

Northamptonshire County Council

Home to School Education Transport

September 2015

NORTHAMPTONSHIRE COUNTY COUNCIL

HOME TO SCHOOL TRANSPORT POLICY

April 2015 edition

1. LEGAL FRAMEWORK

- 1.1 The main purpose of school transport is, and will continue to be, to enable pupils to attend school.
- 1.2 School transport is currently provided by local authorities under Sections 509, 444 and 508A to 508D and Schedule 35B of the Education Act 1996), as inserted by Part 6 of the Education and Inspections Act 2006.
- 1.3 Section 509(1) of the 1996 Act obliges local authorities to make transport arrangements if they consider it necessary to facilitate a pupil's attendance at school. It applies to all pupils, including those below compulsory school age, or, who have special educational needs.
- 1.4 Section 509(2) states that if a local authority considers transport to be necessary, then it must be provided free of charge.
- 1.5 In cases where pupils do not qualify for free transport, Section 509(3) provides a discretionary power for local authorities to provide assistance by paying all or part of the pupil's reasonable travelling expenses. They may take account of parental means in deciding whether or not to do so. It is for each authority to decide whether and how to exercise these powers.
- 1.6 Section 509(4) gives examples of factors which local authorities should take into account in deciding whether transport is necessary. These include the age of the child, the nature of the route, and any wish of a child's parent for provision of education at a school or institution in which the religious education provided is that of the religion or denomination to which the parents adhere.
- 1.7 Section 444(4) of the 1996 Act describes the circumstances in which a parent of a pupil of compulsory school age will have a defence to the charge of failing to secure that child's regular attendance at school. Under that provision, a parent has a defence if they can prove that their child lives outside the statutory walking distance from school, and that no suitable arrangements have been made for one of the following:
 - The child's transport to and from school;
 - Boarding accommodation; or,
 - Enabling the child to be registered at a nearer school.
- 1.8 Section 444(5) defines walking distance as 2 miles for pupils under 8, and 3 miles for older pupils, in both cases measured by the nearest available route. The Courts have held that a route is available if a child, accompanied as necessary, can walk along it with reasonable safety to school. It does not fail to qualify as 'available' because of dangers which would arise if the child is unaccompanied, but local authorities may take account of parents' capacity to accompany their child. Local authorities can also adopt lower walking distances than the statutory ones, if they so wish.

- 1.9 The Courts have held that the provisions of section 444 of the 1996 Act are relevant in determining whether in a particular case free school transport should be provided under Section 509(1).
- 1.10 The Courts have held that local authorities do not have a duty to provide free transport for pupils whose parents have chosen to send them to a school other than the nearest suitable one, even if it is beyond statutory walking distance. Local authorities may help in such cases if they wish, but it is for each authority to decide whether or not to do so.
- 1.11 Sections 508A to 508D and Schedule 35B of the Education Act 1996 (as inserted by Part 6 of the Education and Inspections Act 2006) extend the role of local authorities in supporting access to schools through improved travel and transport arrangements, particularly for children from the most disadvantaged families. In particular, the provisions will:
- require local authorities to assess the travel and transport needs of all pupils, and promote safe and sustainable methods of travel to school;
 - extend a right to free transport to the most disadvantaged pupils of secondary school age (those entitled to free school meals and those whose parents are in receipt of their maximum level of Working Tax Credit) to include transport to any one of their three nearest schools between 2 and 6 miles from their home, and to the nearest suitable school preferred on grounds of religion or belief up to a distance of 15 miles from their home;
 - extend a right to free transport to the most disadvantaged primary school pupils aged 8 and over (those entitled to free school meals and those whose parents are in receipt of their maximum level of Working Tax Credit) to include transport to their nearest suitable school more than 2 miles from their home (the current cut off is 3 miles)
- 1.12 In addition, the Transport Act 1985 permits local authorities outside London, to allow pupils not eligible for free school transport to occupy spare seats on school buses, either free or at a subsidised rate.
- 1.13 The duty set out in the legislation quoted above applies to “home to school” travel arrangements at the start of the normal school day, and to “school to home” travel arrangements at the end of the normal school day. It does not relate to travel between locations during the school day.
- 1.14 The Department for Education’s statutory guidance ‘Home to school travel and transport guidance’, issued in July 2014 applies to all local authorities.

2. NORTHAMPTONSHIRE COUNTY COUNCIL’S POLICY

2.1 Northamptonshire County Council (the Council) recognises parents/carers’ responsibility for ensuring attendance of their children at school. It also recognises that in some circumstances assistance may be required. Please note that all school transport will normally only pick up and set down at or near the pupil’s home address as shown on the school roll and Council records. Consideration will be given to requests to pick up and set down at other locations e.g. childminders or other family members provided this is notified in writing and does not involve any further expenditure for the Council.

2.2 Free Travel Arrangements

The Council will provide or arrange free travel arrangements either by dedicated vehicle or bus pass for the following pupils:

- (i) **Pupils aged 4 to 8th birthday** attending their nearest suitable* or linked** school and who live more than 2 miles from that school.
- (ii) **Pupils aged 8 to 16 years** attending their nearest suitable* or linked** school and who live more than 3 miles from that school (but see (iv) and (v) below for exceptions)
- (iii) **Pupils aged 4 to 16 years whose walking routes are unacceptable :** where pupils are attending their nearest suitable* or linked** school and the walking route to school is less than the distances set out in (i) and (ii) above but **where the route is assessed as unacceptable to walk** according to the Council's published criteria. (See Appendix A for criteria).

* suitable school i.e. the school with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEN that the child might have

**linked school / area – more information is available in the Council's documents 'Applying for a Primary / Secondary School Place in Northamptonshire'

Please note that these definitions will be applied throughout this policy.

- (iv) **Pupils aged 8 but under 11 entitled to free school meals, or those whose parents are in receipt of their maximum level of Working Tax Credit:** pupils aged 8 but under 11 entitled to free school meals or whose families are in receipt of their maximum level of Working Tax Credit (WTC) receive free transport to their nearest suitable school if they live more than 2 miles from that school. This 2 mile limit will be measured in the same way as the statutory walking distance. Parents/carers will need to apply to the Council for assistance once their child reaches the age of 8. If eligibility for free school meals or maximum level Working Tax Credit ceases, then free transport will be withdrawn at the end of the academic year.
- (v) **Pupils aged 11 to 16 entitled to free school meals, or those whose parents are in receipt of their maximum level of Working Tax Credit:** pupils aged 11 to 16 entitled to free school meals or whose families are in receipt of their maximum level of Working Tax Credit (WTC) will receive free transport to one of the three nearest schools to their home address which are over 2 miles (measured by an acceptable walking route) and less than 6 miles (measured by the shortest road route). Additionally, pupils who can demonstrate that they have gained a place at a school because of their or their family's religion or belief then the upper limit is extended to 15 miles from the pupil's home address (measured by the shortest road route). If eligibility for free school meals or maximum level Working Tax Credit ceases, then free transport will be withdrawn at the end of the academic year.
- (vi) **Pupils aged 4 to 16 years attending Single Sex or Faith (Denominational) Schools**

The Council will only offer assistance with transport to single sex or faith schools if any of the following apply:

1. the school concerned is the nearest suitable school and the distance between home and school is greater than 2 miles (pupils aged 4 to 8) or 3 miles (pupils aged 8 to 16) by the shortest walking route; **OR**

2. the school concerned is the nearest suitable school and the distance between home and school is less than the distances in (1) above but is along a route considered by the Council to be an unacceptable route on grounds of safety; **OR**

3. the pupil is entitled to free school meals or their parents are in receipt of their maximum level of Working Tax Credit (see Sections (iv) and (v) above.

- (vii) **Pupils aged 4 to 16 whose parents/carers have a disability.** Where the Council relies on a parent/carer accompanying a pupil along a walking route for it to be considered safe, *or to accompany a pupil between home and a picking up or setting down point* but the parent's or carer's permanent or temporary disability prevents them from doing so, then the Council may provide free transport as a "reasonable adjustment" under the terms of the Equality Act 2010.
- (viii) **Pupils aged 4 to 16 with a disability.** Where a pupil has a permanent or temporary disability so that they cannot walk even short distances to school, the Council will make suitable travel arrangements for the duration of that disability (see also Section 2.5 Travel arrangements for pupils with a statement of SEN/EHC plan).
- (ix) **Post 16 students** in certain stated categories as set out in the Council's Post-16 Transport Policy Statement.

Parents/carers of pupils who move home address during their schooling to an area where another school is the nearest suitable or linked school may either:

- apply to move their child to the nearest suitable or linked school for their new address and if successful the policy stated above will apply

Or:

- retain the child's place at their current school but they will become responsible for the child's transport provision and costs

If there are no places available at schools nearer to the new home address than the current school, then the Council will provide free travel arrangements to the current school.

However, if the pupil is in Year 11 and following examination courses at the point of moving, there may be some temporary help available. Help is not usually available for pupils in year 10 at the time of moving even if they are following examination courses. However, each case will be considered on its own merits by a Senior Transport Officer.

Additionally some help may be available in other exceptional circumstances, where, for example, the pupil concerned would otherwise be at risk of harm. Again, each case will be considered on its own merits by a Senior Transport Officer

If parents/carers elect to move a pupil to a school that is not the nearest suitable or linked school to their home address then they will become responsible for the child's transport provision and costs, except in very exceptional cases where the pupil concerned would be at serious risk of significant harm. Bullying, poor educational achievement and similar factors will not normally be considered as exceptional circumstances.

2.3 Transport for Post 16 students

Post-16 transport provision is set out in the Council's 'Post-16 Transport Policy Statement'.

2.4 Travel arrangements for non-entitled pupils/students aged 4 to 16

Travel arrangements for non-entitled pupils aged 4 to 16 will be

- on a fare-paying basis
- where there is spare capacity on a contracted vehicle.

In such cases passes for such spare seats will be offered on a first come first served basis at a cost to be determined annually. Additional vehicles will not be contracted to cater for concessionary fares and a minimum of five seats will be held unsold to cater for entitled pupils who may become eligible for transport during the school year. Parents/carers will be advised that the facility could be withdrawn at reasonable notice – not less than one month in which case they will be refunded for the remainder of the fare period.

Pupils whose parents/carers have chosen and have accepted a place at a school that is not their nearest suitable or linked school, also accept the responsibility for, and cost of, the transport of the child to and from school.

The Council reserves the right to decline to sell passes for spare seats on transport provided for pupils with Special Educational Needs

2.5 Travel arrangements for pupils with a statement of SEN/EHC plan

Principles

The encouragement and development of independence is seen as part of the Inclusion Process. It is the responsibility of all parents/carers with children of compulsory school age to ensure their child's regular attendance at school. It has been established that where a pupil cannot travel to school alone, a pupil can be expected to travel accompanied by a responsible adult. For pupils with special educational needs each case is considered individually, guided by the criteria that follow.

Procedures

Eligibility for free travel arrangements for pupils with a statement of SEN or an Education, Health and Care plan is considered by an SEN/EHC Officer and a request will be made to the Transport team at Northamptonshire Highways, as appropriate. The provision of travel arrangements will be reviewed as part of the annual review of the statement/EHC plan. The provision of existing travel arrangements will be reconsidered if the child moves school or home address.

Criteria for agreeing home-school travel arrangements for pupils with a statement of SEN/EHC plan

General points

- Special Educational Needs travel arrangements will need to be reconsidered if the pupil moves address.
- Special equipment i.e. wheelchairs etc must be approved by the Council before transportation including any changes. All non standard passenger and wheelchair harnesses and restraints must be supplied by the parents/carers.

- Special Educational Needs travel arrangements must be reconsidered as part of the pupils' annual review process.

Travel arrangements will be agreed for pupils with a statement of SEN/EHC plan where:

- A pupil lives further than the statutory distance between home and school and has a statement of SEN/EHC plan i.e.; under 8 years old and over 2 miles from home to school **OR** over 8 years old and over 3 miles from home to school AND/OR
- The LEA has determined the name of the school and type of provision **and** this meets the criteria for distances above AND/OR
- A pupil has a statement/EHC plan for a severe medical or physical condition **and** there is detailed written advice from appropriate medical personnel

Travel arrangements will not be allocated where:

- the pupil is not attending their local mainstream school, or the nearest suitable special provision, and the school is one of parental preference;

Note: No dispensation will be made for parents/carers who are working at the time their children travel to school. They will be expected to make arrangements for someone else to accompany their child or to take them to school.

Exceptional circumstances:

The Council will consider exceptional circumstances on a case by case basis and some examples of where the Council may exercise its discretion to provide free home to school travel arrangements are as follows:

- Where there are two or more children of primary age in a family (living at the same address) and where for one child the authority has determined special provision making it impossible for the parent to make arrangements.
- Where a pupil faces a temporary medical problem which affects their mobility so that they are unable to access school without support and school has considered reasonable adjustments. In these cases consideration will be given to family circumstances and to medical advice.
- Where a family has to move suddenly to temporary accommodation, for example, because of a house fire or domestic violence.

Passenger assistants

- The provision of a passenger assistant may be agreed on the basis of the pupil's special educational need and/or disability.
- Passenger assistants are given PATS (Passenger Assistant Training Scheme) training. This is a nationally recognised standard for passenger assistants.

Passenger assistants are intended to be provided where –

- It is necessary in the interests of safety, taking into account the special needs of the pupil or pupils being transported.

- Pupils are of pre – school age;
- A specially adapted vehicle that requires additional assistance is used;
- Parents/carers or relatives of children who are travelling in sole occupancy vehicles may, if they wish, volunteer to accompany their child / children by mutual agreement with the Transport Team.

Transport to and from out-county residential schools

It is expected that parents/carers will transport their children. This provides an opportunity for regular personal discussion between parent/carers and the staff at the residential provision. This arrangement must be agreed in advance with the Transport team at Northamptonshire Highways and mileage can be claimed at the agreed rate on a termly basis.

Where parent/carer transport is not possible, children on termly placements (i.e. 3 terms a year) will be provided with transport at the start and end of each term and half term holiday. In addition, a mileage allowance at the agreed rate may be claimed for one visit to the school each half term. For weekly placements, weekly transport will be provided.

Short Break Service

The Council has no responsibility to provide home to school travel arrangements for children to and from respite care facilities.

In exceptional circumstances, where transport is agreed, it will only be provided to and from the normal home address.

However, if there is the capacity to assist with respite care arrangements, then the Transport team at Northamptonshire Highways will assist by making alternative arrangements as long as there is no additional cost to the Council

3. ASSESSING ENTITLEMENT TO FREE TRAVEL ARRANGEMENTS

3.1 Walking distances

The distance between a pupil's home and school will be measured by the shortest available walking route.

3.2 Availability of school places.

Where a place is not available at the pupil's nearest suitable or linked school at the point of starting school, transferring to secondary school, or moving into a new area, free travel arrangements will be provided to the next nearest suitable school, subject again to distance and route acceptability criteria.

Parents/carers who express all of their preferences for schools that are not their nearest suitable or linked school will take responsibility for the provision and cost of transport to the school at which their child is allocated a place, unless a place is allocated at the nearest suitable or linked school.

Parents/carers who, when expressing a preference, place another school in a higher priority position than their nearest suitable or linked school and, who fail to get a place at either, will be entitled to free transport to the nearest suitable alternative school (unless this school is within the adopted walking distances). If this place is declined in favour of a different school,

parents/carers will take responsibility for the provision and cost of transport to that preferred alternative.

3.3 **Pick up and set down points**

Assistance with transport may not be door to door. Pupils, accompanied by an adult if necessary, may be expected to walk to and from a pick up and set down point. The walking distance will not exceed ½ a mile for children aged between 4 – 8th birthday and 1 mile for children aged between 8 and 16, but account will be taken of a pupil's special educational needs and/or disability and parents/carers' disability.

3.4 **Appeal procedures**

Parents/guardians/carers or a young person are entitled to challenge the decision of the Authority to refuse to provide assistance with transport as set out in this policy or when the parents/guardians/carers or young person consider that the travel arrangements, agreed by the Authority, are unsuitable. A decision may be challenged on the following grounds:

- eligibility
- distance measurement; and/or
- safety of the route
- transport arrangements offered

Please note that there is no right to challenge a decision made by the Authority, where a child's/young person's entitlement to transport assistance has been removed either temporarily or permanently on the grounds of unacceptable behaviour.

Full details of the appeal procedures for home to school transport are available on the Council's website (www.northamptonshire.gov.uk).

4. **QUALITY STANDARDS AND RESPONSIBILITIES**

4.1 **Safety**

A child's safety and welfare is always the main priority.

- Where appropriate all vehicles used or contracted by the Council are fitted with the standard seat belts, child seats and special equipment. Specialised equipment must be supplied by the parents.
- Trained passenger assistants are intended to be made available where necessary.
- All children will be independently seated one seat per child.
- All passenger assistants will be appointed and trained by Northamptonshire Highways. Passenger assistants will carry an ID badge at all times.
- Vehicles contracted by the Council are expected to be licensed appropriately; this is a condition of the contract.
- All drivers must be licensed appropriately and should carry an identification badge at all times.
- All drivers and passenger assistants employed by the Council will be checked as appropriate in accordance with the Disclosure and Barring Service (DBS).

- ❑ Drivers employed on contracted vehicles are subject to DBS checks by their employer.
- ❑ All vehicles, drivers and passenger assistants will be subject to random checks by Council inspectors.

4.2 Behaviour and parental responsibilities

Pupils have a right to safe and trouble free travel.

Pupils are expected to behave in a safe and appropriate manner as set out in the Transport Service Agreement supplied to parents/carers. If a pupil misbehaves persistently, transport provision may be temporarily or permanently withdrawn. Prior to the Council reaching a decision about this, the circumstances of the case will be reviewed, taking into account reasonable adjustments that can be made in accordance with the individual pupil/student needs.'

Parents/carers have a key role to play regarding the conduct of their children on transport and are responsible for ensuring that their children are aware of the necessity to behave in a reasonable and responsible manner. Parent/carers need to ensure their children are aware that failure to behave in a reasonable manner may have consequences, including:

- ❑ a cost to parents/carers for replacement travel permits if lost or damaged;
- ❑ cost to parents/carers for damage to the vehicle or to property caused by misbehaviour of their children;
- ❑ Temporary or permanent withdrawal of free transport with no recompense and no right of appeal.

Parents/carers of children with a home collection/drop-off are required to ensure their child is ready immediately when the vehicle arrives at the normal home address. Parents/carers are also required to ensure they or their representatives are available to meet the child at the normal home address at the end of the school day. They must advise the passenger assistant, if there is a particular difficulty with their child and ensure their child understands the standard of behaviour required or accept responsibility for their child's behaviour.

Where a parent/carer agrees to convey their child when no transport is available, expenses for two return journeys per day will be paid at the locally agreed rates.

4.3 Quality of Service

- ❑ Applications for bus passes can be obtained from schools or from the Transport team at Northamptonshire Highways. Requests will be responded to within 10 days.
- ❑ Pupils who qualify for assistance in the form of a bus pass can expect to receive the bus pass within 4 weeks of the application being received by Northamptonshire Highways.
- ❑ Pupils who have had their bus pass stolen/lost can expect to receive a replacement within 7 days of the loss being reported to Northamptonshire Highways.

Reasonable requests for travel expenses will be considered by the Council, if the above deadlines are not met.

- Parents/carers of pupils who have a statement of SEN/EHC plan will receive a letter before the term commences in September detailing their child's travel arrangements. Timings given at this point are approximate and may change throughout the year. Any disruption will be kept to a minimum.

5. DUTY TO PROMOTE SUSTAINABLE SCHOOL TRAVEL

The Council will publish an annual Sustainable School Travel Strategy showing

- An assessment of the travel and transport needs of children and young people in Northamptonshire
- An audit of the sustainable travel and transport infrastructure within Northamptonshire that may be used when travelling to and from schools and colleges
- A strategy to develop that infrastructure to better cater for the travel needs of children and young people
- How the Council will promote sustainable travel and transport to from and between schools and other institutions

NORTHAMPTONSHIRE COUNTY COUNCIL
SCHOOL TRANSPORT – SAFETY OF WALKING ROUTES
(Built-up areas inc. in villages)

When determining whether the Council should provide transport to schools on safety grounds, a number of criteria have to be considered in order to determine a route's acceptability for pupils to walk.

The criteria assume that pupils aged 4-11 will be accompanied by a responsible adult, and that pupils aged 11 or over may travel independently. The law expects that all pupils will be accompanied "as appropriate".

Pupils are expected to travel by the shortest available route. However, where that route is judged to be unacceptable longer alternatives may be considered provided that they are still within the agreed walking distance.

The following are the criteria that must all be met for a route to be acceptable for use by child pedestrians in an urban or village environment.

- 1 Can the route be walked without walking on a classified¹ road?
If yes, the route may be acceptable.
If no, the route is unacceptable.

- 2 Is the 85th percentile speed² more than the guidelines for enforcement³?
If yes, the route is unacceptable.
If no, the route may be acceptable.

- 3 Are there formal crossing facilities⁴ available on A class roads as required?
If no, the route is unacceptable.
If yes the route may be acceptable.

In measuring the speed of vehicles to apply criterion 2, only the data collected on schooldays between 0700hrs and 0900hrs and between 1500hrs and 1700hrs will be taken into account. The route will be considered acceptable if the average speed of 85% of traffic over the week during the stated times is below the enforcement guidelines.

If a route appears to meet all of the criteria, it will be deemed to be acceptable. Should a decision be challenged, a site visit would be made to verify that no exceptional circumstances exist.

¹ Class A, B or C.

² The speed which 85% of vehicles does not exceed.

³ As determined by the Association of Chief Police Officers (ACPO).

⁴ School Crossing Patrols, pedestrian refuges, zebra, pelican or other light-controlled crossings.

NORTHAMPTONSHIRE COUNTY COUNCIL
SCHOOL TRANSPORT – SAFETY OF WALKING ROUTES
(VILLAGE TO VILLAGE ROUTES)

When determining whether the Council should provide transport to schools on safety grounds, a number of criteria have to be considered in order to determine a route's acceptability for pupils to walk.

The criteria assume that pupils aged 4-11 will be accompanied by a responsible adult, and that pupils aged 11 or over may travel independently. The law expects that all pupils will be accompanied "as appropriate".

Pupils are expected to travel by the shortest available route. However, where that route is judged to be unacceptable longer alternatives may be considered provided that they are still within the agreed walking distance.

The following are the criteria that must all be met for a route to be acceptable for use by child pedestrians.

- 1 Is the route classified as Red or Amber¹ by the Highway Authority?
If yes, the route is unacceptable. If no, the route may be acceptable.
2. Can the route be walked without walking on a classified² road?
If yes, the route may be acceptable. If no, the route is unacceptable.
3. Is the traffic flow over 1,000 vehicles in the peak hour?
If yes, the route is unacceptable. If no, the route may be acceptable.
- 4 Is the 85th percentile speed³ more than the guidelines for enforcement⁴?
If yes, the route is unacceptable. If no, the route may be acceptable.
- 5 Are there formal crossing facilities⁵ available on A class roads as required?
If no, the route is unacceptable. If yes the route may be acceptable.

In measuring the speed of vehicles to apply criterion 4, only the data collected on schooldays between 0700hrs and 0900hrs and between 1500hrs and 1700hrs will be taken into account. The route will be considered acceptable if the average speed of 85% of traffic over the week during the stated times is below the enforcement guidelines.

If a route appears to meet all of the criteria it will be deemed to be acceptable. Should a decision be challenged, a site visit would be made to verify that no exceptional circumstances exist.

¹ Under the Casualty Reduction Strategy, all roads in the county are classified Red, Amber or Green on the basis of their overall accident record.

² Class A, B or C.

³ The speed which 85% of vehicles do not exceed.

⁴ As determined by the Association of Chief Police Officers (ACPO).

⁵ School Crossing Patrols, pedestrian refuges, zebra, pelican or other light-controlled crossings.