

Home to School Transport Policy – 4 to 16 Year Olds

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Introduction

This transport policy sets out City of York Council's policy for providing appropriate home to school travel support for eligible children of compulsory school age living in the City of York area.

The Council is under statutory duties to ensure that suitable travel arrangements are made, promoting the use of "sustainable travel and transport" and where necessary, to facilitate an eligible child's attendance at school. This policy covers those duties under Section 508A and 508D of the Education Act 1996 and subsequent amendments.

Under Section 509, it is important to note that the law does not treat children with SEND differently from other children in relation to the duties imposed under this legislation.

The Council would like as many children and young people as possible to be able to travel independently to/from school. Travelling independently develops key life skills and leads to increased educational, social and employment opportunities in adulthood, as well as improving health outcomes and contributing to sustainable travel in the city.

Part 1 – Children attending a Mainstream School and those on a low income

Meanings

Compulsory School Age

A child must start full-time education once they reach compulsory school age. This is on 31 December, 31 March or 31 August following their fifth birthday - whichever comes first. If the child's fifth birthday is on one of those dates, then they reach compulsory school age on that date.

For example, if the child reaches compulsory school age on 31 March, they must start full-time education at the beginning of the next term (summer term that year).

Qualifying schools are

- Community or voluntary schools
- Pupil referral units
- Academies or Free Schools
- Any other educational provision where a child is receiving education by virtue of arrangements made under section 19(1) of the Education Act by the local authority

Suitable schools are

A qualifying school that is suitable for the child's age, ability, aptitude and any special educational needs they may have. Suitable school does not mean the most suitable school for a child.

Distance measurements

- Measured using the GIS mapping tool which shows all known safe walking routes in the City of York area. This is the same system used by the admissions team to determine home to school distances when allocating school places
- Where a distance is measured by road due to being further than the statutory walking distance an online software will be used such as google maps or AA routefinder

Safe Walking Routes

In assessing the safety of a route, the Council is required to carry out an assessment of the risks a child might encounter along the route and will consider such factors as:

- The age of the child.
- The width of any roads travelled along and the existence of pavements.
- The volume and speed of traffic travelling along any roads
- The existence or otherwise of street lighting.
- Rivers, ditches, speed of traffic and fields of vision for the pedestrian or motorist.
- The condition of the route at different times of the year, at the times of day that a child would be expected to travel to and from school.
- Whether any potential risks might be mitigated if an adult accompanied the child.

Home Address and Joint Residency

The child's home address will be the address where they live with their parent/carer and is the address which is registered with their school. In the case of joint residency transport will only be provided from one address and the following will be taken into consideration:

- The address which was taken into account at the time of application for a school place if circumstances remain the same
- The address at which your child spends most of their school days or, if split equally, the address where the parent receives child benefit
- The address that you have registered with your child's doctor

School Opening and Closing Times

The duty to provide free home to school transport will be for the journey at the start of the school day and the end of the school day. These are the times as approved by the governing body or academy trust of the school. If a school or academy wants to change their school hours it should follow best practice and carry out a consultation at least three months before the planned change and include the Local Authority in the consultation. Good practice suggests that schools can only change the times of the school day at the start of the academic year. Where a school or academy changes their school hours without consultation any additional transport costs will be the responsibility of the school.

Journey Times

Home to school transport will be arranged to be as quick and non-stressful as possible. Under normal circumstances, the maximum journey time will be no longer than 45 minutes for primary aged children and 75 minutes for secondary aged children. In some circumstances it may be necessary to increase this timeframe for example where the nearest suitable school is outside the local area.

Collection and Drop-off Points

Children are collected as near to their home as reasonably possible. Some children may have to walk a reasonable distance to and from home to meet the transport. However, the designated picking up/setting down point will not exceed one mile from the child's home. The responsibility for ensuring a child's safety in getting to and from the designated picking up/setting down point rests with the parent/carer.

Statutory walking distance and eligibility for transport

Eligible children are those who are of compulsory school age and are:

Attending their nearest suitable City of York school (the nearest suitable school is normally considered to be the school that serves the catchment area where the child lives).

and

There is a safe walking route within the statutory walking distance

- For primary aged children this must be 2 or more miles from their home
- For secondary aged children this must be 3 or more miles from their home

Or

They cannot reasonably be expected to walk because of the unsafe nature of the route

Low income families

In addition to the above, some children have extended rights due to being entitled to free school meals or because their parents are in receipt of maximum Working Tax Credit or another qualifying benefit and:

- They are aged 11 to 16 and attend one of their three nearest suitable schools which is above 2 miles but less than 6 miles from their home
- They are aged 11 to 16 and attend the nearest school preferred and allocated on the grounds of religion or belief (allocated a foundation place in the admissions process). The school has to be between 2 and 15 miles from their home

Transport to a school chosen because of religion or belief

Transport will only be provided where a child meets the low income criteria as stated above. It is the responsibility of the parent to get their child to any school where that school is outside of their catchment area regardless of reason for preference.

Medical Needs of the parent or child

Long-term

If a parent/carer is unable to take their primary aged child to their nearest suitable school for medical reasons assistance may be provided. This must be because the medical need of the parent or child means they cannot enable the child to access their education by any other means. A letter from the GP or Consultant should be provided stating the reasons why the parent is unable to take their child to school or why the child is unable to walk to school.

Short-term

In the case of medical reasons which will not be long-term, assistance may be offered on a short-term basis up to a maximum of the equivalent of one half term. Parents should apply for discretionary assistance and supply appropriate documentation from a medical professional stating the reasons assistance should be provided. Parent's will need to demonstrate why no alternatives are available to them

Change of address

Emergency or Temporary

If a child moves because of an emergency or is placed in temporary accommodation and their school is more than the statutory walking distance from their temporary home, they may be entitled to assistance with transport. This will be for a maximum of 3 months. At the end of this period the parent/carer must decide whether to:

- Keep the child at the original school and pay the travel costs; or
- Move the child to another, nearer school

Permanent

If a child moves to a permanent new address the family must change the child's school or make their own transport arrangements.

If a child is in Year 10 or 11 and a change of school may disrupt their GCSE's, transport assistance may be offered in the form of a bus pass on a discretionary basis.

Nursery aged children

There is no duty for the local authority to offer transport assistance to any child outside of the compulsory school age.

Fair Access Protocols and Exclusions

If a child is permanently excluded or allocated a new school or a place at Danesgate Community through the Fair Access Meeting panel, transport assistance may be given. The new school or Danesgate will be considered the nearest suitable school and the normal distance rules will be applied to establish eligibility. Parents will be expected to apply through the normal application process.

Children and Young People in Care

If a child has been placed in emergency or short-term foster care City of York Council have a responsibility to maintain their attendance at their original school where this is judged to be beneficial to the child for reasons of stability and continuity. Transport assistance will be provided if their original school is over the statutory walking distance. If the placement becomes long term or permanent, transport assistance will only continue if it is not possible to move the child to their nearest suitable school. Transport assistance will be arranged in consultation with the child's social worker and the virtual school head teacher with a view to promoting independent travel where possible.

Movement between educational establishments during the day

There is no duty for City of York Council to provide transport to and from educational establishments outside of or between the school's start and finish times. If a child needs to travel between establishments in order to receive education that cost will fall to the school to pay

Transport other than home to school

The local authority's duty to provide home to school transport does not extend to other transport requests including:

- Work experience placements
- Ad hoc or regular visits to other schools or other educational establishments
- To attend a school outside of the normal school hours
- Breakfast and after school clubs
- Educational provision planned for weekends or bank holidays
- Pick up or drop off at any address other than the child's home address or a designated bus stop.

Travel Options

The local authority will always offer the most cost effective method of transport assistance available to the child. This will usually be by the provision of a bus pass for a public service bus or a place on our dedicated home to school coaches. Other options which may be available are:

- Cycle allowance and/or assistance with the purchase of a bicycle
- A personalised transport budget
- Travel training for eligible students
- A seat in a minibus
- A seat in a taxi
- Other creative solutions where we can work with families to provide the best support for the child to ensure safe travel to and from school

Waiting Points

If children are allocated a place on transport which requires them to board from a fixed waiting point, they are expected to stand back from the road and wait in an orderly way until the vehicle pulls in and is stationary. Waiting points will either be a public bus stop or a named point which is suitably safe, both for children to wait and vehicles to stop. Risk assessments will be carried out by the transport team and the contractor where there are any concerns.

Seat Belts

All City of York transport vehicles are fitted with seatbelts and it is expected that all children use them unless there is a valid reason why not. Parents are advised to encourage their children to wear their seatbelt.

Behaviour on Mainstream Transport

The local authority shall withdraw the provision of free home to school transport where it is considered that a child has demonstrated such poor behaviour whilst using that transport as to put at risk:

- the driver of the vehicle
- other passengers
- used threatening or violent language
- damage to the vehicle

The withdrawal of free home to school transport will be temporary or permanent.

Temporary shall be a specified number of weeks and permanent shall be for the remainder of the school year.

Where a permanent withdrawal is imposed during the Spring and Summer terms the local authority will consider continuing imposing the withdrawal of transport for the equivalent of three school terms.

The withdrawal of home to school transport (either temporary or permanent) on a particular child shall not imply that travel arrangements were not necessary and should not be provided. The withdrawal would be saying travel arrangements were necessary and had been made, but that the child's behaviour was such that they cannot take advantage of it.

Nothing in this policy prevents the operator of a commercial service to exclude a child if they demonstrate poor behaviour.

Part 2 – Children with Special Educational Needs and Disabilities

Eligibility

Children with an EHCP do not have an automatic entitlement to free school travel support. The eligibility of a child for free school travel support is set out in statute and depends on the ability of the child to walk or travel to school. Where transport provision has been agreed, the arrangements in place will be reviewed periodically in line with Council policy.

For those attending the nearest appropriate (catchment) mainstream school, special school, enhanced resource provision, pupil referral unit, or where the local authority names a school where the needs of the child with an EHCP can only be met by that school, free home to school transport will be provided for eligible children.

Where a child does not qualify for free home to school transport under the mainstream eligibility criteria, free transport may be provided subject to an assessment by the local authority.

The Council will make transport arrangements for all children who cannot reasonably be expected to make their own way to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability. Eligibility for such children will be assessed on an individual basis to identify their particular transport requirements.

Elective Home Education (EHE)

If parents have elected to educate their child at home the local authority has no duty to provide transport to their chosen education provision.

Accompaniment

In determining whether a child cannot reasonably be expected to make their own way to school, the Council will consider whether the child could reasonably be expected to make their own way if accompanied and, if so, whether their parent can reasonably be expected to accompany them. The local authority will consider individual circumstances which may make it difficult for a parent to accompany their child.

Where the local authority determines that a child would be able to walk if they were accompanied, the general expectation is that the parent will accompany them or make other suitable arrangements for their journey to and from school.

A child will not normally be eligible solely because their parent's work commitments or caring responsibilities mean they are unable to accompany their child themselves. These reasons apply to many parents and, in most circumstances, the local authority would expect the parent to make suitable arrangements to fulfil their various responsibilities (for example, their responsibilities as an employee and as a parent.)

Assessments

All applications will be assessed on an individual basis of need and in accordance with this policy and DfE guidance.

A Council officer may ask to meet you and the child at home to discuss transport needs and plan longer term options.

The local authority will consider the individual circumstances of the child and make a determination as to whether or not the child receives free home to school transport on a permanent or short-term basis. In making judgements about individual cases, the local authority will consider:

- Age and maturity of the child
- Ability and aptitude of the child
- Any special educational needs the child may have
- The distance involved and the safety of the route if accompanied by an adult
- Whether the child's parent/carers are disabled which would prevent them from accompanying their child to and from school
- The most appropriate transport option
- Whether the child needs to be accompanied in a vehicle (use of passenger transport assistant)

Parental Preference

Parents have the right to ask for a particular school to be named in their child's EHC plan. Where the parent's preferred school is further away from their home than the nearest school that can meet the child's special educational needs, the local authority can name the nearer school if it considers it appropriate for meeting the child's special educational needs. Alternatively, they may agree to name the preferred school but are able to ask the parent to provide some or all of the transport funding. Before naming a school in the EHC plan parents will be advised about any cost implications before they make a final decision.

Nursery Aged Children

Transport support is only provided for children who are of compulsory school age. Children with SEND who are attending a specialist provision because of their SEND may be considered on a discretionary basis. Parents will need to demonstrate why no alternatives are available to them.

Periodic Reviews of Transport Provision

The Council will review travel arrangements for all existing and future applicants under this policy which means that the type of travel provision or mode of travel offered may change in the future.

All routine assessments or periodic reviews will assess the ability of children to learn skills for independent living including the skills to travel to school, college and places of employment and leisure, having regard to developing future employability and ability to participate in society. The assessment may involve schools being contacted for information and a Council officer meeting families at home to discuss transport needs and long term plans.

Additional review of individual travel support arrangements will take place at key points of planning for change, such as in advance of transitions between schools or between school and college. Where it is anticipated that progress can be made over a matter of weeks or months, travel support arrangements will be reviewed more frequently and existing provision adapted and gradually withdrawn. The aim should be for children to travel independently alongside their peers wherever possible.

Number of Journeys provided

For children attending a school on a daily basis:

- One journey at the start of the school day
- One journey at the end of the school day

For children attending a school on a Weekly residential basis:

- One journey at the start of the school week
- One journey at the end of the school week

For children attending a school on a termly basis:

- One journey at the start of each half term
- One journey at the end of each half term

Travel Options

As part of the assessment process we look to provide travel assistance that is suitable for you and your family. This may not always be in the form of a mini bus or taxi.

Other forms of assistance can include:

- a mileage payment to enable you to transport your own child to school this is paid at 60p per mile for 2 return journeys per day
- access to the independent travel training programme (York Independent Living and Travel Skills – YILTS) to gain vital life skills
- a bespoke personal budget for children with a higher level of needs to enable you to arrange the necessary travel support yourself
- Other creative solutions where we can work with families to provide the best support for your child to ensure safe travel to and from school

Provision of Passenger Transport Assistants (PTAs)

- A passenger transport assistant is not routinely provided. Where large numbers of children are travelling together or if a child has significant health or behavioural / additional requirements, a passenger transport assistant may be provided for the route or the individual child.
- They will only be provided in exceptional circumstances. These include where there is substantial evidence that demonstrates a child may be at risk or may pose a risk to others on the same route if they travel without supervision.
- Any request for an individual passenger transport assistant must be supported by detailed evidence that demonstrates the risk to individuals or others. The evidence provided must include an up-to-date risk assessment and evidence of other strategies that have been previously applied.
- If approved the provision of a passenger transport assistant will be subject to a continuous review by the transport team.

Medical Intervention and administration of Medicines

- Taxi crews are not routinely medically trained or able to administer any medication. In general, if there is a medical emergency, staff will call 999 and take advice and/or drive to the nearest hospital.
- The exception to this will be when a health care or medical plan has been provided by the school or family and a plan has been agreed with the local authority for specific support for a child.
- A medical plan specific to transport will be agreed with school and parents which will include what training is required and who will deliver it and what will happen if the trained PTA is temporarily unavailable.
- The child will be provided with a PTA who has received appropriate training from a health professional agreed with the family and the school.
- If for any reason the medically trained PTA is unavailable, alternative arrangements will be considered including training an alternative PTA, requesting the school to provide a member of staff to accompany temporarily or asking parents to transport the child.

Behaviour on SEND Transport

- Parents/carers are asked at the time of application to provide as much information as possible about behaviours and any triggers or de-escalation techniques that may help on the journey. Journeys will be planned taking this into account where possible but there may be occasions where the child cannot cope with their transport provision
- If a child/young person displays behaviour that is considered as a risk to themselves or other people, the Council will work with parents and the school to resolve these issues.
- In exceptional cases, the Council may exercise the right to remove a child from transport provision in relation to behaviour issues, taking full account of their special educational needs or disability, as applicable. This would be a last resort; however, under these circumstances it would be the responsibility of parent/carers to ensure that their child attends school.
- The withdrawal of home to school transport (either temporary or permanent) on a particular child shall not imply that travel arrangements were not necessary and should not be provided. The withdrawal would be saying travel arrangements were necessary and had been made, but that the child's behaviour was such that they cannot take advantage of it.

Pick up points

Where, as part of a package of travel assistance it has been agreed that a child will be picked up with other children from a specified point it is the responsibility of parents or carers to take their child to the pick-up point. If the child needs to be picked up from a different pick-up point or address, this must be agreed in advance and may be subject to a charge if there is an excess cost for the change.

Short breaks

The Local Authority does not have a duty to provide transport to and from Short breaks centres or carers under the home to school transport statutory guidance. Short breaks transport must be approved by Children's Social Care managers before it will be set up. Parents will normally be expected to arrange their own transport unless there are exceptional reasons why they cannot do so.

Part 3 – Review of Decisions and Appeal process

Any parent/carer who makes an application for transport support under the provisions set out in the local authority's policy where that application is refused will have the right to have their case reviewed

The review procedure is set out below

Stage 1

- The parent/carer can ask for a review of the decision to decline their requested support for transport.
- The documentation relating to the parent/carer's case will be reviewed by a senior Officer of the local authority, who will be given the authority to review the original decision.
- Where the senior Officer upholds the original decision, they will inform the parent/carer in writing and offer the right to continue to Stage 2 of the review process.

Stage 2

- Parent/carers can request a review by 3 elected members who will consider the appeal by means of a meeting of all parties involved including the Local Authority representative and the parent/carers.
- Parent/Carers will submit a review form and any other supporting evidence to request this review.
- A meeting shall be convened within 40 working days to consider the parent/carer's case based on the documentation provided.

The procedure for hearing the appeals shall be as follows.

- Local authority representative to give evidence on the authority's decision.
- Panel to ask questions of the local authority representative.
- Parent/carers to ask questions of the local authority representative.
- Parent/carers to give evidence in support of their appeal.
- Local authority representative to ask questions of parent/carers.
- Panel to ask questions of parent/carers.
- Summing up by local authority representative.
- Summing up by Parent/carers.
- Local authority representative and parent/carers to retire.
- Panel decision.
- Decision to be sent in writing to parent/carers.

Notification of the decision made at the review will be sent to the parent/carers in writing giving a reason for the decision.

Nothing in this review procedure prevents parent/carers making a complaint to the Local Government Ombudsman.