

# Home to School Transport Policy 2021-2022

**Admissions and Transport**

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## 1. Introduction

The purpose of this document is to set out the council's policy regarding home to school travel assistance for children and young people attending school and colleges.

In the vast majority of cases, children and young people are able to get to and from school by walking, cycling, or accessing public transport, accompanied by a parent or carer where this is necessary. However, there are a small number of children for whom the above is not suitable.

All local authorities are required to make suitable travel arrangements to help children and young people who are eligible for assistance to attend school.

This document explains the support available for eligible pupils in Slough travelling to and from school.

## 2. Legal framework and statutory duties

Under the Education Act 1996 and the Education and Inspections Act 2006, local authorities have a duty to provide free assistance with travel to and from qualifying schools and colleges for eligible children and young people aged 5-16 in certain circumstances.

There is no mandatory entitlement to travel assistance for children under 5 years. For young people over the age of 18, please see the council's separate policy on post 16 transport.

Under S508B of the Education Act 1996, local authorities must provide such travel arrangements as they consider necessary to get an eligible child to their 'relevant educational establishment' (qualifying school). Travel arrangements for an eligible child must be free of charge and not require service users to incur extra costs.

The provision of assistance with travel by the council will be based on individual needs and circumstances and with due regard to the efficient use of the council's resources.

## 3. Eligibility

Eligibility for travel assistance is only based on the child's needs and family circumstances are not taken into account for the purpose of determining eligibility for travel assistance.

An eligible child is defined by one or more of the following criteria:

- i. A child with a special education need, disability or mobility issues who cannot be expected to walk to school;**

Some children and young people have a special education need or disability which makes walking to school unreasonable even if the child lives within a short distance of the school. For these children and young people, assistance with travel will be offered based on an assessment of need. The distance between the home and school, and the transport routes available, may influence what kind of assistance is offered. The council will also consider whether it is reasonable to expect a parent or carer to accompany the child to enable them to travel to school.

All children with an EHC Plan have an annual review in order to check and monitor the progress towards their outcomes and longer term aspirations. Part of the review process will be to consider home to school transport arrangements. This review will include consideration of whether the child is eligible for free home to school transport in the light of any changing circumstances and the child's ongoing development. This ensures that free home to school transport is delivered as cost-effectively as possible, whilst also helping children and young people to develop independent travel skills as they get older.

**ii. A child who needs to travel beyond the statutory walking distance to attend their nearest qualifying school;**

Children who live beyond the statutory walking distance to their nearest suitable school will receive assistance with travel from the council. The statutory walking distance is defined by the Education Act 1996 as:

- 2 miles if the child is under 8 years old
- 3 miles if the child is 8 years old or older

The distance will be calculated by the local authority (LA) using the shortest route along which a child, accompanied as necessary, may walk safely.

Assistance will usually be in the form of a free travel pass.

The council will only offer assistance if the child is attending their nearest qualifying school. The 'nearest qualifying school' means the nearest school with places available that provides education appropriate to the age and ability of the pupil, and any special educational needs that the child may have.

Parents may be asked to provide evidence if they have been unsuccessful in obtaining a place at the nearest qualifying school.

If parents choose to send their child to a school which is not the nearest qualifying school, when the nearest qualifying school had places available, free transport will not be provided, even if the school is beyond statutory walking distance.

Qualifying schools fall within one of the categories set out below:

- community, controlled, foundation or voluntary aided schools;
- academies or free schools
- community or foundation special schools;
- non-maintained special schools;
- independent schools if this is named on a child's EHCP;

- pupil referral units;
- maintained nursery schools;
- City Technology Colleges (CTC), City Colleges for the technology of the arts (CCTA) and University Technical Colleges (UTC).

For children with SEN, an independent school can also be a qualifying school where this is named on the child's Education, Health and Care Plan (EHC Plan) or statement, or it is the nearest of two or more schools named.

**iii. Safe walking route**

If there is no safe walking route for a child to their nearest appropriate school then free home to school transport will be provided. The safety of the routes are considered taking into account the traffic and highways conditions and assessed in accordance with Road Safety GB guidelines. The council will also consider whether it is reasonable for a parent to accompany the child if this would enable them to travel safely.

**iv. A child from a low-income family**

A child from a low-income family is defined as either a family where pupils are entitled to free school meals or where the parents are in receipt of maximum working tax credits.

If this is the case there are a number of 'extended rights;' which mean that a child is eligible for assistance with travel if:

- a) The nearest suitable school is beyond 2 miles (for children aged 8-11);
- b) The school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);
- c) The school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (for children aged 11-16).

#### 4. Discretionary arrangements

Slough residents may also be provided with transport assistance where there are exceptional circumstances. Each application will be considered on its own merits and might include circumstances such as (non exhaustive):

- temporary medical need;
- circumstances where a child is provided with an "exceptional placement" at a special school on a temporary basis;
- pre-school pupils with an EHCP attending the nearest qualifying special school;
- children needing transport to and from respite at the beginning and end of the school day

For some applications for discretionary arrangements, the council may require evidence from independent professional agencies and evidence that the child's needs are not able to be met through public transport or short term transport in a parent or carer's vehicle.

All applications made under the exceptional circumstances will be considered by a panel of officers. The panel will consider each case individually taking into account all the information available at the time of consideration. If the applications are approved then appropriate transport will be provided for a limited period based on the need of the pupil. The applications will be reviewed annually with a view to promoting and increasing the pupils' independence.

#### 5. How to apply and types of travel assistance

All applications for transport, other than for children with an EHC Plan, will be considered by the Transport Team (School Services) following receipt of the appropriate application form.

For children with an EHC Plan, the decision will be considered by a panel involving the SEND Team. Transport will be arranged in all cases by the Transport Team in conjunction with transport contractors.

The council will consider whether transport is necessary using the criteria above and allocate transport from the categories below, using the highest appropriate category on the list, taking into account the needs of the pupil, and how the council can enable them to develop skills for independent travel:

1. provision of independent travel training;
2. provision of a travel pass for the pupil;
3. payment of car mileage for the pupil's parent(s);
4. provision of a travel pass for pupil and parent;
5. provision of a shared vehicle without escort;
6. provision of a shared vehicle with escort;
7. provision of an individual vehicle without escort;
8. provision of an individual vehicle with escort.

All transport provision will be reviewed as part of the annual review of needs and if appropriate as part of an early review. Transport provision may be withdrawn or amended if circumstances have changed or the Special Educational Needs and Disabilities (SEND) Panel considers the withdrawal appropriate as an encouragement to independence.

Parents with a child eligible for transport will be required to re-apply for transport if they choose to move house or change school.

In some cases, where children are eligible for free transport, parents may wish to provide transport to and from school themselves. The council will reimburse mileage at a rate to be considered annually for the home to school journeys only i.e. when the pupil is receiving transport. If there is a change of circumstances and parents wish to request to change the arrangement, they must give two weeks notice to allow time for the council to arrange appropriate transport. The current mileage rate is 45 pence per mile.

If parents request free transport to a preferred school at any time, on the grounds that the nearest school or catchment area school is full, the council will not consider the request unless parents had applied for the nearest school or catchment school during the normal admission round.

Where a pupil is receiving free transport and parents change address, so that their school is no longer the catchment school, nearest school or 'qualifying school', under the definitions set out within this policy, transport will cease and responsibility for the child's transport arrangements will become the responsibility of the parents(s) or carer(s).

The council may decide to withdraw transport, either for a temporary period, or permanently for serious or repeated cases of misbehaviour on the transport provided.

## 6. Appeals

There is a two stage process for parents who wish to challenge a decision about:

- the transport arrangements offered;
- their child's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the safety of the route.

### Stage one: Review by a senior officer

- A parent has 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision.
- The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- Where this is possible, within 20 working days of receipt of the parent's written request a senior officer reviews the original decision and sends the parent a detailed written notification of the outcome of their review

### Stage two: Review by an independent appeal panel

A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parents request an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days).

