



Home to School Transport Policy Document

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1. INTRODUCTION

The national guidance (last issued July 2014) on transport arrangements states that a local authority has a duty to provide or arrange free transport to and from school for a pupil of statutory school age who lives in its area if:

- The pupil is aged under 8 and the shortest walking route to the nearest suitable school is over two miles;
- The pupil is aged 8 to 16 and the shortest walking route to the nearest suitable school is over three miles;
- The pupil is secondary age, attending one of three nearest schools where the shortest walking route is between 2 miles and 6 miles and are eligible;
- The pupil is secondary age, attending their nearest school preferred on the grounds of religion or belief and are eligible;
- The route to the nearest suitable school, whatever its length, is unsafe if travelled on foot, even if the child is accompanied by an adult.

This booklet outlines the transport policy of Darlington Borough Council and can be found on the Council's website www.darlington.gov.uk or by contacting the school transport team at the details at the bottom of this page.

The Borough Council also provides information with regards to behaviour on school transport, which is intended to give both pupils and parents/carers information/guidance on how good behaviour on school transport can be encouraged and the way incidents of poor behaviour will be managed.

Further details can be obtained from:

**Transport Services
Children, Families & Learning
Town Hall
Darlington
DL1 5QT**

Telephone: 01325 388448 or 388197 Home to School Transport

Email: school.transport@darlington.gov.uk

2. HOME TO SCHOOL TRANSPORT FOR CHILDREN OF STATUTORY SCHOOL AGE

Darlington Borough Council provides free transport or assistance with transport costs to the nearest appropriate and/or suitable school if one of the eligibility criteria is met. References to the 'nearest appropriate and/or suitable school' are taken to mean the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have.

Eligibility Criteria

The legal requirement for ensuring that a child attends school is that of the parent/carer. It is the Local Authority's responsibility to make arrangements to provide transport for all 'eligible' children.

In Darlington free home to school transport or assistance with transport costs is available for the following eligible pupils of compulsory school age:

Primary Age – Reception to Year 6

- Children who attend the nearest appropriate and/or suitable school determined by the Local Authority, if that school is more than 2 miles from the parents/carers home using the shortest walking route judged to be safe¹,
- Children who cannot access their nearest appropriate and/or suitable school using an identified 'safe route to school'
- Children assessed as requiring transport in line with an EHC Plan³.

Secondary Age – Year 7 to Year 11

- Children who attend the nearest appropriate and/or suitable school determined by the Local Authority, if that school is more than 3 miles from the parents/carers home using the shortest walking route judged to be safe¹;
- Children whose parent(s) are in receipt of free school meals or the maximum level of working tax credit will be eligible for free home to school transport to one of their 3 nearest appropriate and/or suitable schools, if that school is more than 2 miles and less than 6 from the parents/carers home using the shortest walking route judged to be safe¹;
- Children whose parent(s) in receipt of free school meals or the maximum level of working tax credit will be eligible for free home to school transport to one of their 3 nearest appropriate school preferred on grounds of religion or belief where that school is more than 2 miles but less than 15 from the parents/carers home using the shortest walking route judged to be safe¹.

¹See page 7

³Education, Health and Care Plan

- Children who cannot access their nearest appropriate and/or suitable school using an identified 'safe route to school'¹.
- Children assessed as requiring transport in line with an EHC Plan³.

Parental Preference

Where a parent expresses a preference for their child to attend a school which is not the nearest suitable school which is more than 3 miles from the parental home, assistance with transport is not the responsibility of the Authority. This also applies to attendance at a voluntary aided school.

There is however, transport arrangements for eligible families if the child has obtained a place at one of their 3 nearest schools (see Secondary Aged Pupils paragraph for further explanation).

Measurements

The Local Authority uses a Geographical Information System (GIS) to measure all distances, from the front door of the home address** (including flats) to the main school gate as designated by the Authority. These measurements are used for school admission purposes as well as for transport.

**Home address is where the child lives mainly resides. Where parents/carers are separated and the child lives with for periods with both, then the home address will be that of the parent/carer that receives the child benefit. Where the childcare arrangements are shared jointly between both parents, then the Local Authority will consider the mother's address to be the relevant address when measuring the distance unless legal documentation is provided to the contrary.

Change of Address

Where parents move house during the course of a year and they are not able to attend a nearer suitable school appropriate to their age and below the statutory walking distance, then the Authority will look to assist with transport/costs. This would be re-assessed at the start of the next academic year.

Whilst a child is in Year 11 National Curriculum Year and that address is more than 3 miles from the school, the Authority will assist with travelling expenses to enable continued attendance at the same school where it is considered 'reasonable' to do so. The arrangements will not be extended if the pupil continues into post-compulsory education after 16 years of age. Only in exceptional circumstances will the Authority offer to provide assistance after the autumn term in Year 10

¹See page 7

³Education, Health and Care Plan

3. INDIVIDUAL CIRCUMSTANCES AND GENERAL INFORMATION

Medical

Children with acute medical needs or short-term medical conditions may require transport or a travel assistant in order to facilitate their attendance at school. The Authority will give consideration to the provision, appropriate to the pupil's requirements, on medical grounds. In such cases, the request will need to be supported by written evidence provided by a specialist involved with the child. If your request is turned down then you may appeal against the decision (see Appeals paragraph for information). Transport for children with an EHC Plan³ is covered in this document.

If you are granted assistance with either transport or a travel assistant, the provision will be reviewed on a 6 week basis, which may require proof of the ongoing medical need i.e. a letter from a professional practitioner.

Provision to the Home & Hospital Service based at Rise Carr College will also be assessed as above.

Disabled Parents

The Disability Discrimination Act 2005 has placed a duty on the public sector to promote equality of opportunity for disabled people and to eliminate discrimination. The Council is therefore under a duty to review all their policies, practices, procedures and services to make sure they do not discriminate against disabled people and to ensure that all of its services are planned with disabled people's needs fully considered in advance.

Therefore, where disabled parents have to accompany their children along a walking route for it to be considered safe¹, and where the parents' disability prevented them from doing so, in such circumstances, the Council may consider providing free home to school travel or assistance for the children of disabled parents.

In a two parent household both parents would need to have a disability that would prevent them from fulfilling their responsibilities as parents in securing their children attend school regularly and punctually. The fact that one parent may be out at work is not in itself sufficient reason for the Council to offer support.

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 may be required from an appropriate health professional supporting the claims of disability.

¹See page 7

Children with temporary mobility problems

Children with a mobility problem caused, for example, by a temporary medical condition such as 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 for enabling them to become a registered pupil 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.

Children unable to walk in safety to school

Where children live within ‘statutory walking distance’, councils 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 because of the unsafe nature of the route a child cannot reasonably be expected to walk to school by the shortest walking route (accompanied as necessary) judged to be safe¹.

When determining eligibility, a range of factors may also be taken into consideration including:-

- the age of the child;
- whether any 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 existence or otherwise of street lighting;

In reaching decisions on suitable safe routes, the Council will not remove from parents their legal responsibility to ensure that their children attend 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 remain the decision of the Council to determine whether or not it is reasonable for parents to accompany their children on the school journey.

¹The Local Authority determines a safe walking route as a footpath lit at regular intervals and paved/tarmaced..

Looked After Children

Children who are in the care of Darlington Local Authority will be provided with transport, if the school they are attending is over 3 miles, and it remains the most appropriate school for the child to attend.

Permanently Excluded Pupils

Should a child be permanently excluded from a mainstream school and live over 3 miles, then they will be entitled to transport/assistance with transport costs to their temporary educational setting, whilst awaiting re-integration into another mainstream school.

Should a child access an alternative educational setting which is between 2 and 6 miles and they are in receipt of free school meals or maximum level of working tax credit, then transport/assistance with transport costs will continue to be provided.

Mileage Allowance

If a parent/carer chooses to transport their child to a school that is the nearest appropriate which is over 2 miles (primary) 3 miles (secondary) themselves, they can receive a mileage allowance. Requests for a mileage allowance should be made to the School Transport Team.

A mileage allowance of 0.10p (secondary aged) and 0.38p (primary aged) per mile will be awarded for the journey to school at the beginning of the day and the return journey at the end of the school day.

Should the family address change, assistance will cease in the following circumstances:

- the school that the child is attending is no longer over 2 miles (primary) 3 miles (secondary);
- the school that the child is attending is over 2 miles (primary) 3 miles (secondary) but there is a school closer with available places.

Passenger Assistants

Passenger assistants will accompany children in Key Stage 1 (those in Reception, Year 1 and Year 2) who travel in transport provided by the Local Authority.

Passenger assistants are required to attend an initial training course. Refresher courses are also held when required. Transport officers liaise with Passenger Assistants on a regular basis to discuss transport issues.

Safety

All drivers and passenger assistants engaged on education transport contracts are subject to an enhanced DBS (Disclosure and Barring Service – formerly a CRB) as part of their contract. All transport operators contracted on education transport are required to provide the following information:

- Vehicle registration and plate details for taxis.
- Insurance certificates.
- Vehicle test certificates.
- Operators licence for PSV vehicles.
- Training on passenger assistants
- DBS

Transport Services carry out regular checks on operator vehicles and their staff. Where necessary these are done in conjunction with the Police and Vehicle Operator Services Authority (VOSA).

Bus Passes for Public Transport

In cases where a child of secondary school age is not eligible for free home to school transport and is unable to gain a place at their nearest secondary school and will have to travel more than 2 miles but less than 6 to school, than the Authority will reimburse the cost of a bus pass on public transport.

Poor behaviour on public transport will not be tolerated and the consequence of such would be short and/or long term withdrawal of financial assistance with no reimbursement or alternative provision being made, during which time it will be the parents' responsibility to ensure the child attends school

4. SCHOOL AGE PUPILS WITH SPECIAL EDUCATIONAL NEEDS

Entitlement to Special Education Transport

The policy on the provision of transport for children with a disability and/or experiencing special educational needs has been developed to be consistent with guidance within the Special Educational Needs and Disability Code of Practice 2014.

Transport requirements are considered as part of the full assessment of a child's special educational needs. If a child's needs are such that there are no associated transport requirements, the mainstream home to school transport policy will apply.

Assessment of Transport Requirements

Pupil's individual needs are considered to determine whether there is a requirement for special education transport; these include those with severe and / or complex:

- Cognition and learning;
- social, emotional and behavioural difficulties;
- physical, medical or sensory difficulties;
- communication difficulties or autistic spectrum disorder.

In undertaking formal assessment of a child's individual needs the Authority will gather information from a range of sources and determine the provision and placement necessary to meet those needs. Any individual requirements for transport will be assessed by the Moderation Panel as part of this process. Key sources of information in respect of transport will be: staff paediatrician, educational psychologist; and the school or setting attended by the child. For some children information provided by social services will also be relevant.

A child will be eligible for free transport to the nearest appropriate school or setting if:

- The child has a mobility problem or associated health and safety issues related to their special educational needs (SEN) or disability.

Inclusion

It is the Authority's policy to support inclusive education. This means that individual needs will be met as locally as possible to a child's home. In making decisions about any placement the Authority will take into account transport issues including transport and cost.

For some pupils, dual placement is appropriate to enable them to attend their local school, while also accessing the necessary resources or expertise within a specialist setting.

When the Authority determines that dual placement is appropriate consideration will be given to whether transport should be provided and the organisation of sessions to minimise transport costs, consistent with the child's educational needs.

Residential Placements Outside of Darlington

A very small number of pupils with the most complex needs attend residential schools or settings. Transport arrangements are considered as part of the overall decision-making about the placement and transport costs are shared on the same basis as the remainder of the placement costs. Transport is provided on the following basis:

- Weekly or fortnightly boarding - transport for the child to return home fortnightly during term time
- 38 Week Termly Boarding - transport at the beginning and end of each half term and one additional return journey per half term
- 51/52 Week Residential Placements - one return journey per term

Only in exceptional circumstances will the Authority consider requests for additional transport, which must be discussed and agreed in advance with the SEN Officer.

Passenger Assistants

Where it is appropriate to the child's health and safety needs a passenger assistant will accompany them on the journey to and from school. The continuing need for a passenger assistant will be reviewed annually.

Parental Preference of Educational Placements

If parents decline an offer of a placement in the nearest appropriate school and would prefer their child to attend an alternative appropriate school, the parents would then be responsible for both making transport arrangements and the financial cost of the transport. This responsibility will be specified in the child's EHC Plan³.

³Education, Health and Care Plan

Annual Review

For children with an EHC Plan³, information will be collected as part of the annual review process and the annual review meeting will make a recommendation to the Authority about future requirements for transport. Review of the EHC Plan³ by the Local Authority will include consideration of whether transport arrangements are still appropriate to the needs of the child.

Parental Responsibilities

The parents/carers of children accessing special transport may be asked to supply information to ensure transport arrangements meet the specific needs of their child.

Parents should also be aware that:

- Children must be ready at the times agreed to ensure efficient running of the service. Where pupils are persistently late in boarding the transport causing delays in the route, this may result ultimately in the withdrawal of transport until the difficulty is resolved.
- It is the parents' responsibility to ensure that an appropriate adult is there to meet the transport and collect their child when they return from school. Failure to do so could result in the withdrawal of the transport provision until the difficulty is resolved. Where the passenger assistant / driver has found no appropriate adult available and is unable to leave the child they would need to seek advice from the School Transport Team. Where no responsible adult can be located, the child may be left in the temporary care of Harewood House.

Additional Journeys

All journeys **must** be agreed in advance with the SEN Officer and the School Transport Team. The Authority will not be responsible for the cost of any additional journeys arranged by parents or schools. School transport operators are instructed only to transport children on the scheduled dates provided, in accordance with the contract.

³Education, Health and Care Plan

BEHAVIOUR ON SCHOOL TRANSPORT - TRAVEL SAFELY IN DARLINGTON

A GUIDE FOR PUPILS

Your Entitlements are:

To:

- * A safe, secure, non-threatening and civilised environment on school transport.
- * Having your views and concerns listened to and addressed, as appropriate.
- * Being treated consistently and fairly.
- * Being made aware of the Policy and your school and the Local Authority's expectations of the behaviour and conduct expected on transport and the sanctions, which may be applied where these expectations are not met.
- * A good 'service' on the school transport provided by the Local Authority.
- * Being made aware of the seriousness of your behaviour where there are problems, and the possible consequences arising from such.

Your Responsibilities are:

To:

- * Conduct yourself at all times in a safe, orderly, courteous and responsible manner.
- * Respect the rights and feelings of others, including other passengers, drivers and escorts, bystanders and other road users.
- * Comply with the guidelines issued to pupils by the Local Authority and any such issued by the school.
- * Carry and show your bus pass at all times when using school transport.
- * Remain seated throughout your journey and use a seatbelt where one is available.

The consequences of poor behaviour on School Transport can be:

- * A letter of complaint to your parents/carers from school and / or Local Authority.
- * The range of normal school based sanctions, which may include exclusion, detention, withdrawal of privilege, etc.
- * Voluntary agreements / contracts between parent, school and pupils.
- * Short and long term withdrawal of transport with no reimbursement or alternative provision made.
- * The potential for loss of travel if no pass is carried.
- * Possible Police action in appropriate cases.
- * The loss of transport privileges on a permanent basis in the most serious of cases.

5. COMPLAINTS/CONCERN AND APPEALS

Complaints/Concerns

If you have a complaint/concern about Home to School Transport, including SEN Transport, you should contact the School Transport Section immediately; especially if it involves a safety/safeguarding concern. The transport team will then try and resolve your complaint/concern as quickly as possible. We may need to ask you to follow up your complaint in writing. Once investigated, you will be advised of the outcome and any subsequent action taken. Information pertaining to a member of staff will not be shared if disciplinary action is taken.

The postal address, email address and telephone numbers for the section can be found on the Introduction page of this document.

If you are not satisfied with the outcome, then you may wish to contact the Authority's Information Governance Team who deal with complaints, compliments or comments they can be contacted on 01325 388043 or by completing a form at www.darlington.gov.uk/Generic/Complaints/complaints

School Transport Appeal

Stage One

If you believe that you qualify for assistance with transport; as set out in this policy and you wish to appeal against the refusal to provide free Home to School Transport you should write asking for a review of the decision within 20 working days from receipt of the decision, to the School Admissions & Transport Manager. You will need to set out clearly the reason for your appeal and enclose any relevant evidence/information to support your appeal, i.e. letter from a specialist if medical.

Within 20 working days of receipt of the parent/carers written request the School Admissions & Transport Manager will review the original decision and inform parent/carers of the outcome in writing.

Stage Two

If parent/carers are not satisfied with the decision made at stage1, they then have 20 working days from receipt of the local authority's stage 1 decision to make a written request to escalate the matter to stage 2.

Within 40 working days of receipt of the request your appeal will be considered by an appeal panel. They will take into account the written and verbal representations from both the parent/carer and officers involved in the case. You will be informed in writing of the outcome of your appeal and the reasons for it within 5 working days of the decision being made. The letter will also explain what to do if you are still not happy with the decision.

Home to School Travel and Transport

Flowchart of the review/appeals process

