

**NORTH YORKSHIRE COUNTY COUNCIL**  
**CHILDREN AND YOUNG PEOPLE'S SERVICE**

**HOME TO SCHOOL AND COLLEGE TRANSPORT POLICY**

**OCTOBER 2015**

**1.0 INTRODUCTION**

- 1.1** North Yorkshire is England's largest County, stretching from the North Sea Coast to within 12 miles of Morecambe Bay and from the South of the M62 to the edge of Teesside. It is sparsely populated with some 600,000 people across 3,300 square miles; with 40 per cent of the area being within either the North Yorkshire Moors or the Yorkshire Dales National Parks and over half the population living in areas classed as "sparse" or "super sparse". Around 20% of the population live in the two major urban centres – Harrogate and Scarborough.
- 1.2** There are approximately 138,000 children and young people aged 0-19 in the county, of those 85,000 are of school age, including 5,900 in post-16 education. There are 47 Secondary Schools, 323 Primary Schools and 10 Special Schools, North Yorkshire County Council transports approximately 20,000 pupils per day to school or college.
- 1.3** The Local Authority (LA) has a responsibility to make suitable travel arrangements where necessary to allow children access to school. This includes meeting the following objectives of ensuring that children can:
- Succeed in good schools and other settings
  - Lead Healthy lifestyles and have good health care
  - Be Kept safe and protected from harm
  - Positive choices for personal growth
  - Be economically secure
- 1.4** North Yorkshire County Council spends in excess of £21 million per year, on home to school transport. The aim is to provide a good quality, safe service whilst balancing costs to ensure that the service provided is best value for money.
- 1.5** This policy is a general policy, which supports the Council's responsibility to provide access to education for all pupils, and covers eligibility for home to school transport for all children. Each request for transport is considered on an individual basis and individual circumstances will be taken into account when deciding if children are entitled to free home to school transport.
- 1.6** Transport is provided for many children across the county who are not entitled to free home to school transport. The LA publishes a sustainable

travel strategy which will include information about the availability of local transport in North Yorkshire and information about how children currently travel to school, taken from school travel plans.

## **2.0 RESPONSIBILITIES**

### **2.1 Local Authority**

The Local Authority is responsible for making suitable arrangements for all eligible children to travel to school in reasonable safety and comfort so that they arrive there without stress or difficulty, and can benefit from their education. This is done by making sure that pupils do not have unnecessarily long journey times (taking into account the size of the county), and that they are not expected to walk an unreasonably long distance to catch the bus. Drivers and passenger assistants are properly trained and have an enhanced Criminal Records Bureau check. The vehicles used meet the necessary safety standards and seatbelts are provided wherever possible.

### **2.2 Parent/Guardian**

It is a parent or guardian's responsibility to make sure that their child attends school. It is important that parents provide the LA with information which is requested about their children to help decide whether they are eligible for free home to school transport or whether assistance can be given in any other way.

Parents should also encourage their children to wear a seatbelt (where they are fitted) and behave well on the transport provided.

If a child is sent home from school due to illness or because of behaviour problems it will normally be parent's responsibility to ensure that they are collected from school.

Where parents live within the minimum qualifying distance, it is normally their responsibility to decide how their child will travel to school and for making the necessary arrangements and costs. This may be in any way that they feel it appropriate for their child for example: walking, cycling or using a local bus service. Transport may be provided for pupils living under the qualifying distance in some circumstances. This will include:

- ◆ where the LA considers that the walked route is not safe for children to walk, accompanied as necessary.<sup>1</sup>
- ◆ where the LA agrees that it is not possible for children to be accompanied and circumstances (of children's age and the route) mean that transport should be provided.

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<sup>1</sup> Decisions about the safety of walked routes follow the guidelines on the Assessment of Walked Routes to School, published by Road Safety GB in June 2011. These Guidelines assume that the child is accompanied as necessary by a normal caring parent or other responsible person.

Not possible does not mean not convenient to parents (i.e. due to work commitments, or arrangements to take children to different schools)

### **3.0 DEFINITION OF HOME TO SCHOOL**

The policy applies to “home to school” travel arrangements at the start of the day, and “school to home” travel arrangements at the end of the school day and does not normally include pre-school or after-school clubs.

Where children are attending school part time (i.e. half days), transport will be provided at the start and end of the time attended, this may be a morning journey and return home at lunchtime or a lunchtime journey and return home at the end of the school day.

Travel between educational institutions during the school day is not covered by this policy.

Transport to alternative addresses, for instance to take into account child care arrangements for parents will not usually be provided.

The term ‘Home’ in this policy means the permanent address where the child lives for most of the time. Where children have more than one ‘home’ (i.e. parents or guardians live separately) eligibility will only be assessed from separate addresses when children live with each parent or guardian for fifty percent of school term time, this does not include weekends or school holidays.

The term ‘normal school’ in this policy means the school allocated by the local authority to take children from the geographical area within which the ‘home’ address falls. This may also be referred to as ‘appropriate’ or ‘catchment’ school.

Transport will normally be provided from a suitable pick-up point near to home.

### **4.0 PUPILS ATTENDING SCHOOL UP TO AGE 16**

A summary of the duties local authorities have to carry out to discharge their statutory obligations to provide transport and support for the costs of transport to help children and young people travel to and from schools or colleges is appended to this policy at appendix 1

The following paragraphs outline these duties in more detail and outlines further discretionary elements of the policy.

#### **4.1 PUPILS AGED BETWEEN 5 AND 11 WHO ATTEND PRIMARY SCHOOL**

Children are of compulsory school age when they reach the age of five and must start school in the term following their fifth birthday. In practice, many children start before this age.

Free transport will be provided for primary school pupils from the term in which they are five until the end of year 6 who attend:

- ♦ the school the LA has said is the normal school for the home address, as long as it is over two miles (the minimum distance) from home; or
- ♦ the preferred school, if that school is over two miles, but nearer to home than the normal school.

For children starting school from September 2016 free transport will be provided as above until the end of the school year in which they reach age 8. From age 8 the statutory walking distance increases to three miles, free home to school transport will be provided if the normal or nearer school is over 3 miles from home.

From September 2016 the statutory walking distance eligibility will apply and free transport provided to pupils if the catchment school or the nearest school to the home address is

- over 2 miles (until the end of the school year in which a pupil turns 8)
- over 3 miles (if aged 8 and over)

This will apply to pupils starting school and to pupils whose circumstances change e.g. move address or change schools

If children receive free school meals or parents receive the maximum level of Working Tax Credit, transport will be provided, for primary aged pupils from term in which they are five up to the end of year 6,:

- to the nearest suitable school parents prefer because of their religion or belief, where the distance from home to school is more than two miles but not more than 5 miles.

#### **4.2 PUPILS AGED BETWEEN AGED 11 AND 16 WHO ATTEND SECONDARY SCHOOL**

Free transport will be provided for secondary school pupils in years 7 to 11 who go to:

- ♦ the school the LA has said is the normal school for the home address, as long as it is over three miles (the minimum distance) from home; or
- ♦ the preferred school, if that school is over three miles, but nearer to home than the normal school.

If children receive free school meals or parents receive the maximum level of Working Tax Credit, transport will be provided for Secondary school pupils in years 7 to 11 who go to:

- ♦ one of their three nearest qualifying<sup>2</sup> schools, if that school is more than two but less than six miles from the home address; or
- ♦ the nearest suitable school preferred because of parents' religion or belief, where that school is more than two but less than 15 miles from home.

If children go to a school that is on split sites, the measurement of the walking distance will be taken from home to the site the children normally attend.

### **4.3 PUPILS WHO ATTEND MIDDLE SCHOOL**

The two middle schools in North Yorkshire, Ingleton and Settle, are closed from September 2012 and pupils in the area will attend the appropriate primary school until the end of year 6 and then transfer to secondary school at year 7. The policy in sections 4.1 and 4.2 above apply.

### **4.4 TRANSPORT TO A SCHOOL ON THE GROUNDS OF RELIGION OR BELIEF**

Since September 2012 pupils starting a 'denominational' school, either secondary or primary, have not been entitled to assistance with home to school transport.

Parents are responsible for ensuring that their child attends school. Where possible paid permits will be available to purchase for surplus seats on services that are under contract to the County Council.

Where a family has two or more children who are not entitled to assistance with transport a 'family ticket' may be available to purchase. This will be one and a half times the cost of a paid permit. This will only be available to families attending the nearest denominational school, on the grounds of religion or belief

Pupils who, prior to September 2012 were already attending a 'denominational' secondary school will continue to be entitled to assistance with transport to that school until the end of year 11, providing that they do not move address.

Pupils who, prior to September 2012 were already attending a 'denominational' primary school will continue to be entitled to assistance with transport to that school until the end of year 6 providing that they do not move address. They will not be entitled to assistance with transport when they transfer to secondary school.

**Arrangements for transporting pupils to denominational schools will remain in place until 2016 for secondary aged pupils and 2018**

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<sup>2</sup> Qualifying schools are: Community; foundation; voluntary aided or controlled schools, community or foundation special schools; non-maintained special schools; pupil referral units; city technology colleges(CTC); city colleges for the technology of the arts (CCTA) or Academies (source *Home to school travel and transport guidance para 104* published by DCFS 2007)

**for primary aged pupils, at which point the network will be reviewed and all provision removed.**

Please note that pupils starting denominational secondary school from September 2012 onwards will not be able to purchase paid permits on existing transport from 2016 and those primary pupils starting from September 2012 onwards will not be able to purchase paid permits from 2018.

**This means that parents will be responsible for all transport arrangements and costs to denominational schools as the County Council will not arrange any transport after these dates.**

**It is important that you do not rely on existing travel arrangements when deciding which school you wish your child to attend.**

### **Exceptions**

The exceptions are

- If the denominational school is nearer to the home address than the catchment school (s) and the distance from home to school is over the walking distance of 3 miles

Also where children receive free school meals, or whose parents receive the maximum level of working tax credit we will provide assistance with transport to the nearest suitable school parents prefer because of their religion or belief:

- For secondary aged pupils where the distance from home to school is more than two miles but not more than 15 miles,
- For primary aged pupils where the distance from home to school is more than two miles but not more than 5 miles.

This will be assessed on an annual basis and may be withdrawn if parents' benefits change.

Denominational school refers to schools where pupils are admitted on the grounds of their parents' faith as part of the published admissions criteria. This will not normally apply to a Voluntary Controlled School as pupils are not admitted to schools on these grounds.

Some 'denominational' primary schools are also the 'normal' school for the home address. In cases where pupils are attending the school as it is their normal or community school they will remain entitled to free transport if they live more than two miles from the school .

We check with the school to see if a child has been admitted on denominational grounds.

#### **4.5 TRANSPORT ASSISTANCE IF THE LOCAL SCHOOL IS FULL.**

If the normal or nearest school is full, transport will be provided to the nearest alternative school, if it is more than the statutory walking distance from the child's home.

#### **4.6 TRAVEL ASSISTANCE FOR PUPILS WHO DO NOT QUALIFY FOR FREE TRANSPORT**

##### **4.6.1 Early Admissions to Primary Schools and Children Attending LA Maintained Nursery Schools/Units**

Free transport will not be provided for children admitted early to primary schools i.e. before the term in which they are five, or if children are attending LA maintained nursery schools/units.

Children may travel free on existing hired transport if they live more than 2 miles from home to school, providing space is available on the vehicle. This arrangement may be cancelled if subsequently the seat is needed for children of compulsory school age who are eligible for free transport.

Transport arrangements for children under the age of five will only be made with the agreement of parent/guardian, the school and the contractor.

Transport is not provided to children attending private nurseries or playgroups.

##### **4.6.2 Children attending Schools from Parental Preference**

If children attend a school that is not the nearest or normal school parents are usually responsible for the travel arrangements and costs.

The authority no longer offers an 'equivalent cost' journey from September 2012.

If children are not entitled to free transport parents may be able to purchase a permit which entitles their children to occupy spare places on 'education transport service' vehicles at a fixed charge. It may be necessary to end the arrangement at short notice, if there is an increase in the number of entitled pupils using these vehicles and as a result spare places are no longer available.

#### **4.7 EXCEPTIONAL CIRCUMSTANCES**

The home to school transport policy will normally apply as outlined above but each request case is considered on its own merits. Some examples of exceptional circumstances are given below:

##### **Change of Home**

In circumstances where children or young people face disruption because of their need to be accommodated by the local authority away from the family home.

### **Looked After Children**

Children placed in the care of North Yorkshire will be considered for assistance with transport to avoid disruption to their education or home life. This will normally be for a fixed period and for travel involving a reasonable distance.

### **Fair Access**

There may be times when children will need to be educated out of school, or may need to move to an alternative school because of exceptional circumstances (due to attendance and behaviour issues or because of medical needs). The LA has an In-Year Fair Access Protocol relating to the admissions and transport for the following groups of children:

- Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- Children who have been out of education for 2 months or more;
- Children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- Children who are homeless;
- Children with unsupportive family backgrounds for whom a place has not been sought;
- Children who are registered carers;
- Children with special education needs, disabilities or medical conditions (but without a statement).

The following groups of children have been agreed with the majority of schools in the area.

- Children permanently excluded from a school or children with fixed term exclusions exceeding 15 days in the current academic year;
- Children without a school place and with a history of serious attendance problems (i.e. less than 50%);
- Looked After Children

In most cases the admissions and transport needs of these pupils will be considered through the usual procedures but in some cases appropriate education and transport provision will be determined by a local Collaborative panel.

Free transport may be provided, in exceptional circumstances, where children live under the statutory walking distances from school, Pupil Referral Service or out of school provision to ensure attendance.

### **Work experience placements**



Transport to and from work experience placements is normally the responsibility of parents or the school. In the case of post 16 pupils this may be organised by the school or college. There may be some exceptions for pupils with a Statement of Special Educational Needs who attend a residential school who need to attend work experience placements nearer to home.

#### **Transport to an alternative school due to social or domestic circumstances**

If there are exceptional social or domestic reasons why children cannot attend their appropriate school then assistance with transport may be given. Written evidence from an appropriate professional or agency will be required to assist with decision making.

#### **Transport assistance following a school closure or reorganisation**

This will be determined by the Council, following consultation, at the time that closure notices are determined and may vary depending upon circumstances.

### **4.8 PERMITS**

If children are not entitled to free transport parents can purchase a permit which entitles their children to occupy spare places on 'education transport service' vehicles at a fixed charge. It may be necessary to end the arrangement, at short notice, if there is an increase in the number of entitled pupils using these vehicles and as a result spare places are no longer available.

Transport may be withdrawn if there are no longer any entitled pupils travelling on the transport and it is solely used by paid travel permits holders.

### **4.9 SPARE PLACES**

In cases where the LA is unable to meet the demand for purchased travel permits on a particular service then the following criteria will be applied:

- ◆ Primary school pupils who will be entitled the following term and who attend full time.
- ◆ Pupils considered to be at a 'critical stage' of their Education (see para 4.7 change of home). Highest priority will be for children who are in their GCSE years.
- ◆ Other exceptional circumstances, which may be identified through discussions with the Head Teacher.
- ◆ Pupils attending the nearest denominational school
- ◆ Pupils attending the normal school (within statutory walking distance).
- ◆ Pupils who have had concessionary passes for the longest
- ◆ Pupils who live furthest from the school
- ◆ Pupils with siblings
- ◆ Post 16 pupils

#### **4.10 MINIMUM QUALIFYING DISTANCE**

When deciding on eligibility for assistance with transport, the measurement from home to school will be taken from the boundary of the home to the nearest entrance gate (not always the main entrance) to the school following the nearest available walked route which can mean a suitable footpath or bridle-path. Where a private road or farm track exists this is included in the measurement.

This means that in some cases pupils living in the same street or even in adjoining properties may not all be eligible for free home to school transport.

#### **4.11 MEASUREMENT OF DISTANCE FOR SECONDARY AGED PUPILS IN RECEIPT OF FREE SCHOOL MEALS**

When deciding on eligibility for secondary aged children in receipt of free school meals or if their parents receive their maximum level of working tax credit routes of two miles or less will be measured as a walked route, using footpaths or bridleways. Routes over two miles will be measured along road routes. This only applies to secondary aged children if they are in receipt of free school meals or if their parents receive their maximum level of working tax credit.

#### **5.0 ADDITIONAL PROVISION FOR PUPILS UP TO AGE 16 WITH SPECIAL EDUCATIONAL NEEDS OR WHO NEED SPECIAL TRANSPORT ARRANGEMENTS**

**5.1** Transport may be provided for children who are unable to walk to school because of a disability or mobility problem, including temporary medical conditions. This will normally be agreed following the issue of a statement of special educational needs or on production of relevant medical evidence.

#### **5.2 Pupil attending residential special schools**

Where children attend a residential special school, free transport, or a transport allowance, will be provided at mid and full term holidays or as determined by the child's statement of special educational needs.

#### **5.3 Pupils on 52 week residential placements**

Where children attend a residential special school on a 52 week placement free home to school transport is not given. If assistance with transport is required the social care worker allocated to the family should be contacted.

#### **5.4 Hospital visits from residential schools**

Where children attend a special residential school free transport from school to home will be provided to allow them to keep necessary hospital appointments, where a supporting appointment card is provided. Parents are encouraged, wherever possible, to make such arrangements outside of term time.

### **5.5 Induction visits to schools/colleges (for pupils attending special schools)**

Transport will be provided for children for induction visits where they have been allocated a place at that school or college.

Parents are responsible for arranging and paying for visits to schools or colleges to see whether they would like children to go to that particular school.

### **5.6 Dual placements (for pupils attending special schools)**

If children are attending a special school they may also attend a mainstream school for part of their school week. Transport will be provided if they live more than 2 miles for primary pupils and 3 miles for secondary pupils from that school. Shorter distances may be considered in exceptional circumstances.

### **5.7 Annual Reviews (for children attending special schools)**

It will normally be a parent's responsibility to arrange transport so that they can attend.

### **5.8 Parents/guardian with a disability**

If a parent is unable to accompany their child, as necessary, along a walked route due to their own disability free transport may be provided. Supporting medical evidence will be required.

### **5.9 Transport to and from respite care or after school clubs**

This is not covered by the home to school transport policy. If a parent requests transport assistance to or from respite care or after school clubs it may possible to make arrangements. Children's Social Care should be contacted for assistance.

## **6.0 PUPILS AND STUDENTS AGED 16-19**

Transport assistance is provided for students attending full-time courses in schools or colleges.

- ◆ Transport assistance is provided if the student meets the following eligibility conditions:
- ◆ attend the nearest school or college offering the chosen course
- ◆ live 3 or more miles from the school or college measured by the nearest walked route
- ◆ attend a full-time course which is considered to be within reasonable daily travelling distance
- ◆ be under 19 as at the start of the academic year.

Students are required to contribute towards their travel costs. The charge is reviewed annually and is published on our website with the policy on an annual basis. This is payable in full at the start of the academic year or by monthly direct debit payments.

Looked after children, children whose statement of special education needs contains a requirement for continued travel assistance and registered young carers are exempt from the travel charge.

Students will normally receive a bus or train pass. If there is no transport service directly from home students will be expected to make their own way to the nearest transport pick up point or may be offered a travel allowance ( in line with the policy at 7.1).

Where a pass is allocated on a service this can be withdrawn if there are no longer any statutory age entitled pupils travelling. An allowance will be offered instead.

## **6.1 PUPILS AND STUDENTS WITH LEARNING DIFFICULTIES AND/OR DISABILITIES**

Applications for special transport for students with special needs are considered on their individual circumstances. To establish the transport needs exactly, students may be asked to provide a letter from their doctor. Further information may be required from a Designated Medical Officer and, if this is the case, the LA will write to the appropriate Health Authority. If the application for special transport is approved, this will be arranged by Integrated Passenger Transport who will write to the student with details of the arrangements.

Applications from students aged 19 and over who require special transport due to a disability, will be referred to Health and Adult Services. Their application will be considered by a Transition Care Manager who will carry out an assessment of need and advise on entitlement. If the application is approved the student will normally be required to make a contribution towards their transport costs.

Where students with special needs are placed by the LA at an institution outside the further and higher education sectors, the Authority will consider transport assistance between the parental home and the institution. Where such a placement is residential the assistance offered will be up to 12 return journeys per year for students and their parents or carers usually at a pre-determined mileage rate.

## **6.2 TRANSFER OF RESPONSIBILITY FOR CONSIDERING ASSISTANCE WITH TRANSPORT AT AGE 19 FOR STUDENTS WITH SPECIAL NEEDS**

This policy applies to students to age 19. In practice some courses, specifically designed for students with special needs, extend beyond age 19 and the LA will consider on an individual basis, requests for one

additional year of transport assistance where the course on which the student is already embarked extends beyond age 19.

Applications from students aged 19 and over who need special transport due to a disability should be made to the Local Authority's Health and Adult Services Directorate.

## **7.0 TRANSPORT ARRANGEMENTS**

### **7.1 TYPE OF TRANSPORT/PAYMENT OF PARENTAL ALLOWANCES**

Integrated Passenger Transport will take into account any special requirements and will provide the most appropriate and cost effective means of transport. Where possible a pass will be issued for an existing service. An allowance will only be paid to parents where this is the most cost effective option (allowances will only be paid to parents of children who are under the age of 16), usually when there is no other contracted transport running. This will normally exclude the first mile, as pupils are expected to make their own way to a pick up point no further than one mile away

If a child has a special educational need an allowance may be paid to parents, if requested, in lieu of the provision of specialist transport. The allowance will correspond to the walked route as measured using the Council's measuring system.

In the case of post 16 transport, where a pass is allocated on a service this can be withdrawn if there are no longer any statutory age entitled pupils travelling. An allowance will be offered instead.

In some exceptional cases we may provide a taxi for post 16 students with special transport requirements, if this is the case where possible we will link transport with pupils in the area who are attending institutions that are close to each other. In these cases students may be expected to wait if finishing times differ. It is anticipated that they could make use of college facilities for study or leisure purposes.

### **7.2 JOURNEY TO WAITING POINT**

Children will be expected to make their own way to a pick-up point. This should normally involve no more than a walk of a mile. Free transport from home to the pick-up point will only be given where the route is unsafe for children to walk, accompanied as necessary. <sup>3</sup>

### **7.3 WAITING POINTS**

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<sup>3</sup> Decisions about the safety of walked routes follow the guidelines on the Assessment of Walked Routes to School, published by Road Safety GB in June 2011. These Guidelines assume that the child is accompanied as necessary by a normal caring parent or other responsible person..

The waiting point for transport to school or college will generally be a public stop or station or, in the case of hired transport, a named point which is suitably safe, both for children to wait and vehicles to stop. Integrated Passenger Transport will carry out risk assessments on pick up and set down points, where there are any concerns.

#### **7.4 CONNECTING SERVICES**

If children attend primary school and the transport provided needs to meet a connecting service, the driver of the first vehicle will wait with children until the connecting vehicle arrives. If children attend a secondary school this will not normally be necessary. The waiting time between connections will normally be no longer than 10 minutes. The meeting point will, where possible, be near a public telephone or building which should have a telephone (e.g. garage, Post Office).

#### **7.5 MAXIMUM JOURNEY TIMES**

Transport will be arranged so that children will not normally spend more than 1 hour 15 minutes travelling to a secondary school or 45 minutes to a primary school. Journey times might need to be longer than this in some more rural areas and where road or weather conditions mean that these times are not practical.

Journeys will, wherever possible, be by the most direct route but sometimes journey times will need to be increased to collect other children. If children's journeys are 20 minutes or less the journey time may be increased by up to 75% or a maximum of 15 minutes to collect more pupils. If it is 20 minutes or more children's journeys will not normally be increased by more than 20 minutes.

#### **7.6 ARRIVAL AT AND DEPARTURE FROM SCHOOL**

School transport should arrive at school between 5 and 15 minutes before the official opening time. The picking up/setting down point for children will usually be at the school, especially for primary age pupils. Secondary school pupils and college students using commercial bus or rail services may need to walk for no more than 10 minutes from the bus stop or rail station to the school or college.

Where possible, vehicles should arrive at school no more than 10 minutes before the end of the school day and leave school between 10 and 15 minutes after the official closing time.

#### **7.7 BEHAVIOUR ON HOME TO SCHOOL TRANSPORT**

The main responsibility for ensuring good behaviour on home to school transport lies with children themselves. It also lies with parents or guardians, the Local Authority, schools and bus contractors jointly. Integrated Passenger Transport will work closely with schools and contractors to ensure that poor behaviour on transport is dealt with quickly.

If there are complaints that involve pupils, these will normally be investigated through the school. If pupils are found to have behaved in an unacceptable way then any of the normal range of sanctions used by the school may be applied. This could include exclusion from school. In addition, the following may also be applied:

- ◆ Children may be asked to sit at the front of the vehicle for a set period of time.
- ◆ Children may be suspended from all school transport services for a period of time. In the case of extreme and persistent behaviour they may be banned permanently from the transport and parents will be expected to ensure that their child attends school.
- ◆ An Education Social Welfare officer may be asked to visit parents to discuss the problem.
- ◆ The police may be asked to investigate and take action as appropriate.
- ◆ Parents are expected to meet the cost of repairing any damage caused by their children.

#### **7.8 EARLY DEPARTURES/LATE ARRIVALS FROM SCHOOL**

Bad weather - Integrated Passenger Transport will make suitable arrangements to provide transport home from school, if necessary outside of the terms of the existing contract. Contractors will work with the schools in the local area to ensure that severe weather conditions are taken into account when transporting pupils to and from school.

First/last day of term or otherwise - Any additional cost of transport owing to a temporary change in school hours set up by the school is the responsibility of the school though it is expected Integrated Passenger Transport will, where possible, co-operate in making transport arrangements.

#### **7.9 CHANGE OF SCHOOL HOURS**

If a school or academy wants to change its school hours it should follow best practice and carry out a consultation at least three months before the planned change, including 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, i.e. in September.

Where a school or academy alters its hours, unless agreed otherwise by the Local Authority during the required consultation, the school will be expected to meet any additional transport costs.

#### **7.10 CO-ORDINATION OF SCHOOL TRAINING DAYS**

There are three common training days agreed across the Authority, which can be found on the NYCC website with the agreed school term and holiday dates for each academic year. Schools with shared transport are encouraged to co-ordinate their remaining two training days to

ensure the most efficient use of the transport network and to minimise costs.

#### **7.11 VEHICLE CAPACITY**

The LA will make sure that children have their own seat (i.e. that there is one seat per child on each vehicle used).

#### **7.12 TAXIS AND PRIVATE CARS (Non-Public Service Vehicles}**

When children are transported using a taxi or private-hire vehicle, that is not a public service vehicle, it must have one seat belt, and where appropriate child car seat or booster seat, for each person carried and have to be licensed by the relevant District Council.

#### **7.13 VETTING**

All drivers and passenger assistants will be 'vetted' which means that they have undergone an enhanced Criminal Records Bureau check and must wear County Council identification pass.

#### **7.14 PASSENGER ASSISTANTS**

Passenger assistants will be provided with the approval of Access and Inclusion. This will usually only be where children have special transport requirements and need assistance to access the vehicle, or require medical intervention or, in the case of severe behavioural issues, need close supervision.

#### **7.15 INFORMATION AND TRAINING FOR PASSENGER ASSISTANTS AND DRIVERS**

Integrated Passenger Transport will provide contractors with general information and advice to make sure that children's journey are comfortable and safe.

The driver or passenger assistant may need to be provided with information about children if they have exceptional medical or behavioural problems so that they know what to do if an emergency arises.

When a contract is awarded to provide home to school transport it is made clear that passenger assistants and drivers may need to attend up to two information and training sessions per year. This will normally be general training but can be specifically related to the special needs of children.

When a passenger assistant is required to provide specialist support or medical intervention they will normally be employed by the authority and will be given specific training relevant to the needs of the child.

#### **7.16 COVER FOR PASSENGER ASSISTANTS AND DRIVERS**

Contractors are asked to try and provide the same driver or group of drivers on contracts, where possible. In some cases the statement of special educational needs for children may state that the same driver



always to be used. Wherever possible the same passenger assistant is also available for the duration of that contract. The passenger assistant should be changed only in exceptional circumstances, for example illness.

#### **7.17 WHEELCHAIR FIXING**

If children travel in a wheelchair this must be properly fixed in the vehicle in accordance with current Department of Transport guidelines. Integrated Passenger Transport will carry out a risk assessment before setting up transport to make sure that this is done properly and that children are transported safely.

#### **7.18 COMPLAINTS**

The Local Authority wants to maintain high standards of reliability in transport it provided for pupils. Integrated Passenger Transport makes sure that complaints by parents and schools are investigated and satisfactorily resolved. In this connection, account will be taken of any previous unsatisfactory operation in awarding contracts. A contract will not usually be made with a contractor who has had any other contract terminated for unsatisfactory operation in the 6 months prior to the closing date for tenders or prior to a contract being awarded.

#### **7.19 AREA REVIEWS**

Integrated Passenger Transport will:

- ◆ Advise the Director of Children and Young People's Service, the schools and parents, at the earliest opportunity that there will be a review of transport provision in the area.
- ◆ at an early stage in the process, circulate to schools and parents information about the review with an invitation to Governing Bodies and parents to submit (written) observations on the review proposals;
- ◆ in the event of unresolved objections to the proposals from schools or parents, call a public meeting to air the issues involved to which Headteachers, Governors, local Members and parents should be invited;
- ◆ report to the Executive Members jointly with the Director of Children and Young People's Service, making Members aware of any remaining objections and of any additional costs, policy and wider budgetary implications there would be in meeting them.

#### **8.0 CONSULTATION WITH MEMBERS**

In addition to joint reports to the Executive Members for Children and Young People's Service relating to area reviews, joint annual monitoring reports will be submitted.

These will include:

- ♦ policy issues arising out of legislation or operational/case law or budgetary considerations;
- ♦ the current costs of the service and target savings where appropriate;
- ♦ policy development proposals where appropriate and related budgetary arrangements;
- ♦ the timetable for any reviews to be undertaken in the forthcoming year and appropriate detail about their scope.

## 9.0 **APPEALS PROCEDURES**

If an application for free home-to-school transport is refused, parents can appeal. The appeal will be considered by a small group of Members called the Appeals Committee. The Appeals Committee reviews decisions on the County Council's policy as it applies to individual cases. The Committee takes into account the policy guidelines but may recommend departure from those guidelines in exceptional cases. Each case is considered on its merits. The area education office will provide parents with details on how to appeal and an application form.

We will not consider appeals against the level of charge made.

Once a decision has been made, the Authority's procedure for dealing with these cases is exhausted. However, if a parent considers that the Authority has acted unreasonably the matter can be raised with the Secretary of State for Children, Schools and Families or the Local Government Ombudsman who may investigate to decide whether there has been any maladministration.

## 10.0 **LEGISLATION AND GUIDANCE**

Education Act 1996 and Education and Inspections Act 2006, sections 508A to 509AD and schedule 35B

Equality Act 2010

Home to school travel and transport guidance - published by DfE July 2014

November 2015

# **HOME TO SCHOOL AND COLLEGE TRANSPORT**

A summary of the duties placed on a local authority

Published October 2011

## 1 Introduction

- 1.1 This document has been drafted in response to a request from the Yorkshire and Humberside Association of Directors of Children's Services to provide a summary of the legal framework relating to home to school transport. Officers from six local authorities (Barnsley, East Riding of Yorkshire, Hartlepool, North Yorkshire, Rotherham and Wakefield) met to draft the following summary of the duties local authorities have to carry out to discharge their statutory obligations to provide transport and support for the costs of transport to help children and young people travel to and from schools or colleges.
- 1.2 Practices vary significantly from one local authority to another. Those practices can be affected by structural, organisational, geographical and financial considerations which lead to different aspects of transport provision being grouped by different local authorities under the heading of home to school and college transport. The following document describes the consensus view of local authority officers on what constitutes local authorities' legal obligations to provide home to school and college transport.

## 2 Purpose of the document

- 2.1 Local authorities' duties to provide transport to help children of compulsory school age and students in further education to get to and from their places of learning are determined by legislation and case law. Local authorities also must have regard to statutory guidance issued by the Department for Education.
- 2.2 Financial pressures, both national and local, have led to local authorities increasingly reviewing their arrangements for the provision of home to school and college transport to identify efficiencies and savings. Rationalising transport services through more efficient planning of routes and changes in tendering arrangements can significantly increase efficiency and reduce costs. Reducing the range of children and students entitled to receive support for transport can also reduce local authority costs.
- 2.3 Given the different practices in place in different authorities, it is not always clear what transport provision is a legal obligation on a council and what is at the council's discretion. The aim of this document is therefore to provide a summary of local authorities' legal obligations and discretionary powers to provide home to school and college transport. The document is not formal legal advice but is a summary of the agreed views of the local authority representatives who contributed to its drafting. A list of the local authority officers who have contributed to the drafting of this document is shown below.

### 3 Legislation

- 3.1 The legislation which places a duty on the local authority to provide free home to school transport is contained principally in the Education Act 1996 as amended by later legislation including the Education Act 2002 and the Education and Inspections Act 2006.
- 3.2 Local authorities have a duty to provide free home to school transport for eligible children of compulsory school age living in the local authority's area. There is no legal obligation to provide free transport for children who are below or above compulsory school age. Compulsory school age is defined in section 8 of the Education Act 1996 and in associated regulations<sup>4</sup>. The table below shows the dates on which children reach compulsory school age.

| Child's fifth birthday (inclusive dates) |             | Child reaches compulsory school age |
|--|-------------|-------------------------------------|
| From                                     | To          |                                     |
| 1 September                              | 31 December | 1 January                           |
| 1 January                                | 31 March    | 1 April                             |
| 1 April                                  | 31 August   | 1 September                         |

- 3.3 A child reaches the end of compulsory school age on the last Friday in June in the school year in which the child reaches sixteen years of age.
- 3.4 The principal legal reason for the duty to provide home to school transport is to ensure that the local authority can enforce school attendance. Parents are responsible for ensuring that their child attends school regularly. However, Section 444(3B) of the 1996 Act states that the child shall not be taken to have failed to attend regularly at the school if the parent proves that:
- “... the local authority has a duty to make travel arrangements in relation to the child under Section 508(1) for the purpose of facilitating a child's attendance at the school and have failed to discharge that duty.”*
- 3.5 Section 508B of the 1996 Act sets out the duty to provide free travel arrangements for 'eligible children' to 'qualifying schools' (see below). Where a child is eligible to free transport, no charge can be made in connection with free travel arrangements in any respect.
- 3.6 Home to school transport only has to be provided to get the child to and from their registered school for the beginning and end of the normal school day. Local authorities are not responsible for providing transport for journeys during the course of the day between educational institutions, to a work placement or to help a child attend a course outside the times of the normal school day.

<sup>4</sup> The Education (Start of Compulsory School Age) Order 1998 (SI 1998/1607)  
The Education (School Leaving Date) Order 1997 (SI 1997/1970)

### 3.7 Categories of eligible children

Schedule 35B of the 1996 Act defines 'eligible' children. The following categories of children of compulsory school age are entitled to free transport to help them to get to and from school:

***Children with special education needs, a disability or mobility problem.*** These are children who are within the statutory walking distance to school, however the nature of their difficulties prevents them from walking to school.

***Children who live within the statutory walking distance to school, however there is no suitable available route.***

The statutory walking distances are set out in Section 444(5) of the 1996 Act:

- (a) for a child under the age of 8 years - 2 miles;
- (b) for a child aged 8 years and over - 3 miles.

Statutory guidance issued in 2007 (see below) states that, if a local authority assumes that a child is accompanied by a parent on the walk to and from school, any disability a parent may have which prevents them accompanying their child must be taken into account when assessing whether or not the route is suitable.

***Children who live outside the statutory walking distances and no suitable school place is available nearer to their home.***

***Children entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit.***

The following categories of children from low income families are entitled to free transport:

- (a) children aged 8, but under the age of 11 who are attending their nearest school and the distance to that school is more than 2 miles;
- (b) children who are 11 or over who attend one of their three nearest secondary schools and the school they attend is over 2 miles but under 6 miles from where they live;
- (c) secondary school children whose parents have expressed a preference for the nearest suitable school based on their religion or belief, where they live over 2 miles but less than 15 miles from that school.

### 3.8 Qualifying schools

An eligible child must be attending a qualifying school to have a statutory entitlement to free transport. Under Schedule 35B of the 1996 Act qualifying schools are:

- community
- foundation
- voluntary
- community special
- foundation special
- approved under section 342 (non-maintained special school)
- pupil referral unit
- maintained nursery school
- city technical college

- city college for the technology of the arts
- academy

Additionally, section 444 of the Education Act 1996, as amended by the Education and Inspections Act 2006, includes provision for the parents of a child attending an independent school to have grounds for not sending their child to the school if they can show that the school is not within walking distance and the local authority has not made arrangements for the child to become a registered pupil at a qualifying school nearer to the home. In these circumstances, the local authority would have a liability to provide free home to school transport.

### **3.9 Travel arrangements for other children**

Local authorities have discretionary powers to provide home to school and college transport. Section 509C of the 1996 Act provides a local authority with the following power to:

*“... make such school travel arrangements as they consider necessary, in relation to any child..... for the purpose of facilitating the child’s attendance at any relevant educational establishment...”*

This section of the Act gives a general power to a local authority to make travel arrangements for any child or groups of children who are not within any of the categories of ‘eligible child.’ In other words, a local authority can fund any travel arrangements it wishes for children who are not entitled to receive it under the legislation. Such transport is therefore discretionary and can be discontinued. Transport provided as a discretionary provision does not have to be free of charge. Any fares or charges made should be reasonable and equitable.

## **4 Statutory Guidance**

- 4.1 In 2007, the Secretary of State issued guidance to which local authorities have a statutory duty to have regard. This guidance has not been updated but remains in force. The guidance outlines statutory provisions and gives recommendations on good practice. Guidance is also issued by the Young People’s Learning Agency on provision for students of sixth form age.

## **5 Early Years**

- 5.1 A local authority is not under any statutory duty to provide free travel assistance for pupils below compulsory school age who are attending an early years setting. Parents have a right for their child to access early years education. This does not have to be provided in a school and can be accessed through a number of different means including nurseries and childminders in the maintained, private, voluntary or independent sectors. In certain cases, a local authority may determine that free travel should be provided because, if it was not provided, the

child would be prevented from accessing their statutory entitlement to early years education. Additionally, a child with a statement of special educational needs whose educational needs can only be catered for at a special school or at an early years setting with special facilities, may also be provided with free transport to that school or setting if they would otherwise be denied access to their entitlement to early years education.

- 5.2 A local authority is not under a statutory duty to provide free transport for a child below compulsory school age who is on roll in the Reception year group and is attending full time at a school. The obligation to provide free transport for eligible children only takes effect when the child reaches compulsory school age.

## 6 Transport to a Denominational School

- 6.1 Section 509AD of the 1996 Act places a duty on local authorities in fulfilling their duties in relation to travel, to have regard to the wish of the parent for their child to attend a school on the grounds of the parent's religion or belief. Although Section 509AD states that "*a local authority in England must have regard, amongst other things ..... to the parents' religion or belief based on preference,*" arrangements for transport under this section are discretionary and need not be implemented or can be discontinued.
- 6.2 There is a statutory duty to make travel arrangements for secondary school children from low income families who are attending the nearest suitable school preferred on the grounds of religion or belief, where they live more than 2 miles, but not more than 15 miles from that school (see paragraph 3.7).

## 7 Post 16 Transport

- 7.1 There is no statutory requirement to provide free transport for students who are beyond compulsory school age, including students with special educational needs. As noted in paragraph 3.3, a student reaches the end of compulsory school education in the school year in which they reach sixteen years of age. There is a statutory duty to ensure that students are not denied access to education because of a lack of transport. If a local authority identifies a need to provide transport for post 16 students, it does not have to be provided free of charge. If charges are to be made, they should be reasonable and applied equitably.
- 7.2 Section 509AA of the 1996 Act requires a local authority to prepare and publish for each academic year, a transport policy statement specifying what arrangements are in place for facilitating the attendance of young people of sixth form age receiving education or training:
- (a) at schools;
  - (b) at institutions of further education and higher education maintained and assisted by the local authority;



- (c) at any institution within the further education sector;
- (d) at institutions provided for persons aged 19 to 25 with a learning difficulty assessment.

7.3 Unlike the travel arrangements for children of compulsory school age, the legislation does not specify what must be provided. The decision to determine what is necessary falls to the local authority. In determining what transport or support should be provided, local authorities should note the following points:

- that the education or training a student is undertaking must be full time;
- that the arrangements apply equally to students attending maintained schools and those attending other establishments, e.g. colleges; and
- students of sixth form age have access to transport and financial support for transport from other sources, including the school, college or other establishment they attend.

## 8 Legislation into Policy

8.1 When determining home to school and college transport policies, local authorities have to consider and address a number of issues which are extraneous to the statutory provisions. These include definitions of terms and practices, such as: how home to school and college distances are measured; identifying the home address; how hazardous routes are assessed; journey times; and what sort of transport will be provided. A more detailed list of some of the issues and factors local authorities need to take into account is shown in Appendix 2. For many of these issues there is no single, clear answer. Each authority will need to take into account case law, guidance, best practice and their own legal advice.

## 9 Duty to Consult on Changes and to Publish Policy

### 9.1 Consultation

Local authorities have to consult on significant changes to their policies, particularly if entitlement to transport is being withdrawn. Guidance on best practice indicates that any consultation period should be at least 28 days during term time. A longer period should be considered depending on the extent and nature of the changes being proposed. Guidance also states that “all interested parties” should be consulted and legislation<sup>5</sup> requires that local authorities consult students where changes are proposed to the policy provisions for students of sixth form age.

### 9.2 Publishing Policy

Home to school transport policies for children of compulsory school age must be determined in time to be included in the information made

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<sup>5</sup> Apprenticeships, Skills, Children and Learning Act 2009

available for parents applying for school places in the normal admissions round<sup>6</sup>. This means that the home to school transport policy for a given school year must be determined and published at least a year before the start of the school year in which the policy takes effect. For example, policies to be implemented in the 2013/2014 school year must be included in the information for the normal admissions round which is published and disseminated in September 2012. Given the lead-in time to the drafting and printing of composite prospectuses, the 2013/2014 transport policy would normally have to be determined in May 2012, with consultation having been conducted in the spring term 2012. Information about the support available for transport for students of sixth form age has to be published by the end of the May preceding the academic year to which the information relates.

### **9.3 Implementing Policy Changes**

The 2007 guidance from the Department for Education suggests that policy changes should be phased in, with the changes implemented for pupils as they start at the relevant schools. However, this is not a legal requirement.

## **10 Appeals**

- 10.1 Unlike appeals for admission to school, there is no legislation providing for transport appeals. Statutory guidance states that local authorities should have in place a robust appeals procedure for parents to follow should they have cause for complaint or disagreement concerning eligibility of their child for travel support. Local authorities should be able to show that individual cases can be considered and that decisions on individual cases are rational and reasonable.

### **Drafting Group**

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Cindy Grundy – North Yorkshire  
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<sup>6</sup> The School Information (England) Regulations 2008

## Non-statutory Factors Which Affect Policy Provision

**Distance Measurement** – local authorities can define how they measure the distance from the child's home to the school or college they attend, including what routes are acceptable (footpaths, alleyways etc), starting and finishing points (door to door, gate to gate), what measuring systems are used etc. The same method must be used for all cases and the method should be reasonable and justifiable

**Definition of Home Address** – the arrangements made for a child's care can be complicated and may involve a child being accommodated at more than one address. A policy would need to specify what address is used to determine a child's eligibility for transport.

**Hazardous Route** – the policy should explain how the suitability of routes are assessed.

**Respite Care** – local authorities should determine whether transport to and from school for children in respite care will be provided under the home to school transport policy, through other policies or by parents and carers.

**Journey Times** – the statutory guidance suggests that best practice is for journey times to be limited to 45 minutes each way for primary school children and 75 minutes for those at a secondary school. Shortening the maximum journey times has implications for the costs of providing transport.

**Provision of Passenger Assistants** – the transport provided by a local authority has to be reasonable and suitable for the children being carried. Local authorities have to make their own assessment of the transport provided and the needs of the children concerned to determine whether or not passenger assistants should be provided.

**Nature of Transport Provided** – it is for the local authority to determine the most appropriate and cost effective method for transporting children to school. Issues relating to the operation of the transport organised include:

- **seat belts**, certain forms of transport do not have to have seat belts. Insisting on seat belts being available on all transport increases the cost of providing or contracting that transport;
- **identification for drivers and passenger assistants**, including the provision of uniforms and identification badges etc can increase costs;
- **provision of child seats in taxis**, the local authority might provide child seats or include the provision in the contract with the operator.

**Session Times** – changes to school session times can significantly increase the costs of providing home to school transport. Current provisions allow local authorities to charge any additional costs resulting from a change in session times at community, foundation, voluntary aided and voluntary controlled schools. The situation with regard to academies is unclear.

**Distances to Pick Up Points** – local authorities can specify that children are expected to walk a reasonable distance to meet the transport organised for them. The longer the distance, the more flexibility there is in planning and organising transport. However, the distance a child has to walk must be reasonable.

**Attendance at an Establishment other than the Child's Registered School** – transport normally only has to be provided to a child's registered school. Providing transport to alternative establishments increases costs.

**Federations** – each of the schools in a federation retains its status as a separate school and a child will normally be a registered pupil at just one of the schools in a federation.

**Split Site Schools** – the policy should set out how a child's eligibility for transport will be assessed when a child attends a school which is on more than one site.

**Provision of Financial Support and Mileage Rates** – in certain circumstances, transport costs can be reduced if parents agree to transport eligible children themselves.

**Links to Other Policies and Council Services** – transport policies have direct and indirect effects on other local authority policies and services, including:

- **school admissions and school organisation**, home to school and college transport policies can undermine school admission arrangements (including the Fair Access Protocol) and the planned provision of school places
- **special educational needs**, a child has to be able to attend a school which can cater adequately for their special needs
- **behaviour management**
- **Local Transport Plans**, including sustainable travel and transport and the arrangements for public services
- **school travel plans**
- **education welfare and attendance**
- **safeguarding arrangements**
- **arrangements for Traveller children**
- **arrangements for other special categories of children**, including schoolgirl mothers, looked after children, asylum seekers etc