

MIDDLESBROUGH COUNCIL

HOME TO SCHOOL TRANSPORT POLICY 2017/18



1. INTRODUCTION AND BACKGROUND

1. This Home to School Transport Policy relates to the Education Act 1996 and additional duties required by the Education and Inspections Act 2006.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/575323/Home_to_school_travel_and_transport_guidance.pdf
2. National guidance (last issued in July 2014 by the Department for Education) sets out the expectations of authorities in regards to home to school transport arrangements for pupils. In particular, the guidance sets out the circumstances in which the local authority has a duty to provide or arrange free school transport for children of compulsory school age.
3. This document outlines the transport policy of Middlesbrough Council, setting out the application of these duties in Middlesbrough. An electronic version of the policy is available from the Council's website www.middlesbrough.gov.uk or by contacting the Passenger Transport Team using the details below.
4. The legal requirement for ensuring that a child attends school is that of the parent/carer. It is the Local Authority's responsibility to provide transport assistance for all 'eligible' children.
5. Middlesbrough Council provides transport assistance, 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.
6. The aim of this policy is to ensure that the Council meets its statutory obligations to provide transport for eligible pupils, whilst ensuring that school travel and transport arrangements support social mobility and independence.

**Further details can be obtained from:
Integrated Transport Unit
Letitia Industrial Estate
Middlesbrough
TS5 4BE
Telephone: 01642 353447/ 353440
Email: act@middlesbrough.gov.uk**

2. DEFINITIONS

7. For the purpose of this policy, home to school transport assistance means a journey to and from school which corresponds with the **start** and **end** of the pupil's school day only.
8. A **suitable school** is one that offers a programme of education suited to the age, ability and aptitude of the pupil and may include a mainstream school, special school or special resource base or unit, alternative education provision or Pupil Referral Unit.
9. All mainstream schools in Middlesbrough use catchment areas and the catchment within which parents live determines their child's local primary or secondary school. The school whose catchment area the pupil lives in, which is appropriate to their age, is deemed the **nearest suitable school**. Where there are no places available, the next nearest school to the home address with places available will be considered the nearest suitable school.
10. For a child with a Statement of Special Educational Needs (SEN) or Education Health and Care Plan (EHCP), the nearest suitable school is the school named in the Statement or EHC Plan or where two schools are named as being suitable, the nearest school.
11. A **low-income family** is defined as one where the pupil is eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit.
12. **Statutory walking distance** is defined as two miles for children of primary school age, and three miles for children of secondary school age. It is measured by the shortest route along which a child, accompanied as necessary, may walk safely.
13. The Council determines a **safe walking route** as a footpath lit at regular intervals with a paved/tarmac surface.

3. PUPILS IN PRIMARY, SECONDARY AND SPECIAL SCHOOLS

14. Free home to school transport or assistance will be provided for the following eligible pupils who will be of compulsory school age during the current academic year:
 - a) A primary school age pupil attends their nearest suitable school and that school is over 2 miles from the home address where the distance is determined by the Council and uses the shortest walking distance along which a child, accompanied as necessary, may walk with reasonable safety;
 - b) A secondary school age pupil attends the nearest suitable school and that school is over 3 miles from the home address where the distance is determined by the Council and uses the shortest walking distance along which a child, accompanied as necessary, may walk with reasonable safety;
 - c) A secondary school age pupil from a low income family and attends:
 - i. any one of their three nearest suitable schools and the school is between 2 and 6 miles away from their home address, or
 - ii. the nearest school preferred by their parents on the grounds of religion or belief and the school is between 2 and 15 miles away from their home address.

15. Parents have a right to express a preference for a school that is not their catchment area school. Where the child attends a school that is not the catchment school and places are available at a nearer school which could meet their needs, the parents will not be assisted with transport, whether or not the actual catchment area school is over the statutory distance, unless they meet the low-income criteria.
16. Transport assistance will not normally be provided 'in day', i.e. during the course of the normal school day.

4. SCHOOL AGE PUPILS WITH SPECIAL EDUCATIONAL NEEDS

17. Transport requirements are considered as part of a full assessment of a child's special educational needs. If a child's needs are such that there are no associated transport requirements, then eligibility for free transport or assistance will be assessed against the policy given above.
18. If a child is unable to walk the statutory distance to their nearest appropriate school because of their special educational needs or disability, even if accompanied by a responsible adult, the Council will, subject to the statutory assessment/annual review process, provide travel assistance. Where transport has been provided, this will be subject to annual review with the expectation that age appropriate independent travel will be introduced and subsidised transport will be withdrawn.
19. Transport assistance for pupils with Special Educational Needs will not be provided where parents have expressed a preference for a school which is further than the closest suitable school identified with the Education, Health and Care Plan (EHCP) or Statement of Special Educational Needs.
20. When the Council 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.
21. For pupils placed in residential special school placements by the Council, pupils will be provided with travel assistance at the beginning and end of the each week for weekly boarding placements and at the beginning and end of each half term for termly boarding placements.

Referral Process (Statements and EHCPs)

22. When the Local Authority consults parents (15 day window) about a proposed EHCP towards the end of the assessment process, the Special Educational Needs team will circulate the summary document with the draft EHCP and a letter will be sent out to parents to highlight the importance of assessing the eligibility with the Independent Transport Needs Assessor before any expressions of preference are received.
23. If it is recommended that a parental request for a transport assessment is agreed, then it will be completed in 7 days, allowing parents to submit their preference within the 15 day window.
24. Provision is reviewed annually as part of the review of a Statement/EHCP. The relating paperwork includes a section relating to 'transport needs' and this will be forwarded to the Local Authority for consideration/action after the review meeting and a transport needs assessment will be requested at that point. As a child gets older, as

part of consideration of transition to adulthood, Independent Travel Training will be considered as part of the annual review process.

25. When making provision for educational placements for children and young people, the Special Educational Needs team will continue to ensure that transport issues are considered as part of the process and will seek advice from the Independent Transport Needs Assessor as required. Where individual cases arise outside the Statement, Education, Health and Care assessment and annual review process, attempts will be made to secure local provision appropriate to the needs of the young person.

5. OTHER CIRCUMSTANCES IN WHICH ASSISTANCE MAY BE CONSIDERED

Children with temporary medical/mobility problems

26. Children with a mobility problem caused, for example, by a temporary medical condition may require transport or travel assistance in order to facilitate their attendance at school. Where such children attend a qualifying school and no suitable arrangements have been made by the Council for them to become a registered pupil at a qualifying school nearer to their home, at its discretion the Council may choose to provide transport assistance.
27. In normal circumstances the parent(s) will need to demonstrate that they are unable to assist the child to get to school e.g. because of their own disability. Parental work commitments will not be sufficient enough reason for the Council to agree to provide transport assistance.
28. In all cases, the request will need to be supported by written evidence provided by a specialist involved with the child. If no timescale is agreed in advance, any transport assistance will be reviewed on a six-week basis.

No safe walking route

29. Where Middlesbrough Council assesses that no other safe alternative route can be found for a child to walk, accompanied as necessary, transport assistance may be provided where the route is below the minimum distances detailed above in paragraph 12.
30. 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 work commitments, is not in itself sufficient reason for the Council to provide travel support.
31. The Council determines a safe walking route as a footpath lit at regular intervals with a paved/tarmac surface.

Parents with disabilities

32. Where parents have to accompany their children along a walking route for it to be considered safe, and the parents' disability prevent them from doing so, the Council may consider providing free home to school travel or assistance for the children of disabled parents.

33. In a two-parent household, both parents would need to have a disability preventing them from fulfilling their responsibilities to secure their child's regular and punctual attendance. The fact that one parent may be out at work is not in itself sufficient reason for the Council to offer support.
34. 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 claims of disability.

Permanently Excluded Pupils

35. Where a child is permanently excluded from a mainstream school and the Council is required to secure alternative provision for them, they will be entitled to free transport or assistance to an approved alternative provider, commissioned by the Council, in accordance with the policy for mainstream and special schools given above.
36. It is expected that assistance will be on a temporary basis until such a time as the child is re-integrated into mainstream or special school and will be subject to review.

Looked After Children

37. For children who are cared for by Middlesbrough Council who reside over the statutory distance and may not be attending their catchment area school, foster carers will be expected to provide this assistance in all but exceptional cases.

Change of home address

38. Where parents move house during the course of a year and they are not able to secure a place at a nearer suitable school below the statutory walking distance, the Council will consider assisting with transport/costs. This would be re-assessed at the start of the next academic year.

6. GENERAL ARRANGEMENTS

39. The Council 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 determined by the Council.
40. The home address is where the child lives/mainly resides. Where parents/carers are separated and the child lives for periods with both, then the home address will be that of the parent/carer that receives the child benefit. Where childcare arrangements are shared jointly between parents, the Council will consider the mother's address to be the relevant address unless legal documentation is provided to the contrary.

Transport during the school day

41. The Council will not provide transport for journeys made during the school day. Where pupils attend, for example, medical or dental appointments or off-site provision arranged by the school, then the school or parent, as appropriate, must make arrangements and pay for transport.
42. Similarly, pupils for whom transport is being provided by the Council must be available promptly at the start and end of the day to access this service. The Council will not pay for or make arrangements for late arrivals or early departures from school or alternative arrangements for pupils who miss their allocated service.

Types of assistance and personal transport allowances

43. In all cases the Council will determine the most appropriate way of making transport assistance provision. In considering transport needs, the Council will aim to promote and maximise the independence of the child. This could be through the provision of Independent Travel Training; advice, guidance and support; the issuing of bus passes or vouchers; cycle training; 'bus buddies' etc. The direct provision of home to school transport by the Council will only be considered once all of these options have been exhausted.
44. In some cases, where children qualify under this policy for assistance with transport, the Council will consider offering a personal transport allowance instead of direct transport provision, where this is in the best interests of the child and is the lowest cost option for the Council.
45. A personal transport allowance is a sum of money calculated for each family to cover the cost of travel to and from school. A mileage allowance of 45 pence per mile will be awarded for the return journey to and from school at the beginning and end of the school day. As allowances are calculated on an individual basis they will vary from family to family.
46. The allowance can be spent in any way parents see fit to enable eligible children to get to and from school. Personal Transport Allowances are voluntary for parents.
47. The Council's decision to provide an allowance, and the method of delivering transport support generally, will be reviewed on a minimum of an annual basis and will cease unless pupils remain eligible or an ongoing need is identified by the annual review of the education statement or Education, Health and Care Plan.
48. Requests for a transport allowance should be made to the Passenger Transport Team.

Passenger Assistants

49. 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 at least annually.
50. Passenger assistants are required to attend an initial first aid training course. Refresher and other courses are also held when required. Passenger Assistants will not administer any medication to a passenger. If a medical emergency occurs during the transport the Passenger Assistant will arrange for the emergency services to be contacted. Transport Officers liaise with passenger assistants on a regular basis to discuss transport issues.

Safety

51. 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;
- Safeguarding Vulnerable Passengers Awareness Training.

52. The Passenger Transport Team carries 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).

Right to challenge claims for assistance

53. The Council has a duty to manage its limited resources and reserves the right to challenge any claims for assistance with transport. Where it is not already readily available to the Council, it may request that evidence supporting the claimant's case be submitted.

7. STUDENTS WITH SPECIAL EDUCATIONAL NEEDS OR A MEDICAL CONDITION ATTENDING COLLEGES OF FURTHER EDUCATION

54. Please refer to Post-16 Transport Partnership Policy Statement 2017/2018.

8. COMPLAINTS/CONCERNS

55. If you have a complaint/concern about Home to School Transport, including SEND Transport, you should contact the Passenger Transport Team immediately; especially if it involves a safety / safeguarding concern. The transport team will then try and resolve your complaint / concern as quickly as possible.

56. 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.

57. 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 01642 729815 or by completing a form at https://my.middlesbrough.gov.uk/build/fillform.php?self=1&form_id=EE5Vri4gj3r&1&noLoginPrompt=1

9. APPEALS AGAINST A DECISION NOT TO PROVIDE FREE TRANSPORT

58. Appeals against a decision not to provide free home to school transport will be considered by the Head of Environment Services. Appeal forms are available from Middlesbrough Integrated Transport Unit, c/o Ayresome Industries, Letitia Industrial Estate, Middlesbrough, TS5 4BE. Complaints about the process can be made through the Council's complaints process, however it will not result in the reconsideration of an appeal unless there was a flaw in the appeals process. The appeals process is outlined below.

Stage one: Review by Head of Environment Services

59. 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 a review of the decision.

60. 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.
61. Within 20 working days of receipt of the parent's written request the Head of Environment Services will review the original decision and send 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 and/or agencies that were consulted as part of the process;
 - What factors were considered;
 - the rationale for the decision reached; and
 - Information about how the parent can escalate their case to stage two (if appropriate).

Stage two: Review by Independent Appeal Panel

62. 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.
63. Within 40 working days of receipt of the parent's request an independent appeal panel will consider written and verbal representations from both the parent and officers involved in the case and give a detailed written notification of the outcome (within 5 working days), setting out:
 - the nature of 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;
 - the rationale for the decision reached; and
 - Information about the parent's right to put the matter to the Local Government Ombudsman (see below).
64. Stage 2 of the appeal is independent of the original decision making process to ensure a balance is achieved between meeting the needs of the parents and the local authority, and that road safety requirements are complied with and no child is placed at unnecessary risk.
65. Complainants have the right to appeal to the Local Government Ombudsman but only if complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. If the complainant considers the decision of the stage two review to be flawed on public law grounds, the complainant may also apply for judicial review.