

# HOME TO SCHOOL TRANSPORT POLICY

## September 2015

(Amended on 1 June 2015)



The Learner Travel (Wales) Measure 2008 requires Local Authorities to provide home to school transport for eligible children. Your child will be entitled to receive free school transport if the following apply:

**1. Primary school age pupils:**

- Of compulsory school age (i) and
- Resident in the authority or is looked after by the authority (ii) and
- Attending their nearest suitable or designated school (iii) and
- Living two miles or more from their school. The distance is measured according to the shortest available walking route, and may include footpaths. (iv)

**2. Secondary school age pupils:**

- Who are of compulsory school age (v) and
- Resident in the authority or looked after by the authority (ii) and
- Attending their nearest suitable or designated school (iii) and
- Living three miles or more from the school. (iv) The distance is measured by the shortest available walking route.

**3. Other pupils, and who are:**

- Of compulsory school age; and
- Resident in the authority or looked after by the authority; and
- Attending their nearest suitable or designated school; but
- Who live within the walking distance of their school but whose route is deemed unavailable because it would be unsafe, even if they were accompanied as necessary given the age of the child and his/her abilities and any disabilities or learning difficulties.(vi)

The Local Authority may in wholly exceptional circumstances exercise its discretion to provide free transport to pupils who do not meet the above criteria. (vii)

**Transport arrangements for eligible pupils/learners**

Transport arrangements for eligible pupils are in accordance with the Learner Travel (Wales) Measure 2008 and the Learner Travel Statutory Provision and Operational Guidance (2014).

The type of transport and any supervision provided will be dependent upon the needs of the child/learner, and his/her age (viii). The most cost effective and suitable mode(s) of transport will be used. This could include a ticket for use on a local bus service, a place on a contracted vehicle, parental allowance or cycle allowance. Transport arrangements and pupils' transport needs will be reviewed on a regular basis (ix) to ensure they are suitable and cost effective.

For eligible children transport will be provided from home to school (or college) at the start and end of the day. It is not provided for part time/lunchtime or travel between school sites. (xi) The Authority will provide transport from reasonably near the child's home to reasonably near school/college. (xii) A child, depending upon their age and ability may be required to walk to a pick up and set down point.

The Authority may withdraw transport if they are satisfied that a learner has failed to comply with the Code of Conduct. (xiii)

## How to apply

Application forms are available from your child's school or college, or on City and County of Swansea's website. [www.swansea.gov.uk](http://www.swansea.gov.uk)

## Appeals

If free transport is refused, parents/carers may challenge that decision either if it is thought the authority has not applied the policy correctly, or because there are exceptional circumstances.

Appeals should be made in writing setting out the reasons for the appeal, and providing copies of any supporting information. Full details of the Appeals process can be obtained by writing to the address below:

The Manager School Governor and Student Services  
School and Governor Support Unit  
Education Department  
Civic Centre  
SWANSEA SA1 3SN

or by e-mail to: [Schoolgovernorunit@swansea.gov.uk](mailto:Schoolgovernorunit@swansea.gov.uk)

## Local Arrangements

### Post 16 students

The Learner Travel Measure (Wales) 2008 requires Local Authorities to consider the needs of learners who are aged 16-19 years; however, there is **no** requirement for Local Authorities to provide school or college transport free of charge to any learner who is more than compulsory school age. The authority, however, uses its discretionary powers and will provide transport for learners over compulsory school age who meet the criteria of minimum distance or lack of a safe/available route to their designated school or college, or special educational need. The Council provides eligible learners with bus passes to travel to their designated school.

The Council delegates funding and responsibility for the provision of post-16 college transport to the two Further Education colleges.

If the designated school or linked college does not offer the particular course of study that the student requires, transport will be provided to the nearest school/college that offers the course if it meets the minimum distance criteria.

### Transport to Welsh/English Medium Schools

In considering whether a school is suitable, the Learner Travel Wales Measure 2008 states that neither the child's or parent's language preference or mother tongue should have any bearing on whether a school is suitable. However, the measure requires Local Authorities to promote access to education and training through the medium of Welsh. For this reason, City and County of Swansea will provide free transport to the nearest suitable school which provides education through the medium of either Welsh or English provided that the pupil meets the distance criteria or non-availability of a safe walking route. **Welsh Government Learner Travel Statutory Provision and Operational Guidance (2014) 1.40,1.74 – 1.79**

### Transport to Faith Schools

The Learner Travel Wales Measure, Operational Guidance states that the child's or parent's religious faith or conviction should have no bearing on whether a school is suitable. However the City and County of Swansea will provide free transport to the nearest suitable faith school provided that the pupil meets the distance criteria or non-availability of a safe walking route.. **Learner Travel Statutory Provision and Operational Guidance (2014) 1.40, 1.80-1.82**

### **Transport for learners with Special Educational Needs**

Pupils who have a statement of Special Educational Need (or equivalent level of educational need should Statements be replaced with a different assessment and provision mechanism following the outcome of any proposals by Welsh Government for ALN reform).

Not all pupils with special educational needs will automatically receive transport and the same eligibility criteria will apply to children with special educational needs as for all pupils of statutory school age.

City and County of Swansea recognises that children and young people with special educational needs are likely to have a range of additional transport needs and these needs may change during their school careers. For this reason, a child or young person who has a statement who may meet the criteria for free school transport will be individually considered by the LA to ascertain their transport requirements. Some children who do not meet the criteria for free school transport may also be assessed and considered if their special needs suggest that they may require support with transport to and from school.

Learners with special educational needs will have their transport needs reviewed at the Annual Review.

### **Children and Young People who attend Pupil Referral Units, Inclusion Centres, or Tuition Centres**

Free home to school transport is provided for pupils who attend these establishments who meet the qualifying distances in respect of primary and secondary aged pupils. Such children who live less than the minimum distance from their nearest suitable provision may also be offered transport if it is considered necessary for their successful attendance. This will require individual consideration and use of the LA's discretionary powers. Any transport provision would be subject to regular review.

### **Looked After Children**

The Authority has a responsibility as a corporate parent for Looked After Children. All efforts are made to provide continuity and stability for those children as far as school provision is concerned. If Social Services decide that the child should continue to attend their normal school, free home to school transport will be provided to maintain attendance at the child's normal school where the carer's home is further than 2 miles away in the case of a primary school child or 3 miles in the case of a secondary school child. This arrangement will also be made available for those children who are being cared for at addresses in neighbouring authorities. However, Social Services should be mindful of the recommended maximum travel times/distances when deciding the needs of the child. Public transport will be used whenever possible. **See Learner Travel Statutory Provision and Operational Guidance (2014) 1.29, 1.49-1.51**

### **Passenger Assistants**

Routes will be assessed on an individual basis but passenger assistants will not normally be provided on mainstream routes for either secondary or primary pupils. Travellers will be expected to conform to the code of conduct and it will be the responsibility of the parents/carers to ensure that their child gets onto the bus safely and that the child is met off the bus after school as necessary. They will however, be employed to support pupils on certain routes and the decision to employ a passenger assistant on a specific route will depend on a number of factors in accordance with the Learner Travel Statutory Provision and Operational Guidance. These include the individual needs of the pupils, the length and nature of the route etc. **See Learner Travel Statutory Provision and Operational Guidance (2014) 1.15**

### **Promoting Independent Travel**

City and County of Swansea supports a number of initiatives which are designed to ensure that as many of our pupils as possible become confident users of public transport and other sustainable travel methods such as walking or cycling by the time they leave school.

### **Absent Parents or Carers**

Vulnerable children such as very young children or some children with Special Educational Needs who have no one to meet them when they arrive at their destination will be kept on the vehicle so that other children on the route are not delayed. The Authority will be informed by the driver and arrangements will be made for the child to be collected by their parent or carer at the end of the route. If a parent or carer cannot be contacted either the Social Services Duty Officer or police will be contacted. **(See SWWITCH Home to School Code of Conduct page 12 or SWWITCH Special Educational Needs Transport Code of Conduct page 15).**

### **Payment of mileage allowance**

Where an entitlement to school transport exists or discretion has been exercised, in certain circumstances e.g. where it is the most economic option, or if the needs of the child demand it, the Authority may agree to offer a mileage allowance where the parent/carers of a child/ren transports the child/ren themselves. If a mileage allowance has been agreed with the parent or carer to take their child to school, the rate would be for one return journey per day.

Please note that any agreement would be subject to the parent or carer having a driving licence, the vehicle having an MOT (if applicable depending on the age of the vehicle) and evidence of appropriate insurance (either class 1 business use or a letter from their insurers waiving the need for class 1 business use to transport their child for an allowance).

### **Discretionary Travel**

Where the Council chooses to provide discretionary transport arrangements, then these can also be removed at a later date. In doing this the Council should follow the correct procedures for withdrawal of transport provision in line with their relevant policy protocols, for instance, public consultation.

If the Council decides to change or remove the discretionary transport provision it provides, it must publish the information before 1 October of the year preceding the academic year in which the changes will come into force in accordance with the Learner Travel Information Regulations 2009. **See Learner Travel Statutory Provision and Operational Guidance (2014) 1.104 - 1.105**

### **Sale of Spare Seats on School Transport**

School transport is provided taking into account the efficient and effective use of the Authority's resources. The LEA will group pupils to share vehicles and this may result in some vehicles having spare capacity. These additional seats are offered for sale to parents and carers of children who would not otherwise be entitled to free transport. These seats are offered on a termly or annual basis. No seats are sold for pre-school age pupils.

If during the course of the year, a child starts at the school with an entitlement to free transport through the statutory criteria of minimum distance or the lack of a safe walking route it could become necessary to rescind the decision to sell a spare seat if the vehicle is full. The decision on how this seat is chosen will be taken by the Transport Team in accordance with the Sale of Spare Seats Scheme. For further information on the purchase of spare seats, please contact the Transport Team, Civic Centre, Swansea, SA1 3SN.

## GUIDANCE NOTES

**i. Transport for those under compulsory school age:** City and County of Swansea extends the entitlement to full time pupils below compulsory school age from the commencement of the academic year in which they achieve their fifth birthday.

**ii. Residence:** Residence is the child's permanent home i.e. residence is not temporary such as staying with relatives on a short term basis.

Transport is provided between home and school only, not for example between child minders' and school.

Where there are shared custody arrangements/looked after arrangements and the child is eligible to transport from both addresses (both satisfying the distance criteria, or the route is not available/ unsafe , etc.) transport will be provided if this is a regular, on-going and permanent arrangement i.e. for more than one term. Application for transport from more than one address should be supported by evidence of residence.

**iii. Nearest suitable or designated school:** The child must be a registered pupil at the school. The nearest suitable or designated school includes the named school for a child with special educational needs or additional needs, a maintained school or a PRU

Transport will not be provided where a parent chooses a more distant school and there is a place available at a school nearer home.

Note that the nearest school may be in an adjacent authority.

**iv. Measurement of two/three miles:** The walking distance of two/three miles should be measured by the shortest available walking route. This may include footpaths.

It is measured from where home meets highway/boundary of the property i.e. end of drive or private lane to the front or nearest school gate. Note that many schools have large grounds and if there is a pedestrian entrance to school premises/grounds this may be the nearest gate rather than the main entrance, if that is useable.

**v. Compulsory school age:** Transport will be provided for eligible pupils to the end of the academic year in which the child reaches age 16.

**vi. Safety of route/availability of walking route:** A walking route is deemed to be available if it can be walked in relative safety by the child/learner alone or accompanied by an adult, as necessary, taking into account the nature of the route and the age and abilities of the child/learner.

The safety of the route should be assessed with reference to the Risk Assessment Procedure set out in the Learner Travel Statutory Provision and Operational Guidance (2014) to determine whether a route is unavailable irrespective of whether a parent accompanies a child, given the age of the child. This takes into account factors such as speed limit, traffic volume, social factors, etc.

In determining whether a route is available or unavailable, officers will need to consider the nature of the route, the ability of an adult to accompany and the child's abilities/age.

The key questions are:

### 1 Route safety

- Is the route safe for any child even if they were unaccompanied?
- Is the route safe for a child accompanied as necessary?
- Could the route be improved e.g. new crossing, to make it safe for any child unaccompanied or accompanied as necessary?

If the answer to these is yes then it will be necessary to consider the ability/disability of a parent/guardian/carer to accompany and the ability/disability and specific needs of the child and their age.

### 2. Adult to accompany as necessary

**Even if a parent is working this does not fail to make them available to accompany their child as necessary.** Many parents will say they are unavailable to accompany their child.

Unfortunately the guidance and case law have concluded that just because a parent is working, the Authority does not have to provide transport.

However, there may be circumstances where an appropriate adult is not available to accompany the child – for example if the parent is so disabled they themselves are unable to walk the route, or the authority is already requiring the parent to accompany another sibling to ensure their route is safe to travel to school.

### 3. The child's disabilities/learning difficulties are such that they are unable to walk even accompanied along a safe route?

- If this is the case, can travel training and/ or support be provided to develop child's ability?
- If travel training is not appropriate then transport will be required, and the Authority will need to look at the needs of the child, but review regularly the child's ability and any opportunity to train/support them.

### vii. Other discretionary circumstances:

The type of transport and entitlement to transport provision should be regularly reviewed.

It is likely there will be some limited discretionary exceptions where free transport will be provided to pupils who would ordinarily not be entitled. These may include temporary medical condition, supported by medical (normally at consultant level) evidence that confirms the conditions, its impact on travel to school and the expected duration of the condition, or where a child is a young carer and where attendance at school would be unlikely without additional travel support. Specific discretions will depend on local practice/circumstances.

### viii. Suitable transport/specific needs assessment:

The guidance is that transport should be 'non stressful' and safe.

Transport should be provided in accordance with the Learner Travel Statutory Provision and Operational Guidance.

For pupils with additional needs their transport requirements will be assessed on an individual basis at least annually. This will determine the suitable vehicle, route and need for any specialist equipment and/or supervision, based on information provided as part of the statutory assessment process, and / or annual review.

### ix. Review of transport arrangements:

For pupils who are applying for transport on the basis of an unavailable/ unsafe route, transport entitlement and transport needs will be reviewed on an annual basis. For those with special educational needs this will form part of their Annual Review.

**x. Transport to a Residential Placement:**

Where the child is in a residential placement transport will be provided at the beginning and the end of the week/half term or termly as appropriate. , Assistance will be provided with the cost of one return trip for one adult each half term for visiting purposes and one return trip for the Annual Review. Reimbursement will be paid either as a mileage allowance or as standard class public transport fares supported by receipts.

**xi. Transport provided for the Am and Pm journey only:**

For those eligible to receive free transport, it is provided to and from school or college at the start and end of the school day. Transport is not provided for part time attendance or for pupils to attend at other hours for example to attend an evening class. There is also no duty on the Authority to provide travel during the day or between sites. Transport will not ordinarily be provided for those on assessment.

**xii. Pupils will usually be expected to walk to the nearest pick up point:**

The Authority will consider the needs of the child, but it would be expected for parents to accompany the child as necessary to any pick up point. (see also vii)

**xiii. Withdrawal of transport:**

The process for withdrawal of transport is set out in the Welsh Government Travel Behaviour Code Statutory Guidance 2009



## FLOW CHART FOR SCHOOL TRANSPORT ENTITLEMENT

