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## HOME TO SCHOOL TRANSPORT POLICY

### 1. Background

Statutory guidance for local authorities relating to home to school travel and transport was published by the Department for Education in July 2014 ['Home to school travel and transport guidance: Statutory guidance for local authorities']. This means that local authorities are under a duty to have regard to it when carrying out their duties in relation to home to school travel and transport. The 'Home to School transport Policy' for Stockton-on-Tees is based upon this statutory guidance.

This policy is also in accordance with the legislation regarding home to school travel and transport is set out in Sections 444, 508B, 508C, 508D, 509AD and Schedule 35B of the Education Act 1996. Other relevant legislation includes the school Admission Code, the Equality Act 2010 and Regulation 5 and Part 2 of Schedule 2 to The School Information (England) Regulations 2002, as amended.

It should be noted that it is the responsibility of the parents/ carers of a pupil to ensure that he/she attends school. However, in certain circumstances, which are detailed in this policy, the Council will provide assistance to a pupil with transport from home to school.

This policy will apply to children and young people entering school or changing schools from September 2017. If you require a copy of the policy in place before 1 September 2017 you should contact the School Admissions Department of Stockton-on-Tees Borough Council.

This policy applies only to those children resident within the Borough of Stockton-on-Tees who are of compulsory school age. Compulsory age is defined as 5 years of age to the day prior to the young person's sixteenth birthday. In practice, because children are admitted to school before their fifth 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

This policy does not apply to nursery and pre-school children, and neither does it apply to learners in the post 16 phase of their education with the exception of a small number of children and young people who are in the Education, Health and Care Planning process. The policy for post 16 transport is different from that for compulsory school aged children and is set out in a separate policy statement ('Stockton-on-Tees Post-16 Transport Policy').

### 2. The statutory duties of the local authority in relation to children of compulsory school age

The local authority is expected to:

- promote the use of sustainable travel and transport
- make transport arrangements for all eligible children
- ensure best value for money
- have in place an appeals procedure that is clear and transparent

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## 3. Promoting the use of sustainable travel and transport

The Council has legal duties, under the Education and Inspections Act 2006, to promote sustainable travel for children. These duties include:

- Assessment of travel and transport needs
- Audit of sustainable travel and transport infrastructure that may be used when travelling to and from school
- Strategy to develop sustainable travel and transport infrastructure
- Promotion of sustainable travel

Further information is available at <https://www.stockton.gov.uk/economic-regeneration-and-transport/roads-and-pavements/sustainable-travel/>

## 4. 'Eligible children'

These are:

- children under the age of 8 where the nearest suitable school is over 2 miles from the registered home address of the child
- children between the age of 8 and 16 where the nearest suitable school is over 3 miles from the registered home address of the child
- children with special educational needs, a disability or mobility problem who cannot reasonably be expected to walk to school because of their mobility problems or because of health and safety issues related to their special educational need or disability
- children who cannot reasonably be expected to walk to school because the route is deemed unsafe

There are also extended rights for children entitled to free school meals on the basis of income and those of parents in receipt of the maximum Working Tax Credit, as follows:

- free transport, where the suitable school is beyond 2 miles from the registered home address of the child is extended to include children over 8 and below 11.
- free transport is extended to the suitable secondary school being between 2 and 6 miles from the registered home address of the child, where there are not 3 or more suitable nearer schools for children aged 11-16.
- extended free transport to a school between 2 and 15 miles from the registered home address where the school is the nearest preferred school on the grounds of religion or belief for children aged 11 – 16.

Entitlement to extended rights will be subject to annual assessment.

The nearest suitable and available school is defined as the nearest 'qualifying' school in the borough of Stockton-on-Tees for mainstream places, although this definition will include schools situated outside the Borough boundary, including independent schools where appropriate, for children and young people with special educational needs.

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All children who apply or are referred for transport support will be assessed by the local authority.

## **5. Children with special educational needs, disability or mobility problems**

The duty of the local authority is to assess each child on an individual basis. The general expectation is that a child will be accompanied by a parent/carer unless there is a good reason why the parent cannot do so.

In carrying out these individual assessments this local authority will consider whether the child could reasonably be expected to walk to school. If so, account will be taken of whether the child's parents/carer can reasonably be expected to accompany the child. Factors such as the child's age will be taken into account.

Individual assessments will be undertaken as part of the education, health and care planning process and will therefore be re-assessed on an annual basis. These processes are set out in the local offer (<http://stocktoninformationdirectory.org/kb5/stockton/directory/advice.page?id=2Td11ueQE8> and [https://search3.openobjects.com/mediamanager/stockton/directory/docs/arp\\_guidance\\_october\\_2015\\_2.pdf](https://search3.openobjects.com/mediamanager/stockton/directory/docs/arp_guidance_october_2015_2.pdf)).

A transport assessment will also be undertaken for children whom are placed by the local authority in a school with an additionally resourced provision. These children may not have an Education, Health and Care Plan. These provisions or units are attached to some mainstream schools and are appropriately resourced with specialist staff and/or equipment to meet the very specific needs of some groups of children. Children attending these provisions are always placed by the local authority and they are usually on the roll of the school with the provision.

This local authority also supports independent travel training for as many children and young people with special educational needs and disabilities as possible, to enable them to travel independently.

The authority notes that children with short term medical conditions may require support in getting to school and will give consideration to children in this situation. In all such cases a written statement from a medical practitioner involved will be required. Any support put in place will be time limited and subject to regular review.

## **6. Looked after children**

Where children are taken into the care of the local authority every effort will be made, in the interests of the child, to maintain stability in education, which means a commitment to the child remaining at the school attended before being taken into the care of the local authority. Transport costs will, therefore, be paid by the local authority. This will be for an initial period of up to six months. Regular reviews carried out by a senior officer within the local authority could result in these arrangements ceasing or being extended.

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## 7. Safe routes

In line with the associated duty of the local authority to promote sustainable travel and transport from home to school, the Council is committed to encouraging children to walk and cycle to school where it is safe to do so.

Where a route to school is assessed as unsafe for a child to travel alone, the Council will consider whether it is reasonable to expect the child's parents to accompany them, where the route is unsafe.

## 8. Parental Preference

Where a parent expresses a preference for their child (including if the child has an education, health and care plan) to attend a school which is not the nearest suitable school, transport is not the responsibility of the local authority. This includes parental preference for a place at a faith school or academy (except for those children who are eligible under the extended right reference in Section 4 of this policy).

## 9. Measuring distance

In relation to Home to school travel and transport, distance is defined as the distance from the pupil's registered home address by the nearest walking route. Distance is measured from the nearest point on the road or pathway outside the pupil's home to the designated school entrance point.

## 10. Providing transport

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.

Transport will be provided at the start of the school day and the end of the school day. The school day is deemed to be the session times as approved by the governing body of the qualifying school. It does not include travel between educational institutions during the school day. Where this occurs in order for the child to receive education, the responsibility remains with the school.

Where pupils have transport assistance provided by the local authority parents will be issued with a 'Transport Behaviour Agreement' (Appendix 1). Pupils are expected to adhere to this agreement. In the event of unacceptable behaviour the local authority will advise the school, for appropriate action to be taken.

All practical and operational arrangements in relation to Home to School Transport are the responsibility of the Community Transport Service of Stockton-on-Tees Borough Council Team.

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## **11. Change of registered home address**

Where there is a change to the registered home address of a child, a prompt reassessment of entitlement would take place and be applied with immediate effect. This could result in the removal of travel support.

## **12. Appeals procedure**

This local authority will adopt the appeals policy as set out in the statutory guidance. This clear and transparent two stage process is for parents who wish to challenge a decision about:

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

This appeals process is set out in Appendix 2.

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## Appendix 1

### Transport Behaviour Agreement

# Behaviour on the Bus to and from School - A Guide for Safer Journeys

## Message to Pupils

Follow these simple rules and you will make sure that your journey and the journey of others will be safe and comfortable.

### ALWAYS

- ✓ Carry your bus pass and show it to the driver when you board
- ✓ Sit down and stay in your seat throughout the journey
- ✓ Wear your seat belt – it is illegal not to
- ✓ Be polite, respectful and considerate towards other passengers on the bus
- ✓ Get on and off the bus by the correct door and not the emergency exit
- ✓ Follow instructions from the Driver or Passenger Assistant
- ✓ Report any misbehaviour that happens on the bus

### NEVER

- ✗ Act in a silly or dangerous manner
- ✗ Damage or make a mess on the vehicle
- ✗ Use rude/foul language or gestures
- ✗ Spit
- ✗ Smoke or carry lighters/matches
- ✗ Eat or drink on the vehicle
- ✗ Throw things at, around or out of the vehicle
- ✗ Distract or stand forward of the driver
- ✗ Touch the emergency hammer, skylights or controls of the vehicle
- ✗ Fight with/bully or use threatening behaviour towards others
- ✗ Get on a bus you are not entitled to travel on

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## **What happens if pupils don't follow the rules?**

Any behavioural incident is dealt with by the school and Community Transport Service and if necessary the police and Anti-Social Behaviour Team. CCTV footage may also be used to investigate instances of poor behaviour.

Community Transport Service operates a three level system for dealing with behavioural incidents in a fair and consistent manner as follows:

1 <sup>st</sup> Incident	Warning letter
2 <sup>nd</sup> Incident	Temporary exclusion
3 <sup>rd</sup> Incident	Permanent exclusion

Pupils can also be issued with conditions of travel, such as sitting in the front seat at all times.

Discretion is applied depending on the nature and consequence of the behaviour. A pupil can be permanently excluded for one incident if it is dangerous.

Parents will be liable for the cost of any damage to a vehicle caused by their child.

During a temporary/permanent exclusion parents are responsible for ensuring their child gets to and from school.

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**Home to School Transport Behaviour  
Agreement**

**Name of Child**

.....

**D.O.B**

.....

**Address**

.....

.....

.....

.....

**Postcode**

.....

**School**

.....

I ..... parent/carer of the above named child have read the enclosed pupil behaviour information.

I understand that my child's failure to adhere to the agreement may mean that they are excluded from travel.

Parent/Carer Signature: ..... Date: .....

**For secondary age children only**

I ..... (name) have read and understood the enclosed pupil behaviour information. I agree to abide by it at all times when travelling to and from school and in the event of a vehicle breakdown I agree to follow the driver's instructions.

Childs Signature: ..... Date: .....



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# Risk Assessment Statement – Mainstream Pupils

Please complete the details below:

## EMERGENCY CONTACT DETAILS

**Name of Parent/Carer**

**Address**

**Postcode**

**School**

**Telephone**

Home:

Daytime/Work:

Mobile:

Emergency No:

## MEDICAL DECLARATION

I am aware and accept there may be medical risks associated with my child travelling on home to school transport, and understand the driver will **NOT** be able to administer any medication or first aid.

In the event of an emergency I consent to intervention by a medically qualified practitioner to administer any necessary treatment to my child.

Signed: ..... Date: .....

## DATA PROTECTION ACT

The information you give on this form will be used for the purposes of providing appropriate transport for your child. It will be held on computer and is protected by the Data Protection Act. This information may also be shared with other services in the authority and contracted service providers, strictly on a need to know basis to ensure safety can be maintained.

I ..... (Name) agree that this information may be shared in accordance with the Data Protection Act 1998.

Signed: ..... Date: .....

*This consent will remain in force (unless amended) in writing for the duration of your child's transport.*

Please return completed form to:

**Community Transport, Cowpen Depot, Cowpen Lane , Billingham, Stockton on Tees TS23 4DD**

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## Appendix 2

### Appeals procedure

- the transport arrangements offered to you;
- your child's eligibility;
- the distance measured in relation to statutory walking distances;
- the safety of the route

A two stage process is in place as set out below and summarised in the accompanying flowchart. Parents who require a paper copy of this process should contact the Community Transport section of the local authority (add details)

#### **Stage one: Review by a senior officer**

A parent/carer has 20 working days from receipt of the home to school transport decision to make a written request asking for a review of the decision. This written request should be submitted to the Community Transport Manager.

The written request should detail why the parent/carer 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 written request from the parent/carer, the appropriate senior officer will review the original decision and send the parent a detailed written notification of the outcome of the review, setting out:

- the nature of the decision reached;
- how the review was conducted;
- information about how other departments and/or agencies were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached;
- information about how the parent can escalate their case to stage two (if appropriate)

#### **Stage two: Review by an independent appeal panel**

A parent/carer 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 request from the parent/carer an independent appeal panel will consider written and verbal representations from both the parent/carer and officers involved in the case and give a detailed written notification of the outcome (within 5 working days), setting out:

- the nature of the decision reached;
- how the review was conducted;
- information about how other departments and/or agencies were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached;
- information about how right of the parent/carer to put the matter to the local government Ombudsman

Guidance on the independent appeal panel members and the nature of referrals to the Local Government Ombudsman can be found in Annex 2 of the 'Home to school travel and transport guidance, published in July 2014.

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## Flowchart of the review/appeals process

