

# **HOME TO SCHOOL/COLLEGE TRANSPORT POLICY**

**August 2012**

Haslingfield Endowed Primary School  
Home to School Transport Policy

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# HOME TO SCHOOL/COLLEGE TRANSPORT POLICY

## Introduction

This policy applies to the provision of special and mainstream transport to:

- Schools maintained by Cambridgeshire County Council, the Local Authority, including Academies, Free Schools, Studio Schools and University Technical Colleges (UTCs).
- Sixth form and further education colleges which were previously maintained by the Local Authority (LA).
- Schools maintained by other LAs where Cambridgeshire has determined these as the *designated schools* for the pupils concerned.
- Sixth form and further education colleges which were previously maintained by other LAs where Cambridgeshire has determined these as the nearest appropriate post-16 centres for the post-16 student concerned (see Appendix A).

Parents who decide to send their children to an independent school will not normally receive assistance with the cost of transport.

## Discretionary exceptions

This policy determines the way in which the LA will consider applications for home to school transport. The LA reserves the right to make exceptions to the policy in circumstances where the Executive Director: Children and Young People's Services considers it reasonable but will only do so if the child/student is attending his/her designated school or nearest appropriate sixth form centre respectively.

## Section A: Provision of Transport

### 1.0 Transport for pupils aged 5-16 at community, voluntary controlled and foundation schools

Cambridgeshire LA will provide free transport for a child if:

- (a) he or she lives within the area where Cambridgeshire is the Local Authority; and
- (b) the child is at least in the school year in which he/she will attain his/her fifth birthday; and
- (c) he or she is registered at the school *designated* (see Glossary page 30 for definition) by the LA and this is not within walking distance of home (i.e. two miles for primary school pupils and three miles for 11-16 year olds) measured by the *shortest available route*<sup>1</sup> to the nearest entrance to the school; and
- (d) the maximum journey times (excluding the time taken to get to the designated pick-up point or waiting time for a connecting service) are 45 minutes for primary school children and 75 minutes for secondary aged pupils, each way.

1.1 The maximum distance under which children will be expected to make their own way to a pick-up point will be half a mile for primary aged children and one mile for secondary aged pupils

1.2 Where parents insist on a child attending a school to which the journey time exceeds these limits, the LA will not be responsible for making, or meeting the cost of, travel arrangements.

1.3 The LA provides for a return journey to and from school or college at the beginning and end of each official school/college day. Transport for extra-curricula activities before the start of or after the end of the official school/college day will not be provided. Where, exceptionally, there is a mandatory requirement for pupils/students to remain in school/college and to travel outside these hours, the LA will consider the provision of an extended hours ticket.

1.4 For appeals in relation to the provision of free transport for pupils aged 5-16, see Appendix B

1.5 Where parents express a preference for their child to attend a school that is not the school designated by the LA, the parents are responsible for making and funding the daily transport arrangements to and from school.

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<sup>1</sup> The LA determines the *distance from home to school* by measuring the *shortest available walking route* using a digital system which ensures a high degree of accuracy.

## **2.0 Provision of transport for secondary pupils from low-income families**

**2.1** The LA will provide free transport for all secondary school children from low income families:

- to one of their three nearest qualifying schools where they live more than two miles, but not more than six miles from that school and
- to the nearest suitable school preferred on grounds of religion or belief, where they live more than two miles, but not more than 15 miles from that school.

**2.2** Secondary school pupils will only qualify for this free transport if:

- they are entitled to free school meals; or
- their parents are in receipt of their maximum level of Working Tax Credit.<sup>2</sup>

Timing of assessment of eligibility will be considered as the point when school places are allocated.

Once eligibility has been confirmed on income grounds, the Local Authority will consider the child to be eligible for the entirety of the school year for which the assessment has been made. The following year the Authority will make a new assessment of eligibility on receipt of the child's application for transport. If the existing school remains the nearest school, over distance, with a place available, free transport will continue. Otherwise, if there are places available at a nearer school, the parents will either have to take on responsibility for transport to the existing school or move their child to a nearer school.

Original documentation as proof of eligibility will be required.

## **3.0 Children unable to walk in safety to school because of the nature of the route**

If children live under the statutory walking distance and no route is identified as being available to walk to the designated school, arrangements must be made for free transport for pupils aged 5-16. The criteria used in making an assessment of availability are set out in Appendix D.

## **4.0 Children of disabled parents**

**4.1** If the parents of a child, living under statutory walking distance from the catchment / designated school, have a disability as defined by s6 Equality Act 2010, that has an adverse effect on their ability to walk their child to school, the Authority has a duty to make reasonable adjustments (as defined by s20 of the Equality Act 2010) so as not to disadvantage the parents who would otherwise have been able to accompany the child, i.e. making arrangements for the child to get to and from school safely.

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<sup>2</sup> These eligibility criteria are statutory.

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- 4.2** In order to assess whether such adjustment is necessary, the parents must apply to the Authority with evidence to show how the route to school is not accessible to their child as a result of the parents' disability preventing them from accompanying the child.
- 4.3** The Authority will consider the individual circumstances (e.g. the nature of the route and the child in question) and will require confirmation from the parents' GP or relevant consultant. The Authority reserves the right to seek a further independent assessment from an occupational health officer or medical professional.
- 4.4** Where it is confirmed that an adjustment needs to be made, transport, where possible, will take the form of a walking escort or a pass on a contract bus.

**5.0 In-Year Fair Access Protocol**

- 5.1** The purpose of this Protocol is to ensure access to education is secured as quickly as possible for children who have no school place. The LA will provide free transport to the school designated under Appendices 4, 5, 6 and 10 of the protocol, and according to the criteria set out in Sections 1a to d above i.e. where the distance involved between home and school is beyond the statutory walking distance.
- 5.2** The Protocol covers placements agreed between the LA, the parents and the schools for children who have been permanently excluded or for whom a managed move has been arranged as an alternative to permanent exclusion.
- 5.3** If, however, a parent withdraws their child who is of statutory school age, from their designated school to send them to an alternative more distant school, the LA will not provide assistance with transport arrangements or costs.

**6.0 Transport on medical grounds**

- i) If a child has a long-term medical condition which prevents him/her either from walking to school or from accessing the type of free transport provided by the LA (usually a pass for a contract or service bus) the LA will provide transport on medical grounds if:
- a) the child is attending his/her catchment or designated school
- and**
- b) objective medical opinion, sought by the LA from the Consultant Community Paediatrician employed by the Primary Care Trust, confirms that transport is essential on medical grounds.

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- ii) If a child who attends his/her catchment or designated school faces a temporary medical problem which affects his/her mobility e.g. a broken leg, so that s/he cannot access existing bus transport or (where s/he lives within statutory walking distance) could not reasonably be expected to walk to school/college, the LA will seek medical confirmation from the GP or consultant, including an end date, and will arrange temporary transport if deemed essential on medical grounds.
- iii) Where transport is granted on medical grounds a medical form will need to be completed before transport can commence.

## **7.0 Temporary transport**

The Authority recognises the disruption which can arise if a family has to move suddenly to temporary accommodation. Provided that the child had been attending the catchment or designated school before the temporary move, each case will be considered on its individual merits and circumstances, if :

- domestic violence is the reason for the temporary move and/or
- the child would be at risk of being taken into care/accommodated by the LA as a result of the move.

If temporary transport is agreed this would usually be for a maximum of six weeks/half a term (whichever is the longer). After that time, the parent has either to take over responsibility and funding for transport back to the original school or apply for a place in a school local to the new address.

## **8.0 Transport for child/young person with a statement of Special Educational Needs (SEN)**

- 8.1 Most children/young people with statements of SEN do not require special transport arrangements. Wherever possible and appropriate, the child/young person with SEN should be treated in the same way as those without i.e. in general they should walk to school, travel on public transport or be taken by their parents. They should develop independent travel skills which should be assessed at each Annual Review.
- 8.2 The majority of children/young people of compulsory school age (5-16) who have a statement of SEN will attend their designated mainstream school. Some children may qualify for free transport.

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**8.3** Free transport will be provided to children/young people with statements of SEN if:

- They live outside the agreed walking distance as noted in Section 1 and 2 (over two miles primary age pupils and over three miles for children aged 11 years and over)

or

- They are a child/young person with a statement who has a special educational need, medical need or disability which ordinarily prevents him/her from either walking or accessing free /subsidised transport provided by the Authority.

**8.4** In these circumstances the Authority will provide transport as set out below:

- I. In all cases where transport has been arranged, parents/carers will be asked in the first instance to transport and be offered remuneration for mileage (fuel costs).
- II. Mileage allowance will only be paid where there has been prior agreement between parents and the Council. Parent /carers claiming mileage must provide a valid driving licence, adequate insurance and a current MOT certificate for the vehicle they intend to use.
- III. Payment should not result in parents and carers experiencing income tax liability, but they should confirm this with their tax office.
- IV. If parents/carers decide to send their child/young person to their preferred school (non catchment) the Authority will not provide transport. The only exception to this will be where the Authority is ordered to do so by the Special Educational Needs (SEN) and Disability Tribunal (SENDIST).
- V. Where a child/young person has a physical disability which prevents them from accessing their catchment or designated school, the County Resourcing Panel will consider each case in accordance with the Authority's Building Adaptation Policy including taking into account:
  - whether all reasonable adjustments have been fully investigated so that the child/young person is not being treated less favourably;
  - the costs of building work necessary to adapt the catchment or designated school compared with the cost to transport the child/young person to an alternative accessible school (within a five mile radius from the child/young person's home) which has the required facilities/access.
- VI. Pupils will be transported from their home address to school and back at the end of the school day. The Authority will not authorise the collection or return of a child/young person to a different "home" address during the week unless the Authority has reached a prior agreement with the parent/carer.

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- VII. The Authority is unable to guarantee that pick up or drop off times will be compatible with any other arrangements made by parents /carers. On arrival at school, an escort will either take the child/young person into the building or hand them over personally to an identified member of staff.
- VIII. Parents/carers are responsible for escorting their child/young person to and from the vehicle. Where a child/young person is collected from an agreed pick up point the parents/carers remain responsible until the child/young person boards the vehicle at the home address. Once on school premises the school becomes responsible for the supervision of the pupils.
- IX. Parents/carers are required to receive the child/young person on their return from school. If parents/carers are not available when the child/young person returns from school the Authority advises drivers to take the child/young person to the nearest Social Care office.
- X. The Authority aims to keep journeys to no more than 45 minutes for primary and 75 minutes for secondary age child/young person each way, wherever possible.

The Authority will not provide transport in the following circumstances:

- XI. The Authority will not fund additional transport should the child/young person not be available at the agreed collection time. Additionally the Authority will not be responsible for funding transport to work experience placements.
- XII. Pupils will not be provided with transport to support their attendance at school. Should pupils have poor attendance records then there should be a referral to the locality team. The Authority will not provide transport where a child/young person has to remain at school for a detention or when they are excluded from school.
- XIII. The Authority will not fund transport to medical appointments, court appearances, birthdays or transport child/young person/young people home if they become ill at school. This remains parental responsibility.

### **8.5 Passenger assistance for child/young person with a statement of SEN**

A passenger assistant is provided on Authority transport for the following reasons:

- The child/young person is aged five or under.
- The child/young person has assessed communication difficulties that prevent him/her alerting the driver to a problem.
- Where the child/young person has individual needs which, in the Authority's risk assessment, require provision of a passenger assistant.

## **8.6 Ordinary place of residence**

There may be circumstances, where a child/young person has more than one home address, for example where parents/carers are separated or where a pupil regularly resides with other family members or friends. The Authority does not provide assistance with transport from more than one home address. Parents/carers of a pupil with more than one residence should nominate one address to be the pupils "main residence" from which transport eligibility will be assessed in accordance with the transport policy. If no address is nominated then the "main residence" will be taken to be the address nearest to the school.

## **8.7 Health and safety**

The Authority aims to maintain the highest standards of safety and security for all pupils travelling to and from school. However, parents also have a responsibility to help maintain safe and secure travelling arrangements for the benefit of all transport users.

## **8.8 Behavioural standards**

Responsibility for the child/young person's behaviour whilst accessing transport is the parent/carer and Authority. Inappropriate behaviour by the child/young person will not be tolerated.

The child/young person being transported will be expected to follow the same behaviour codes as they do when in school. Unacceptable behaviour will be monitored and may result in exclusion from transport. Parents/carers will become responsible for transporting their own child/young person during any period of exclusion from transport.

## **8.9 Review of arrangements**

As part of the annual review of the statement process the travel arrangements for the individual will also be reviewed. This will provide an opportunity to consider whether the needs of the individual have changed and therefore if the support provided to the Authority on issues or concerns.

The nature of placements means that overall transport arrangements have to be flexible and take into account a new child/young person during the year. Frequent changes of operators are avoided wherever possible to ensure the child/young person benefits from consistency and parents/carers will be given prior notification of any changes.

#### **8.10 Special out of county schools for child/young person with statement of SEN (up to the end of Year 14)**

Where a child/young person has been placed in an independent out of county school by Cambridgeshire County Council, the Authority will ask the parent/carer to transport the child/young person to and from school. CCC will fund fuel costs at the agreed rate per mile. The Authority will provide transport where the family has no access to a vehicle or where parents are unable to/do not wish to provide transport.

A written agreement between the Authority and parents/carers will identify the number of journeys the Authority will provide fuel costs for. This will vary dependent upon the nature of the residential placement i.e. weekly boarder/termly boarder.

The Authority provides additional transport in the following circumstances:

- The child/young person/young person is ill
- The child/young person is excluded

The Authority will not provide transport in the following circumstances:

- The child/young person needs to attend a medical appointment
- The child/young person needs to attend a court appearance or associated required meeting
- The Authority will not fund parent/carer attendance to Annual Reviews
- Transport for birthdays

#### **9.0 Transport for child/young person who are looked after by the Local Authority (LAC)**

For the purposes of home to school transport, the policy for looked after child/young person (LAC) is the same as for pupils for whom the Authority is not the corporate parent. However, in circumstances where a child/young person's foster placement is changed, the Authority is sympathetic to the disruption this can cause and mindful of the fact that school placement may be the one point of continuity for such child/young person. Decisions regarding requests for transport in such cases are based on the individual circumstances of the LAC, and take into account the child/young person's year group, the journey length and time (in accordance with the Authority's policy as set out in paragraph 1.1(d) above) as well as the cost.

#### **10. Transport for children from Traveller families**

When making admissions decisions the LA will, wherever possible, endeavour to ensure that siblings are not separated. In such circumstances, where necessary, free transport will be provided for the children concerned.

## 11. Nursery and reception pupils

- i) The Authority does not provide transport for children attending mainstream nursery schools as attendance at pre-school provision is not a statutory requirement. The exception to this is if the nursery is named in the child's statement of SEN and without transport the child would be unable to access the education provision specified in the statement.
- ii) If children are attending a mainstream school part-time at the start of their Reception Year the Authority will only provide transport to school at the start of the school day and to return home at the end of the school day. Parents will be responsible for transporting their children to and from school at other times of the school day before they attend full-time.

## 12.0 Denominational transport

The following arrangements apply until the end of the academic year 2013/14. From September 2014, the only denominational transport supported by the Authority will be that which is statutorily required, by the Education Act 2006, as set out in paragraph 2 above (explained in 13.4 below).

### 12.1 The LA will assist with the transport costs of those children aged 5-16 attending denominational schools who meet the following criteria:

- (a) the child lives within the area where Cambridgeshire is the Local Authority; and
- (b) the home to school distances involved are beyond the walking distances specified in Section A 1(c); and
- (c) the denominational school is the one nearest to the child's home address measured by the *shortest available route*<sup>3</sup>; and
- (d) existing transport can be used; and
- (e) the child is a practising, appropriately admitted or baptised member of the denomination of the designated religious character of the school and has a written statement to this effect from their Minister of Religion; and
- (f) the child is at least in the school year in which he/she will attain his/her fifth birthday; and
- (g) the journey from home to school could be achieved within the time constraints applicable to all children, i.e. 45 minutes for primary aged children, 75 minutes for secondary aged children.

### 12.2 If an aided denominational school operates a catchment area, denominational transport will not be available to children whose families live within it and within the statutory walking distances.

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<sup>3</sup> The LA determines the *distance from home to school* by measuring the *shortest available walking route* using a digital system which ensures a high degree of accuracy.

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- 12.3** Eligible children only receive assistance with transport costs upon receipt of a parental contribution. Parents of eligible children will not be asked to make a contribution if:
- (a) they are in receipt of Income Support or Income-based Jobseeker's Allowance or a Health Service Exemption Certificate under Working Tax Credit<sup>4</sup>; or
  - (b) there is more than one child in the family paying a contribution to the cost of denominational transport or post-16 transport. Parents will be asked to pay the higher of the two contributions where one child attends a denominational school and the other their nearest appropriate post-16 centre.

- 12.4** The Authority will provide free transport for secondary school children of parents on low income who attend their nearest suitable school preferred on grounds of religion or belief where they live more than two miles, but not more than 15 miles, from that school. Such children must meet criteria a, c, d, e, f and g in paragraph 13.1 above.

If a child becomes ineligible for free transport on the grounds of low income during the school year, a new assessment of places available will be made the following year. If the existing school remains the nearest school, over distance, with a place available, free transport will continue. Otherwise, if there are places available at a nearer school, the parents will either have to take on responsibility for transport to the existing school or move their child to a nearer school.

Original documentation is required as evidence of benefits.

- 12.5** The Authority may assist with transport costs for children travelling to non-denominational schools where attendance at those schools enables the children to be educated in accordance with their parents' philosophical convictions. Requests for such assistance will be considered on their individual merits. The onus will lie with the parent to demonstrate that their philosophical convictions are genuinely held and are the real reasons for their choice of school.
- 12.6** The governing bodies of the denominational schools may make their own arrangements for the transport of children to their schools. The LA will assist these schools with the cost of transporting eligible pupils at a standard termly rate linked to the cost of a bus pass.

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<sup>4</sup> These eligibility criteria are based on local policy.

### 13.0 Transport for post-16 students

Details of transport for post-16 students with SEN can be found in Section 15 below.

**13.1** In consideration of its duty to facilitate the attendance of post-16 students at school or college, the LA has determined that it will provide subsidised transport to their nearest appropriate sixth form centre if a student:

- (a) lives within the area where Cambridgeshire is the Local Authority; and
- (b) is enrolled on a full-time course (i.e. a minimum 15 taught hours per week) at their nearest appropriate post-16 centre (see Appendix A) either in a school or college of further education as a direct continuation of their 11-16 education; and
- (c) is over compulsory school age but under 19 or are on a course of further education which started before they reached the age of 19; and
- (d) is resident at an address which is more than three miles from the nearest appropriate post-16 centre measured by the *shortest available walking route*.

Transport support is for a return journey to and from school/college at the beginning and end of each official school/college day during published term dates.

The LA levies a charge per student as a contribution towards the full cost of post-16 transport across the Authority. The rates for subsidised transport are reviewed annually and leaflets are issued by schools and colleges to explain the operation of the policy to parents.

Certain passes are available direct from the bus operator at the same or lower cost than the subsidised rate charged by the Local Authority. In such circumstances students must purchase their pass direct from the operator and not via the Authority's Social Education Transport Team (SETT).

**13.2** The LA will provide assistance with transport free of charge to a post-16 student if the student satisfies all of the above criteria (a) to (d) **and** lives with a parent who qualifies (or qualify in their own right) for Income Support, or Income-based Jobseeker's Allowance, NHS Tax Credit Exemption Certificate under Child Tax Credit or Pension Credit.<sup>4</sup>

To qualify for free transport, a student must satisfy all the above criteria. Original documentation is required as evidence of benefits.

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<sup>4</sup> These eligibility criteria are based on local policy.

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**13.3** If the post-16 student is eligible for subsidised transport and has a sibling who is eligible for either:

- i) subsidised post-16 transport; or
- ii) subsidised transport to a denominational school (see Section 13)

a charge is made per family equal to the higher of the siblings' rates.

**13.4** If a student has progressed through secondary school a year in advance of their chronological age i.e. is aged 15 when embarking upon a course of further education, for transport purposes the LA will consider them as if they had already reached the age of 16 years.

**13.5** A post-16 student may qualify for transport support to their nearest appropriate centre if he/she:

- has a long-term medical condition which affects his/her ability to walk **and**
- lives less than three miles from the nearest appropriate centre and
- satisfies criteria (a), (b) and (c) in paragraph 14.1

Determination of eligibility rests with the Executive Director: Children and Young People's Services **and** requires verification through the appropriate medical officer of the relevant Primary Care Trust.

**13.6** A post-16 student who satisfies criteria (a), (b), (c) in paragraph in 14.1 above may qualify for subsidised/free transport to their nearest appropriate centre less than three miles away if the route they would have to walk along has been identified by the LA as not being available for this purpose. Refer to Appendix D for further details.

**13.7** For appeals in relation to the provision of assisted transport for post-16 students, see Appendix B.

**13.8** The LA expects single journey times for post-16 students to be reasonable i.e. achievable within travelling time of 90 minutes.

**13.9** The LA issues bus passes to include a photo of the student in whose name the pass is issued and operates a 'no pass, no travel' policy.

**13.10** If a student loses their pass they must immediately inform the LA's Social Education Transport Team (SETT).

**13.11** If a student withdraws from their post-16 studies at any stage, they must return their pass immediately to SETT. If the pass is returned and received by SETT:

- i) before half term, a refund will be issued for the term in question and any subsequent terms for which payment has been made.
- ii) after half term, no refund will be issued for the term in question. Payments for subsequent terms will be refunded.

**13.12** If a student changes their post-16 course at any stage, they must submit a new transport application.

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**13.13** If a post-16 student is looked after (LAC) by the Local Authority he/she will be eligible for free transport to the nearest appropriate sixth form centre. Proof of LAC status will be required.

**13.14** International Baccalaureate - The LA will support transport to the nearest centre which offers the International Baccalaureate (IB) if the student meets the criteria (a) to (d) set out in paragraphs 14.1 and 14.2 above **and** there is an existing transport route.

**14.0 Post-16 students (16-25) with Special Educational Needs, learning difficulties and/or disabilities**

**14.1** Post -16 students with SEN should be transported to school/college in a manner that assists their readiness to engage in learning on their arrival at school/college and ensures their comfort and safety. Students with SEN should be treated in the same way as those without i.e. in general they should develop independent travel skills and they should walk to school/college or travel on public transport.

NB All post-16 students may be eligible for subsidised transport to their nearest appropriate centre if they meet the general post-16 transport criteria (see Section 14). This does not relate to eligibility for SEN Transport .

**14.2** Post-16 students will be expected to walk or use public transport to their educational provision unless they have a have a medical need, special educational need or disability which prevents them accessing public transport or walking.

**14.3** Post-16 students must be enrolled on a full-time course either in a school (mainstream or special) or college of further education. This must be the nearest centre to their home offering an appropriate course for that student.

If these criteria are met they may be eligible for supported transport up to the age of 25

**14.4** The Authority will, in the first instance, explore whether a parent or carer will provide transport and be remunerated for their fuel costs if the student is eligible. All claims for assistance need to be agreed in writing before transport commences and payment can be made.

**14.5** Where there is no parent/carer/family member who can transport the student, the Authority will consider the provision of the transport free of charge.

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**14.6** If conditions are met transport will be provided as follows:

- a) Transport to and from independent residential college placements will be at the beginning and end of term or at the specialist placement's recommendation.
- b) Students will be transported from their home address to school /college and back at the end of the school day. The Authority will not authorise the collection or return of a young person to a different "home" address during the week unless the Authority has reached a prior agreement.
- c) The council is unable to guarantee that pick up or drop off times will be compatible with any other arrangements made by parents/carers. On arrival at school/college an identified member of staff will become responsible.
- d) Parents/carers are responsible for escorting their young person, when at home, to and from the vehicle. Once on school premises the school becomes responsible for the supervision of the pupils.
- e) A responsible adult is required to receive the young person on their return from school/college.

The Authority will not provide transport in the following circumstances:

- f) The Authority will not fund additional transport should the young person not be available at the agreed collection time. Additionally the Authority will not be responsible for funding transport to work experience placements.
- g) Students will not be provided with transport to support their attendance at school/college where a young person has to remain at school for a detention or when they are excluded from school.
- h) The Authority will not fund transport for the young person to medical appointments, court appearances, birthdays or transport home if they become ill at school. This remains parental responsibility.

**14.7** For young people aged 16 and over attending out of county specialist schools please refer to Section 8.10.

## Section B: General Information

### 15.0 Safety of children

**15.1** In order to promote the safety of children on school transport, the following measures are taken:

- (i) police vetting of:
  - a) drivers of all contracted vehicles used for school transport;
  - b) drivers of all vehicles used for SEN transport;
  - c) all escorts where provided on transport; (see Section 16.3)
- (ii) the use of licensed vehicles only;
- (iii) the provision of identity cards for non-Public Service Vehicle (PSV) drivers, through the licensing system;
- (iv) safety checks on vehicles through the licensing process;
- (v) written guidance for signature by drivers and escorts of children with SEN, setting out what is expected of them;
- (vi) provision and fitting of correct forms of restraint, including child seats, booster seats/cushions, depending on the age and height of the child, in accordance with child seat restraint legislation [The Motor Vehicles (Wearing of Seat Belts) (Amendment Regulations 2006)].

### 15.2 Seatbelts

In accordance with legal requirements, the LA provides seatbelts in all coaches, minibuses and cars. This is not the case on service routes. The LA provides seat-belted vehicles for all primary age children and children who have SEN. Where seatbelts are provided children are expected to wear them.

**15.3** A passenger assistant will be provided in each of the following circumstances:

- (i) the vehicle is carrying more than 16 pupils and all the pupils are of primary school age; or
- (ii) a child has a statement of SEN that specifies that the child requires a passenger assistant; or
- (iii) the driver of the vehicle sits in a cab or compartment separated from the passenger seating accommodation, which means that the driver cannot gain access from his/her seat without first leaving the vehicle; or
- (iv) the driver of the vehicle does not have control of the vehicle doors from the seated driving position; and/or

- (v) in any other circumstances when the Executive Director: Children and Young People's Services deems it reasonable or appropriate.

## **16.0 Bicycle allowance**

A termly allowance may be paid at the discretion of the Executive Director: Children and Young People's Services, to parents of post-16 students who are entitled to free or subsidised transport but use a cycle to travel to school/college. Such allowances will only be payable where the equivalent savings are made on the cost of transport which would otherwise be provided by the LA.

## **17.0 Use of students' own transport**

Allowances will not be payable for students using their own motorised transport.

## **18.0 Provision of transport by parents for payment**

The LA may provide financial assistance to parents who use their own vehicle to transport their children to and from school. The circumstances where such financial assistance might be made are where:

- (a) children are eligible for free transport under this policy; and
- (b) the contractor is unable to provide transport at a lower cost.

Parents will be re-imbursed for four journeys between home and school each day at the Authority's business mileage rate. (This recognises that the parent is in fact making a total of two return journeys, one at the beginning and one at the end of the school day). The distance will be measured using a digital mapping system to measure the closest available route by road to the nearest school entrance.

## **19.0 Concessionary seats for non-eligible passengers**

**19.1** Spare seats on buses provided under the terms of the LA's policy to enable children entitled to free or subsidised transport to attend their designated or nearer school may be purchased for non-entitled children, i.e. those:

- (i) who live within the statutory walking distance from their school; or
- (ii) whose parents have expressed a preference for the school in question and this is not their designated school or nearest school.

Bus passes for spare seats will only be issued on receipt of the appropriate contribution from the parent.

Rates charged for spare seats are reviewed annually and published in April for the following academic year. Applications may be submitted from the beginning of the half-term holiday which immediately precedes the term for which the spare seat is sought.

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- 19.2** It will be a condition of acceptance of any offer of discretionary paid transport that parents acknowledge that:
- (a) availability of seats will vary;
  - (b) availability of seats can only be guaranteed for the term for which payment has been accepted and a ticket issued;
  - (c) changes may need to be made to transport arrangements at short notice;
  - (d) seats are offered on a first come/first served basis;
  - (e) students and parents must abide by the Authority's Code of Conduct for Home to School/College Travel

**20.0 Behaviour on school transport**

Children/students travelling to school/college by service or contract vehicle using a pass supplied by the LA who misbehave, cause damage or injury either to the vehicle or other passengers, may have their pass withdrawn either temporarily or permanently by the Executive Director: Children and Young People's Services. Once a pass is withdrawn, the parent(s) of the child(ren) concerned will be responsible for ensuring that the child is able to attend school regardless of the grounds on which the child qualified for transport. There is no right of appeal against a transport ban.

The LA has a published Code of Conduct which applies to all children regardless of their mode of travel to school. Children/students travelling to school/college by contract or service bus are expected to behave appropriately in accordance with the Code.

Copies of the Code are available on Cambridgeshire County Council's website [www.cambridgeshire.gov.uk](http://www.cambridgeshire.gov.uk) and in all schools.

**21.0 Bus passes**

- 21.1** Transport assistance is largely provided through the issuing of passes on contract and/or public service buses.
- 21.2** **Passes** will be issued on the basis of the parents' home address given on the application form. Where children spend time with parents at more than one address, the address used for this purpose will be the one at which the child spends most of his/her time, or for equal time, the address nominated by agreement with the parents provided the child meets the eligibility criteria for free transport as set out in paragraphs 1 (a) to (d) in Section A of this policy.
- 21.3** Passes will be withdrawn if the child subsequently moves to a new address where he/she is no longer eligible for assistance or where it is apparent that the parent has provided fraudulent or misleading information.

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**21.4** If as a result of moving house out of the catchment area the child/student becomes ineligible for free/subsidised transport, his/her parent must return the pass to the Local Authority without delay.

**21.5** If a child loses his/her bus pass he/she must immediately inform the Education Transport Team and the relevant member of staff at their school. A charge will be made for a replacement pass unless it has been stolen in which case a police crime number is required for the pass to be replaced free of charge.

**22.0 Travelling expenses**

The LA will not consider any claim for payment of travelling expenses, unless it is agreed in writing beforehand.

**23.0 Respite care**

The Social Education Transport Team within Passenger Transport makes the necessary arrangements to transport eligible children to respite care facilities such as those organised by Social Care Services, health and voluntary agencies once approved by the appropriate fund holder.

**24.0 Rail and alternative transport**

Where there is a choice of travel and entitled students find using the more expensive method (usually rail) more convenient, the Authority will purchase season tickets providing the parents are prepared to pay the difference in cost between the more expensive method and the LA's suggested form of transport.

**25.0 Work experience**

The Authority does not make transport arrangements or provision for costs incurred by students for travel to and from work experience placements.

**26.0 Worked-based learning**

The Authority does not provide support with transport for students undertaking work-based learning.

**27.0 Educational visits/school trips**

If a school is making arrangements for an educational visit or school trip which includes the need for special or adapted transport for a child with physical needs, the Authority does not make provision for the costs incurred by the school.

**28.0 Disability training**

In accordance with Government guidance, the Authority is active in ensuring that drivers and escorts who take pupils to and from school have undertaken disability

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equality training in order for them to be able to recognise, support, manage and communicate appropriately with children with different types of disabilities.

**29.0 Extended schools**

The role of the LA in terms of transport to extended school provision is that of facilitator not provider. Where applicable the LA is able to provide advice and guidance to schools and clusters of schools about setting up transport arrangements for children to access extended provision.

**30.0 Transport provided in error**

Where free transport has been provided in error, it will continue until the end of the term in which the error was notified in order to allow for alternative arrangements to be put in place by the parents.

## **Appendix A**

### **Criteria for nearest appropriate post-16 centre**

The nearest appropriate post-16 centre is the school or college that:

- (i) regardless of county boundaries, is nearest to the student's family home; and/or
- (ii) where appropriate, named by the LA for the student's family home address; and
- (iii) offers the main essentials of the course required by the student, both in terms of type and level with regard to higher education and/or career outcomes.

The non-availability, for example, of a particular subject mix, or a particular range of module options will not normally be considered grounds for approval of assistance with transport to a more distant centre.

The LA will seek advice from an independent careers guidance professional to help determine students' eligibility for assistance with transport costs where it feels this advice to be necessary.

## Appendix B

### Appeals

1. There is a right of appeal against decisions made under the LA's Home to School/ College Transport Policy where a request for transport has been refused. There is no right of appeal against:
  - the type of transport offered, nor
  - against a ban where the Executive Director: Children and Young People's Services has withdrawn a child's pass either temporarily or permanently on the grounds of unacceptable behaviour (see Section 21).
- 1.1 If a child is under 16 years of age, the right of appeal can only be exercised by a parent. If a child is 16 or 17 years old, the parent or the child can exercise the right of appeal. If a child is 18 years old, the child alone has the right.
2. If a person wants to appeal, he or she must give the LA written notification of his or her intention to appeal within 14 days of the date of the decision letter refusing transport. Details about the right of appeal and the person to whom the request for an appeal should be addressed will be given in the decision letter.
3. The appeal will be heard by the Service Appeals Committee (SAC), which consists of three members of the County Council (excluding members of the Cabinet).
4. The two grounds on which the SAC can allow an appeal are as follows:
  - i) that the Local Authority (LA) has not applied its Home to School/College Transport Policy correctly;
  - ii) that there are compelling grounds to justify making an exception to the terms of the Home to School/College Transport Policy.

If the appellant cannot provide evidence in support of either of these two grounds, the appeal will not succeed.

5. The appeal hearing will take place within a reasonable timescale. It can take four to six teaching weeks to set up an appeal hearing, and sometimes longer during busy periods such as July, August and September. The Clerk to the SAC will check the availability of all parties before setting a date. The Clerk will write to the appellant to inform him or her of the date of the hearing. The letter will also give a date by which the parties must submit any written information that they would like the SAC to consider. The appellant can choose whether to attend the hearing or have it heard in his or her absence. The appellant may bring a friend or representative with them to provide support.

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6. In addition to the members of the SAC and the parties, the hearing will be attended by the Clerk to the SAC and a legal officer of the County Council. The Clerk's role is to take a note of the proceedings. The legal officer is there to advise on any questions of law and make sure that the correct procedure is followed.
7. Where the appellant's grounds of appeal relate specifically to the safety of the route, the route will be assessed by an independent third party (School Crossing Patrol Manager or Safer Routes to School Officer) and this will include a risk assessment.
  - 7.1 The officer who assessed the route will attend the hearing and the committee and appellant will have the opportunity to question the assessor with regard to his/her assessment findings.
8. When both parties have put their case in line with the procedure, the Chairman of the SAC will ask them to withdraw. The Clerk and the legal officer remain in the room with the SAC.
9. When making its decision, the SAC look at whether the LA's Home to School/ College Transport Policy has been properly applied. If so, the SAC also has discretion to allow an appeal where it considers there are circumstances that would justify making an exception to the terms of the policy.
10. The Clerk will notify the appellant of the decision in writing. The decision of the SAC is binding. The decision letter will also inform the appellant of their right to complain if they think their case was not handled fairly. This will include details of the Local Government Ombudsman. Please note that the transport appeals process does not affect your right to appeal to the Local Government Ombudsman either before or after an appeal has been heard.
11. If a person is successful on appeal, the LA may, at its own discretion, backdate the payment of travelling expenses to the date of application or the beginning of the present term, whichever is the shorter.
12. A further appeal will only be considered if there has been a clear change of circumstances e.g. change of school or address. A change of year group alone would not constitute a change of circumstances.

## Appendix C

### The Legal Framework

The Legal parameters relating to home to school/college transport for pupils of statutory school age are set out in Sections 508, 509 and schedule 35B of the 1996 Education Act as amended by the Education and Inspections Act 2006

Sections 509(1) and (2) place a duty upon Local Authorities (LAs) to provide free transport where necessary to facilitate the attendance of children and students at schools and institutions both within and outside of the further and higher education sectors.

Section 509(3) allows LAs to pay the whole or any part of reasonable travelling expenses when not making provision under 509(2) above.

Section 509(4) requires LAs to take certain factors into account including the child's age, the nature of possible routes and parental wishes for the provision of education at a school or institution in which the religious education is that of the religion or denomination to which his/her parent adheres.

Section 509AD defines the duty placed on LAs to have regard to religion and belief in exercising their school travel functions.

The law does not define the circumstances which make free or assisted transport necessary for post-16 students who are beyond the statutory years of schooling. It is therefore, for the Authority to decide whether transport needs to be provided and under which circumstances assistance with travel should be available.

The law states that in providing transport, LAs must make no less favourable arrangements for students attending a further education sector institution or a higher education institution maintained or assisted by the Authority than at a maintained school (be it a community, voluntary or foundation school). The Authority's Home to School/College Transport Policy does not therefore differentiate between community and foundation schools or further education and sixth form colleges, in the provision of assistance with school/college transport.

The law also stipulates that if the Young People's Learning Agency (YPLA) has secured for a student a placement for education or training at an institution outside the further and higher education sectors together with accommodation, the LA is under a duty to provide transport if it deems it necessary for facilitating the student's attendance at that institution.

Section 508A of the Act covers the duty upon Local Authorities to promote sustainable travel.

Section 508B of the Act deals with the duty on LAs to make such travel arrangements as they consider necessary to facilitate attendance at school for 'eligible children'. Section 35B of the Act defines 'eligible children' – those categories of children in an Authority's area for whom travel arrangements will always be required. A condition of each category is that

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they are of compulsory school age. Under Section 508B, every feature of these arrangements must be provided free of charge.

Section 508C of the Act provides Local Authorities with the discretionary powers to make arrangements for those children not covered by Section 508B.

Statutory walking distance is defined in Section 444(5) of the Act as either two miles (if the child is under eight years of age) or three miles (if the child is eight years old or older).

Cambridgeshire County Council has used its discretionary powers under Section 508C of the Act to lower the statutory walking distance and apply a two mile 'walking distance' up to secondary school age.

### The Equality Act 2010

S149 Equality Act 2010 ('The Act') places a duty on local authorities to promote equality of opportunity for disabled people and to eliminate discrimination. As such the LA has a duty to ensure that its policies, practices, procedures and services do not discriminate against disabled people.

Section 6 of The Act defines disability and section 20 defines the duty to make reasonable adjustments so that disabled people are not discriminated against.

The LA is under a legal duty to publish a policy that reflects these provisions.

## Appendix D

### Factors considered by the LA in assessing availability of routes within walking distances

#### 1.0 The child/student

- (a) the age of the child/student;
- (b) any disabilities the child/student may have.

**NB** The child/student is expected to be accompanied by an adult, as appropriate.

#### 2.0 The route

In assessing the comparative safety of a route, the LA will conduct an assessment of the risks a child might encounter along the prescribed route, including for example, canals, rivers, ditches. The assessment of a route will take place at the times of day that pupils would be expected to use the route. In particular the assessment will consider:

- (a) If a public footpath, totally separated from roads is available, it must normally be made up with a hard surface, e.g. tarmac, gravel etc. to be acceptable as a route (in all weather).
- (b) The presence of suitable refuges adjacent to a road, e.g. a verge.
- (c) The volume, speed and type of traffic.
- (d) Visibility, e.g. sharp bends with a high hedgerow or bank, or overhanging trees or branches that might obscure fields of vision for the pedestrian or motorist etc.
- (e) Accident record of the road at the times of day pupils/students would use it.
- (f) The width of any roads travelled along and the existence of pavements.
- (g) The existence or otherwise of street lighting.

There would normally need to be a combination of factors present for the route to be unavailable for an accompanied child/student.

#### 3.0 The following are examples of potential hazards which are viewed as acceptable to an accompanied child:

- (a) Lonely routes
- (b) Moral danger
- (c) Unmanned level crossings
- (d) Roads to be crossed

The legal definition of an 'available route' is a route along which a child, accompanied as necessary, can walk and walk with reasonable safety to school. It does not fail to qualify as 'available' because of dangers which would arise if the child were unaccompanied. (*Essex CC v Rogers [1986]*)

## Glossary

<b>Catchment area</b>	A defined geographical area surrounding a school from which it will usually take the majority of its pupils
<b>Catchment school</b>	The local school within a defined geographical area described as the catchment (see above)
<b>Community school</b>	A school owned and run by the LA
<b>Designated school</b>	<p>The starting point for consideration of eligibility for free home to school transport is the address upon which the LA's offer of the designated school place is made, based on information provided by the adult with parental responsibility for the child. The LA will offer a place at a school which is either (a) the catchment school; or (b) the nearest school with an available place; or (c) the school specified in the child's statement of special educational need; or (d) the school which is the most appropriate under the In-Year Fair Access Protocol or (e) the place, other than a school (e.g. a Pupil Referral Unit) where the child is receiving education.</p> <p>If eligibility criteria, including distance criteria, are met (see Section A) the LA will provide transport to (a) the catchment school or (b) the nearest school. It will not offer transport support to an alternative school, regardless of distance, if there are places at either school (a) or (b).</p>
<b>Distance from home to school</b>	The distance from the entrance to the child's home to the nearest recognised entrance of the school via the shortest available walking route.
<b>Foundation school</b>	A school which is funded by the LA, but run by its governing body.
<b>LA</b>	Local Authority.
<b>Low income</b>	The eligibility criteria for free transport on grounds of low income vary depending on whether they are statutory or discretionary.
<b>Maintained schools</b>	All schools funded by the LA (this includes community, schools foundation, voluntary controlled and voluntary aided schools).
<b>Parent</b>	A person who is either the child's natural parent or, is not the natural parent but has parental responsibility for the child, or who has care of the child.
<b>Public examination</b>	GCSEs, AS levels, A levels, NVQs, BTec First/National

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<b>courses</b>	Diplomas
<b>Religion or belief</b>	The main indication of what constitutes a 'religion' is that it must have a clear structure and belief system. 'Belief' is defined as 'a religious or philosophical belief' and equates to 'conviction'. Based on European case law, it has to be more than an opinion or idea. A belief must be genuinely held and the parent bears a heavy burden of showing that it is the real reason for their action/preference.
<b>SETT</b>	The LA's Social Education Transport Team which organises transport for those who are entitled under the LA's Home to School/College Transport Policy
<b>Shortest available walking route</b>	Route along which a child may walk, without trespass, with reasonable safety, accompanied by an adult as necessary (see Appendix A)
<b>Voluntary aided school</b>	A school set up and owned by a voluntary body, usually a church body, largely financed by the LA but run by the school's governing body.
<b>Voluntary controlled School</b>	A school owned and funded by the LA but with links to the foundation which originally established the school. The constitution will normally have representatives of the foundation on the governing body.
<b>Walking distance</b>	Defined as either two miles for primary school children or three miles for secondary school children as measured by the nearest available walking route.

**Contact Information:**

See the Cambridgeshire County Council website at: [www.cambridgeshire.gov.uk](http://www.cambridgeshire.gov.uk)

For transport queries, email: [edtransport@cambridgeshire.gov.uk](mailto:edtransport@cambridgeshire.gov.uk)

or telephone 0345 045 5208 (Monday to Friday 8am to 6pm, Saturday 9am to 1pm)

For post-16 education transport eligibility queries, see the website at:

[www.cambridgeshire.gov.uk/post16edtransport](http://www.cambridgeshire.gov.uk/post16edtransport)

or email: [post16transport@cambridgeshire.gov.uk](mailto:post16transport@cambridgeshire.gov.uk)