

Home to School Transport Policy



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The policy

1. The purpose of this policy is to ensure that all applications for home to school travel assistance are assessed in an open, fair and consistent manner.
 2. The local authority will provide free transport from home to school for a child when:
 - A child is attending the nearest suitable primary school¹ to their home address and the shortest walking distance² from their home to that school is more than 2 miles.
 - A child or young person of statutory school age (up to age 16) is attending the nearest suitable secondary school¹ to their home address and the shortest walking distance² from their home to that school is more than 3 miles.
 - A child or young person of statutory school age (up to age 16) is unable to walk to their nearest suitable school¹ because of the nature of the route and the route has been classified by the Council as hazardous.
- 2.1 There are some extended rights for free travel in relation to low income families. Secondary school children and young people of statutory school age (up to age 16) from low income families³ will also be entitled to free transport if:
- The child or young person is attending a suitable school which is one of the three nearest secondary schools and the shortest walking distance from home to that school is more than 2 miles but less than 6 miles or
 - The child or young person is attending a school and the shortest walking distance from home to that school is more than 2 miles but less than 15 miles and is the nearest school preferred on the basis of the parent's/carer's religion or belief.

Explanatory Notes

1 The nearest suitable school is defined as the nearest establishment to the home address that can meet the needs of the child and has a place available in the appropriate year group.

2 The shortest walking distance for each application will be measured in miles to three decimal places from the address point of the home to the address point of the school. The address points are fixed points which are generated and based on the Local Land and Property Gazetteer.

3 In accordance with the Education and Inspections Act 2006 Schedule 35B, low income is defined as:

- a. Those who are eligible for free school meals or
- b. Those whose families are entitled to their maximum level of working tax credit.

Documentary proof of entitlement will be required at the time of application

Special Educational Needs

3. Arrangements for transport assistance on the grounds of special educational needs or a disability will be at the authority's discretion and may take the form of
 - bus pass
 - organised transport
 - mileage allowance payable to parents.

The choice of transport assistance offered will generally be the lowest cost or most cost effective.

Pupils of statutory school age

- 3.1 The general policy and distance criteria outlined above will apply. However pupils of statutory school age who have an education, health and care plan (EHCP) who do not qualify for transport under the general policy and distance criteria will be considered for entitlement to special education transport assistance, taking into account the pupil's special educational needs and the school placement.
- 3.2 Transport assistance, however, will not be provided for children and young people with EHCP as a matter of course. If a child or young person does not qualify on the grounds of special educational needs then the general policy will apply.
- 3.3 In applying the general transport policy, if the child or young person is not attending the nearest suitable mainstream school, then the school or designated provision where the authority places the child or young person will become the nearest suitable school for the purposes of this policy. However, if, as a result of parental preference, a child or young person attends a placement that is further away, then transport to that placement becomes the responsibility of the parent.
- 3.4 Children and young people of statutory school age with an EHCP who do not qualify for special education transport entitlement under the special needs criteria may be eligible to receive transport assistance through the general policy.

Children in Care

- 3.5 For Children in Care, the distance criteria as described in the general policy will apply. However, if a child changes address within the Warrington boundary then the school attended continues to be the nearest suitable school for the purposes of this policy. If the child is the responsibility of an authority other than Warrington Borough Council then that authority will be charged for the provision of the transport.

Children subject to Supervision Orders

- 3.6 For children subject to Supervision Orders the distance criteria as described in the general policy will also apply. However, if a child changes address within the Warrington boundary then the school attended continues to be the nearest suitable school for the purposes of this policy. If the child changes address and it is considered to be of the child's current care plan, that they should remain at their current school, the local authority will need to give consideration to what assistance can be provided to the child.

For any child being supported by Children's Social Care, conversations will be held between the Transport Panel Chair, Transport Policy Manager and relevant social care representatives before any consideration of appeal.

Post 16 Students

- 3.7 Transport assistance is not generally provided to children that are 16 or above. However transport assistance may be available under exceptional circumstances.

For young people aged over 16 with special educational needs at the start of their proposed programme of study, transport will not be provided outside of Warrington if the course or suitable equivalent provision is available within Warrington.

In order to qualify for subsidised travel on the grounds of special educational needs or disability an individual assessment will be made of the student's needs and placement, otherwise the general policy will apply.

Any transport assistance provided will generally be the lowest cost option. A transport assessment panel of officers will oversee the funding principles and agree any changes to the process on an annual basis.

Transport will continue to be provided until the end of the course or the end of the year in which the student reaches age 19.

Children attending a nursery school

- 3.8 Transport assistance is not generally provided to children that have not reached statutory school age. However transport assistance may be available to children attending a Warrington nursery school if the child has special education needs and if there are exceptional circumstances.

Appeals Procedure

4. Details of the appeals process

- 4.1 If your application for travel assistance is refused and your child does not have an Education, Health and Care Plan, you can request an appeal against the decision by writing to:

The Transport Team
East Annexe
Town Hall
Sankey Street
Warrington
WA1 1UH

Or by email to schooltransport@warrington.gov.uk

Appeals will be considered by the Director for Education, Early Help and SEND and you should receive a response within 15 school days or your appeal request.

- 4.2 If your application has been refused and your child has an Education, Health and Care Plan, you can appeal against the decision by writing to:

The Admissions and Transport Team
East Annexe
Town Hall
Sankey Street
Warrington
WA1 1UH

Or by email to sentransport@warrington.gov.uk

Appeals will be considered by the Director for Education, Early Help and SEND and you should receive a response within 15 school days or your appeal request.

Appendix 1

Warrington's home to school transport policy refers to the following legislation (including statutory instruments):

- Sections 444, 508A, 508B, 508C, 508D, 509AD and Schedule 35B of the Education Act 1996 (the Act), as inserted by Part 6 of the Education and Inspections Act 2006 (the EIA 2006)
- Regulation 5 and Part 2 of Schedule 2 to The School Information (England) Regulations 2002, as amended
- Equality Act 2010
- School Admissions Code
- European Convention on Human Rights
- The School Travel (Pupils with Dual Registration)(England) Regulations 2007
- Public Service Vehicles (Carrying Capacity) Regulations 1984
- Section 48 of the School Standards and Framework Act 1998

Provision of travel arrangements

Sections 508B and 508C of the Act make provision for local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school.

These provisions apply to home to school travel arrangements. They do not relate to travel between educational institutions during the school day.

Eligible children

Local authorities have a duty to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children. Schedule 35B of the Act 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.

However, section 444(3B) of the Act provides that a parent will have a defence in law against a prosecution by a local authority for their child's non-attendance at school where the local authority has a duty to make travel arrangements in relation to the child under section 508B and has failed to discharge that duty.

There are three categories of eligibility which are:

- Statutory walking distance
- Unsafe Route
- Extended rights

Statutory walking distances eligibility

The local authority will provide free transport for all pupils of compulsory school age (5-16) where:

- A child is attending the nearest suitable primary school* to their home address and the shortest walking distance¹ from their home to that school is more than 2 miles; and
- A child or young person of statutory school age (up to age 16) is attending the nearest suitable secondary school* to their home address and the shortest walking distance¹ from their home to that school is more than 3 miles.

Explanatory Notes

* The nearest suitable school is defined as one with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEND that the child may have.

Where a school has been named in a child's education, health and care plan as a consequence of parental preference, and there is a suitable school closer to home, the named school will not be considered as the nearest suitable school.

1 The measurement of the statutory walking distance is not necessarily the shortest walking distance by road. It may be measured by the shortest route along which a child, accompanied if necessary, may walk safely. As such, the route measured may include footpaths, bridleways and other pathways, as well as recognised routes.

The shortest walking distance for each application is measured in miles to three decimal places from the address point of the home to the address point of the school. The address points are fixed points which are generated through the Local Land and Property Gazetteer.

Unsafe route eligibility

The local authority will provide free transport for all pupils of compulsory school age (5-16) where:

- A child is unable to walk to their nearest suitable school because the nature of the route has been deemed unsafe to walk and has been classified as hazardous by the Council.
 - Ashberry Drive to Bridgewater High School
 - Winwick Park Avenue to Beamont Collegiate Academy

Extended rights eligibility

The local authority will provide free transport for all secondary aged pupils entitled to free school meals or, where their parents are in receipt of maximum Working Tax Credit if:

- The child or young person is attending a suitable school* which is one of the three nearest secondary schools and the shortest walking distance¹ from home to that school is more than 2 miles but less than 6 miles; or
- The child or young person is attending a school and the shortest walking distance¹ from home to that school is more than 2 miles but less than 15 miles and is the nearest school preferred on the basis of the parent's/carer's religion or belief.

In order to be considered in accordance with the extended rights criteria, proof of entitlement will be required at the time of application for transport assistance.

Special educational needs, a disability or mobility problems eligibility

Pupils of statutory school age who have an Education Health and Care Plan or a disability and are not eligible when considered against the statutory walking; unsafe route; and extended rights criteria, entitlement to transport assistance will be

considered taking account of the pupil's special educational needs and the school placement.

Transport arrangements will be made for all children attending their nearest suitable school who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability². Eligibility for such children will be assessed on an individual basis to identify their particular transport requirements.

Explanatory Notes

2 As per Schedule 35 of The Act, disability is as defined in S.6 of EA 2010: a person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial a long-term effect on the ability to carry out normal day-to-day activities. Therefore a chronic health condition may lead to eligibility under this definition.

Exceptional Circumstances

Travel assistance may also be agreed on an exceptional basis for other reasons, even where the family circumstances do not meet the standard eligibility criteria. Any SEND transport application which does not meet the eligibility criteria will automatically be considered on exceptional circumstances. Each application will be considered on a case by case basis.

Examples where exceptional circumstances may apply include:

- Where there is evidence to suggest that the child is unable to walk to school, accompanied as necessary, due to his/her special educational needs; and
- Where there is evidence to suggest that the child is unable to be accompanied due to parent/carers mobility issues, physical disability or mental health issues.

Duty to provide free transport for eligible children

- For children attending school on a daily basis, transport will be provided at the start of the school day and the end of the school day.

In the event the child has to leave school early or start school at a later time, parents must make alternative arrangements to ensure their child's attendance at school.

- For children attending a residential school on a weekly basis i.e. coming home at weekends, transport will be provided at the start of the school week and the end of the school week.

In the event the child has to leave school early or start school at a later time, parents must make alternative arrangements to ensure their child's attendance at school.

- For children attending a residential school on a termly basis i.e. coming home at school holiday times, transport will be provided at the start of the school term/half term and the end of the school term/half term.
- In the event the child has to leave school early or start school at a later time, parents must make alternative arrangements to ensure their child's attendance at school.

Children attending pre/after school activities

This Policy does not cover Parents/carers whose children attend pre/after school activities. Parents/carers will need to make their own arrangements in this regard.

Curriculum travel during the school day

There is no duty on the Local Authority to provide transport for curriculum activities or for travel between different educational establishments during the course of the school day. It is the responsibility of the individual schools, institutions and education providers to organise and provide pupil's transport for curriculum activities during the school day.

Fixed term exclusions and educating a child off site

If a school has issued a FTE or decided to educate a child off site, it's the schools responsibility to make suitable travel arrangements, should the child be entitled. For the duration of the FTE or off site education, the alternative provision will be classed as the 'qualifying/suitable school'

Accompaniment

In determining whether a child cannot reasonably be expected to walk, the local authority will 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.

The general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so.

Parents citing work commitments as a reason for being unable to accompany their child to school will not be considered as a reason to provide free door to door transport. Generally speaking, parents with school aged children find it challenging to manage drop off and pick-up times and their work commitments so it is not considered to be an exceptional circumstance.

However, the local authority will ensure equality of opportunity for disabled parents. For example, if a parent's disability prevents them from accompanying their child along a walking route that would otherwise be considered unsafe without adult supervision. A reasonable adjustment might be to provide free home to school transport for the child in question.

Pick up and drop off points

Where the support for transport is agreed this will usually be between the child's home address or family contact (for children who are looked after by the council) and the school. Transport may be provided to an alternative address, for example that of a childminder, if this does not incur additional budgetary cost. Transport may not be exactly door-to-door if for example access is not available. However pick up and drop off will be, to and from, the nearest possible location. For example, where parked cars on a

roadside may prevent pick up outside a property pick up may be from the closest point to the property on the same road.

Definition of child's home address

A child's 'home' is the place where he/she is habitually and normally resident. There may be circumstances, where a pupil has more than one home address for example where parent(s)/carer(s) are separated or where a pupil regularly resides with other family members or friends. The Council does not provide assistance with transport from more than one home address. Parent(s)/ carer(s) of a pupil with more than one residence should nominate one address to be the pupil's 'main residence' from which entitlement to transport will be assessed in accordance with the transport policy. If no address is nominated, the 'main residence' will be taken to be the address nearest to the school.

Measurement of the route

When assessing applications for school transport, the shortest **walking distance** for each application is measured in miles to three decimal places from the address point of the home to the address point of the school. The address points are fixed points which are generated through the Local Land and Property Gazetteer.

It should be noted that the measurement of the statutory walking distance is not necessarily the shortest walking distance by road. It may be measured by the shortest route along which a child, accompanied if necessary, may walk safely. As such, the route measured may include footpaths, bridleways and other pathways, as well as recognised routes.

*When assessing home to school distance for school admission applications, distance is measured as a **direct distance** to three decimal places from the address point of the home to the address point of the school. The address points are fixed points which are generated through the Local Land and Property Gazetteer.

Points to consider before expressing a preference for a school for your child

It is important that parents do not confuse the right to express a preference for a school with an entitlement to travel assistance. If a parent has chosen to express a preference for a school which is not the closest school to home and they do not qualify for consideration against the extended rights criteria, they will need to think about the costs involved with getting their child from home to school and back on time and safely as this is a parents responsibility. Parents remain responsible for their child until the start of the school day and they enter and leave school premises.

Timing of assessment of eligibility

At the point when transport eligibility is considered, the prospect of being able to secure a place in an alternative (usually nearer) school must be a real one. For most cases this will be during the normal school admissions round when places are allocated in Reception Class and Year 7. A smaller number of cases may need to be considered during the course of the school year e.g. as a result of families moving to a new area.

Travel arrangements made by the local authority for eligible children

Subsection (4) of 508B and 508C of the Act list some of the travel and transport arrangements that may be made. These might include:

- provision of a seat on a bus or minibus provided by the local authority;
- a cycling allowance paid by the local authority where the parent agrees for their child to cycle to and from school instead of catching a bus for, say a three mile journey;
- A mileage allowance where parents are able to use their car;
- provision of a seat in a taxi where more individualised arrangements are necessary; and
- provision of a pass for a public service bus, or other means of public transport.

It should be noted that, where an applicant has been assessed as eligible for transport assistance, the eligibility will be awarded from the time the decision is reached following receipt of an application and will not be made retrospectively.

Independent Travel Training

The council's vision is that pupils with special educational needs and disabilities will be supported through Independent Travel Training where appropriate and encouraged to develop their independence by using public transport. There are different ITT support programmes in place which are promoted on the following website www.warrington.gov.uk/schooltransport or mylifewarrington.co.uk and also updates on ITT programmes can be found by emailing warringtonspeakup.org.uk.

Suitability of arrangements

Every effort will be made to keep journey times to a minimum while also fulfilling the Council's responsibility to secure cost effective provision. As a general guide, transport arrangements should not require a child to make several changes on public transport resulting in an unreasonably long journey time. Best practice suggests that the maximum each way length of journey for a child of primary school age to be 45 minutes and for secondary school age 75 minutes, but these should be regarded as the maximum. For children with SEN and/or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible.

Consideration should also be given to the walking distance required in order to access public transport. The maximum distances will depend on a range of circumstances, including the age of the child, their individual needs and the nature of the routes they are expected to walk to the pick up or set down points and should try to be combined with the transport time when considering the overall duration of a journey.

With regards to pick up points, local authorities may at their discretion use appropriate pick up points when making travel arrangements. For arrangements to be suitable, they must also be safe and reasonably stress free, to enable the child to arrive at school ready for a day of study.

Change of circumstances

If an application is successful, the child in question will be entitled to free transport assistance throughout their time at the school or until there is a material change of circumstances, for example, if a child moves house. Any change of circumstance must be

reported to the admissions, organisation and transport team immediately by telephoning 01925 446226 or emailing schooladmissions@warrington.gov.uk It may be necessary for the parent/carer to complete another application form, at which point the eligibility for future assistance will be reassessed.

Transport considerations

5. Further considerations of home to school transport
 - 5.1 The right to express a preference for a school (either mainstream or special) is not an entitlement to assistance with transport if there are nearer suitable schools with places available.
 - 5.2 In the exceptional case where a child lives part of the week with different parents/carers, each with shared responsibility, the home address shall be defined as the address of the primary carer of the child who is in receipt of child benefit. The applicant may therefore be asked to produce documentary evidence of this.
 - 5.3 Smoking is NOT permitted whilst travelling on any form of public transport.
 - 5.4 If the entitlement for a child to receive free travel is affected by a change in circumstance and the pass is not returned when requested, the parent/carer will be liable for any additional costs incurred by the Council.
 - 5.5 The local authority may exercise its discretionary powers under Section 508c of the Education Act 1996 to make transport arrangements for those children who do not qualify for assistance within any of the categories listed in the eligibility criteria but whose exceptional circumstances justify support with travel assistance to school.
 - 5.6 The Council may withdraw the provision of free home to school transport where it is considered that a child has demonstrated unacceptable behaviour that:
 - a) Puts at risk the driver, themselves, other passengers of the vehicle and/or;
 - b) Uses threatening or violent language and/or;
 - c) Causes damage to the vehicle.

The withdrawal of free home to school transport may be either temporary or permanent at the discretion of the Council, having regard to the circumstances of the pupil's behaviour. Each case will be considered on its own merits.

Where free travel is withdrawn it will be the responsibility of the parent(s)/carer(s) to pay for travel cost between home and school unless the behaviour relates to the child's special educational needs and/or disability.

'Temporary withdrawal' shall be for a specified number of weeks and 'permanent' shall be for the remainder of the school year or longer if justified by the circumstances. The withdrawal of home to school transport (either temporary or permanent) for a particular child shall not imply that travel arrangements were not necessary. The withdrawal would be because the child's behaviour was such that they could no longer take advantage of this support. However, this could be reviewed at a time suggested by the Council and/or school.



WARRINGTON
Borough Council