



Home to School Transport Entitlement Policy

September 2014 (updated)

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Section 1: The County Council's Aim

- 1.1** This revised document incorporates the changes the County Council has made to its discretionary home to school transport provision, such as the provision for children to travel to aided (denominational) schools, the enhanced provision for children entitled to free school meals or whose parents are in receipt of the maximum level of Working Tax Credit introduced by the Education and Inspections Act 2006 and changes consequent on the new admissions arrangements introduced from September 2008. However, over time this document is likely to require further changes as legislation is introduced and case law is developed. An up to date version of the policy will be found on the County Council's website at <http://www.hants.gov.uk/education/transport-policy>.
- 1.2** The layout of this policy document is aimed to help parents and carers find their way through it if they think they are entitled to free transport to school. This means that there is some repetition of some clauses but it does mean that, for example, all the policy statements for children with Special Education Needs (SEN) can be found in one section rather than by cross referencing across the document.
- 1.3** One of the aims of the County Council is to enhance Hampshire's environment "by protecting our quality of place". A key issue within this aim is the reduction of the environmental impact of transport. This home to school transport policy contributes to a reduction on the "school run" and is part of the overall Sustainable School Travel Policy. The County Council promotes walking, cycling and the use of public transport by children going to school. Most schools have School Travel Plans which have been developed with their local communities. These plans look at how children can get between home and school in an environmentally friendly way. A copy of the Plan can be obtained direct from the school.

Section 2: Entitlement

2.1 Pre-school children

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|--------------|---|---|
| 2.1.1 | Nursery Schools | Children at nursery schools are not entitled to assistance with transport. |
| 2.1.2 | Opportunity Groups and other placements with educational | Assistance will be given to the nearest appropriate unit if it is more than two miles from home address and normally provided through a parental mileage rate. That support may be provided for a journey of less than two miles if it is recommended by the Special Educational Needs (SEN) Service of the Children's Services Department following an |

provision for young pupils with special educational needs

assessment of the child's needs. Individual needs will be reviewed annually and by taking into account, amongst other things, the following factors:

- The child's ability to walk,
- The child's need to be accompanied by an adult (usually parent or guardian) **and**
 - i) the parent's or guardian's ability to walk and/or

the need for primary age siblings to be taken to other schools provided that the school is the catchment area school, or a nearer school (see Section 2.3.3) or the next nearest school with a place (see 2.3.4.1 for an explanation) where the timing of the school day or the direction of the other school(s) prevent the parent or guardian from accompanying.

2.2 Year R children under compulsory school age

Year R pupils may be admitted to school on a part-time basis, with a parent's agreement. If, under the following provisions of this policy the pupil would be entitled to transport if he/she was of compulsory school age, transport will be provided to Year R children under compulsory school age but only at the beginning and end of the full school day.

2.3 Pupils of compulsory school age attending mainstream schools

2.3.1 'Mainstream' is the term used to describe the schools which are not special schools. The school types covered by this policy statement are referred to in section 5.1.2

2.3.2 Distance

2.3.2.1 A pupil will be eligible for assistance where the distance from home¹ to school, measured by a nearer available walking route², is **more** than:

two miles: for pupils up to the end of the school year in which they have their eighth birthday.

three miles: for pupils from the beginning of the school year in which they have their ninth birthday.

2.3.2.2 Different walking distances may apply in respect of children who are entitled to free school meals or whose parents receive the maximum level of working tax credit (see section 2.5)

2.3.2.3 Where a child lives within walking distance of their catchment area or a nearer school (see Section 2.3.3) or next nearest school with a place (see 2.3.4.1) the County Council will provide transport where the nature of the routes which can be taken are such that a child cannot reasonably be expected to walk (accompanied as necessary) to the school.

1. See definition in 5.1.4

2. See definition in 5.1.5

- 2.3.3 Which school?** Parents can express up to three preferences for the school they would like their child to attend. Free transport will be provided to a school which is the designated catchment area school or to a nearer school to the home address (if different) , providing the distance criteria are met. Please note: where more than one school treats the home address as falling within its catchment area transport will only be provided to the nearest catchment school or a nearer school to the home address if different, providing the distance criteria are met. For secondary schools there are different arrangements for children from low income families (see section 2.5). If parents accept a place at another school the County Council will not normally assist with transport costs.
- 2.3.4 Designated catchment school is full**
- 2.3.4.1 Where parents express a preference for the designated catchment or a nearer school (see Section 2.3.3) and the school is unable to offer a place, free transport will be offered to the next nearest school with a place available providing the distance criteria are met.
- 2.3.4.2 The pupil will remain entitled to transport to the next nearest school with a place until they leave the school, with the following exceptions at the beginning of Year 3:
- Pupils transferring from the next nearest infant to junior school will not be entitled to assistance if a place is available at the designated catchment primary school
 - Pupils at a next nearest primary school will be expected to transfer to the designated catchment junior school, if a place is available
- This is so that pupils are able to re-integrate with their local peer group as soon as possible, particularly in preparation for the transfer to secondary school.
- 2.3.5 School re-organisation/re-designation of catchment area** The normal entitlement policy will apply to the children of families affected by the closure or re-organisation of schools, or re-designation of catchment areas by the County Council. This means that:
- **new pupils** will have their entitlement decided with reference to the new school location/catchment area
 - **existing pupils** will have their entitlement re-assessed only if they are required to move to a new location. If they remain at the same school location, the existing entitlement decision will remain in force

until they leave the school

- 2.3.6 Expressions of preferences** Where parents express preferences for schools other than the designated catchment area or a nearer school (see Section 2.3.3) to the home address and are unable to obtain a place at any preferred schools, assistance with transport will only be offered to the designated catchment area or nearest school to the home address (provided distance criteria is also met).
- 2.3.7 Temporary address** Transport will not normally be provided from a temporary address to a school that is not the designated catchment area or nearest school for that address.
- 2.3.8 Journeys to and from other destinations** Transport is not normally offered to or from points other than the school and home.
- 2.3.9 SEN, Disability or Mobility problems**
- 2.3.9.1 Free transport will be provided to those pupils living within walking distance of the school where:
- The child is attending the designated catchment area school, a nearer school (see Section 2.3.3), the next nearest school with a place (see Section 2.3.4.1), or is attending the nearest appropriate school as determined by SEN Services of the Children's Services Department **and**
 - By reason of their SEN, a disability or mobility problem (including temporary medical conditions) he/she cannot reasonably be expected to walk to school; **and**
 - A doctor's certificate is submitted stating that the child is unable to walk to school.
- 2.3.9.2 Exceptionally, transport may also be provided to facilitate part time attendance where a child is convalescing following medical treatment or illness. The child's progress will be reviewed at least on a termly basis.
- 2.3.10 Parents' disability**
- 2.3.10.1 Where a child is not entitled to assistance and it is necessary for him/her to be accompanied when walking to school, free transport will be provided where a doctor's certificate is submitted stating that a parent is unable to accompany their child to school because of a disability within the meaning of the Equality Act 2010.
- 2.3.10.2 Any transport provision made will be reviewed to take into account the age of the child and the parent's medical condition.
- 2.3.11 Permanently excluded pupils**
- 2.3.11.1 Where a pupil is permanently excluded transport assistance will be offered to the nearest school at which a place can be found, where the distance criteria are met.
- 2.3.11.2 In considering the placement of a pupil at any

alternative school one of the key considerations will be to keep transport costs to a minimum.

2.3.12 Victims of bullying Strategies for dealing with bullying should be fully explored with the school and professional staff. If a transfer of school takes place assistance with transport to the new school is not normally provided.

2.3.13 Pick-up and drop-off points Where the distance between a pick-up or drop-off point and home or school is less than one mile, the County Council will not normally provide transport for that part of the journey. However, transport may be provided for children with special educational needs, disabilities or mobility problems within these distances where this is recommended following an assessment of their individual needs. The criteria used to determine entitlement within walking distance must be applied.

2.4 Post - 16

For children of sixth form age entitlement is presented in the annual transport policy statement which sets out the assistance available to post 16 students and is published by 31 May each year.

2.5 Children entitled to free school meals or whose parents receive the maximum level of Working Families Tax Credit

2.5.1 The Education and Inspections Act 2006 introduced new home to school transport entitlement for children entitled to free school meals or if their parents (with whom they live) are in receipt of the maximum level of Working Tax Credit. The details are set out below for primary and secondary age pupils and those travelling to schools preferred on grounds of religion or belief.

2.5.2 Distance 2.5.2.1 If a child aged 8-10 is entitled to free school meals or if their parents are in receipt of the maximum level of Working Tax Credit and they attend their nearest or catchment area school they are entitled to transport if they live more than two miles by the nearest available walking route from the school.

2.5.2.2 If a child aged 11 or over is entitled to free school meals or if their parents are in receipt of the maximum level of Working Tax Credit, the County Council will arrange free transport to any one of the three nearest suitable schools, where the distance travelled is more than two miles but NOT more than six miles from the home address. The two mile distance will be measured by the nearest available walking route and the six mile distance along road routes.

2.5.2.3 If a child aged 11 or over is entitled to free school meals or their parents are in receipt of the maximum Working Tax Credit, and his/her parent has expressed a

preference for a school and that preference is based upon the parents' religion or belief, free transport will be provided to the school if it is the nearest suitable school preferred on grounds of religion or belief and if the distance is more than two miles but not more than 15 miles. The two mile limit will be measured by the nearest available route and the 15 mile limit would be measured along road routes.

2.6 Pupils of compulsory school age attending special schools and mainstream schools with resourced provision.

2.6.1 In respect of pupils with statements of special educational needs (SEN) attending special schools, those placed by Hampshire County Council for assessment purposes and those attending mainstream resourced provision, the policy set out in sections 2.4 and 2.5 will apply save in respect of the following matters.

2.6.2 Which school? Assistance with transport will be offered to the nearest appropriate school as determined by the SEN Services of the Children's Services Department.

2.6.3 Entitled within walking distance?

2.6.3.1 Transport may be provided within the walking distances where this is recommended following an assessment of individual need.

2.6.3.2 Individual needs will be reviewed annually and by taking into account, amongst other things, the following factors:

- The child's ability to walk
- The child's need to be accompanied by an adult (usually parent or guardian) **and**
- The parent's or guardian's ability to walk
- The need for primary age siblings to be taken to other schools provided that the school is the catchment area school, or a nearer school (see Section 2.3.3) or next nearest school (see Section 2.3.4.1) where the timing of the school day or the direction of the other school(s) prevent the parent or guardian from accompanying.

2.6.4 Change of address The appropriateness of the placement will be reviewed according to the child's individual needs and entitlement to transport re-assessed accordingly.

Temporary address Transport will not automatically be provided from a temporary address to a school that is not the nearest appropriate school for that address. The change of address rules apply.

2.7 Children educated otherwise than at school (EOTAS)

- 2.7.1** These children normally attend pupil referral units (PRUs), known as Education Centres.
- 2.7.2** The general provisions of the policies for pupils attending primary and secondary schools will apply.
- 2.7.2.1 Attendance** Where a pupil is not entitled to transport but it is demonstrated to the County Council's satisfaction that free transport is needed if attendance is to be achieved, an exception may be made.
- 2.7.2.2 Journeys to and from other destinations** Transport is not normally offered to or from points other than the Education Centre and home. However, where an educational package has been specified to facilitate re-integration into mainstream education, these matters will be supported.
- 2.7.3** Primary schools There is separate more detailed policy guidance for assisting with

3.1 Mode of Transport

- 3.1.1** The most economic form of transport available will be provided, having due regard to the availability of the transport as determined by PTG and the maturity, health or special needs of the pupil, as determined by:
- The Special Educational Needs (SEN) Service – for pupils with a statement of SEN
 - Area Strategic Manager for Alternative Education, for pupils educated other than at school
 - Passenger Transport Group – for mainstream pupils

3.2 Journey Times

3.2.1 Transport arrangements will allow the child to reach school without undue stress, strain or difficulty. Shorter journey times are desirable in achieving this. As a guide, maximum journey times should be 45 minutes for primary children and 75 minutes for secondary children.

3.2.2 Limited exceptions of more than 75 minutes may apply in some situations, although individual needs will be assessed. These exceptions are likely to occur in transport:

- to church secondary schools
- to special schools
- to EOTAS units
- for pupils attending their next nearest school with an available place because no place available at designated catchment area school or nearest school

3.2.3 Longer journeys may also be necessary for pupils attending out of county residential schools.

3.3 Meeting special needs

3.3.1 Following consultation with parents/guardians, the school provides details of the transport requirements for individual pupils to the County Council.

3.3.2 For the child's safety it is important that the Passenger Transport Group are kept informed of any changes that require the transport arrangements to be amended.

3.4 Escorts

Escorts will only be provided where the County Council considers that the journey cannot be safely completed without an escort being provided. Risk assessments will be undertaken by staff of the County Council as required. If it is identified that pupils need to be escorted on the vehicle all reasonable effort will be made to provide a suitably trained school escort.

Section 4: Discretionary Transport Schemes

4.1 Concessionary travel (privilege place scheme)

A spare place on a contract vehicle may be offered to a child who is not entitled to transport assistance. It will be withdrawn if it becomes clear that it is needed by an entitled child or if re-tendering or re-planning changes the route or reduces the number of concessionary seats. A flat rate charge will be made, (set annually by the LA) except where the child being transported is entitled to free school meals or the family is in receipt of the maximum level of working tax credit. Parents must make their own arrangements for the pupil to travel to the nearest existing pick-up point on the route.

4.2 Voluntary driver schemes

A few voluntary driver schemes are in operation at some Early Years SEN provision. Payment is in line with the County Council voluntary driver rates, reviewed annually.

Section 5: The Legal Framework

5.1 Legislation

5.1 .1 LA Duty Legislation places a duty on local authorities (LAs), which in the case of Hampshire (except for Southampton and Portsmouth) is the County Council, to make such travel arrangements as the LA considers necessary to facilitate attendance at school for those children identified as "eligible children" in the legislation.

5.1.2 School The school covered by this policy statement are: -

- community, foundation and voluntary schools including special schools
- non-maintained special schools
- pupil referral units

- maintained nursery schools
- city technology colleges, city college for the technology of the Arts, or academies
- an independent school if it is the only school named in the child's statement of special educational needs, or if it is the nearest of two or more schools named in the statement

Save for the above mentioned, it does not include independent schools.

5.1.3 Walking distances

The obligation to provide transport normally only arises where the child lives outside the walking distance between his or her home and the child's school. Walking distance is defined by the Education Act 1996 as meaning:

- in relation to a child who is under the age of 8 years, 2 miles; and
- in relation to a child who has attained the age of 8 years, 3 miles.

in each case measured by the nearest available route. However, different walking distances may apply in respect of children who are entitled to free school meals.

5.1.4 Home address

The home address will normally be that at which the child resides and spends most of his/her time. Occasionally a child will have more than one address, for example, because they live with parents who have different addresses. In this situation the address used for determining transport will be the one at which the child spends most of their time including weekends and school holidays as well as during the week. When the child lives at the other address they will not qualify for any transport arrangements other than the one provided from the primary home address.

5.1.5 Nearest available route

The "nearest available route" has been considered in a number of legal cases and is taken to mean a route along which a child, accompanied as necessary, can walk and walk with reasonable safety to school. The route does not fail to qualify as available because of dangers that would arise if the child remained unaccompanied. However, the LA must satisfy itself that it is reasonably practicable for the child to be accompanied where it considers that the route is too dangerous for the child if unaccompanied.

5.1.6 Arrangements without undue stress

A further legal case provided that the LA is under a duty to make such arrangements as it considers necessary for a child to reach school without such undue stress,

strain or difficulty that they would be prevented from benefiting from the education provided.

- 5.1.7 Local Transport Plan** Within their local transport plans, local authorities are required to:
- “set out an integrated strategy for reducing car use and improving children’s safety on the journey to school, taking account of the health and education aspects of road safety strategies.”
- 5.1.8 Sustainable school travel strategy** The Education and Inspections Act 2006 has created a duty on the County Council to develop and publish its strategy for sustainable travel to school. The County Council’s strategy can be found on <http://www3.hants.gov.uk/school-travel-strategy>
- 5.1.9 Post 16** The County Council is under a duty to publish by 31 May each year a transport policy statement setting out the assistance available to post 16 students.

5.2 Appeals against refusal of a transport service.

Parents can challenge a decision about:

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

If you are refused Home to School Transport, or wish to challenge on any of the latter three points above, there is an appeals process. In the first instance a case will be reviewed by a Senior Officer and there may be a further appeal to an Independent Appeal Panel.

Please see appendix 1 for more information.

5.3 Pupil/Student Behaviour

The County Council reserves the right to refuse to provide transport on a contract vehicle where a pupil’s behaviour is such that it is unacceptable to the operator (and/or escort where applicable). A season ticket or mileage expenses may be offered where assurances of good behaviour cannot be obtained or are not fulfilled (or cannot be relied upon).

Section 6: Quality Assurance

6.1 Withdrawal of Assistance

Where the home to school transport policy is changed and the level of discretionary provision reduced, transport may be withdrawn from children who are currently receiving assistance. In these cases a reasonable notice period will be given, ie in optimum time to enable parents to make informed decisions about their children’s education. Any change of policy will be subject to a period of consultation with those affected.

6.2

Delays

6.2.1 Where a delay occurs in providing transport which is over and above the normal operational timescale for doing so and the application for transport has been submitted in good time (with full information), reimbursement may be made to cover expenses incurred (upon production of evidence of expenditure) from the date from which transport would otherwise have been provided. Such reimbursement will be for use of the most cost effective type of transport.

6.2.2 In the case of entitlement being granted upon appeal, reimbursement may be made of expenses incurred upon production of evidence of expenditure from the date upon which the appeal was lodged or, if this falls within a school holiday period, from the start of the following term or half-term.

6.3

Errors

6.3.1 Where assistance is found to have been granted in error, notice of one full term will normally be given that assistance will be withdrawn to allow families to make other arrangements.

6.3.2 Where entitlement has been denied in error, transport will be arranged as soon as possible and consideration will be given to reimbursing parents retrospectively, with a time limit of the start of the academic year in which the error was discovered.

6.4

Complaints

The County Council takes all complaints seriously and has a complaints procedure to ensure they are investigated and, where possible, resolved. A copy of the procedure is available upon request.

People are encouraged to raise their concerns using the appropriate contacts from the list in Section 6.5. Where necessary, complaints will be considered at a more senior level to ensure every effort is made to resolve the issue.

6.5

Contacts

Please visit the Home to School Transport page on the County Council's website (Hantsweb) for up to date contact information.
<http://www3.hants.gov.uk/education/schools/school-transport.htm>

Home to School Transport - Review/Appeals Process

Parents who wish to challenge a decision about:

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

may do so by writing to The Transport Team, Capital House etc etc.

Any appeal will be processed as follows:

Stage one: Review by a Senior Officer

- A parent has 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision.
- The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- Within 20 working days of receipt of the parent's written request a senior officer reviews the original decision and sends the parent a detailed written notification of the outcome of their review, setting out:
 - the nature of the decision reached;
 - how the review was conducted (including the standard followed e.g. Road Safety GB);

Stage two: Review by an independent appeal panel

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

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

- the nature of the decision reached;
- how the review was conducted (including the standard followed e.g. Road Safety GB);

- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about the parent's right to put the matter to the Local Government Ombudsman (see below).

The independent appeal panel members should be independent of the original decision making process (but are not required to be independent of the local authority) and suitably experienced (at the discretion of the local authority), to ensure a balance is achieved between meeting the needs of the parents and the local authority, and that road safety requirements are complied with and no child is placed at unnecessary risk.

Local Government Ombudsman – it is recommended that as part of this process, local authorities make it clear that there is a right of complaint to the Local Government Ombudsman, but only if complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.