

# SCHOOL TRANSPORT POLICY

2022/23



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## **Summary Statement**

This policy sets out the framework against which all school transport applications will be assessed before a decision is made with regard to providing transport for children and their families/carers.

The policy covers the provision of transport from home to school, transport to respite care and transport to contact sessions for students of statutory school age, and below statutory school age, resident in Plymouth or deemed to be the responsibility of Plymouth City Council.

This policy promotes the Government's initiative to increase walking, cycling and bus patronage, and supports the Plymouth School Travel Plan Strategy. Taxi and minibus transport will only be provided where there is no feasible alternative.

A separate policy exists for Post 16 students.

## **The Legal Context**

The legal responsibility for ensuring a child's attendance at school rests with parents.

Plymouth City Council has a duty to provide transport in accordance with Section 509 of the Education Act 1996, amended by Part 6 of the Education & Inspections Act 2006.

With regard to Children in Need (CIN), transport may be provided under Section 17 of The Children Act 1989 in accordance with a local authority's duty to safeguard and promote the welfare of such children by providing a range of services, if an individual child is assessed as having a transport need.

## **I. ENTITLEMENT TO FREE SCHOOL TRANSPORT**

### **STATUTORY (DISTANCE) POLICY**

The legal responsibility for ensuring a child's attendance at school rests with parents.

Transport will be provided, if requested, to those children of statutory school age who live beyond walking distance of their nearest school.

Transport will not be provided to a child attending a school other than the nearest school as a result of parental preference.

#### **Walking distance**

Section 444 of the Education Act 1996 defines walking distance as two miles for a child who is under the age of eight and three miles for a child who is aged eight or over. The measurement of the '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 with reasonable safety. As such, the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads. Below this distance the responsibility for the journey to school rests with the parent.

#### **Nearest School**

The nearest school is a school that is the nearest school to the home address measured by a straight line. The nearest school search includes schools outside of the Plymouth City boundary.

- I.1. For children who have an Education & Health Care Plan (EHC) the nearest school will be either:
  - a) The mainstream school nearest to the home address, or an alternative mainstream school where the Local Authority has named this in the EHC plan as the only school suitable to meet the child's needs, or
  - b) A Special School or Unit, in which the student has been placed by the Local Authority and which is named in the EHC Plan.
- I.2. Where a student is registered at ACE, this will be regarded as the nearest school. There is no entitlement to transport to ACE provision for students who are dual registered. The school which arranges the package with ACE will be responsible for the provision of transport if this is required. When a student has been permanently excluded free travel may be considered even though the student is still registered at the excluding school, whilst the exclusion is being processed and finalised.
- I.3. Where a student has been placed in an alternative school by the Local Authority through the Placement Panel, the alternative school will be regarded as the nearest school.
- I.4. Where a student moves into the area and the nearest school is full then the next nearest school with a place available will be regarded as the nearest school.

## Parental Preference

As a parent, you are legally entitled to express *a preference* for a school that you would like your child to attend (including a Grammar or Faith School). This also includes the parents of children with Special Educational Needs, or EHC plan.

If, as a result of parental preference however, a child attends a school other than the nearest school, free transport will **not** be provided. Instead, parents will be responsible for making their own transport arrangements and for all transport costs for the whole time the child is at school.

If the nearest school becomes full after the parents have expressed a preference for an alternative school, free transport to the alternative, or any other school, will not be provided as a result. There can be no guarantee of a place being available at a later date at the nearest school.

Where parents have exercised preference and later experience a change in personal circumstances so that they can no longer meet their responsibility for transport, the Local Authority would expect the child to transfer to the nearest school.

## **ENTITLEMENT TO FREE SCHOOL TRANSPORT FOR STUDENTS WITH SPECIAL OR OTHER EXCEPTIONAL NEEDS**

The legal responsibility for ensuring a child's attendance at school rests with parents.

1. The provision of transport for students with an EHC plan or other exceptional needs will be considered on an individual basis and provided if necessary. This will be where either:
  - a) The distance between the child's home and the nearest school qualifies him/her as in the Statutory (Distance) Policy detailed on page 4; or
  - b) Where the distance is less than the statutory walking distance and the child is unable to safely walk the required distance because of a physical or other disability, even if accompanied by a responsible adult.

Further consideration will be given to the availability of a responsible adult to accompany the child to school where there is more than one primary school aged child in the family who may be attending a different school.

Parents who are unavailable to accompany their child to school due to work commitments may be offered a concessionary seat on existing transport if a space is available.

Where transport is provided this will be regularly reviewed and may be withdrawn as the needs of the child, or family circumstances have changed.

2. Students who are below statutory school age and are placed in a nursery, special school or unit by the LA for assessment of their needs will be assessed for the provision of transport as in point 1 above. The nearest school will be the nearest to their home that has a suitable place available to undertake the assessment. Parental preference will not be considered. Transport will be provided from the beginning of the term after the child's third birthday (working on 3 school terms).
3. Children who qualify for free transport to school will be encouraged to travel independently. Plymouth City Council has an Independent Travel Trainer who will work with students on a one to one basis to achieve this.
4. Children who do not qualify for free travel may be given the opportunity to purchase a concessionary seat on a vehicle that has a space available, where this does not incur additional cost to the LA or disruption to other students on the route. The cost of this is (as at September 2022) is £541 per year. This cost will be increased by RPI on an annual basis.

## **FREE TRANSPORT ON THE GROUNDS OF LOW INCOME**

### **Primary Students aged 8 and over**

Primary school students aged 8 and over, will qualify for free travel if they meet the following criteria:

- a) The student is attending the nearest suitable school; and
- b) The school measures more than 2 miles on a walking route; and
- c) The student is eligible for free school meals or the family is in receipt of the maximum award of Working Tax Credit

### **Secondary Age Students**

Students of secondary school age will qualify for free travel if they meet the following criteria:

- a) The student is attending one of their three nearest suitable schools (including selective schools and schools outside of the Plymouth boundary). The nearest school is determined by measurement on a straight line basis between the home and school; and
- b) The school measures between 2 and 6 miles. The distance up to 2 miles is measured on a walking route. The distance from 2 miles and up to 6 miles is measured on a driving route; and
- c) The student is eligible for free school meals or the family is in receipt of the maximum award of Working Tax Credit

Students who move address will be assessed on the 3 nearest schools with places available at the time of the move.

Free Transport granted on the grounds of low income will be awarded for an academic year and reassessed on an annual basis provided there have been no change of circumstances within the year.

## **FREE TRANSPORT ON THE GROUNDS OF FAITH OR BELIEF**

Free transport will be provided for children who attend a school on the grounds of their parent's religion or belief providing they meet the following criteria:

- a) The student is attending their nearest suitable faith school and
- b) The school measures between 2 and 15 miles (The distance up to 2 miles is measured on a walking route. The distance from 2 miles and up to 15 miles is measured on a driving route); and
- c) The student is eligible for free school meals or the family is in receipt of the maximum award of Working Tax Credit.

## **FREE TRANSPORT TO GRAMMAR/SELECTIVE SCHOOLS**

Free transport will be provided for children who attend a Grammar school providing they meet the following criteria:

- d) The student is attending their nearest suitable grammar school and
- e) The school measures between 2 and 15 miles (The distance up to 2 miles is measured on a walking route. The distance from 2 miles and up to 15 miles is measured on a driving route); and
- f) The student is eligible for free school meals or the family is in receipt of the maximum award of Working Tax Credit.



## **LOOKED AFTER CHILDREN (LAC)**

Entitlement to free transport will be assessed in accordance with this policy by a Transport Officer. If transport is refused the final decision will rest jointly with the appropriate 3<sup>rd</sup> tier Social Care and Education Officers. Transport provided under this section of the policy is funded wholly by Social Care.

### **1. TRANSPORT TO SCHOOL**

Children who are placed in Foster care will be assessed for entitlement to free transport as in the Statutory (Distance) Policy, or the Exceptional Needs Policy.

- 1.1. Following a move into Foster Care, where the school attended is no longer the nearest school for the new address, and the foster carer is unable to provide transport, then transport may be provided to enable the student to continue at their current school on a temporary basis.
- 1.2. Provision of transport will be reviewed in accordance with statutory review procedures at 28 days, 3 months and 6 months thereafter. Transport will cease one week after the review date if no formal application has been made by the Social Worker for it to continue.
- 1.3. When it is decided that a child placement will be long term (over six months), consideration must be given to the child relocating to a local school. Further support and guidance on the appropriateness of a child changing schools can be obtained from the Virtual School Information Officer (tel 307009).

### **2. TRANSPORT TO CONTACT**

Plymouth City Council acknowledges its duty to promote contact between children and their families.

- 2.1. For LAC attending contact, transport will only be provided when carers and contact centre staff are unable to perform this task.
- 2.2. For parents/other relatives attending contact, public transport fares may be reimbursed on production of bus/train tickets if they are in receipt of income support or job seekers allowance. Taxis will only be provided in exceptional circumstances e.g. parents who cannot use public transport due to disability. Transport applications of this nature will be looked at on an individual basis.

## **CHILDREN IN NEED**

The legal responsibility for ensuring a child's attendance at school rests with parents.

Transport provision may be considered, however, as part of a social care family support package, if it is aimed at preventing a child being looked after by the local authority.

Applications made for assistance will be considered on an individual basis by 3rd tier Social Care and Education Officers.

## **TRANSPORT TO RESPITE CARE**

Applications for assistance with transport to respite care will be considered on an individual basis.

It is the responsibility of whoever arranges the respite care to also arrange/apply for transport if necessary.

Where possible, when transport is agreed, the authority will try to accommodate the student on existing school transport providing this does not cause disruption to other students.

Any additional costs will be met from the Social Care budget.

## **OTHER EXCEPTIONAL CIRCUMSTANCES**

Transport may be provided in exceptional circumstances as detailed below:

### **Change of Address**

- 1) Free transport will be provided where a student changes address and they are in Year 6 or in years 10 or 11, providing the following criteria are met:
  - a) The move is involuntary, and
  - b) The student was attending their nearest school prior to the move taking place, and
  - c) The new address is beyond walking distance of the school and
  - d) The student is undertaking a recognised external examination course (not applicable to Year 6)

For students travelling out of the Plymouth area availability of public transport and reasonable journey times will also be taken into consideration.

- 2) Free transport may be considered for students who do not meet the criteria in Section 1, but have moved address within the City boundaries and where there is no place available at a nearer school within statutory walking distance. However, in order for transport to be considered the following procedure must be followed:
  - a) The student was attending their nearest available school prior to the move taking place
  - b) An application must be made to the Local Authority Admissions Team for a place at the three nearest schools (within statutory walking distance)
  - c) If transport is provided the student must remain on the waiting lists in order for transport to continue.
  - d) When a place is offered at one of the nearer schools (within statutory walking distance), transport will be withdrawn regardless of whether the place at the nearer school is accepted.

### **Temporary Accommodation**

Free travel may be provided where PCC has housed a family in temporary accommodation, pending a move to permanent accommodation. This is to prevent a child having to move schools twice in a short space of time.

Each application will be considered on an individual basis and will usually only be given for a maximum of 12 weeks (or a full term) at which point the child will be expected to move to a nearer school.

Applications will be considered on either the Statutory (Distance) policy or on the Low Income Policy.

### **Medical Reasons**

Free transport may be provided on medical grounds where the Consultant Paediatrician or other medical professional certifies that transport is recommended. It should be noted that transport is only provided to the nearest available school (See Parental Preference). Transport granted on this basis will be reviewed regularly and withdrawn when the need ceases.

## **OTHER GENERAL PRINCIPLES APPLICABLE TO ALL PREVIOUS SECTIONS**

### **MEASUREMENT OF DISTANCE**

Walking distance is measured by the shortest available route, from the nearest entrance to the home, (eg front/back gate), to the nearest school entrance. Private driveways are discounted from the calculations.

Measurements are made using Capita ONE electronic mapping software and/or GGP. Measurements are strictly applied to ensure consistency and fairness.

In the case of dispute the route will be measured on foot using a surveyor's wheel, by an Officer accompanied by the parent.

### **AVAILABLE ROUTE**

The Courts have defined an available route as one "along which a child accompanied as necessary can walk and walk with reasonable safety to school. It does not fail to qualify as 'available' because of dangers which would arise if the child is unaccompanied."

All routes, whether urban or rural, are potentially dangerous and thus when deciding whether or not a route is available, the Local Authority will look at the hazards presented in the individual case, bearing in mind the ability of the children in question. The Council has not limited itself to prescribed criteria by which to judge the route because it is believed that each route must be assessed on its own merits.

The nature of a route is first examined by the School Transport Officer to assess whether it should be regarded as available. Where there is any doubt as to the suitability of the route the PCC Road Safety Team will also be consulted.

Where parents disagree with the findings, they may make representation through the School Transport Review/Appeals procedure. Officers may be asked to walk a route and do so at a time when children would be walking to and from school.

In reaching a conclusion, the Council will have regard to the legal requirements and will have regard to such specifics as:

- whether the hazard exists even if a child were accompanied,
- whether any unavoidable reason exists whereby the child cannot be accompanied.  
**Inconvenience to the parent/carer is not considered a reason for transport.**
- road width,
- visibility,
- existence of footpaths and verges,
- the volume of traffic at relevant period of day,
- clearance between pedestrian and vehicles.
- street lighting

## **PROVISION OF PASSENGER ASSISTANTS**

A Passenger Assistant will only be provided if this identified as required due to the student's age, special needs or is on the student's Placement/Care Plan. This will be determined on an individual basis.

## **TRANSPORT ARRANGEMENTS**

It is for Plymouth City Council to determine the means of transport between home and school, however, you can request an allowance to take your child to/from school. Allocated transport may be by way of a walking assistant, public bus service, Plymouth City Council vehicles, contracted minibuses or taxis, or rail services and also reimbursement to parents/carers for a petrol allowance or personal payment plan.

### **1.1. Can I use my own transport?**

Yes you can, if the student is entitled to transport. We pay 45p per mile for the round trip eg leaving your home address to take the student to College and for you to return to your home address in the morning and the same journey again in the afternoon to collect the student from College.

Except in very exceptional cases the rate will be 45p per mile and this will be increased on an annual basis by RPI but will not exceed HMRC limits.

### **1.2. Vacant Seats**

Where spare seats are available on school transport vehicles, children who are not entitled to free transport may be allowed to travel on the pre-payment of a fee determined by PCC.

Parents are advised that should a spare seat be required for a new student who qualifies for free travel or because of a change to the size of vehicle being used then the facility will be withdrawn. Four weeks' notice will be given should it be necessary to withdraw the facility.

Where concessionary riders are displaced, the displacement should be in the order of:

- a) those not attending the nearest school;
- b) those nearest to the school;
- c) those with siblings on the vehicle who are travellers

In cases where the concession is withdrawn refunds will be made on a pro rata basis.

#### **1.2.1. Fee for a vacant seat**

The fee for a vacant seat (as at September 2022) is £541 per year. This fee will increase by RPI on an annual basis.

### **1.3. Picking up/Setting down points**

Plymouth City Council uses pick up and drop off point and students will be collected at a suitable pick-up point determined by the Transport team. This will be as near to their home as is reasonably possible or the home address if the student is unable to safely walk the distance to the pick-up point. Some students, however, may have to walk a reasonable

distance to and from home to meet their transport. Parents/carers are responsible for their children's safety in getting to and from the transport. They are also responsible for their children while they are waiting for transport and when they leave the transport at the end of the day. Passenger Assistants are instructed not to leave the vehicle.

#### **1.4. Journey times**

Where possible journey times on contracted vehicles will aim to be a maximum of one hour for primary school aged children and 1 hour 15 minutes for secondary school aged children, except in exceptional circumstances eg travel to an out of authority special school.

#### **1.5. Seatbelts**

It is the Local Authority's policy that on all contracted vehicles provision will be made for each passenger to have his/her own seat and for seatbelts to be fitted. All passengers must wear seatbelts.

#### **1.6. Child Seats**

It is a requirement that a child car seat or booster seat is used for children up to 135cm tall (unless a minibus has 'fit all' seatbelts). Plymouth City Council will issue a suitable seat to be used on school transport. The parent/carer is responsible for returning the seat when it is no longer required. Parents/carers will be charged for the cost of a replacement seat should the original not be returned.

Foster carers who have been issued with a car seat or booster seat by Social Care must make this available for use if the child is to be transported by a vehicle other than the main carers eg a taxi, minibus or staff member's vehicle.

#### **1.7. Transportation of Wheelchairs and other equipment**

Prior to any wheelchair being carried, a risk assessment by a transport Officer must be carried out. This is to ensure that the wheelchair is of a type that is suitable for transportation and that the correct restraints are used in the vehicle. A 'passport' (a coloured plastic disc) will be fitted to the wheelchair to indicate that the risk assessment has been carried out. A wheelchair not displaying the 'passport' will not be carried and it will be the parents' responsibility to arrange their own transport until the risk assessment has been completed.

In exceptional cases, for example if the disc has become detached, it may be possible to arrange for a wheelchair to be carried without the 'passport' subject to agreement by the Service Manager Transport and Admissions.

It is the parents' responsibility to ensure that the Transport Team is notified at least ten working days in advance of a student changing their wheelchair.

Should it be necessary for specialised restraints/equipment to be obtained before the wheelchair can be carried then parents will be responsible for making their own transport arrangements until such time as the restraints are available. A transport allowance may be payable if this takes longer than ten working days.

A headrest must be provided if a student is travelling in their wheelchair. It is the parent's responsibility to arrange provision of this through the wheelchair provider. Passenger Assistants will not be responsible for the fitting or removal of headrests.

Where other equipment needs to be transported, eg oxygen cylinders, suction machines etc, this may require adaptations to the vehicle in order that it can be transported safely. Whilst the adaptation is being made it is the parents' responsibility to make their own transport arrangements.

### **1.8. Protection of Children**

The Local Authority undertakes a DBS check on all drivers and passenger assistants on contracted vehicles. All drivers and passenger assistants are issued with identity badges, which should be worn at all times whilst on contract.

All passenger assistants receive appropriate training to help them protect children and young people, and to help them identify any concerns as they arise.

## **5. AFTER SCHOOL CLUBS/TWILIGHT STUDY**

The LA does not provide transport for students to attend after school activities.

Where there is an entitlement to transport, the LA will arrange this to coincide with normal school or college start and finish times. Transport is not normally provided for students who wish to remain at school or college beyond the end of the normal school or college session times.

## **6. WORK EXPERIENCE AND OTHER OFF SITE PROVISION**

The LA does not provide transport for students to attend work experience. Individual schools may make such arrangements.

Where transport is provided by the LA, it is normally provided to the establishment where the student is registered. If the student is required to attend educational provision away from their registered base, the LA will not normally provide transport to the off-site provision. Individual schools and colleges may make such arrangements.

## **7. TRANSPORT GRANTED IN ERROR**

Where free transport has been granted in error it will be withdrawn. One term's notice will be given to parents.

## **8. TRANSPORT ON THE CLOSURE/REORGANISATION OF A SCHOOL**

Transport issues will be considered on the closure or re-organisation of a school in accordance with the requirements of Department for Education.



## **9. SEVERE WEATHER**

The decision on whether or not transport will operate during periods of severe weather rests with transport operators who will be aware of local conditions. They will liaise as necessary with the Transport Team. In the event of services being excessively delayed, brought forward, or cancelled, local radio and the PCC website will be used to contact parents.

## **BEHAVIOUR AND DAMAGE ON TRANSPORT**

### **BEHAVIOUR**

Parents, carers, schools, transport contractors and the Local Authority all have an interest in the behaviour of children whilst on transport.

Drivers and passenger assistants are asked to liaise with schools and the Transport Officers where there are behavioural issues, but are instructed never to evict a child from the vehicle anywhere on a route other than at the normal setting down point.

If problems are such that the health and safety of other passengers, the driver or passenger assistant is endangered, bus passes or entitlement to transport will be withdrawn. It will then be the parent's responsibility to make the necessary arrangements to ensure their child's attendance at school.

### **DAMAGE**

Plymouth City Council requires contractors to indemnify the Council against all damage, however caused.

Contractors may seek recompense from parents where responsibility for damage rests with their child(ren).

### **What do I do if I don't agree with a decision?**

The Appeals procedure exists to consider representations from parents relating to the implementation of School Transport policy, but not policy issues.

The appeal procedure is a two stage process consisting of a Review and an Appeal (see appendix A for flow chart):

#### **Reviews**

- A request for a review must be submitted within 20 working days of the date of the refusal letter.
- The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family exceptional circumstances the parent believes should be considered to warrant a departure from the policy.
- Within 20 working days of receipt of the parent's written request a Senior Transport Officer will review the original decision and send the parent a written notification of the outcome of their review, this will include the decision reached; how the review was conducted; information about other departments and/or agencies that were consulted as part of the process; what factors were considered and the rationale for the decision reached. If the review is refused the letter will also confirm how to appeal against the decision.

## Appeals

- A parent has 20 working days from receipt of the local authority's review decision notification to make a written request to escalate the matter to the appeal.
- Within 40 working days of receipt of the parents request an independent appeal panel of 3 Senior Officers (independent of the original decision) will consider written and verbal representations from both the parent and officers involved in the case.
- Within 5 working days of the appeal panel hearing a written notification of the outcome of their appeal will be sent to the parent; this will include the decision reached; how the appeal was conducted; it will confirm if other departments and/or agencies were consulted as part of the process; what information were considered; and the rationale for the decision reached.
- If the appeal is refused, the letter will also confirm the parent's right to put the matter to the Local Government Ombudsman

If an appeal is upheld then travel costs may be reimbursed from the date of the original application to the date that transport provision is made. This will be reimbursed at the cheapest rate.

**Privacy Notice** - Being transparent and providing accessible information to individuals about how we use personal information is a key element of the Data Protection Act.

The full policy and notice is available on the Plymouth City Council website at:

<https://www.plymouth.gov.uk/aboutwebsite/privacypolicy>

## Amendments to this policy

Plymouth City Council will monitor what is set out within this transport policy and continue to monitor its progress through the year. In line with the Department for Education (DfE) statutory guidance, Plymouth City Council reserves the right to amend and republish this transport policy statement at any point during the year in response to complaints, amendments of discretionary entitlement or to a direction by the Secretary of State.

## Appendix A

### Home to School Travel and Transport – Review/Appeals process

