

Bedford Borough Council Alternative Education Provision Transport Policy 2019/20

This policy is for pupils attending alternative education provisions such as the Pupil Referral Unit.

This policy contains the following sections;

Section 1 – Transport Entitlement Policy for pupils attending an alternative education provision

Section 2 – Transport Operations Policy

Section 3 – Appeals

Pupils with an Education Health and Care Plan (“EHCP”) formerly called a Statement of Special Educational Needs (“Statement”) will be assessed under the Special Educational Needs (SEN) Transport Policy which can be found at; www.bedford.gov.uk/schooltransport

All other pupils are considered under the mainstream policy which can be found at; www.bedford.gov.uk/schooltransport

Part 9 of the Education Act 1996 (the Act) contains statutory duties in relation to the provision of school transport, including the requirement to publish a statement of school transport policy in regard to post 16 year old pupils. The School Information (England) Regulations 2008, requires the Council to publish general arrangements and policies in respect of transport for pupils of compulsory school age. Section 509AA of the Act requires that ‘a Local Education Authority shall prepare for each academic year a Transport Policy Statement’. It provides that the ‘statement shall specify the arrangements for the provision of transport or otherwise that the Authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training’.

These duties are respectively complemented by statutory guidance issued by the Secretary of State for Education to which the Council must have regard. The statutory guidance requires that published Council policy should include a clear and comprehensive statement of transport arrangements, explaining statutory and discretionary provision and how parents can hold local authorities to account through their appeals processes.

The statutory guidance confirms that parents are responsible for ensuring their child’s regular attendance at school and local authorities are under a duty to provide home to school transport, where necessary, to enable them to enforce attendance. Section 444 of the Education Act 1996 states that the child shall not be taken to have failed to attend regularly at the school if the parent proves that the local authority fails to make appropriate transport arrangements under Section 508. However Section 9 of the Education Act 1996 provides that in exercising all duties and powers under the Education Acts, the local authorities must have regard to the general principle that pupils are to be educated in accordance with their parents wishes, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable expenditure.

Section 1 – Transport Entitlement Policy for pupils attending an Alternative Education Provision

1.1 Statutory School Age

- 1.1.1 Bedford Borough Council has a statutory duty to ensure that suitable travel arrangements are made where necessary to facilitate a child’s attendance at school.
- 1.1.2 The Education Act 1996 (the Act) as amended, details the powers and duties to which Bedford Borough Council must adhere.
- 1.1.3 Bedford Borough Council’s Home to School Transport Policy takes full account of the duties and powers detailed in the Education Act 1996.
- 1.1.4 A child begins to be of statutory school age on the prescribed day which either falls on or follows their fifth birthday. The prescribed days are currently 31st August, 31st December and 31st March, this is the term following their fifth birthday. A child ceases to be of statutory school age on the school leaving date in the academic year in which they turn 16. The school leaving date is currently set as the last Friday in June. An academic year commences on 1st

September and ends on 31st August. Raising the participation age does not affect the statutory school age.

1.2 Transport Entitlement

- 1.2.1 The decision on transport entitlement will be made by the Transport Officer and will consider all relevant information.
- 1.2.2 If the Transport Officer does not approve eligibility for transport based on the evidence considered then the principles in 1.3, 1.4, 1.5, 1.6, 1.7 and 1.8 below would apply when deciding eligibility.

1.3 Distance Criteria

- 1.3.1 Transport will be provided with free travel arrangements if pupils exceed the Statutory Walking Distance criteria of;

- a) more than 2 miles away from their home for children aged under 8.

Pupils aged 8 years of age who are entitled to receive free transport under the distance criteria will continue to receive free transport until the end of the academic year in which they reach the age of eight.

- b) more than 3 miles away from their home for children aged between 8 and 16.

Pupils aged 16 years of age who are entitled to receive free transport under the distance criteria will continue to receive free transport until the end of the academic year in which they reach the age of 16. Students over the age of 16 may be eligible under the post statutory school age policy.

- 1.3.2 The measurement used to calculate the distance from home to school is defined as the shortest route along which a child, accompanied by an adult as necessary, may walk with reasonable safety. As such the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads. The measurement is calculated from the nearest point on the 'walking route network' to the boundary of the child's home to the nearest accessible school gate.

1.4 Entitlement on Road Safety Grounds

- 1.4.1 Children who live under the statutory walking distance may be entitled to free travel arrangements where the nature of the route is such that a child can not be expected to walk, accompanied by an adult as necessary, in reasonable safety.
- 1.4.2 Pupils living less than half a mile from school are not entitled to receive transport on road safety grounds.
- 1.4.3 Bedford Borough Council follows the guidance published by Road Safety GB to assess walking routes to schools.
- 1.4.4 The walking route must have;
 - a) a continuous adequate footway on roads that carry normal to heavy traffic or
 - b) step-offs on roads that are lightly trafficked, but have adequate sight lines to provide sufficient advance warning or
 - c) on roads with low traffic flow, no step-offs, but sufficiently good sight lines to provide adequate advance warning

and

- d) if there is a need to cross roads, there must be crossing facilities e.g. zebra or pelican crossings, pedestrian phases at traffic signals (including necessary refuges), school crossing patrols, traffic calming (sufficient to enable safe road crossing), pedestrian refuges, etc. or;
 - e) sufficient gaps in the traffic flow and sight lines to allow enough opportunity to cross safely.
- 1.4.5 Walking routes are designated as safe or not safe by an independent 3rd party assessment, conducted in accordance with 1.7.4 above.
- 1.4.6 Route reviews will be undertaken when changes in the road network or additional pathways mean a safe route to school may be identified. Major changes to the public highway will also be considered as and when the change occurs.

1.5 Children entitled to free school meals, or whose parents/carers are in receipt of the maximum rate of Working Tax Credit

- 1.5.1 Children who are entitled to free school meals or whose parents/carers are in receipt of the maximum level of working tax credit will be provided with free travel arrangements if the child is aged between 8 and 16 where the provision is more than 2 miles by the shortest available walking route.
- 1.5.2 The child must be of the relevant age on 1st September of the academic year for which they wish to apply.

1.6 Medical Reasons

- 1.6.1 If there is a medical reason why transport is required, evidence will be required in such cases. Recommendations must be received in writing from a GP or Medical Consultant. The information from a GP or Medical Consultant must clearly state inappropriate types of transport and be specific about appropriate distances.
- 1.6.2 The council reserves the right to commission an independent medical opinion.

1.7 Children for whom there are particular exceptional social circumstances

- 1.7.1 Children who have exceptional social circumstances may be entitled to free home to school transport where these circumstances would otherwise prevent them from attending school regularly.
- 1.7.2 Each case will be considered on an individual basis by the Transport Officer. Examples of exceptional social circumstances include:
- A child whose family has needed to be temporarily re-housed due to fire or flooding.
 - A child who is Looked After by the Local Authority and transport is necessary to facilitate regular attendance at school.
- 1.7.3 Transport under these circumstances is usually only provided on a temporary basis and is reviewed regularly. Requests should be put in writing to the Transport Officer at Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP.

1.8 Parent(s)/Carer(s) with a Disability or Medical Condition

- 1.8.1 Where parent(s)/carer(s) are relied upon to accompany their children along a walking route for it to be considered safe, free transport will be considered where the parent(s)/carer(s) disability or medical condition prevents them from doing so.
- 1.8.2 This can be for either a long term condition or a temporary medical problem for one return journey per day and each case is considered on its individual merits. In both cases, recommendations must be received in writing from a GP or Medical Consultant.

1.8.3 The council reserves the right to commission an independent medical opinion.

1.9 General Policy Principles

1.9.1 'Home' is defined as the place where the child is habitually and normally resident. Suitable travel arrangements will only be made using the child's home address, as defined. The Local Authority is not responsible for providing travel arrangements from any other address. The Local Authority is only responsible for providing travel arrangements for children resident in Bedford Borough. The Local Authority will only provide travel arrangements from one address, which meets the definition described.

1.9.2 Pupils who live in a joint home arrangement, who fulfil the other criteria for free transport, will be provided with transport from the home where they live for the greater part of the week.

1.9.3 The council support independent travel for students attending an alternative education provision. Independent travel training may be available on request.

1.9.4 Parent(s)/Carer(s) are expected to accompany their children to and from school where they consider it necessary. The need for parent(s)/carer(s) to be at work would not usually be considered as a reason why transport should be provided.

Section 2 – Transport Operations Policy

2.1 Sustainable School Travel Strategy

2.1.1 The Local Authority has a sustainable school travel strategy which is available at www.bedford.gov.uk/schooltransport

2.2 Passenger Assistants

2.2.1 The Local Authority will consider providing a passenger assistant based on a risk assessment. This will have regard for a number of factors, which may include the child's age, any additional needs a child may have, the length of the journey, the size of the vehicle.

2.3 Provision of Transport

2.3.1 The council will endeavour to transport children in the shortest possible time and will investigate all possible alternatives taking into account the needs of the child.

2.3.2 Where pupils are eligible for transport this means one return journey per day, at the normal start and end of the school day. Transport will not normally provided to meet a student's individual timetable.

2.3.3 Taxi transport will only be provided where there is a medical need or exceptional social circumstances (1.6 and 1.7 above).

2.3.4 The Local Authority will consider what is the most suitable and cost effective means in providing travel arrangements based on the evidence available. Parental mileage and individual transport may be considered.

2.3.5 Transport will only be provided to the main establishment where the student is studying. Transport will not be provided for induction days, work experience, commercial experience, placements, extra curricular activities or travel to alternative sites during the day. In such cases the parent(s)/carer(s) will be responsible for making alternative arrangements.

Section 3 – Appeal and Complaints Procedure

3.1 If you feel aggrieved by a decision taken

3.1.1 All parent(s)/carer(s) have the right to appeal if they are refused free transport to an alternative education provision.

- 3.1.2 Parent(s)/carer(s) may also wish to consider the Council's formal complaints procedure, which is available at www.bedford.gov.uk/beheard or by contacting the Customer Relations Team on (01234) 228597 for further advice. Please note where an appeals process exists this should always be exhausted before making a complaint. Once these procedures are concluded then it may be possible to use the complaints procedure to investigate the issues, however in most cases this is unlikely to reverse any decisions made as part of these separate processes.

3.2 The Appeal Process

- 3.2.1 The Appeal form is available on line at www.bedford.gov.uk/schooltransport or by calling the Clerk to the Appeals Panel on (01234) 228523. Appeals can also be submitted on-line at www.bedford.gov.uk/schooltransport

We will acknowledge an appeal within one week of receiving it. Appellants can call (01234) 228523 if they have not received an acknowledgement within 2 weeks of posting their appeal.

- 3.2.2 If the Appellant would like a friend, adviser, interpreter or signer to come to the appeal with them for support, they are welcome to attend. If the Appellant does not speak or understand English they can ask a friend or relative to help explain their case at the hearing, or we can be asked to arrange for an interpreter to attend the appeal. If the Appellant needs us to book an interpreter, please tell us this on the appeal form. If the Appellant has any access requirements or disabilities we should be aware of please tell us in the access or language requirements box of the appeal form.

- 3.2.3 The Appellant needs to fully complete the appeal form. If the Appellant would like the Appeal Panel to see any supporting evidence they must collect this themselves. The Clerk to the Appeal Panel will not contact anyone on the Appellant's behalf and will not accept evidence direct from any third party. The Appellant needs to collect the evidence and then send it to the Office of the Clerk to the Appeal Panel as soon as possible. For example the Appellant might want to submit letters from a doctor if the appeal is on medical grounds.

If the Appellant is submitting an appeal based on financial hardship, they are advised to complete the income and expenditure form and provide evidence of income. The income and expenditure form is available at www.bedford.gov.uk/schooltransport or by contacting the Clerk to the Appeal Panel on (01234) 228523.

- 3.2.4 The Appellant should normally submit evidence with their appeal form, however if they have additional evidence, it must be submitted by a deadline which will be included in the letter advising the Appellant of the date of their appeal hearing. If evidence is received after the specified deadline, then the Appeals Panel will need to decide whether this information can be considered, taking into account its significance and the effect of a possible need to adjourn the hearing. Evidence cannot be submitted after the appeal hearing. Seven working days before the appeal the Clerk will collect all of the evidence received from the Appellant and from the Transport Officer. This will be copied and copies of all the evidence will be sent to the Appellant, the Transport Officer and the Panel members.

- 3.2.5 Appeals will be heard at Borough Hall, Bedford. The Clerk will write to the Appellant at least ten school days before their appeal to advise of the time, date and location of the hearing. The Appellant should attend the appeal hearing if they can as it is the only chance to explain their case to the Panel. If for an exceptional reason the Appellant cannot attend the appeal on the date given, they should call the Office of the Clerk to the Appeal Panel on (01234) 228523. If the appeal cannot be re-arranged and the Appellant does not attend, the Panel will hear the appeal in their absence using the information submitted. Alternatively, the Appellant may ask a friend or relative to attend the hearing on their behalf.

- 3.2.6 Appeals will be decided by a Transport Appeals Panel of three Councillors. All will be impartial and have no member interests/roles in Transport, Education or Social Services. Appellants will be advised of the names of the Councillors who will decide their appeal.

If the Appellant thinks they know one of the Panel Members hearing their case, please call the Office of the Clerk on (01234) 228523 immediately.

- 3.2.7 The Transport Appeal Panel will follow a set procedure, which is summarised in paragraph 4.2.9 below. A copy of the full procedure will be provided to appellants before the meeting. The Panel will listen to both cases and are likely to ask questions. The Clerk is independent of the School Transport Entitlement Team but is appointed by the Borough Council. The Clerk is responsible for making sure that the correct procedures are followed and that the appeal hearing is fair but does not take part in the decision making process. The Transport Officer will explain their decision and answer any questions the Appellant or the Panel have, following which the Appellant will be invited to state their case and may be asked questions by the Panel. The Appellant may be accompanied by a friend or relative to support them or they can ask someone to go to the appeal on their behalf. If the Appellant does not attend or send someone to the appeal the Panel will make their decision based on the written evidence the Appellant has sent in and information given (in writing and at the hearing) by the presenting officer. Legal representation is rarely needed; if the Appellant would like to bring a legal representative please let the Office of the Clerk know immediately. Please do not bring any children to the appeal.
- 3.2.8 Sometimes people observe appeals as part of their training as clerks, Panel Members or presenting officers; if the Appellant does not want them to observe the appeal hearing they should tell the Clerk on the day. Appeals are normally heard in private.
- 3.2.9 The panel will consider all appeals on their individual merits. The procedure will normally be as follows:
- a). The Transport Officer will be invited to explain their case (that is, why free or subsidised transport has been refused).
 - b). The Appellant and the Panel can ask questions about the Transport Officer's case.
 - c). The Appellant will be invited to explain their case.
 - d). The Transport Officer and Panel will ask the Appellant questions about their case.
 - e). The Transport Officer will sum up their case (they cannot mention any new evidence or points).
 - f). The Appellant will sum up their case (they cannot mention any new evidence or points).
- The Panel will try to keep the appeal hearing as informal as possible but needs to ensure that both parties have a fair chance to explain their case and that the hearing is fair. Due to time constraints there is no facility for Appellants to make a Power Point presentation or show videos/DVDs during their hearing.
- 3.2.10 The Panel will make their decisions after they have heard all of the appeals they are dealing with on that occasion. No Appellants will be present and the Transport Officer will not be present when they make their decision. The Clerk will be present to record the decision and provide legal/procedural advice. The Panel will either uphold the appeal or they will dismiss the appeal.
- 3.2.11 The Clerk will aim to write a letter to the Appellant within 5 working days after the decision is made explaining the result and how the Panel reached their decisions. The Clerk will not tell the Appellant the result over the telephone, in person, by fax or email. If the Appellant has not received a letter two weeks after the appeal hearing please call the Office of the Clerk on (01234) 228523.
- 3.2.12 The Appeal Panel's decision is final and binding, they cannot review their decision. However, an appellant may make a complaint to the Local Government Ombudsman if they feel there has been any administrative fault in the way the Panel has reached its decision.