

Home to School Transport Policy

1 General

- 1.1 The following policy applies to all pupils residing in Calderdale who attend a 'qualifying school' as set out in the Education and Inspection's Act 2006.
- 1.2 It is the responsibility of the parents or carers of a pupil to ensure that he/she attends school. However, in certain circumstances, which are detailed below, the Council will provide assistance to a pupil with transport from home to school.
- 1.3 The duty of a Children's Service Authority in regard to the provision of home to school transport is contained primarily in s.509 of the Education Act 1996 which provides that authorities shall "make such arrangements for the provision of transport and otherwise as they consider necessary... for the purpose of facilitating the attendance of persons receiving education". The circumstances where it is required by law to determine that it is necessary to provide transport derive from s.444 (4) of the Education Act 1996. A failure to provide free transport to an eligible pupil would be a legal defence for a non-attendance prosecution.
- 1.4 The new Schedule 35B to 1996 Act (inserted by the Education and Inspections Act) includes an extension of rights to free school travel arrangements for children from low income groups.
- 1.5 Where transport assistance is provided by the authority it remains the parents'/carers' responsibility to ensure their child's safety by making any necessary arrangements for their child to be accompanied to and from the bus stop or the designated collection/drop off point and during the journey to school if required.

2 Meanings

- 2.1 Compulsory age
 - 2.1.1 'Compulsory age', is defined as 5 years of age to the day prior to the young person's 16th birthday. In practice, because Calderdale admits children to school before their 5th birthday, transport assistance will not be refused because the child is under 5. Similarly transport assistance will be provided to the end of the school year in which the young person attains 16 years of age subject to satisfactory attendance.
- 2.2 Nearest suitable and available school
 - 2.2.1 'Nearest suitable and available school' is defined as the nearest 'qualifying' school including schools situated outside the Calderdale boundary where education is provided according to the child's age, aptitude, ability and faith.

2.3 Distance

2.3.1 'Distance' is defined as the distance from the pupil's home address by the nearest walking route which, wherever reasonable, should be on lit, metalled roads. Distance is measured from the pupil's gate or the end of their property nearest to the public highway to the nearest accessible school entrance.

2.3.2 For those children from low income families the distance is measured as above. However, the distance to the upper limits (set out below) is determined as those passable using a suitable motorised vehicle (road routes).

2.4 'Qualifying' schools are:

2.4.1 community, foundation, voluntary aided or voluntary controlled schools;

2.4.2 community or foundation special schools;

2.4.3 non-maintained special schools;

2.4.4 pupil referral units;

2.4.5 maintained nursery schools;

2.4.6 city technology colleges (CTC), city colleges for the technology of the arts (CCTA) or Academies;

2.4.7 in relation to a child with SEN, an independent school (other than a CTC, CCTA, or Academy) will be a 'qualifying' school if it is the only school named in the child's statement, or it is the nearest of two or more schools named in the statement.

2.5 Home to school

2.5.1 The duty to provide free home to school transport is for the journey at the start of the school day and end of the school day only. The school day is deemed to be the session times as approved by the governing body of a qualifying school.

3 Eligibility criteria

3.1 Children from low income families

3.1.1 Children from low income families, ie those entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit will be eligible for home to school transport assistance if they meet the following criteria.

3.1.2 Primary aged children are entitled to free travel arrangements to their nearest qualifying school where the distance to that school is over 2 miles from their home.

- 3.1.3 Those children aged 11-16 from low income families are entitled to free travel arrangements made to one of their three nearest qualifying schools (or places other than a school at which they might receive education under section 19(1) of the 1996 Act), where they live more than 2 miles, but less than 6 miles from that school.
 - 3.1.4 Where a parent has expressed a preference for a school, and that preference is based on the parent's religion or belief, then a child aged 11 to 16 will have travel arrangements made for them to the nearest suitable school preferred on grounds of religion or belief, where they live more than 2 miles, but not more than 15 miles from that school.
 - 3.1.5 Transport eligibility for a child or young person from a low income family will be determined at the point at which places are allocated. Once eligibility has been confirmed on income grounds the pupil would be eligible for the entirety of the school year for which the assessment has been made.
- 3.2 Statutory walking distance
- 3.2.1 For pupils who do not qualify under 3.1 to be eligible for school transport assistance they will normally have to travel more than 2 miles if under 8 years of age, or 3 miles if over 8 years of age and be attending the nearest suitable and available school to the child's home address.
 - 3.2.2 Where the Authority is not able to admit a child to the nearest suitable and available school assistance will be provided to the next nearest suitable and available school, subject to the distance to school exceeding 2 miles (under 8 years) or 3 miles (over 8 years).
- 3.3 Parental choice
- 3.3.1 Where a parent arranges for his/her child to attend a school other than the nearest suitable and available school assistance will not normally be provided by the Authority unless they qualify under 3.1 above.
- 3.4 Denominational schools (also see section 4)
- 3.4.1 For a child to receive assistance to a denominational school, a denominational school must be the parent's highest ranked preference on the common preference form and be the nearest suitable and available denominational school from their home address.
 - 3.4.2 Pupils attending a denominational school outside of Calderdale will only be considered providing they meet the above criteria and can provide evidence that they were admitted under faith grounds subject to a 12 mile limit.

- 3.5 Pupils with SEN (also see section 5)
- 3.5.1 All pupils who attend the three Calderdale special schools will receive transport assistance from home to school subject to the 2 or 3 mile limit.
- 3.5.2 Where the Authority names a mainstream school where the needs of a child with a statement of special educational needs (SEN) can be met, free transport assistance will be provided subject to the 2 or 3 mile limit.
- 3.5.3 Consideration will be given to providing transport assistance where the distance is less than 3 miles. However, in such cases an assessment of need will be undertaken as outlined in section 5 below.
- 3.5.4 Where a parent chooses to send his/her child to a school which is not the nearest appropriate school (and is not named as the 'appropriate school' in the child's statement of SEN) the Authority will not provide assistance with transport in accordance with The Education Act 1996 and paragraph 8:87 of the associated SEN Code of Practice.
- 3.5.5 Sometimes the statement of SEN will specify that transport assistance is to be provided and in such cases the Authority will name an appropriate school in the statement. Transport assistance will then be provided to that school.
- 3.6 Change of home address
- 3.6.1 Where a pupil changes his/her home address but the parent(s) does/do not wish to change schools, assistance will not normally be provided except for children in their last year of primary school (Year 6) or secondary pupils in Years 10 or 11 subject to the distance being over 3 miles. Proof of move will be required.
- 3.7 Relocation of schools
- 3.7.1 Where a school re-opens on a new site the Access Team will determine the transport implications for the pupils attending the school at the time of the move.
- 3.7.2 All pupils who now have to travel more than two miles, if under 8 years of age, or three miles, if over 8 years of age will receive a bus pass. All new pupils will be assessed in line with the Home to School Transport Policy as detailed in this document.
- 3.7.3 Pupils already attending other Calderdale schools (ie their school HAS NOT been relocated) will not be re-assessed in light of the effects of the relocation of another school on their transport application.
- 3.8 Pupils who reside at more than one address
- 3.8.1 Eligibility for transport is assessed on the child's home address. Where parents are divorced or separated the home address will be deemed as that where the parent receives child benefit unless the

contrary is proved. The Authority will issue only one bus pass from one address during an academic year. Where there is joint custody for which both parents qualify, individual agreements will be reached between both parents and the Authority.

3.9 Temporary medical conditions

3.9.1 Children with a mobility problem caused by a temporary medical condition such as a broken leg may receive transport assistance if they are attending a qualifying school within the statutory walking distance. Medical evidence will be required to support the application.

3.10 Excluded pupils

3.10.1 Transport assistance will be provided to those pupils who have been permanently excluded from school to the nearest suitable, available and mutually agreeable school, subject to the 2 and 3 mile limits.

3.10.2 Where a pupil is registered at a school, but is attending a place other than a school following an exclusion, the duty to make travel arrangements will apply to the other place rather than the school where they are registered.

3.11 Looked after children

3.11.1 Calderdale Council's Policy on "The Education of Looked After Children (Children in Public Care)" acknowledges that these children are amongst the most vulnerable and disadvantaged groups and recognises the importance of education to looked after children as a passport to better life chances. Calderdale Council is fully committed to its role as Corporate parent to looked after children and endorse the 'duty' placed upon it to promote the educational achievements of looked after children (Section 22 (3)(a) of the Children Act 1989 amended by Section 52 of the Children Act 2004).

3.11.2 In order to provide continuity of education transport assistance will be provided to those pupils who reside in the Calderdale boundary who are looked after subject to the 2 and 3 mile limits.

3.11.3 To ensure that Calderdale Council is able to fully discharge these duties, some discretion will be available to the Principal Officer, Access and Capital, in making decisions about transport in relation to looked after children.

3.11.4 Any decisions which stand outside 'conventional procedural practices' will be fully transparent and agreed as a multi-agency care plan as being in the particular child's best interests.

4 Religion or belief

4.1 Section 509AD of the 1996 Act (inserted by the Education and Inspections Act 2006) places a duty on local authorities in fulfilling their duties and exercising their powers relating to travel to have regard to parent's religion or belief.

- 4.2 'Belief' equates to 'conviction' and 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 whatever it is they are doing.
- 4.3 Beliefs which are not included in the duty are:
- 4.3.1 a wish for a child to attend a particular category of school (eg a grammar school);
 - 4.3.2 preference for a particular type of management or governance which does not affect the curricula or teaching at the school;
 - 4.3.3 a belief that a child should be educated privately;
 - 4.3.4 a wish for a child to attend school where they will be taught in a particular language;
 - 4.3.5 objection to rules requiring that a school uniform must be worn;
 - 4.3.6 content of school curriculum (sex education) provided that the curriculum did not amount to indoctrination incompatible with a parent's religious or philosophical convictions;
 - 4.3.7 objections to the curriculum, where special arrangements made by the school or authorities (such as allowing children to be withdrawn from class) ensure the curriculum is not 'forced' on them contrary to their convictions;
 - 4.3.8 belief that a child should receive a particular type of educational provision.

5 Transport assistance for pupils with statements of special educational needs

- 5.1 Where pupils with statements of special educational need qualify for transport under the criteria set out in section 3 of this policy or because their statement of special educational need identifies the need for transport, assistance will be provided in the least restrictive way.
- 5.2 An assessment will be carried out before transport provision is added to statements of special educational need. In order to do this an application will need to be completed by the parent/carer and where necessary, further medical and professional advice will be sought. A risk assessment will then be undertaken in order to identify the most suitable transport provision. This process will also be carried out when pupils transfer to secondary school.
- 5.3 Transport assistance may be provided in the following ways (this list is not exhaustive):
- 5.3.1 independent travel training to enable pupils to use public transport or travel independently;
 - 5.3.2 a bus pass;

- 5.3.3 payment to parents to transport the pupil themselves;
 - 5.3.4 a walking travel escort;
 - 5.3.5 an escort to accompany a pupil on public transport;
 - 5.3.6 transport from a pick up point (taxi or specialist transport);
 - 5.3.7 home to school transport (taxi or specialist transport).
- 5.4 Where transport assistance is provided it remains the parents or carers responsibility to ensure their child's safety by making any necessary arrangements for their child/ren to be accompanied to and from the bus stop or the designated collection/drop off point and during the journey if required.
- 5.5 Transport provision will be reviewed on a regular basis including at the Annual Review meeting in order where possible to move towards a greater degree of independence for the child or young person.
- 5.6 Where transport is provided to a residential school, assistance will be provided in line with the transport assistance identified above on a termly and half-termly basis.

6 Pre-school provision

- 6.1 Transport assistance for 4 year old nursery age children attending validated settings where nursery education is provided by the Authority or other validated providers will only be granted in exceptional circumstances as determined by the Authority.
- 6.2 Any assistance provided will relate to the child's circumstances and not to those of the parent(s)/carer(s).
- 6.3 It should be borne in mind that a child receives free bus travel until he/she reaches the age of 5 when half fares apply.
- 6.4 Local authorities have the power to charge providers or parents, where appropriate, for transport provided for a child to a validated nursery setting.
- 6.5 The circumstances where transport assistance might be granted will include the following:
- 6.5.1 where a child has a statement of special educational needs and the statement indicates that transport should be provided;
 - 6.5.2 where it is deemed that a child requires transport on medical grounds and a certificate indicating this is available;
 - 6.5.3 where the Authority is unable to place a child in a local validated setting and the alternative setting selected is more than 2 miles away;
 - 6.5.4 where public transport is not available due to the isolated nature of home thereby precluding attendance at an appropriate validated setting;

6.5.5 where a parent chooses an alternative validated nursery setting to the one offered by the Authority any transport costs will be borne by the parents.

6.6 Parents are encouraged to seek advice from the Access Team on whether assistance will be available in a particular case.

7 Post 16 provision

7.1 Transport assistance will be considered for children aged 16+ to facilitate participation by them in further education in accordance with the Authority's Post 16 Transport Policy which is available from the Access Team, Northgate House.

8 Discretion and appeal

8.1 The Principal Officer with responsibility for Home to School Transport has the discretion to approve requests for transport assistance in special circumstances if applications are found to justify approval outside the policy.

8.2 The Appeals Panel considers appeals based on medical or social grounds on their individual merits, such applications to be accompanied by a report providing details of the case from the appropriate Education Welfare Officer. Applications on any other grounds will be considered and may be approved if they are found to justify approval as an outside policy award.

9 Behaviour and misuse

9.1 The Authority reserves the right to withdraw free transport in the event of misuse by pupils. If a child causes damage, creates trouble on a bus or attempts to defraud the bus companies, this could result in the following action:

9.1.1 the indefinite withdrawal of the child's school card or boarding card;

9.1.2 a ban from the bus for a period of time;

9.1.3 prosecution by the police;

9.1.4 the requirement to pay for any damage caused by the child.

9.2 Parents will be informed in writing of any such incidents outlining any action to be taken. Parents will be given the opportunity to appeal against the decision to the Principal Officer with responsibility for Home to School Transport.

10 Transport provision and charges

10.1 The Authority decides what form of transport assistance to offer in individual cases. In most cases either a school card or boarding card will be issued depending on the location of a pupil's home address. Other types of assistance include mileage or cycling allowances.

- 10.2 In some instances, however, if it is more cost effective, the Authority will reimburse bus fares at the current half fare rates.
- 10.3 Applications for taxi or specialist transportation will be considered initially by the Principal Officer with responsibility for Home to School Transport and then, if necessary, by the Appeals Panel.
- 10.4 Where there is spare capacity on a taxi provision it may be possible for siblings (who do not qualify for free home to school transport) to travel on a 'grace and favour' basis whilst space is available. A charge may be made for this.
- 10.5 Where there is spare capacity on a boarding card bus provided by the Authority it may be possible for parents of pupils who do not qualify for free transport to purchase a pass from Metro whilst space is available.
- 10.6 Where a pupil loses or defaces their pass it is the parents' responsibility to make arrangements to obtain a replacement for which there will be a cost. It is the parents' responsibility to ensure that the pupil pays the appropriate fare until a replacement pass has been received. If it is a boarding card and fares are not accepted on the bus a temporary card can be obtained from their school.
- 10.7 The Authority reserves the right to withdraw transport where school cards or boarding cards have been issued in error. Normally, a pupil will be allowed to keep their pass until the end of the term in which parents are informed. If a card has been obtained fraudulently it will be withdrawn with immediate effect. Failure to return the card after the agreed period could result in a charge being levied.

11 Assessment process on transition to secondary school

- 11.1 The Access Team is responsible for the assessment of pupils for free home to school transport. This is done on an annual basis following the admissions process for entry to secondary schools.
- 11.2 Parents will receive a preliminary assessment application form following the allocation process which will be distributed via the pupil's primary school.
- 11.3 Where parents feel they meet the eligibility criteria set out in this document, they will need to complete the application form and return it to the Access Team who will assess and provide a written response as soon as possible. A further application form will be sent to those pupils who qualify, in order for the Access Team to order a bus pass for the start of the academic year.
- 11.4 Completion of the Preliminary Application Form does not mean the pupil is eligible for free transport; the form is an expression of interest in order that the Council can undertake an assessment.
- 11.5 Transport assistance will be awarded from the time the decision is reached following receipt of an application and will not be made retrospectively.

- 11.6 Parents who have not received a form by the end of May should contact the Access Team by telephoning 01422 392531 or 01422 392542.

12 General assessment process

- 12.1 Most pupils will have been assessed for transport at the time they transfer to secondary school. However, the Access Team will undertake assessments as necessary where parents make a request for transport assistance following a change in their circumstances. Examples of such changes include: a family moving into the Calderdale area, pupils changing schools, pupils moving address part way through their education or a parent who has not previously made an application at transition year.
- 12.2 Parents will be given a preliminary assessment application form to complete and return to the Access Team who will assess and provide a written response as soon as possible.
- 12.3 For those pupils who qualify, an additional application form will be given in order for the Access Team to order either a bus pass or reimburse bus fares depending on the time of year the application is made.
- 12.4 Completion of the Preliminary Application Form does not mean the pupil is eligible for free transport; the form is an expression of interest in order that the Council can undertake an assessment.
- 12.5 Transport assistance will be awarded from the time the decision is reached following receipt of an application and will not be made retrospectively.

13 Distance and measuring

- 13.1 The distance will be determined by the shortest walking route (using routes assessed and deemed as suitable by the Authority), from the nearest point on the road or pathway outside the pupil's home to the designated school entrance points.
- 13.2 The Access Team uses a computerised GIS system which measures the distances accurately in miles and is used for all measurements in order to provide a fair and consistent method. No other measuring tool will be used. The school entrances are marked on the system to avoid discrepancy between measurements.
- 13.3 A number of routes within the Calderdale boundary have been determined unsafe in line with the Council's hazardous routes guidelines. These routes are removed from the system for the purposes of measurement and reviewed on a three year rolling programme. Details of these routes are available from the Access Team.
- 13.4 The measurement of the statutory walking distance is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, may walk with reasonable safety. As such, the route measured may include footpaths, bridleways, and other pathways.

- 13.5 Should a route be declared unsuitable the Access Team do not have a responsibility to automatically re-assess all pupils affected by the change, however, parents can request to be reassessed. The assessment will incorporate any changes that have occurred. Please note that no retrospective payments will be made prior to the new assessment.
- 13.6 Where a previously unsafe route is subsequently declared suitable for use in the measuring to school, pupils already in receipt of transport provision will continue to receive assistance until the end of the academic year.