

Home to School & College Transport

DRAFT POLICY DOCUMENT V1.7

Blackpool Council



Home to School & College Transport

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Home to School & College Transport

1. Travel Arrangements for Eligible Children

1.1 Introduction

It is a parent's responsibility to ensure that their child attends school regularly at the appropriate times each day. However, there are circumstances when Blackpool Council is required by law to provide transport assistance for eligible children.

To qualify as an eligible child, the child must be resident in Blackpool and be of statutory school age. For the purposes of this policy Blackpool Council extends the definition of statutory school age to include any pupil aged four years old who has started primary school in the Reception year and who is yet to attain statutory school age.

The circumstances under which Blackpool Council is **required** to provide transport assistance are detailed through 1.2 to 1.6:

1.2 Children Living Outside Of Specified Walking Distance

Specified Walking Distance

Blackpool Council may provide transport assistance where a child lives further away from the nearest suitable school(s) than the 'specified walking distance' and no suitable arrangements can be made by the Local Authority for the child to become a registered pupil at a qualifying school nearer to the child's home.

Section 444(5) of the Education Act 1996 defines statutory walking distances beyond which it is considered unreasonable for a child to walk to school. These distances are:

1. For a child under the age of eight; 2 miles.
2. For a child aged eight or above: 3 miles.

For the purposes of this policy and in line with Part 6 of the Education & Inspections Act 200 Blackpool Council has extended this definition and defines 'specified walking distances' as:

1. For a child of primary age: 2 miles
2. For a child of secondary age from a low-income family: 2 miles
3. For a child of secondary age who is not from a low-income family: 3 miles.

For transport purposes only, low-income families are defined as families who are in receipt of the maximum level of Working Tax credit or whose children are eligible for free school meals.

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For transport purposes only, the walking distance is taken as the 'shortest safe walking route' from the child's home to the nearest suitable school. The distance is measured, using a Geographical Information System, from the front of the child's home to the main entrance of the school. Section 1.3 of this policy explains how we assess the safety of a walking route.

Nearest Suitable School(s)

For the purposes of transport provision, the nearest suitable school is defined as:

1. for pupils not applying for a school on the grounds of religion or belief, the nearest community school with available places to the child's home address;

or

2. for pupils applying for a school on the grounds of religion or belief, the nearest voluntary aided school with available places;

For secondary age pupils from low income families, the nearest suitable schools are defined as:

1. for pupils not applying for a school on the grounds of religion or belief, the three nearest community secondary schools with available places to the child's home address, up to a maximum distance of 6 miles.

or

2. for pupils applying for a school on the grounds of religion or belief, the nearest voluntary aided school with available places, up to a maximum distance of 15 miles.

For transport purposes, where pupils are applying for transport to voluntary aided schools, the school should be of the family's own religious denomination, to which they must be able to demonstrate an ongoing commitment in accordance with the school's admissions policy. The Council will seek evidence from the Headteacher of the school to confirm that the pupil was admitted on grounds that meet the denominational requirements of the school's admissions policy. The Council will also seek evidence from the parent that the child was baptised within the faith.

Blackpool Council will provide transport assistance to eligible pupils to schools inside or outside of Blackpool, subject to the aforementioned criteria. However Blackpool Council will not pay for a pupil to attend a school outside of Blackpool where the Council can evidence that attendance was as a direct result of parental preference and the pupil could have availed of a suitable school place within Blackpool.

Transport Assistance will not be offered to pupils who attend independent schools, except in the case of an independent special school named in a pupil's Statement of Special Educational Needs.

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Availability of School Places

In determining whether places are available at a school, account will be taken of the position of school places at the time when routine allocations were made. If a place is likely to have been available had a particular school been named as a preference, then it will be assumed that places were available. Any school allocation as a result of a late admissions application may not receive transport assistance.

In the case of children moving into the area, the availability of places at the time of application will be considered.

House Moves

Transport Assistance may only be provided to pupils who move home during their final year at primary school (Year 6) or in their final two years of secondary school (Years 10 or 11) subject to the specified walking distances.

Where a family chooses to move address and for the child to remain at the school allocated from the previous address, all transport costs will remain a parental responsibility.

When moving house a family must take into consideration whether places are available at schools closer to their new address; it is the Council's policy that transport assistance will not be provided as a result of the families 'personal' choice of residence.

Where a pupil of compulsory school age in a year group other than Year 6, 10 or 11 who is eligible for free school transport changes address, their transport entitlement will be reassessed.

1.3 Children Unable to Walk to School Because of the Nature of the Route

Blackpool Council will provide transport assistance to children who live within the specified walking distance but where the nature of the route is such that a child cannot reasonably be expected to walk safely, accompanied as necessary.

In assessing whether the shortest walking route is safe, Blackpool Council will follow guidelines issued by the Royal Society for the Prevention of Accidents (RoSPA) and take into account:

- the age of the child;
- the availability of suitable footways;
- the width of any roads crossed;
- the volume and speed of traffic travelling along roads;
- the location of suitable crossing points, including the location of lollipop, zebra and pelican crossings;
- the existence of street lighting; and
- the condition of the route at different times of year, at the times of day that a child would be expected to travel to and from school
- In determining the safety of the walking route, the child is assumed to be **accompanied, as necessary**.

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The assessment of the safety of the route will not take into account additional dangers that might arise from the parent not accompanying the child unless it is clear that accompaniment is not reasonably practical. The employment commitments of parent(s) are not considered when determining whether they are able to accompany their child to school.

However where a parent has a disability or mobility problem that prevents them from accompanying the child, this will be taken into account.

1.4 Children Unable to Walk to School By Reason Of Their Special Educational Need, Disability or Mobility Problem

Blackpool Council may provide transport assistance for pupils with statements of SEN in accordance with the criteria outlined in this policy.

If the pupil attends a special school or unit or other placement other than that recommended by Blackpool Council, then the parent will be responsible for arranging and paying for any necessary transport.

However where the pupil attends a special school or unit as recommended by Blackpool Council, transport assistance will be given subject to the criteria defined in section 1.2 and 1.3.

Any pupil with SEN, statemented or otherwise who live within specified distances as set in the criteria defined in section 1.2 and 1.3 may be provided with transport assistance but this is not an automatic right. Each pupil will be assessed individually and a formal application and assessment will be based on the following areas:

- 1 The age of the pupil
- 2 The actual distance to school from pupils address
- 3 The nature of the pupils SEN / Disability
- 4 Whether the pupils SEN / Disability prevent them from using public transport
- 5 Whether the pupils SEN / Disability prevent them from travelling independently
- 6 Whether the pupil present a danger to himself and / or others if travelling on public transport or if walking to school
- 7 Whether the pupils SEN / Disability prevent the family from providing transport themselves
- 8 Other family circumstances

With any application for transport on the grounds of SEN and or disability there must be substantive medical evidence e.g. doctors / consultants reports etc.. Blackpool Council will treat each application on it own merits and will consult with its own medical advisers in making a final decision.

Applications will be considered by the strategic admissions and resources panel, the outcome of which will be communicated in writing to the parent.

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Home to Special School Transport For Students Aged 16-18 Attending Special Schools

Young people with transport included as part of their statement of Special Educational Needs and who remain at a **special school** beyond compulsory school age will be eligible for free school transport until the end of the academic year in which they reach the age of 19.

Blackpool Council is not required to provide support for pupils with special educational needs or disabilities who attend school sixth forms or colleges of further education. However, discretionary support may be provided in certain circumstances, as set out in Section 1.6

Provision of Passenger Assistants

Children with special educational needs, stated or otherwise, who are provided with transport assistance may be provided with a passenger assistant but this is not an automatic right.

The provision of an adult passenger assistant will be considered as part of the Statutory Assessment of a pupil's Special Educational Needs and the transport risk assessment process.

An adult passenger assistant may also be provided for a child without a Statement of Special Educational Needs according to the child's individual needs.

Review of Transport Arrangements

Transport arrangements for pupils with SEN and or disabilities will be reviewed annually. For pupils who have transport written into their statements this will form part of their annual review. Where new information comes to light then transport arrangements will be reviewed as part of the annual review process.

Blackpool Council also reserves the right to review its transport arrangements so as to ensure the efficient use of its resources.

1.5 Children Attending Special Educational Resource Facilities / Pupil Referral Unit

Where Blackpool Council has placed a child within a Special Educational Resource Facility / Pupil Referral Unit transport assistance may be provided subject to the criteria in sections 1.2 and 1.3. Any provision will only be for the time the child spends in the SERF / PRU.

1.6 Home to College and School Sixth Form Transport For Students Aged 16-18

There is no statutory obligation on local authorities to provide transport assistance for pupils over the compulsory school age.

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However Blackpool Council may provide some transport assistance in the following circumstances:

- A. Where it can be clearly demonstrated that a student falls within one of the following:
 - i. Has Severe or Complex Learning Difficulties – that can be evidenced through the students previous statement of educational needs / EHC Plan and the previous historical need / entitlement to supported transport
 - ii. Has a Physical / Medical Condition – that can be evidenced with professional medical support and through the students previous statement of educational needs / EHC plan and the previous historical need / entitlement to supported transport

And

- B. Where the family is in receipt of Income support or Job Seekers Allowance or the Universal Credit equivalent.

Conditions

No assistance will be provided under this scheme for a student who is aged 19 or more when he/she begins a course of further education, a student attending a part time course or undertaking a higher education course.

Provision is for one academic year only. A new application for transport assistance must be made for each subsequent year.

Attendance must be at the nearest suitable further education college or school sixth form within a maximum distance of 20 miles. Any student who chooses to attend an alternative beyond 20 miles will be responsible for their own transport costs.

Suitability of Courses

A student may wish to attend a college or school sixth form other than the nearest suitable one, because he/she considers that a particular course offers more suitability for him/her. In the case of A' levels, for the purpose of considering an application for transport assistance, the Council defines a 'suitable course' as one where at least two or more subjects are available, unless the student can demonstrate that the third (or subsequent) subject is an essential requirement for a subsequent course or career. A similar test will be applied where a student is seeking to attend a more distant school or college in order to follow a particular syllabus within the same subject. Suitability of courses will be determined by the Director of Children's Services taking into consideration evidence provided by the Section 139 Assessor and any other relevant evidence.

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2. Discretionary Transport

2.1 Children Resident in the Council's Homeless Hostels.

Blackpool Council, at its discretion, may provide temporary transport assistance for children who are resident in the council's homeless hostel or the local women's refuge.

In assessing this, criteria described in 1.2 & 1.3 will be applied, together with any other exceptional circumstances that are relevant.

Any provision will only be for the length of time the child is resident in the hostel / refuge.

2.2 Looked After Children

Transport assistance may be provided to looked after children temporarily accommodated further away from their school than the specified walking distance

2.3 Exceptional Circumstances

Blackpool Council, at its discretion, will consider providing transport assistance in certain exceptional circumstances eg extreme family circumstances, temporary medical conditions etc.. and where financial hardship can be demonstrated.

Each case will be assessed on an individual basis and the council will require relevant appropriate evidence in order to support the application.

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3. Circumstances Under Which Transport Will Not Be Provided

The following factors are not taken into account when determining eligibility for assistance towards the cost of school transport.

- **Siblings.** Although the right of a parent to express a preference for a particular school is recognised and the presence of an elder sibling in attendance at the school of the parent's choice may be an important factor in dealing with the question of admissions, travelling expenses will not be paid on this basis.
- **Family Associations.** Past or present family associations with a school cannot be considered as grounds for the payment of travelling expenses.
- **Family Circumstances.** Family circumstances such as parents' employment responsibilities are not considered when determining eligibility for free school transport.

In addition, transport will not be provided:

- To support work experience or other extra-curricular activities.
- To hospital, clinical or other medical appointments.
- To other non-educational appointments.
- In the event of detention:
- In the event of sickness during the school day.

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4. How to Apply

4.1 Applications

Mainstream, SERFs & PRUs

Parents of children attending mainstream schools, SERFs & PRUs without a statement of SEN, who believe they may be eligible for transport assistance should contact the Integrated Transport Service for advice and an application form.

T: 01253 476174 / 478164 / 476795

E: transportdirect@blackpool.gov.uk

W: www.blackpool.gov.uk/Services/S-Z/SchoolTransport/Forms

SEN

Parents of children with a statement of Special Educational Need who believe they are eligible for transport assistance should contact their SEN officer for advice and an application form.

T: To be confirmed

E: To be confirmed

W: To be confirmed

4.2 Appeals

Parents can appeal against a decision not to provide transport or against the detailed arrangements made. The Employment and Appeals Committee will consider any written or oral representations made by parents in support of their appeal. The decision of the Committee is final and binding unless there is some significant change in circumstances, which would merit the case being reconsidered.

To appeal a decision please contact the appropriate team listed above for further advice.

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5. Types of Assistance

At the discretion of the Council and in consultation with parents, the Council will provide transport assistance in one of the following ways:

Travel Pass / Zone Cards

Pupils who are eligible for transport assistance may be issued with an annual travel pass or fixed term zone card for a commercial or non-commercial bus service.

Mileage Allowance

Where a parent uses their own car to drive their child to school in lieu of the local authority making arrangements to transport the child, a mileage allowance may be paid at a rate equivalent to the Council's mileage.

Mileage allowances are payable at the Council's discretion and only where it considers that there is an absence of suitable public transport or contract hire arrangements.

Where a parent agrees to transport their child to school, it is the parent's responsibility to ensure the safety of the child on the journey to and from school. This includes ensuring that the vehicle used is roadworthy, adequately insured and if necessary appropriately modified to meet the transport needs of the child.

Provision of a Seat in a Council Owned Vehicle

Where appropriate the Council will provide school transport for pupils on one of its own vehicles.

Provision of a Seat in a Vehicle Hired by the Council

Where appropriate the Council will provide school transport for pupils on a hired bus or taxi.

Provision of an Escort

Where a child is unable to walk a short distance to school unaccompanied due to the safety of the route and the parent is unable to accompany the child, the Council may, with the parent's consent, provide an escort to accompany the child on the walk to school.

Where a child is unable to travel unaccompanied on public transport and the parent is unable to accompany the child, the Council may, with the parent's consent, provide an escort to accompany the child on the journey to school on public transport.

Reimbursement

Where it is not practical to issue a travel pass / zone card or provide any other form of assistance as described above, the council will reimburse reasonable travel costs.

Where a pupil participates in activities before or after school and is unable to make use of a travel pass due to the time of travel, the Council will reimburse the costs of such travel.

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6. Suitability and Conditions of Travel Arrangements

Where the Council provides free school travel it will ensure that travel arrangements are suitable and allow the child to travel in reasonable safety and reasonable comfort and without stress, strain or difficulty, so that they can benefit from the education provided.

The Council will take account of the following factors when determining the suitability of travel arrangements:

Vehicle Safety

All PSV vehicles used in the provision of services must comply with the DFT (Department for Transport) 'Road Worthiness Standards.'

All Hackney and Private Hire vehicles used in the provision of services must comply with the Council's Conditions of Contract and Code of Conduct.

Use of Child Safety Seats

The Council follows best practice in the use of child safety seats, as advised by the Royal Society for the Prevention of Accidents and set out below.

All children who are under 12 years of age, up to 135cm (4' 5") and between 15kg (33lbs) and 36kg (79.4lbs) will be transported on a Booster Seat (with sides and a back).

All children who are under 12 years of age, up to 135cm (4.5ft) but over 36kg (79.4lbs) will be transported on a Booster Cushion.

All children less than 15kg (33lbs) will continue to be transported with the appropriate Child Safety Restraint.

The above relates to all children who are provided with transport in a Hackney or Private Hire vehicle or in a Council owned vehicle.

Training for Drivers and Passenger Assistants

It is a condition of employment that all Passenger Assistants and Council employed Drivers successfully complete a comprehensive and nationally recognised programme of training. This training ensures all staff are equipped with the necessary skills to manage and care for the children and young people, effectively, safely and confidently

Pre-Employment Checks for Drivers and Escorts (Passenger Assistants)

All Council employed drivers and passenger assistants involved in the transport of children shall be subject to enhanced CRB checks prior to starting in their employment with the Council.

Conditions of contract with commercial transport must stipulate that all bus and taxi drivers shall be subject to enhanced CRB clearance.

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Pickup and Drop Off Points

Transport is generally provided from a child's home address. However school transport is not a door-to-door service, pupils may be expected to walk a reasonable distance to and from home to an appropriate pickup or drop off point. Parents are responsible for bringing pupils to and collecting them from vehicles or pickup/drop off points.

Where pupils receive a pass for free travel on commercial or non-commercial buses they may reasonably be expected to walk a distance of up to 1 mile between home / school and a suitable bus stop.

Reasonable Journey Time

Blackpool Council will seek to ensure that, whatever method is used to transport a pupil from school, the journey time is reasonable. Reasonable journey time is defined as 45 minutes in either direction for pupils of primary school age and 75 minutes in either direction for pupils of secondary school age.

Expected Behaviour Standards for Children (NEW)

As a result of their special educational needs, a child may experience behavioural

difficulties as a direct result of their particular needs. In these cases the Council will make every effort to work with the schools, parents and transport providers to manage instances where the child exhibits these extreme behaviour characteristics. Wherever possible these considerations will be taken into account when determining an appropriate and safe form of travel assistance. Advice will always be sought from the child's school regarding whether the bad behaviour is directly linked to the special educational needs and appropriate action accordingly taken.

It is however recognised, that general poor behaviour, not directly attributable to a child's particular special educational needs and circumstances, cannot be taken into account when determining an appropriate safe travel plan. It is therefore paramount to have and to enforce clear standards of acceptable behaviour in the interests of ensuring a safe journey for all pupils and staff as well as other road users.

In consultation with schools, the Council may be required to instigate permanent or fixed periods of exclusion from transport assistance. Parents/carers will be responsible for transporting their children during any period of exclusion and ensuring their child's regular attendance at school.

When considering whether to exclude any child from transport assistance the Council will require written statements from Drivers and Passenger Assistants in relation to the alleged bad behaviour. Consultation will also take place with the relevant Head Teacher and other relevant specialists.

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Appendix 1

Legal Framework

Section 508A, 508B, 508C, 509AD and Schedule 35B of the Education Act 1996 (the Act), as inserted by Part 6 of the Education and Inspections Act 2006, relate to the Local Authority's duties with regard to school travel.

Section 508A

Section 508A of the Act places a general duty on Local Authorities to promote sustainable modes of school travel and to produce, annually, a Sustainable School Travel Strategy.

Section 508B

Section 508B of the Education Act 1996 as inserted by Part 6 of the Education and Inspections Act 2006, places a duty on the local authorities to:

'make, in the case of an eligible child in the Authority's area such travel arrangements as they consider necessary in order to secure that suitable school travel arrangements, for the purposes of facilitating the child's attendance at the 'relevant educational establishment' in relation to him, are made and provided free of charge in relation to the child.'

This duty only applies where suitable travel arrangements are not already provided free of charge to the child by any person who is not the authority.

This duty applies to travel in both directions between the child's home and the relevant educational establishment at the start and end of the school day. It does not relate to travel between educational institutions during the school day.

Section 508C

Section 508C of the Act gives Local Authorities the discretionary powers to provide free school transport to pupils who are not eligible.

Section 508AD

Section 508AD of the Act places a duty on Local Authorities to have regard to religion or belief in exercise of travel functions.

Schedule 35B

Schedule 35B of the Act defines the meaning of an 'eligible child' for the purposes of Section 508B.

Section 444

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly, his/her parent is guilty of an offence.

However, the child shall not be taken to have failed to attend regularly if the parent proves that:

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1. The child's school is outside of statutory walking distance.
2. That the Local Authority has not made suitable arrangements for:
 - a. The child's transport to and from school.
 - b. Boarding accommodation at or near the school (where appropriate).
 - c. The child to become a registered pupil at a school nearer to his/her home.

Home to School & College Transport Document Control

Issue Date		
Version/Issue Number		
Effective From Date		
Document Status		
Scope of Document		
Objective		
Documentation		
Document Sponsor	Name	
	Job Title	
	Division	
Author	Name	
	Job Title	
	Team	
	Contact Tel:	

Record of Amendments:

Date	Version	Amended by	Description of changes

Approved By:

Name	Title	Signature	Date
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