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1. Introduction

This policy is based on a joint approach to delivering transport by the 10 Greater Manchester Local Authorities in partnership with Transport for Greater Manchester (TfGM), and the Greater Manchester Local Transport Plan Partnership.

Parents are responsible for ensuring that their compulsory school aged children registered at a school, attend regularly.

In certain circumstances the council has a statutory duty to ensure that suitable travel arrangements are made, where necessary to facilitate a child’s attendance at school. This document sets out Salford City Council’s Home to School Transport Policy for 5-16 year olds. It describes how the council fulfils its duties and exercises its discretionary powers under the Education Act 1996 and the Education and Inspections Act 2006.

Young people who are not of compulsory school age, but continuing in education are dealt with separately in the ‘Post 16 Transport Policy Statement’.

Contact details of those involved in home to school transport applications can be found in Section 10 of this policy.

2. Principles

This policy is based on the following principles:

- Working in partnership with parents/carers to support them with their legal responsibility to make sure that their children attend school.
- Promoting healthy, sustainable, safe and appropriate travel solutions.
- Actively engaging and promoting good outcomes for all children
- Supporting children and young people to attend school regularly
- Promoting independent travelling for children and young people, wherever possible, taking account of their age and needs
- Supporting the families of children in need who have disabilities or who experience short term crises, and those who have low incomes
- A commitment to equality of opportunity and the celebration of diversity and an opposition to all forms of discrimination.
- Ensuring those children and young people in our care have no barriers to their transport to and from school.

A child becomes of compulsory school age when they reach the age of five and, where a parent has elected to register their child at school, they must start school in the term following their fifth birthday. A child continues to be of compulsory school age until the last Friday in June in the school year that they reach the age of 16.
3. Legislation and responsibilities

An explanation of the legal framework as it applies to parents and the Local Authority is provided in Appendix A.

The Education Act 1996 sets out the statutory requirements all councils must comply with. The local authority has a duty to make such travel arrangements as they consider necessary to facilitate attendance at school for ‘eligible children’. An ‘eligible child’ must live within the Salford boundary and be of compulsory school age.

3.1 Parental responsibilities

Parents have a legal duty and a responsibility to ensure that their children of compulsory school age, registered at a school, attend regularly. However, in certain circumstances, the Local Authority has a duty to provide transport to facilitate this attendance.

Parents are responsible for their child’s safety whilst travelling to and from school, or before and after being escorted to and from school by arrangements made by the council under this policy.

Please note, parental working commitments will not be considered as part of the decision to award transport support.

3.2 Authority responsibilities

Section 508B of the Education Act 1996 places a duty on Local Authorities to make such travel arrangements as they consider necessary to facilitate the attendance at a qualifying school for eligible children. This duty applies to ‘home to school’ travel arrangements at the start of the day and ‘school to home’ travel arrangements at the end of the day. It does not relate to travel between educational institutions during the school day. An explanation of ‘eligible children’ and ‘qualifying school’ are defined in Appendix A.

4. Children who have been assessed as having Special Educational Needs (SEN):

Parent’s of children who receive the higher rate of the mobility component of Disability Living Allowance (DLA), will be expected to use this allowance to transport their child to school. If a parent uses their own car in these circumstances, they may apply for mileage allowance at the council approved rate. For more information on the mileage allowance, see Appendix E.

Transport support for children with a statement of SEN is not an automatic entitlement. Where transport has been agreed, the arrangements in place will be reviewed on a continuing basis and at least once a year.

Transport assistance will be provided for such children if they are attending their nearest qualifying school within statutory walking distance, if they could not be reasonably expected to walk to school because of the nature of their SEN, disability or mobility problem (including temporary medical conditions).
Where a child is considered eligible for free transport, a number of travel solutions will be considered – listed in Appendix B.

An initial assessment of the child’s eligibility for transport will be made by an officer of the council. It is very important that parents/carers participate in this assessment to ensure that the full details of their child’s circumstances are clear so that the right level of support can be determined. Cases are considered on an individual basis and medical (from a GP or consultant) or other professional evidence is required before transport is agreed.

5. Children unable to walk in safety to school

Transport assistance will be provided for children attending their nearest qualifying school, which is within the statutory walking distance, if the nature of the route is such that a child cannot be reasonably expected to walk (accompanied as necessary) in reasonable safety.

6. Children living beyond the statutory walking distances

Transport assistance will be considered for children who attend the nearest qualifying school and the distance between the home address and the school is over the statutory walking distance. The statutory walking distances are:

- More than 2 miles for children aged under 8
- More than 3 miles for children aged 8 or over

Free travel will only be provided up to the end of the academic year in which the child becomes 8 years of age, after that the 3 mile limit applies.

The statutory walking distance is measured by the shortest route along which, accompanied as necessary, the child may walk with reasonable safety. As such, the route measured may include footpaths, bridleways and other pathways, as well as recognised roads. In order to ensure consistency and fairness, the measurement is calculated through the use of various GIS systems, as appropriate and is strictly applied.

Pupils are expected to use public transport. Parents choosing a school further away from their home than another school that is appropriate to their child’s educational needs will be responsible for transport costs.

The local authority will issue a school travel pass from the time of application. The pass is free, and lasts for one academic year starting in September, and finishing on the 31st July the following year. It allows the holder free term-time travel in Greater Manchester by bus, tram or train on a specific route between home and school, up to 9pm. The pass cannot be used for any other journeys.
7. Low Income Families

Additional statutory support is available to children from low income families who are entitled to free school meals or who are in receipt of the maximum level of working tax credit.

Pupils meeting these criteria will qualify for reimbursement of bus fares providing they are:

- With effect from September 2007, primary pupils aged 8 years but under 11 years from low income families where they live more than 2 miles from their nearest qualifying school.
- With effect from September 2008, pupils aged 11-16 years from low income families attending one of their 3 nearest qualifying schools where they live more than 2 miles, but not more than 6 miles from that school.
- With effect from September 2008, pupils aged 11-16 years from low income families attending the nearest suitable school preferred on the grounds of religion where they live more than 2 miles but not more than 15 miles from that school.

Where a parent is applying for transport on the grounds of being in receipt of the maximum level of working tax credit, they must provide a full copy of the awards notice as evidence of award.

Pupils are expected to use public transport. Parents choosing a school further away from their home than another school that is appropriate to their child’s educational needs will be responsible for transport costs.

The local authority will issue a school travel pass from the time of application. The pass is free, and lasts for one academic year starting in September, and finishing on the 31st July the following year. It allows the holder free term-time travel in Greater Manchester by bus, tram or train on a specific route between home and school, up to 9pm. The pass cannot be used for any other journeys.

8. Exceptional Circumstances

There are some exceptional circumstances in which support with home to school transport may be given, where appropriate. These include circumstances where children have a temporary disability or illness; children with parents/carers who have medical needs or learning difficulties; and children placed with foster carers. Circumstances which would not normally qualify for assistance include children attending dual placements; and children attending extra-curricular activities. Further information regarding these circumstances is outlined below:

8.1 Children with a temporary disability or illness

There may be occasions when a pupil is unable to make the journey to school by their usual means due to a temporary medical condition. The duration of the condition may be short, long or intermittent and where the parent/carer is
unable to transport the pupil themselves, in some circumstances, the council may make alternative arrangements to facilitate the child’s attendance at school. Requests for transport assistance on medical grounds must include confirmation from a Senior Medical Practitioner/Consultant that the pupil is fit to attend school but unable to make the journey by normal means. The medical practitioner should indicate in the report whether the pupil is able to walk the distance between home and school, and whether the pupil could use public transport. In all circumstances, an indication of the length of time for which assistance is sought should be included. The provision of transport on medical grounds is subject to regular review and confirmation of the need for alternative transport arrangements will be sought from the Senior Medical Practitioner/Consultant.

8.2 Children with parents/carers who have medical or learning difficulties
The council recognises that there may be a need for transport assistance to be provided in cases where there are parents/carers who, owing to their own medical or learning needs, they may be unable to accompany their child to school. The council will treat each case with discretion and liaise with the relevant directorate to identify alternative resources to assist the parent/carer to fulfill their parental responsibility in ensuring their child attends school.

8.3 Looked after children placed with foster carers.
Local Authorities are not automatically required to provide supported travel for pupils placed with foster carers. In Salford any child placed with a foster carer will be able to access additional support if there is a significant, evidenced additional barrier to getting to and from school that is not covered by the foster parent payments.

In addition, all fostered children will have a home to school travel plan.

Fostered children who have an SEN statement will be assessed under the provision for pupils with SEN and will have their needs met accordingly.

8.4 Children attending dual placements
As mentioned in section 3.2, the council does not provide transport support during the school day. Children attending a dual placement (where a child attends more than one school) may require additional transport (such as at lunchtime etc). Such arrangements should be made between the schools concerned.

Similarly, pupils based full-time at one school may visit another school for integration purposes. Where this happens, transport arrangements should be made between the schools.
8.5 Extra curriculum school activities (After School Clubs)
The council expect that parents/carers will provide transport for pupils attending non-educational journeys, work experience and/or extra curricular activities.

Each application for transport assistance is individually assessed and the council reserves the right to exercise discretion in all cases. Parents/carers and students have the right to appeal against any decision made, in relation to their application, that they do not agree with. Appeal forms and information regarding the appeal process are sent out with the letter informing parents/carers of the decision. Please refer to Section 11 for further details on the appeals procedure.

9. Early years travel assistance
There is no statutory requirement to provide free travel assistance for pupils to attend nursery or school, until they are of compulsory school age (5-16). Where the child is in receipt of an EHC Plan, it would still be expected that parents/carers would support the child to enable them to attend nursery or school.
Travel assistance may be provided in exceptional circumstances (such as parental disability/placement at specialist provision), but this will be at the discretion of the council.

10. Health and Safety
The Local Authority aims to maintain the highest standard of safety and security for all pupils travelling to and from school. However, parents also have a responsibility to help maintain safe and secure travelling arrangements for the benefit of all transport users.

10.1 Transport Standards
The council will ensure all transport providers and their vehicles comply with appropriate health and safety legislation.

All service users can expect:

- Transport provision in accordance with contractual standards and national legislation
- Drivers and passenger assistants to greet passengers and parents politely and ensure that all passengers travel in comfort and safety
- Drivers and passenger assistants to have undertaken enhanced Criminal Record Bureau checks
- The competency of the driver and passenger assistants to be prescribed in contracts
- The conduct on the vehicle and at collection and drop off points to be of an acceptable standard
- Any vehicle used to transport children to be properly licensed and roadworthy, and will offer standards of comfort and safety as prescribed by relevant Statutory Law. Regular checks will be carried out on all vehicles and recorded.
10.2 Pick-up and drop off timings
An allotted time will be allocated for pick up and drop off. The council will do everything reasonably possible to arrive within 5 minutes of the allocated time (although traffic, road and weather conditions may affect these timings). The transport provider is responsible for communicating any major delays to the parents/carer as soon as possible.

Where a pupil has been allocated a pick up point, it is expected that their parent will escort them to it. Similarly parents are expected to meet their child at the drop off point on the return journey. Where this is not possible the parent should make alternative arrangements for a suitable adult to accompany their child to the pick up point. Parents should inform the transport provider of this as soon as possible.

10.3 Behaviour standards
Pupil behaviour whilst accessing supported transport is the responsibility of the parent/carers and the council. The comfort and safety of all passengers is the main concern and demonstrations of inappropriate behaviour by pupils will not be tolerated.

Pupils being transported will be expected to follow the same behaviour codes as they do when in school. Unacceptable behaviour will be monitored and may result in exclusion from transport. Parents and carers will become responsible for transporting their own children during any period of exclusion from transport.

10.4 Withdrawal and exclusion from transport
The council shall withdraw the provision of free home to school transport where it is considered that a pupil has demonstrated such poor behaviour whilst using transport as to put at risk the driver, themselves or other passengers; or has used threatening or violent language; or has caused damage to the vehicle.

The withdrawal of free home to school transport will be temporary or permanent at the discretion of the council having regard to the circumstances of the pupil’s behaviour. Serious or persistent cases of misbehaviour could result in a permanent withdrawal of free home to school transport.

Each case will be considered on its own merits. Where free travel is withdrawn, it will be the responsibility of the parent/carers to pay for travel costs between home and school.

‘Temporary’ shall be for a specified number of days/weeks, and ‘permanent’ shall be for the remainder of the school year or longer, if justified by the circumstances. The withdrawal of home to school transport (either temporary or permanent) for a particular child shall not imply that travel arrangements were not necessary and should not be provided. The withdrawal would be on the grounds that the behaviour of the child was such that they could no longer take advantage of the provision.
11. How to apply for assistance

Students or parents/carers of students who believe they are eligible for assistance with transport should apply online at:

https://www.salford.gov.uk/transporttoschool

Or, alternatively, contact the Transport Officer for an application form.

TRANSPORT OFFICER
SEN Team
Burrows House
10 Priestley Road
Wardley Industrial Estate
Worsley
M28 2LY

Tel: 0161 778 0410
Email: TransportSEN@salford.gov.uk

12. Independent Travel Training

Salford Council currently employs a number of Independent Travel Trainers who work to promote and implement independent travel programmes for students, with special educational needs, attending schools and FE colleges. The aim is to develop independent life skills required to travel independently on public transport services. For information on accessing this support, please contact the SEN Transport Officer on 0161 778 0402 or by email on TransportSEN@salford.gov.uk
13. Appeals Procedure

In the case of a dispute over the eligibility for free transport or transport assistance, a parent may appeal against this decision to the Local Authority. An appeal must be made in writing to the Strategic Director of Children’s Services no later than 20 working days after you have been refused transport assistance. In your appeal submission you must set out the grounds for why you believe the decision should be reviewed and/or family circumstances you believe should be considered when the decision is reviewed.

**Stage one: Review by a senior officer**

Within 20 working days of receipt of the written appeal a senior officer will review the original decision and send a detailed written notification of the outcome of their review. The response letter will contain information about how you can escalate your case to stage two, should you wish to.

**Stage two: Review by an independent appeal panel**

Parents have 20 working days from receipt of the local authority’s stage one written decision notification to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of this written request, an independent appeal panel will consider written and verbal representations from both the parent and officers involved in the case. Parents will receive a detailed written notification of the outcome (within 5 working days), setting out the nature of the decision reached and information about your right to put the matter to the Local Government Ombudsman.

The independent appeal panel members will be independent of the original decision making process, but are not required to be independent of the Local Authority.

Appeals should be submitted to the Transport Officer at the address below, who will process your appeal:

**TRANSPORT OFFICER**

Salford City Council
Children’s Services Directorate
Burrows House
10 Priestley Road
Wardley Industrial Estate
Worsley
M28 2LY

Email: TransportSEN@salford.gov.uk
Appendix A

Legal Framework

The guidance, to which local authorities are under a statutory duty to have regard, is issued under duties placed on the Secretary of State by sections 508A and 508D of the Education Act 1996. It deals with sections 508A, 508B, 508C, 509AD and Schedule 35B of the Act which were inserted by Part 6 of the Education and Inspections Act 2006.

Section 508A
Section 508A of the Act places a general duty on Local Authorities to promote sustainable modes of travel to school and to publish, annually, a Sustainable Modes of Travel Strategy.

Section 508B
Section 508B of the Education Act 1996 (as inserted by Part 6 of the Education and Inspections Act 2006) places a duty on the local authorities to:

“make, in the case of an eligible child in the authority's area, such travel arrangements as they consider necessary in order to secure that suitable home to school travel arrangements, for the purpose of facilitating the child's attendance at the relevant educational establishment in relation to him, are made and provided free of charge in relation to the child.”

This duty only applies if “no travel arrangements relating to travel in either direction between his home and the relevant educational establishment in relation to him, or in both directions, are provided free of charge in relation to him by any person who is not the authority”.

This duty applies to travel arrangements between the child’s home and the relevant educational establishment at the start and end of the school day. It does not relate to travel between educational institutions during the school day.

Section 508C
Section 508C of the Education Act 1996 provides local authorities with discretionary powers to make arrangements for those children not covered by Section 508B.

Section 509AD
Section 509AD of the Education Act 1996 places a duty on local authorities to have regard to religion or belief in exercising their powers relating to travel.

Schedule 35B
Schedule 35B of the Education Act 1996 defines the meaning of an ‘eligible child’ and ‘qualifying school’ for the purposes of Section 508B.

‘Eligible children’ are:
- children unable to walk to school by reason of their SEN, disability, or mobility problem (including temporary medical conditions)
- Children unable to walk in safety to school because of the nature of the route (accompanied as necessary)
- Children living outside the statutory walking distance to the nearest suitable school
- Children entitled to free school meals or whose family is in receipt of the maximum level of Working Tax Credit.

‘Qualifying schools’ are:
- community, foundation or voluntary schools
- community or foundation special schools
- non-maintained special schools
- pupil referral units
- maintained nursery schools
- city technology colleges (CTC), or city colleges for the technology of the arts (CCTA) or Academies

In addition, in relation to a child with SEN, an independent school will be a qualifying school if it is the only school named in the child’s statement, or it is the nearest of two or more schools named in the statement.

References to the ‘nearest qualifying school’ are taken to mean the nearest qualifying school with places available.

**Section 444**
Parents are responsible for ensuring that their children attend school regularly. However, section 444 of the Education Act 1996 outlines the situations in which a parent may have a defence in law against a prosecution by a local authority for their child’s non-attendance at school. Section 444 (3B) provides a parent with a defence if they prove that:

- The qualifying school at which the child is a registered pupil is not within statutory walking distance
- No suitable arrangements have been made by the local authority for boarding accommodation at or near to the school
- No suitable arrangements have been made by the local authority for enabling the child to become a registered pupil at a qualifying school nearer to his/her home
- The local authority has a duty to make travel arrangements to the child under section 508B and has failed to discharge that duty
Appendix B

Travel Solutions

If a child is eligible for transport support there are a number of ways in which this may be provided. Where support has been agreed it will be provided in a safe and cost effective manner, taking into account the child’s specific needs and with regard to the best use of council resources. Where a child is receiving transport through a contracted vehicle, parental preference for travel arrangements (e.g. timings of collection) cannot be considered, as the timing will be based on the most efficient route available.

Concessionary pass
Children and young people may be eligible for free travel on local buses, trains and Metrolink trams in Greater Manchester if they:

- Are registered blind or partially sighted
- Are profoundly deaf and unable to speak, or with speech that cannot be readily understood
- Are profoundly or severely deaf
- Have a learning disability that is “a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning”.

Application forms for a concessionary pass for Sensory Impairment/Learning Disabilities can be obtained from the SEN team (contact details provided in section 10)

Independent Travel Training
Independent travel training focuses on enabling students to travel independently to and from school and other social activities. It is available to pupils who are eligible for transport support, living in Salford, in Year 8 and up. Training may be considered for younger pupils, dependent on their individual circumstances.

Where a pupil is offered independent travel training the process will begin with an initial assessment of their skills and abilities. The training provided will be targeted to individual need and development. It is expected that where independent travel training is offered, a pupil will take up this training.

Escorted public transport
It may be possible for a pupil to use their concessionary pass to travel on public transport if they have some assistance. Where a parent is escorting their child to school, using public transport, they will be provided with a travel pass to allow them to do so.

In exceptional circumstances, the council may provide a Travel Assistant to accompany the pupil and help to build a level of independence over time.
Reimbursement of mileage costs
Providing the child is eligible for transport support, parents/carers may be paid a mileage allowance to transport their child. See Appendix C for further details.

Provision of passenger assistants
A passenger assistant may be provided to accompany a pupil to school whether using public transport or on transport commissioned by the council. Passenger assistants will only be provided where they are necessary for the safe operation of vehicles and/or the care of children.

Pick up point
Children and young people may be expected to access a pick up point to meet their transport provision. The decision to allocate a pick up point will be dependent on the individual needs of the child. For older pupils, pick up points may be used as an introduction to independent travel.

Home pick up
Not all children will be expected to access a pick up point. Those who have severe or complex needs will be provided with a home pick up and drop off.

Transport vehicles
In exceptional circumstances, the council may provide a vehicle to transport a child to and from school. Wherever possible, pupils will travel together in mini-buses. Pupils will be picked up and dropped off at a convenient location (pick up point) within a reasonable distance from their home. Responsibility for a child accessing a pick up point will rest with their parent/carer.

Taxis and private hire vehicles
Under very exceptional circumstances the authority may transport pupils in separate taxis or private hire vehicles based on the assessed needs of the child.

Journey times
Every effort will be made to keep journey times to a minimum while also fulfilling the council’s responsibility to secure cost-effective provision. There may be times when it is not possible to meet these journey times due to circumstances outside of the council’s control such as traffic congestion, accidents or adverse weather conditions for example.

Primary age children
In normal circumstances, it is recommended that the maximum each way length of journey for a child of primary school age is 45 minutes.

Secondary age children
A child of secondary school age should have a maximum each way length of journey of 75 minutes.

A child’s special educational needs or disability might be such that it implies a shorter maximum journey time.
Appendix C

Mileage Allowance for parents/carers transporting children in their care

Parents/carers may be given the option of claiming reimbursement for transporting children in their care to and from school if they qualify for transport assistance from the Local Authority under the criteria outlined in the Home to School Transport Policy.

- Mileage for the daily return journey will be agreed between the Local Authority and the parent/carer.

- Any variations on the agreed route will have to be approved by the Local Authority if additional mileage is incurred and claimed for.

- All claims should be submitted monthly and school attendance records will be used to verify claims.

- Payments will equate to a mileage rate as determined by the City Council.

- Parents/carers will be required to submit proof of a valid driving licence, current insurance cover and current MOT certificate for the vehicle they intend to use prior to acceptance on the scheme.

Additional Information

- Parents/carers will only be reimbursed for transporting children in their care.

- The Local Authority will not accept any liability (including financial) for the transportation of other children, as this would constitute use of the vehicle for ‘hire or reward’ and would require additional insurance arrangements.

- Payments made to parents/carers constitutes ‘reasonable expenses’ and should not involve parents/carers in any potential Income Tax liability, but this should be confirmed with the Tax Office.

- Parents/carers in receipt of Income Support should notify the Benefit Office of receipt of such payments.

- The proposed scheme will be subject to the normal financial and audit regulations.