

Home to School Travel Support Policy & Procedures

'Putting children and young people first for Dudley'

Date: December 2013

**Directorate of Children's Services
Dudley Metropolitan Borough Council
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Dudley Metropolitan Borough Council

Directorate of Children's Services

Home-to-School Travel Support Policy

The aim of this policy is to enable the Directorate of Children's Services to assess the travel needs of all children and promote sustainable means of travel to school.

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Foreword:

Access to education is critical to the intellectual development of children and young people. The Directorate of Children's Services is committed to providing a high quality home-to-school travel support service that ensures children arrive at school safe, on time and ready to learn.

The policy must operate within statutory requirements and has been amended to comply with recent changes to legislation. The policy is also aligned with the Council's Strategic Plan for Sustainable Transport and as such continues to encourage greater use of sustainable modes of travel such as cycling, walking and the use of public transport: all of which benefit the environment, the economy and the whole community.

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Lead Member for Children's Services

Dudley Metropolitan Borough Council

Directorate of Children's Services

Home-to-School Travel Support Policy

<i>Home to School Travel Support Policy & Procedures</i>	Policy No:	1.2
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Introduction

Like all local authorities, the Council must provide travel support to school in certain situations, as outlined in the Education Act 1996 and other legislation, and can extend the travel support provision offered beyond the legally required minimum if it decides that it is appropriate to do so. This document sets out the Council's Home to School Travel Support Policy and how the Council will respond to requests for assistance with travelling to school.

Purpose

This Policy sets out the statutory duty of the Council to provide home to school travel support and any discretionary provision made for pupils who do not qualify under that statutory duty.

The expected outcomes of the Home to school Travel Support Policy are:

- To ensure that children travelling to school reach their destination safe, on time and ready to learn.
- To minimise the impact home to school transport has on the environment and by encouraging walking, cycling and the use of public transport.
- To increase awareness and understanding of the Council's duty to provide home-to-school travel support in a cost effective way.

Scope

The Policy applies from September 2014 to July 2015:

- to new applications for home-to-school travel support;
- to children attending a primary school;

- to young people attending a secondary school;
- to pre-school children undergoing assessment at specialist nurseries or educational establishments; and
- to children and young people aged 16 to 19, who are attending school and have a Statement of special educational needs.

This Policy does not apply to young people over the age of 16, unless they satisfy the final bullet point above, attending sixth forms in schools or further education, as there is a separate Post-16 Home to School/College Travel Support Policy.

Dudley Metropolitan Borough Council

Directorate of Children's Services

Home-to-School Travel Support Policy

1. All applications for home-to-school travel support are considered individually, taking into account the relevant legal requirements and the circumstances of each family. (The legal requirements are summarised at appendix 1)
2. Home-to-school travel support is considered under this Policy only for children and young people resident in Dudley up to the end of Year 11, who:
 - are between the term after their fifth birthday and under eight years of age, who live two miles or more from the school; or
 - are eight years of age and over and live three miles or more from the school; or
 - are aged eight to eleven attending primary school, live two or more miles from the school and qualify under an income based assessment; or
 - attend one of their 3 nearest secondary schools, live between 2 and 6 miles from the school and qualify under an income based assessment; or
 - attend their nearest available secondary school chosen on the grounds of faith or belief and qualify under an income based assessment. The upper limit walking distance is 2 miles and the school must be no more than 15 miles driving distance from the home address to qualify; or
 - have a statement of special educational needs and satisfy the criteria for such pupils to receive travel support (see paragraph 12 onwards); or
 - the Council decides to consider them for home to school travel support, due to exceptional circumstances.
3. Ages are taken at 1 September in each school year.

4. Walking distance is measured by the shortest available walking route over public rights of way to the nearest qualifying school which has a vacant place.
5. Home-to-school travel support is provided to the nearest school with a vacant place and not necessarily the school preferred by parents. The nearest school may be maintained by another Council. ***Home to school travel support is generally only provided where the distance criteria are met.***
6. Home-to-school travel support provided under an income based assessment is provided to schools chosen on the grounds of faith or belief, as detailed in paragraph 2, require annual renewal and are valid only until the end of the summer term. A new application for free home-to-school travel support must be submitted by July with proof of entitlement, for any arrangements to be ready for the start of the subsequent autumn term each year. ***Home to school travel support is generally only provided where the distance criteria are met.***
7. The assessment for travel support may include a meeting with a member of the Travel & Transport Service. The meeting is to gather information about whether a child or young person qualifies for travel support and what type support might be available. If the family have access to a car, offering a mileage allowance at the National Joint Council (NJC) agreed rate for the 'casual user' (for the petrol element of car mileage) may be considered, but if the family do not have access to a car, a bus pass for the parent might be considered. Consideration may also be given to the formulation of a personal travel budget which would be used to remove some of the barriers to a family getting their child to school. In some instances it may be appropriate to offer a place on a school bus on a pre-existing route.
8. In certain circumstances undergoing independent travel training may be part the travel support offered.
9. Where a vehicle operated by the Council has more seats than are needed for pupils entitled to free home-to-school travel support, places may be made available to other pupils; in such cases a charge is made.

10. Pupils who purchase a spare place may be required to give up their place if it becomes needed by an eligible pupil entitled to home-to-school travel support, in which case the unused portion of the payment will be refunded.
11. The cost will be set annually in July and be effective from the 1st September each year. To check the current rate call the Children's Services Travel and Transport Service.

Pupils with a Statement of Special Educational Needs

12. Pupils with a Statement of Special Educational Needs (SEN) qualifying under the distance or income based assessment criteria set out above are provided with home-to-school travel support. This service relates to pupils with SEN who do not qualify under the distance or income based assessment criteria.
13. If your child does not meet general policy eligibility criteria for travel support and you need help getting your child to school. Ask the school to submit an application for travel support to the Children's Services Travel and Transport Service. Alternatively you may contact the service direct, contact details are on last page of this document.
14. The determination of whether a pupil will qualify for travel support and what form of support may be offered is made by the Travel & Transport Service in consultation with the relevant specialist services. Home-to-school travel support will not be provided where the Travel & Transport Service assess that the child is capable of walking to school. The assessment will also consider if the family have the necessary resources to transport a child themselves or use public transport.
15. Home-to-school travel support for pupils with SEN is reviewed at each annual review and at the Year 9 review in preparation for adulthood. The Travel & Transport Service also carry out periodic checks of pupils in receipt of home-to-school travel support to ensure that they remain entitled to the service.
16. When the Travel & Transport Service assess whether or not a child with SEN is entitled to home-to-school travel support the individual circumstances are considered, including the age and specific educational needs of the child. The following factors will be considered by the service when assessing

whether or not a child with SEN should be provided with home-to-school travel support:

- a) A pupil with a Statement of Special Educational Needs who is capable of attending a mainstream school should generally not be provided with home-to-school travel support unless:
 - the nearest appropriate school exceeds the distance criteria; or
 - the pupil has a disability which prevents them from walking to school.
- b) If a pupil with SEN is provided with home-to-school travel support under the conditions detailed in paragraph 2, that entitlement shall only continue as long as their circumstances meet the eligibility criteria.
- c) Whatever the distance that a pupil with SEN or physical difficulties has to travel to school, home-to-school travel support can be provided where the pupil's difficulties significantly impair their ability to make their own way to a qualifying school (accompanied by a parent or carer, as necessary).
- d) Home-to-school travel support will generally be considered for pupils if they meet the criteria and attend:
 - schools for children with severe learning difficulties;
 - schools for children with physical difficulties;
 - schools for children with emotional and behavioural difficulties;
 - special units:
 - hearing impaired units;
 - language units; and
 - short stay schools.
- e) Children with moderate learning difficulties will not automatically be assessed as requiring home-to-school travel support.

17. Passenger Assistants are provided on transport at the discretion of the Travel & Transport Service where:

- the child has not reached their fifth birthday; or

- the child has a disability which makes it necessary to provide an assistant for health and safety reasons; or
 - the child has an emotional or behavioural difficulty which gives rise to concerns about the well-being of the child, other children or staff.
18. When a child or young person with SEN is entitled to home-to-school travel support and cannot access the transport generally available to take other children from that area to the school then other arrangements will be made at the discretion of the Council.

Schools chosen on the grounds of religion or belief

19. Pupils attending the nearest available secondary school chosen on the grounds of faith or belief who qualify under an income based assessment will be provided with home to school travel support if the distance criteria are met. Applications must be renewed annually and require proof of eligibility; this is listed on the application form.
20. Parents who do not qualify under an income based assessment and wish their child to attend a denominational school may purchase a bus pass directly from the operator.
21. Some schools may operate a contracted bus service bringing children to school. In these circumstances only specific routes are supported and for some routes a 'main road' type service is made available. Parents whose children use these services must accept responsibility for the arrangements and any costs incurred.
22. The definition of "religion" is provided in Appendix 2 and includes those religions widely recognised in this country such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha'is, Zoroastrians and Jains.
23. The courts have said that belief is determined by cogency, seriousness, cohesion and importance, that it must be worthy of respect in a democratic society and that it is not incompatible with the human rights of a child. For example a request for home-to-school travel support for a child to attend the nearest available single sex school, where the belief is based on the parent's religious views, would be considered as an belief based request for

home-to-school travel support.

24. Examples of beliefs that are not considered to meet the requirements of this Policy are:

- Preference for a particular type of management or governance which does not affect the teaching or curricula at the school;
- A wish for a child to attend a particular category of school;
- A wish for a child to attend a school where they will be taught in a particular language;
- A belief that a child should be educated privately;
- Objection to rules requiring that a school uniform must be worn.

Travel support for children under the age of five

25. Home-to-school travel support is not generally provided to children under statutory school age who attend school on a part-time basis.

26. There are two exceptions in respect of children before their fifth birthday:

- children with Statements of Special Educational Needs, whose applications are considered under the rules set out above for pupils with SEN; and
- children without Statements of Special Educational Needs who require access to a placement to enable an assessment of SEN to take place.

Post-16 Students with SEN

27. Young people aged 16 to 19 with Statements of Special Educational Needs remaining at school may be provided with travel support if they meet the distance and/or eligibility criteria.

Procedures: Implementing the Home-to-School Travel Support Policy

Calculations of home-to-school distances

28. In order to establish whether or not there is an entitlement to home-to-school travel support, home-to-school distances are measured by the nearest available route over a public right of way from the gate or access to the pupil's home to the gate or access to the school.
29. The type of routes measured are those with a hard surface available for all-the-year round use, the test being that it could be used by a cyclist. This test is an assessment of the type of surface and does not mean that the route must in fact be open to cyclists.
30. The Travel & Transport Service maintain detailed records of home-to-school distances. When new enquiries are made further distance checks are made where necessary.
31. All assessments of distance are made using the Council's Geographical and Mapping Information System (GMIS), which is based on Ordnance Survey mapping data.
32. Parents may seek a specific assessment of whether a particular route is available.

Arranging travel support

33. For pupils who qualify for assistance travel support will normally be provided from the general area where the child or young person lives to the school and return, at times which coincide with the normal school day.
34. The arrangements made will usually be by the use of an offer of a mileage allowance/personal budget, public transport services or specially contracted vehicles. In a few exceptional circumstances other types of arrangements may need to be made. The Council decides which arrangement is most practicable. For most applicants this assessment is made by the Travel & Transport Service.

35. All home-to-school travel support arrangements are regularly monitored and action is taken if any problems are found. Adjustments to the arrangements to reflect changed needs are made as necessary when they occur. Parents and schools will be notified of any changes. Parents are also required to inform the Council of any change of their own or their child's circumstances that may affect entitlement to home to school travel support. ***Please note that the cost of any excess travel support provided as a result of a parent's failure to report any changes will be recouped by the Council and may result in the matter being referred to the Police, if there has been misrepresentation or fraud.***
36. Parents should note that generally no supervision other than the driver is supplied on home-to-school transport.
37. An exception to this rule relates to children with special educational needs, when, at the discretion of Children's Services, a Passenger Assistant is provided where required. This assessment is carried out by the Travel & Transport Service.
38. All home-to-school travel support is routinely reviewed by the Travel & Transport team in consultation with relevant partners.

Travel passes

39. Every pupil who is allocated a bus pass will be provided a pass which authorises travel on public transport. Passes are not transferable to other journeys and must be carried at all times when using the service. The companies who provide the transport have clear instructions to check passes regularly and only to allow those who can produce a valid Pass to travel under the arrangement. Companies are asked to exercise discretion, particularly at the beginning of each new term, but ***it is important to emphasize that children and young people must carry their Pass each day.***
40. Children's Services generally do not pay or subsidise the payment of a lost travel pass. It is the responsibility of the applicant to ensure the safe keeping of the travel pass, but they may arrange insurance cover with Centrocare should they so wish.

41. When there is a change of home address or school before the end date of a travel pass, the travel pass should be returned immediately to the Travel & Transport Service. Failure to return the travel pass promptly may result in a charge being made for the financial loss incurred.

Review procedure

42. If the parents of a child not automatically entitled to home-to-school travel support wish special consideration to be given to their particular circumstances, a review form is available from the Travel & Transport Service. Reviews are carried out by a Senior Manager.
43. Such applications may arise for a number of reasons. It may be that there is disagreement with the distance measurement of the walking route; that there are road safety factors; that the child concerned has a medical condition; or that there are other family or financial circumstances which should be considered.
44. The Review Application form asks for certain information but it is important that applicants provide as much detail as possible in support of their case. In addition to a statement on the form, parents are welcome to include any other supporting information, all of which will be taken into account. It would be especially helpful to be advised, for example, of general family circumstances; the way in which the child presently travels to and from school; whether a responsible adult accompanies the child on the journey to and from school or whether there are any practical difficulties in arranging this. The review will be completed as quickly as possible. While the outcome of the review process is awaited parents remain responsible for ensuring the full time and punctual attendance of their child at school. The Travel & Transport Service cannot provide interim assistance of any kind.
45. As the review application form indicates, parents may be contacted for further information or verification of information supplied.

A review form can be obtained from the Travel & Transport Office or you may download a copy from:

<http://www.dudley.gov.uk/education-and-learning/education-grants/home-to-school-transport>

Appeals procedure

48. The Council's Policy is set out in the first part of this document and staff have no discretion to amend the Policy's application.
49. However, if a review has been turned down, but parents still believe their or their child's circumstances justify special consideration, they are entitled to an appeal.
50. Appeals are considered by a Children's Services Transport Appeals Sub-Committee consisting of three Elected Members of the Dudley Metropolitan Borough Council. The terms of reference for the Sub Committee are to hear and determine appeals in relation to home-to-school transport. The Sub Committee must comply with the law, but has the power to overrule decisions of the Travel & Transport Services. Meetings are held during the day and in private, appellants have the right to appear and put their case.
51. The Panel's decision is final and binding upon the Council and you, but if you believe and have evidence that the Panel did not follow the correct procedures or that its decision was unlawful, you can complain to the following:
 - (a) the Council: via the comments, compliments and complaints procedure; details of which are available at www.dudley.gov.uk;
 - (b) the Local Government Ombudsman (the Commission for Local Administration in England): who can investigate whether the Council has failed to comply with any procedural rules when handling your appeal, they cannot look at the merits of the decision.

The Ombudsman's address is:

The Commission for Local Administration in England
The Oaks
2 Westwood Way
Westwood Business Park
Coventry
CV4 8JB (www.lgo.org.uk)

- (c) the Courts: Judicial Review. You could choose to contact a solicitor to advise you on how to pursue your complaint in the Courts by way of Judicial Review.

The Law.

1. Introduction:

- 1.1 Local authorities are required to comply with the law and, in the case of home to school travel, that law has been:
- (a) supplied by legislation, such as the Education Act 1996;
 - (b) interpreted in the courts by judges; and
 - (c) summarised in *'The Home to School Travel & Transport Guidance'*, published by the Department for Education.
- 1.2 Although this Appendix seeks to provide a brief summary of the relevant rules, the Travel & Transport Service will always follow the most recent version of the law when dealing with an application.

2. Legal Duties:

Parents:

- 2.1 Section 7 of the Education Act 1996 states that the parent of child who is of compulsory school age has a legal duty to ensure that their child receives a suitable education at school or otherwise, e.g. education at home; this duty includes arranging for their child to get to and from school, where necessary.
- 2.2 Parents who do not comply with this duty may be guilty of a criminal offence and could be prosecuted, fined and, in extreme cases, jailed for failing to ensure their child's regular attendance at school. However, a parent cannot be prosecuted if they applied for home to school travel support and were incorrectly refused it, when their child was legally entitled to travel support.

The Council:

- 2.3 Section 508B of the Education Act 1996 states that a local authority must make the travel arrangements that it:
- "...considers necessary in order to ... [facilitate an eligible] ... child's attendance at the relevant educational establishment ... free of charge ..."*
- 2.4 The legislation adds that authorities can, but are not required to, make home to school travel arrangements for children and young people, including nursery aged children, who are not 'Eligible Children', although parents can be charged for these arrangements.
- 2.5 Schedule 35B of the Education Act 1996, defines an 'Eligible Child' as a child of compulsory school age who:

- (a) due to their special educational needs, a disability or mobility difficulties, cannot reasonably be expected to walk to the educational establishment at which they are registered;
- (b) due to the nature or length of the route, e.g. it is outside walking distance, cannot reasonably be expected to walk to the educational establishment at which they are registered; OR
- (c) is entitled to free school meals and:
 - is between 8 and 10 years old and is registered at an educational establishment that is more than two miles from their home; OR
 - is 11 years old or above and is registered at an educational establishment that is more than two miles, but not more than six miles from their home; OR
 - is 11 years old or above and, based upon their parent's expressed wishes and their religion or belief, is registered at an educational establishment that is more than two miles, but not more than fifteen miles from their home.

2.6 However, there is no entitlement to free home to school travel support if a parent has refused an offer from the authority for a suitable alternative, e.g. another educational establishment or other arrangements, for their child closer to their home than the relevant distance specified in (c) above.

2.7 When making decisions about any travel arrangements, the Education Act 1996 obliges authorities to have regard to any guidance issued by the Secretary of State (section 508D), as well as the religion or belief of the parent (section 509AD) and, to ensure that parents and young people are aware of the home to school travel support to which they may be entitled, section 508E of the Education Act 1996 adds that every local authority must have a school travel scheme that, amongst other things, complies with the rest of the Act, sets out the home to school travel arrangements that will be implemented by that authority and explains the appeals process that should be followed by unsuccessful applicants.

Definitions

For the purpose of this policy the following definitions apply:

1. Criteria for the upper limit walking distance is 2 miles for children aged 7 and under and 3 miles for children aged 8 and over.
2. Children attending primary school who qualify under an income based assessment have the upper limit walking distance reduced to 2 miles up to age 11.
3. Children attending secondary school who qualify under an income based assessment have the upper limit walking distance reduced to 2 miles to any one of the 3 nearest secondary schools.
4. Children attending a secondary school chosen on the grounds of faith or belief who qualify under an income based assessment have the upper limit walking distance reduced to 2 miles to the nearest available school. A free bus pass will be issued as long as the school is no more than 15 miles driving distance from the home address.
5. SEN refers to a pupil with a statement of Special Educational Needs.
6. An eligible child includes pupils who are unable to walk to school by reason of their SEN, disability or mobility or because of the nature of the route being unsafe, who live outside the walking distance or who are from a low income family.
7. Low income is defined as entitled to free school meals or a family in receipt of the maximum rate of Working Tax Credit.
8. The Travel & Transport Service is a part of the Quality & Partnership Division which is located within the Directorate of Children's Services.
9. Religion means any religion and belief means any religious or philosophical belief.
10. *Public transport services* refers to 'season ticket' or similar arrangements on public transport facilities, including registered local bus and railway services. Details of the timetable applicable to each of the journeys are available from bus and rail operators.
11. *Contracted vehicles* refers to road transport passenger vehicles operating on a 'closed' basis where the Council has hired the vehicle as a whole to carry out a specific journey solely for passengers designated by the Council. Details of the

routes and timings are available from the school concerned or from the Travel & Transport Service.

12. 'school' means a primary or secondary educational establishment or school;

Further Information

The address for the Directorate of Children's Services is:

Directorate of Children's Services
Dudley Metropolitan Borough Council
Westox House
1 Trinity Road
Dudley
West Midlands DY1 1JQ

General queries about home-to-school travel & transport support, including applications, should be addressed to:

Children's Services Travel & Transport Service
Directorate of Children's Services
Dudley Metropolitan Borough Council
Westox House
1 Trinity Road
Dudley
West Midlands DY1 1JQ

Telephone (general): 01384 814301
Telephone (bus passes) 01384 814371
Fax: 01384 812075

<http://www.dudley.gov.uk/education-and-learning/education-grants/home-to-school-transport>

Queries about support with home-to-college travel support for young people over the age of 16 should also be made to the Children's Services Travel & Transport Service:

Other information is available from the Council about Children's Services; these are available from Children's Services Reception at Westox House.