. All requests for transport inside the statutory distance will be referred to the Director of Children’s Services or nominee for consideration against criteria which will be agreed with the Schools Forum on an annual basis.

Transport on grounds of medical needs

28. Where a child attends their catchment area or nearest school, transport is currently considered on medical grounds irrespective of distance between home and school. The medical condition can be temporary or long term and each application is considered on an individual basis. An application for transport has to be supported by a GP or consultant. Cases agreed will be subject to regular rigorous review.

Transport for pupils moving schools in years 10 and 11

29. Sometimes families and children, through no choice of their own, experience disruption in their home circumstances. This can cause particular difficulty for a child in their GCSE examination years if they have to move address and are not able to remain at their previous school where they have started a course of study. This does not apply to planned moves, where parents are making a choice to move to a new area.
30. In order to help children achieve their full potential and to succeed in their GCSE examinations, where a child who is attending school in Central Bedfordshire in years 10 and 11 has to move in exceptional circumstances to a new address in Central Bedfordshire they will be provided with transport from their new address to their previous school, as long as they have completed at least one term in year 10 at their previous school.

Transport for Looked After Children, Refugees and Unaccompanied Asylum Seeking Children

31. Whilst representing only a very small number of the total school population, Looked After Children, Refugees and Unaccompanied Asylum Seeking Children can be some of the most vulnerable children in need of support. School places are identified that can best meet a child's individual needs. The school will not always be the nearest school to their home address.
32. Looked After Children, Refugees and Unaccompanied Asylum Seeking Children will be supported with transport, if required, to attend schools that best meet their needs. This may mean that transport will be provided to schools where the 2 or 3 mile distance criteria or road safety criteria are not met.

Transport for children with Special Educational Needs

33. Children with Special Educational Needs are entitled to assistance with transport where the normal distance criteria apply. Transport is not automatically provided because a child has a statement of special educational needs.
34. The Council recognises that some children with special educational needs may not be able to walk even relatively short distances to school. However others may, with appropriate support, be able to walk or use alternative ways of getting to school.
35. Transport needs for a child with special educational needs will be assessed as part of the Statutory Assessment Process. The most appropriate mode of travel will be agreed as part of the Statutory Assessment.
36. For those children who live more than the statutory distance between home and the nearest school that can meet their needs, transport will be provided free of charge.

37. For those children who live within the statutory distance the Assessment will include consideration of whether, accompanied as necessary, a child could reasonably be expected to walk to school. Where this is not possible, the need for transport will be included in a child's Statement of Special Educational Need and transport will be provided free of charge.
38. Entitlement to transport agreed in this way will be subject to rigorous annual review and at transition.
39. From April 2010 a travel training programme to support those children who are physically able to walk, to travel to school more independently and to support transition to adult life will be introduced.
40. The Council will make suitable travel arrangements for children with SEN, a disability, or mobility problem if their SEN, disability, or mobility problem means that they could not reasonably be expected to walk to the school.
41. It should be noted that the Council will consider transport to the nearest suitable school. If by parental preference a more distant school is named in the child's statement but in the Authority's view the child's needs could be suitably met at a nearer school, transport will be the responsibility of the parent.
42. Transport to schools for children with moderate learning difficulties will usually be arranged on a localised pick-up point basis if this is assessed as appropriate and this is clearly identified in Part 6 of the child's Statement of Special Educational Need. For all other children the pick-up and drop-off point will be as close as possible to the address at which they usually live.
43. Pupils who attend special schools often take part in integration programmes with mainstream schools. Pupils are expected to attend their local catchment area or nearest school to enable the parent/carer to make their own arrangements to take or collect the child.
44. If parents move home within Central Bedfordshire during the Academic Year, transport will continue to be available to the current school until the end of the Academic Year. The child should be transferred to the nearest appropriate school to the new address from no later than the beginning of the next Academic Year. However, if parents wish their child to attend the original school, transport becomes their responsibility.

Concessionary Places on School Contract Vehicles

45. The Council is committed to supporting children to access school. Where children are not entitled to free transport, parents can buy a pass for any spare seats on a school contract vehicle once those entitled have been allocated a place. Passes can be bought for one term at a time and are allocated on a first come first served basis. This does not apply to routes that are public registered services where children pay the bus company direct.
46. Where pupils live within the statutory walking distance or do not otherwise qualify for free transport, a charge may be made for "spare seats" in the school bus provided the route is operated on a contract basis. Charges for concessionary spaces are:
 - a) charged on a termly basis.
 - b) free for children entitled to free school meals, or whose parents are in receipt of the maximum level of Working Tax Credit

- c) revised annually by the Council for the new financial year, with new charges to come into effect for the Summer Term each year.
 - d) issued on a first come first served basis where demand for places exceeds availability.
 - e) fixed at the termly rate. No pro-rata reductions are available for part week travel or single daily journeys or where for operational reasons, delays may occur in the issue of passes.
47. Concessionary passes are not available on routes registered as public service routes.
48. The provision of a free concessionary pass will be based on the same benefit criteria as for families entitled to free transport on low income grounds. This will mean that certain families in receipt of working tax credit, but not at the maximum rate, who have previously received such passes free of charges, will in future, be required to pay.

Additional considerations

49. Pupils who live in a joint home arrangement, who fulfil the other criteria for free transport, will be provided with transport from the primary home address registered with their school.
50. Pupils may be required to walk up to one mile from home to the pickup point and, where pupils use public service routes, they may be required to walk up to one mile from the setting-down point to the school.
51. Pupils aged eight years of age who are entitled to receive free transport under the distance criteria will continue to receive free transport until the end of the academic year in which they reach the age of eight.
52. In determining entitlement to free transport, the route used in assessing the distance is the shortest available walking route. Measurement will commence at the gate of the pupil's home to the nearest pedestrian gate on the school site.
53. Where pupils receive free home-to-school transport as a result of errors in measurement, the transport will be withdrawn at the end of the academic year during which the error is discovered.
54. Smoking is prohibited on all Council owned vehicles when used for the transportation of school children and is a condition of hire of contractors' vehicles.
55. All vehicles with up to 16 passenger seats supplied by contractors are required to have a forward facing seat and must be fitted with a three point seatbelt for each child.

Parents/Carers with disability

56. The Council is committed to promoting equality of opportunity for disabled people and to eliminate discrimination.
57. Where walking children to school relies on disabled parents accompanying their children along a walking route for it to be considered safe, and where the parents' disability prevents them from doing so, in such circumstances, the Council will make reasonable adjustments. A reasonable adjustment may be to provide free home to school transport. Medical evidence will need to be provided from their consultant or GP. Cases agreed will be subject to regular rigorous review.

58. This scheme only applies to primary school children as secondary aged pupils are expected to travel to school without being accompanied by an adult.

Rail/Bus passes and mileage reimbursements

59. Rail passes and season tickets for public service routes can be issued to pupils, based on the most cost effective provision of transport.
60. Where there is no public transport or where it is not practical to re-route an existing contracted vehicle, parents may be able to claim mileage allowances for transport to and from school. However, this is at the Council's discretion and is based upon the most cost effective provision of transport.

Single sex schools

61. Transport to single sex schools will not be supported unless the school concerned is the catchment area or nearest school, where the usual transport criteria will apply.
62. Similarly, if the catchment area or closest school is a **single** sex establishment, transport will not be provided to enable the child to attend a mixed school.

Escorts

63. Escorts will usually only be provided on vehicles with more than 16 seats which transport only lower school pupils.
64. On all other routes the responsibility for the introduction of escorts on a temporary or permanent basis, is delegated to officers.

Individual Requests for Discretionary Transport

65. Applications for assistance from parents of children receiving nursery education in line with the School Standards and Framework Act 1998 may be made to the Director of Children's Services.
66. Where parents/carers are dissatisfied with the way their application for transport has been processed they will be asked to follow the Central Bedfordshire Council complaints procedure.

Implementation and Monitoring of the policy

67. The Children Families and Learning Commissioning Team will be responsible for the implementation of this policy through the development of their internal processes that will ensure the ability to monitor take up of service and regular reviews for those in receipt of the service. Data produced by the team will be regularly reviewed and monitored within the Children, Families and Learning Directorate's senior management team.

Appendix A - Low Income Groups

Children entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit – primary and secondary age groups

Children from low income groups are defined in the Act as those who are entitled to free school meals, or those whose families are in receipt of their maximum level of Working Tax Credit (WTC).

Determining whether parents are receiving maximum Working Tax Credit (WTC)

When a customer is first awarded tax credits, or following a change in their household circumstances, HM Revenue and Customs issue a “tax credits award notice” detailing the breakdown and amount of the award. Part two of the award notice gives details of “How we work out your tax credits” including details of the full WTC elements. This is the maximum amount a customer can receive in WTC in any year. It then lists “any reduction due to your income” and shows the net amount payable. It is therefore readily apparent from the award notice whether a person is receiving maximum WTC or a reduced sum due to income.

Primary age

Regardless of the level of family income, children of compulsory school age, but under the age of eight are entitled to free travel arrangements to their nearest qualifying school more than two miles from their home. In addition, children aged eight, but under age 11 from low income families must have travel arrangements made where they live more than two miles from their nearest qualifying school.

This two mile limit should be measured in the same way as the “statutory walking distance”.

Children of compulsory school age who are 11 or over

One of the aims of the new school travel legislation is to secure fair access to schools, especially for children from low income groups, where lack of affordable transport can act as a barrier to choice. The Act extends rights to free transport for all children from low income groups of compulsory school age who are 11 or over in two ways: to a choice of schools within six miles of the child’s home, and to the nearest school preferred by reason of a parent’s religion or belief up to a maximum of 15 miles from the child’s home.

Children of compulsory school age who are 11 or over from low income families must have travel arrangements made to one of their three nearest qualifying schools (or places other than a school at which they might receive education under section 19(1) of the Act), where they live more than two miles, but not more than six miles from that school.

Appendix B

Additional guidance on Transport for Children with Special Educational Needs

Parental responsibilities

68. In all cases where transport is provided, parents/carers must make their own arrangements to take the child from their home to the vehicle and collecting the child from the vehicle.
69. Parents will be asked to allow the Council to use any specialist seating which their child requires. If this is not possible the Council will arrange for suitable seating to be provided.
70. If parents choose to send their child to a school other than the nearest appropriate school, transport will become their own responsibility. If space is available on an existing route, the child can be offered a place on a concessionary basis. Such transport can only be offered if space is available. This will be reviewed termly and may be withdrawn if additional entitled children require transport on the route.
71. If parents/carers choose to transport their child themselves when a place is available on existing transport arranged by the Council, then no mileage reimbursement will be payable by the Council.

Provision of transport for children with Special Educational Needs

72. The Council will endeavour to transport children in the shortest possible time and will investigate all possible alternatives if the travel time, one way, exceeds one hour and fifteen minutes. Where possible, adjustments will be made to transport arrangements to reduce travel time to less than one hour and fifteen minutes provided this can be achieved without a significant increase in transport costs.
73. The timescale for arranging transport will be a maximum of 15 working days from receipt of the application.

Escorts for children with Special Educational Needs

74. An escort will be provided on all coach and mini bus routes where children are being transported to a Special School. Consideration will be given to providing additional escorts, when requested by the school/unit or contractors, on the grounds of driver safety, medical, physical or behavioural needs.
75. The Council will endeavour to transport children in the shortest possible time and will investigate all possible alternatives if the travel time, one way, exceeds one hour and fifteen minutes. Where possible, adjustments will be made to transport arrangements to reduce travel time to less than one hour and fifteen minutes provided this can be achieved without a significant increase in transport costs.
76. The timescale for arranging transport will be a maximum of 15 working days from receipt of the application.

Residential placements

77. Where a child is placed in a residential school following a judicial review or SEN Tribunal, free transport will be provided in accordance with those specific arrangements.
78. Boarding arrangements for residential schools can be one of the following:-
 - a) Termly boarding
 - b) 12 day boarding

c) Weekly boarding

d) 52 week placement

79. With regard to termly boarding, school transport will only be provided at the beginning and end of each term and at the beginning and end of the mid term holiday.
80. With regard to 12 day boarding, transport will be provided on alternate weekends and at the beginning and end of each term.
81. With regard to weekly boarding, transport will be provided to school on Monday and from school on Friday each week.
82. For those few students who require 52 week placement, the Council will provide transport up to a maximum of three journeys per year.
83. For all boarding arrangements, any additional journey to those laid out above will remain the responsibility of the parent/carer.
84. In the interests of the efficient use of resources the council will, in all cases, encourage parents to transport their own child for which appropriate reimbursement will be made.
85. The cost of parents attending one statement review per year at out-county schools will be met by the Council by reimbursement, at the appropriate rate of car mileage or by the provision of a travel warrant. No other additional costs (e.g. other members of the family, friends etc.) will be met by the Council.
86. One parent/carer may be transported with the child to act as an escort to out-county schools where it results in the efficient use of the council's resources.
87. Any additional transport requirements to those mentioned above will remain the responsibility of the parent/carer.