



Directorate of
Children & Families

Home to School Travel Policy 2019/20

Document Control

Ownership & Review

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Section 1 – Home to School Travel Policy

1.1 Introduction

1.1.1 Legal Background

The duty for the Council to provide transport to and from school is imposed by the Education Act 1996 (hereafter referred to as ‘the Act’). In the case of an ‘eligible child’, Section 508B of the Act states that the local authority must make such travel arrangements as they consider necessary for facilitating the child’s attendance at school. Schedule 35B of the Act defines an ‘eligible child’. The Council must exercise this duty in a manner which is legal, rational and procedurally proper.

This home to school travel policy (hereafter referred to as ‘the policy’) has been developed with regard to statutory guidance on the provision of home to school travel. The guidance covers the Council’s duties under Section 508A of the Act to promote sustainable travel and transport as well as covering arrangements for the provision of school travel for children and young people.

1.1.2 Policy Outcomes

The policy ensures that young learners within Redcar & Cleveland have access to educational settings during the day as a means of promoting learning, social inclusion, choice and diversity of learning provision.

1.1.3 Policy Aims

The policy supports a number of local priorities and contributes to the Council’s aim of promoting social inclusion and parental choice by removing potential barriers to learning. The policy has been developed during a period of significant change within the primary and secondary school sectors in which sustainable school travel must play a part. The policy will continue to be reviewed with this in mind.

1.1.4 Scope of Policy

The policy sets out the Council’s arrangements for fulfilling its statutory duties and the exercise of the Council’s discretionary powers for home to school travel. This will apply to travel arrangements made at the start and end of the school day but does not relate to travel between institutions during the school day. The policy covers provision for primary and secondary schools and applies to residents whose home address is within the Borough of Redcar & Cleveland. Pupils who are not yet statutory school age (e.g. children allocated a Reception place in the Primary admission round) are included in the scope of this policy if they meet other relevant criteria.

1.2 Eligibility for Assistance with Home to School Travel

1.2.1 Terms of Reference

The 'nearest appropriate school' refers to the nearest qualifying school (as defined in section 15 of Schedule 35B of the Act) with places available that provides education appropriate to the age, ability and aptitude of the child, and any identified special educational needs that the child has. The nearest qualifying school for a child with special educational needs may be different than for other children. When considering eligibility for transport, a school must have places available to be considered 'appropriate'. In all cases the Council will determine what is an appropriate school.

The general expectation is that it is a parent's responsibility to ensure their child attends school and that a child will be accompanied to school by a parent where necessary unless there is a good reason why it is unreasonable to expect a parent to do so.

A child may be an 'eligible child' according to Schedule 35B of the Act and therefore qualify for assistance with travel if they meet one or more of the following categories:

1.2.2 Distance

The Council will provide free school travel for children of compulsory school age if their nearest suitable school is:

- beyond 2 miles (if below the age of 8 years).
- beyond 3 miles (if aged between 8 and 16 years).

Free travel will not be provided if there are places available in a suitable school closer to home. The Council will determine what is considered to be a suitable school.

Free school travel applies to travel arrangements at the start and end of the school day. It does not relate to travel between educational establishments during the school day.

Measurement of statutory walking distance is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, may walk safely. As such, the route measured may include footpaths, bridleways and other pathways, as well as roads. In all cases it will be for the Council to determine whether a route is considered safe.

Distance is measured from the address where the child normally resides.

1.2.3 Low Income

Low income criteria are intended to secure access to schools for children for whom a lack of affordable transport could otherwise be a barrier to choice.

Children will meet low income criteria if entitled to free school meals on grounds of low income, or if parents are in receipt of the maximum level of Working Tax Credit (the level of entitlement to Working Tax Credit is shown on the notice issued by H.M. Revenue and Customs) and if:

- The nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11 years);
- The school is between 2 and 6 miles (if aged 11-16 years and there are not three or more suitable nearer schools);
- The school is between 2 and 15 miles and is the nearest school preferred on grounds of religion (aged 11-16 years).

A certificate of baptism is required to confirm eligibility on grounds of religion and free travel will not be provided if places are available in another suitable faith school closer to home. The Council will determine what is considered to be a suitable school.

Eligibility for free travel does not guarantee a place at a school, or vice-versa. Parents must still satisfy the admissions criteria for the school they are applying for.

The 2 mile distance limit for low income eligibility is measured in the same way as statutory walking distances. However the 6 mile and 15 mile upper limits are not walking routes and are measured along road routes.

In all cases it will be for the Council to determine what constitutes a safe route. If there are any disputes about the suitability of the route identified, the Council may carry out a risk assessment to help determine decisions on eligibility.

1.2.4 Special Educational Needs

Children and young people with a statement of special educational needs (SEN) or an Education Health and Care Plan (EHCP) may receive transport help under Section 324 of the Act depending on their individual circumstances. Councils are empowered to make any non-educational provision specified in the statement or EHCP, including transport. Guidance for local authorities on transport for pupils with SEN is clear that provision should be based on an individual child's needs and if a child's needs are such that transport is not necessary, then eligibility should be assessed using the same criteria as for other pupils (e.g. distance, low income etc.).

In the application of the Council's policy for SEN transport, free provision will only be made on the basis of an assessment of the child's individual special educational needs or disabilities as part of the statutory assessment procedure and will be reviewed as part of the process of annual review of the child's statement or EHCP. The recommendation that transport should be provided will be made by the Council's SEN panel and will be written into the child's statement or EHCP. Any transport provided will be subject to ongoing review with the aim of moving the child or young person towards independent travel wherever appropriate.

Parents of a child with an EHCP may be entitled to request a personal budget to help meet specific costs arising from the child's special educational needs. Parents should discuss with the LA's SEN Service whether a personal budget may be appropriate in respect of their child.

Transport assistance may not be provided to a setting if a suitable place is available to meet a child's needs at an equivalent provision at a location closer to their home.

Prior to statutory assessment, if the Council determines that a pupil's needs should be met through attendance at a pre-school SEN assessment setting; free transport may be provided based on the individual needs of the pupil. The recommendation that transport will be required will be made by the admissions panel for the identified setting and reviewed regularly.

In determining whether a child cannot reasonably be expected to walk for the purposes of SEN eligibility, the Council will consider whether the child could reasonably be expected to walk if accompanied and if so, whether the child's parent can reasonably be expected to accompany the child. A range of factors may be taken into account such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied.

1.2.5 Homeless Households Accommodated by the Council in Emergency Temporary Accommodation

Homeless households have limited/no choice over where they are accommodated in emergency temporary accommodation and the Council's emergency temporary accommodation is predominantly located in Redcar. With regard to this, for those families with school-age children who are required to move into temporary accommodation (under relevant housing/homelessness legislation) free transport may be offered for the duration of the accommodation, where:

- children aged under 8 years are accommodated more than 2 miles from their existing school.
- children aged 8 years and above are accommodated more than 3 miles from their existing school.

This arrangement is made in order to ensure that the impact of homelessness and temporary relocation has minimal disruption upon school-age children and their families. Where families are suffering financial hardship they would likely qualify for support under the low income eligibility.

1.2.6 Looked After Children

Corporate parenting is one of the Council's statutory responsibilities and the Government's expectation of the Council as a corporate parent includes the expectation that it will *'provide care, a home and access to health and education and other public services to which all children are entitled according to their needs'*.

In order to fulfil the Council's corporate parenting role the Council will provide free transport from home to school for a looked after child in certain circumstances. A child will be deemed a looked after child if their circumstances meet the relevant criteria specified in current legislation and statutory guidance.

- Where a looked after child moves care placement and it is deemed in the child's best interest to remain at their current school which is two or more miles (for children aged under 8 years) or three or more miles (for children aged 8 years and above) from the care placement, transport may be provided. The assessment of 'best interest' will be recorded in the child's care plan. In the event of the child being the subject of an emergency placement the existing school may be maintained pending the outcome of a formal review to determine best interest.
- If a child accessing short breaks or respite is deemed a looked after child, the child's placement may be treated as their home for the relevant period and transport assistance to and from the child's current school may be provided accordingly.
- In exceptional circumstances, where a looked after child is particularly vulnerable or at risk and where this is recorded as a part of the child's care plan, the distance from the home to the school may be irrelevant in respect of the provision of transport. The travelling time from home to school may be a consideration.
- The Council operates a policy whereby looked after children in years 10 or 11 are supported at their existing school wherever possible.

1.2.7 Transport Needs Assessment - SEN / Looked After Children

In addition to the assessment of individual need which determines eligibility for transport, in all circumstances a transport assessment will be completed for use by the Council's Transport Section in order to determine the best way to present the transport service to meet the identified needs. The form (ATN1) will be completed by the lead professional and agreed by designated managers as a part of the commissioning process.

1.2.8 Other Entitlement

1.2.8.1 Disabled Parents

The Disability Discrimination Act 2005 and subsequent Equality Act (2006) place a duty to promote equality of opportunity for disabled people and to eliminate discrimination. The Council is therefore under a duty to review all policies, practices, procedures and services so as not to discriminate against disabled people and to ensure that the needs of disabled people are anticipated during service planning.

If a parent would need to accompany their child on a walking route for it to be considered safe, but the parent's disability prevents them from doing so, the Council may consider providing free home to school travel for the children of the disabled parent.

In a two parent household, a child will only be eligible if both parents had a disability that prevented them from fulfilling their parental responsibility to secure their child's regular school attendance.

The Council has a duty to manage its limited resources and reserves the right to challenge any claims of parents that they are unable to support their children's attendance at school. Evidence from an appropriate health professional may be required to support a claim of disability.

1.2.8.2 Children with temporary mobility problems

Some children with Special Educational Needs (SEN) and/or a disability may, by reason of their SEN and/or disability, be unable to walk even relatively short distances to school. Similarly, children with a temporary mobility problem (e.g. a broken leg) may be unable to walk to school. Where such children attend a qualifying school, which is within statutory walking distance and no suitable arrangements have been made by the Council to enrol them at a qualifying school nearer to their home, they will be 'eligible children'. This means that councils must make suitable travel arrangements for children with SEN, a disability, or mobility problem (including temporary medical conditions) if their SEN, disability, or mobility problem means that because of the nature of the route they could not reasonably be expected to walk to the school.

1.2.8.3 Children unable to walk in safety to school

Where children live within statutory walking distance, local authorities are under a duty to make travel arrangements where the nature of the route is such that a child cannot reasonably be expected to walk (accompanied as necessary) in reasonable safety. Therefore, free home to school travel may be provided for children who live within the statutory walking distance of their nearest qualifying school where the nature of the route is such that a child cannot reasonably be expected to walk to school (accompanied as necessary) because of the unsafe nature of the route.

In determining whether a child cannot reasonably be expected to walk for the purposes of unsafe route eligibility, the Council will consider whether the child could reasonably be expected to walk if accompanied and if so, whether the child's parent can reasonably be expected to accompany the child. A range of factors may be taken into account such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied.

When determining eligibility, a range of factors will be taken into consideration including:

- the age of the child
- whether potential risks might be mitigated if the child were accompanied by an adult
- the width of any roads travelled along and the existence of pavements
- the volume and speed of traffic travelling along any roads
- the presence of street lighting
- the condition of the route at different times of the year, at the times of day that a child would be expected to travel to and from school

In reaching decisions on suitable safe routes, the Council will not override a parent's legal responsibility to ensure their child attends school regularly and punctually. The fact that parents may face other pressures at this time, such as the need to go to work, is not in itself sufficient reason for the Council to provide travel support. This would apply in cases where the route may be deemed unsafe for young children travelling unaccompanied but which would be regarded as safe should their parents fulfil their legal responsibilities. In all cases it will be at the Council's discretion to determine whether or not it is reasonable for parents to accompany their children on the school journey.

1.2.8.4 Travel in years 10 and 11

If parents move house in the final two years of a child's statutory education (years 10 or 11) and if the new address and the child's school are both in the local authority area, assistance with travel may be available to allow the child to continue to attend the same school. This provision is designed to optimise pupils' potential educational achievement. This provision is subject to a maximum distance limit of 15 miles between home and school. Any costs over and above this limit would need to be met by parents. Options could include paying a mileage or cycling allowance, or contribution towards public transport costs. Taxi fares will not usually be paid.

1.2.8.5 In-Year Fair Access Protocol placements

The School Admissions Code places a statutory duty on local authorities to operate an In-Year Fair Access Protocol. Pupils who move from outside the borough into a Redcar & Cleveland address without a school place and with a history of serious behaviour and/or attendance problems may be placed at a school under the In-Year Fair Access Protocol. Travel assistance for a pupil in these circumstances will be assessed taking into account distance, income and the pupil's age. Travel assistance will not be given to a pupil placed under the Fair Access Protocol if the school has been chosen by parental preference, unless statutory eligibility criteria apply.

1.2.8.6 Managed Moves

In certain circumstances, pupils may be placed at a school as a managed move as an alternative to permanent exclusion. A managed move does not automatically qualify for travel assistance. Travel assistance for a pupil in these circumstances will be assessed taking into account distance, income and the pupil's age. Travel assistance will not be allocated to a pupil placed as a managed move if the school has been chosen by parental preference, unless statutory eligibility criteria apply.

1.2.8.7 Commissioned alternative provision

Eligibility for children of statutory school age under this policy relates specifically to journeys between home and school. If a school chooses to commission alternative provision for a pupil on their roll from an external education provider, the pupil's parent/s should consent to the decision and should be expected to make and fund any transport arrangements necessary to secure their child's attendance. If parent/s are unable to do so, the commissioning school may choose to make and fund any such transport arrangements. The local authority should not be expected to fund transport for pupils to alternative provision commissioned by schools (although the local authority will use reasonable discretion, e.g. if the circumstances of a placement would continue to meet relevant eligibility criteria).

Transport to EOTAS (Pupil Referral Unit) may be supported by the local authority on a discretionary case-by-case basis, where such a placement is deemed necessary for a pupil's education. The setting will be expected to work in partnership with the Council to minimise additional transport costs (e.g. arising from modified timetables).

1.2.9 Faith Schools

There is no discretionary entitlement for a pupil to travel for free to a parent's choice of faith school on grounds of religion alone.

1.3 Transport Options

Travel options will be chosen with the aim of promoting children's independence. The most cost-effective form of transport will be provided by the local authority wherever possible, in order to achieve value for money.

1.3.1 Sustainable Transport Strategy

1.3.1.1 Getting to School

The 'school run' coincides with a busy time for road traffic. The number of children travelling to school by car has increased greatly over the last twenty years while the proportion of children walking to school has reduced. Parents are encouraged to allow their children to walk, cycle, or use public transport instead of using a car for the school journey. If parents choose to drive, they are encouraged to car-share and are urged to drive and park safely.

The Council is under a duty to promote sustainable travel to schools. This will bring health benefits to children and parents through increased activity, for example through walking or cycling. There will also be benefits for the community through improved road safety, reduced traffic congestion and associated noise, air pollution and carbon emissions.

1.3.1.2 School Travel Plans

Many schools in Redcar & Cleveland have developed school travel plans to encourage children and parents to use sustainable transport alternatives when travelling to and from school. This policy supports the implementation of individual school travel plans by encouraging parents to make sustainable choices for the school journey. Parents will be encouraged to contact their local schools to find out about their school travel plan. Information will also be made available on the Council's website: www.redcar-cleveland.gov.uk.

1.3.2 Passenger Assistants

Passenger assistants are employed to supervise and assist pupils in their care en route as a part of their travel package. Passenger assistants may be provided where this requirement has been identified as a part of the assessed needs of the individual. This will form a part of the transport assessment which identifies individual travel requirements, including those support services offered through passenger assistants.

1.4 Service Standards

1.4.1 Safeguarding Vulnerable Groups

Proper and effective safeguarding of children is of paramount importance. The Council's current safeguarding arrangements are based on The Protection of Children Act scheme which was introduced in 2000 and all Council and contracted drivers and passenger assistants are required to have a current and appropriate

enhanced Criminal Record Bureau (CRB) or Disclosure and Barring Service (DBS) disclosure.

1.4.2 Code of Conduct for Drivers and Passenger Assistants

Drivers and passenger assistants on coaches, minibuses and taxis provided by the Council for the purposes of home to school travel are subject to a CRB / DBS check. All such drivers will follow a code of conduct covering customer service skills, equality and diversity, safeguarding and child protection awareness. In addition, passenger assistants will receive specialist training in order to meet the individual needs of their passengers.

For safeguarding reasons parents will be made aware that drivers of commercial service buses are not routinely checked in this way, in order that parents can ensure that their children are aware of the risks that can be associated with travelling. Schools should be able to offer advice and support to help develop confidence, and improve independence and personal safety.

1.4.3 Code of Conduct for Pupils

Parents and children themselves are responsible for their behaviour on the school journey. Persistent unruly behaviour on home to school transport may be addressed formally as anti-social behaviour under the Council and Community Safety Partnership's Acceptable Behaviour Campaign.

Parents are advised to familiarise themselves with the local authority's Behaviour on Transport Protocol which is available to view on the Redcar and Cleveland Borough Council website at <http://www.redcar-cleveland.gov.uk>.

The service operators and the Council reserve the right to withdraw travel support or permits for anyone who persistently behaves inappropriately on the school journey. If this happens the Council will not make any other arrangements to support the attendance of the child concerned at school. Such responsibility, as always, rests with the parent.

The school's disciplinary policy can be reasonably extended to cover the journey to and from school. Head teachers are encouraged to promote high standards of pupil behaviour on the school journey. Disciplinary sanctions may be used for those displaying poor behaviour on the walk, cycle or bus journey to school.

1.4.4 Journey duration

The Council recognises that it is good practice for the maximum journey duration for a child of primary age to be 45 minutes each way and for a child of secondary age, 75 minutes each way. A child's special educational needs or disability may require a shorter maximum journey time.

1.5 Information, Complaints and Appeals

1.5.1 Publication strategy

The Council's aim is to develop a clear and unambiguous policy framework which is promoted through accessible information. A summary of the travel entitlement will be contained within the annual parents' guide for admission to schools.

In addition, public information leaflets will be produced and made available through the Council's main offices and schools/colleges. These will comply with the Council's publication policy on alternative languages and formats.

This policy will be maintained on the Council's web site: www.redcar-cleveland.gov.uk

1.5.2 Complaints

The Council's aim is to provide the best possible services at all times. If a complaint is received, the Council will investigate and take corrective action, if necessary. Any complaint about the service provided through the home to school travel policy will be investigated in line with the Council's corporate complaints procedure. This is with the exception of complaints which involve the welfare of a looked after child which will be managed under the Council's procedures for Children's Social Care.

The following information will be provided to learners through the parents' guide and other associated publications:

- a statement of the Council's aims with respect to managing complaints, i.e. to resolve them as quickly and informally as possible;
- the availability of details on the corporate complaints procedure on the Council's web site and the ability to record a complaint on line;
- contact details for the Council's Transport Section who will respond to a complaint, in the first instance.

1.5.3 Appeals

There is a two-stage appeal process for 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.

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 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 the review, setting out:
 - the nature of the decision reached;
 - how the review was conducted;
 - information about other departments or agencies consulted;
 - what factors were considered and the rationale for the decision;
 - how the parent can escalate their case to stage two, if desired.

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 parent's request, an independent appeal panel considers written and verbal representations from the parent and from officers involved in the case. The panel gives a detailed written notification of the outcome (the parent will be informed of their right to put the matter to the Local Government Ombudsman, if appropriate).
- The independent appeal panel members should be independent of the process to date and be suitably experienced, to ensure a balance between meeting the needs of the parents and the local authority, that road safety requirements are complied with and that no child is placed at unnecessary risk.

Section 2 - Procedure for Applications and Travel Assessments

2.1 How to Apply for Assistance with Travel

2.1.1 Application procedure

Applications for assistance with travel will be considered by the Transport Section in line with the policy. Parents will be required to complete an application form and provide appropriate documentary evidence. For example, the award notice issued by H. M. Revenue and Customs will confirm the level of entitlement to Working Tax Credit.

Applications for assistance with travel can be made at any time but it is anticipated that the vast majority of applications will coincide with the normal school admissions round. Parents should complete the free travel application form provided with the 'school offer' letter.

Eligibility over time and throughout the school year may change as personal financial circumstances change. Parents will need to apply each year for assistance with travel and entitlement may change. The Council's Transport Section will also review travel arrangements across the year and the Council reserves the right to withdraw support as appropriate.

Assistance with travel is usually made through the provision of a travel permit. The permit provides travel for the journey to school in the morning and home again at the end of the school day. It does not provide free travel for any other journey throughout the school day. The Council reserves the right to charge for any misuse or replacement of lost or damaged permits.

We may also offer alternative support which could include:

- payment of a mileage allowance to the parent driving their eligible child to school in lieu of the provision of a travel permit, taxi or minibus;
- payment of a cycling allowance where the parent agreed for their eligible child to cycle to and from school instead of catching a bus;
- appointment of an escort to supervise the child on the walk or bus journey to school.

The provision of an escort does not remove from parents any legal responsibility to ensure their children attend school regularly. In all cases it will remain the decision of the Council to determine whether or not it is reasonable for parents to accompany their children on the school journey.

Low income eligibility

To qualify for assistance with travel on grounds of low income, families must be in receipt of the maximum level of Working Tax Credit as shown on the statement produced by H. M. Revenue and Customs, or they must be in receipt of free school meals.

Entitlement to free travel will normally be for the forthcoming academic year. The Council reserves the right to review entitlement across the year and to withdraw support if it feels that there has been any abuse of the scheme or if there have been any fraudulent claims.

Contact Details

For further information and advice please contact

Redcar & Cleveland Borough Council
Children & Families
Transport Section
Phone: 01642 444973
www.redcar-cleveland.gov.uk