



Walsall Council

Home to School Transport Policy 2017/18

Introduction

This document sets out Walsall Council's policy for providing home to school transport. It describes the circumstances in which the Council will provide free home to school transport and the transport services that are available.

This policy has been produced in accordance with the requirements of the 1996 Education Act, as amended by Part 6 of the Education and Inspections Act 2006, and subsequent guidance issued by the Department for Education.

The Education Act 1996 places a legal duty and a responsibility on parents to ensure that their school aged children registered at a school attend regularly and to make any necessary arrangements to ensure that they attend school.

The Council must provide free transport to and from school to those children eligible if they are aged between 5 and 16 ('statutory school age').

Section 1: General Eligibility

Children of compulsory school age

Pupils will qualify for free home to school transport if:

- They are a resident of the Borough of Walsall; and
- They are 5-8 years of age and live more than 2 miles from their nearest suitable school; or
- They are 8-16 years of age (at the end of the school year in which they reach 16) and live more than 3 miles from their nearest suitable school.

Transport is to the nearest 'suitable school'. That is 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.

This may not necessarily be the school of the parents' preference. The Council does not have a duty to transport children to school unless the criteria in this paragraph are met.

Children from low income families

Entitlement to free home to school transport is extended to pupils from low income groups. Children from low income families are defined as those who are entitled to Free School Meals due to their income or whose family receives the maximum Working Tax Credits and

- They are a resident in the Borough of Walsall; and
- They are 8-11 years of age and living more than 2 miles from their nearest appropriate school; or

- They are 11-16 years of age and attend one of the nearest three appropriate schools as long as the school is more than 2 miles but less than 6 miles from the child's home address; or
- They are 11-16 years of age and the nearest school is preferred on grounds of 'religion' or 'belief' if it is more than 2 miles but less than 15 miles from the child's home address.

Children below statutory school age

Free travel assistance is provided only to children who are below statutory school age who are attending a Reception class in a state funded infant or primary school as 'rising 5s', and where there is an entitlement to transport as set out above.

Home address and change of address

Free travel assistance is provided from the child's permanent home address to the school where they are on roll. A child's 'home' is the place where he/she is habitually and normally resident. If a child spends time at more than one address during the school week, eligibility for travel assistance will be assessed from their home address as recorded by the school and any travel arrangements will apply to that address only. When a family moves to a new address, eligibility for travel assistance will be re-assessed using the policy in place at the time of the move.

For children in Year 10 or Year 11, travel assistance to a school in Walsall or elsewhere may be provided if transfer to a school closer to home is impractical, because of syllabus or entry requirements, and where the distance between home and school by the shortest walking route is 3 miles or greater.

Change of school

Sometimes 'Managed Moves' are arranged where a child attends another school for an initial period before going on roll at that school. Travel assistance will be provided during that period where the child meets the eligibility criteria of the home to school distance or low family income.

In some cases, a child may attend a Short Stay School (Pupil Referral Unit) or similar provision for a period of time. Assistance with travel will be provided so long as the eligibility criteria are met.

Exceptional circumstances

In exceptional or extenuating circumstances, the Council may use its discretion to provide transport for those children who do not meet the eligibility criteria for travel support.

These circumstances might be:

- i) Children with a temporary medical condition where usual travel to school arrangements are impeded by the medical condition. The parent/carer must submit evidence to outline why they were unable to get the child to school themselves and to provide written evidence from the child's GP or hospital consultant stating why they were unable to walk to school and the likely period of their incapacity.

- ii) Children in the care of the Local Authority and those with further special circumstances may also be supported. For instance, where a Looked After Child moves placements and needs to stay at the school they currently attend.
- iii) If the available walking route is unsafe, even for a child accompanied by an adult, taking into account the age of the child and the nature of the route. A route may be deemed to be unsafe following an assessment by Council staff.

Denominational travel

The Council ceased to provide transport assistance to faith schools from September 2015, other than to pupils who qualify for this through the low income criteria described above. However, any children currently receiving free transport assistance in the form of a bus pass will continue to do so while they are eligible up the age of 16, or until they move to another school (whichever is earlier).

Distances

Distances for the assessment of travel are measured according to the shortest available walking route. This is a route along which a child, accompanied as necessary, can walk with reasonable safety to school.

Types of transport support provided

Bus pass: Travel assistance is usually provided as a bus pass for use on public bus services.

Independent travel training (with bus pass): an accredited training scheme is available to secondary school age students, where this is appropriate.

Travel Expenses: The payment of travelling expenses in the form of a personal travel budget, a mileage or a cycling allowance may be offered as alternatives where this is cost effective.

Where there are two or more eligible children living at the same address, attending the same school and mileage has been agreed for one child, an additional mileage allowance will not be paid as both or all children are expected to travel together. Where a family has two or more children attending different qualifying schools, the mileage for the entire route will be paid based on the optimum route defined by the Local Authority.

Coaches, minibuses and individual taxis: Depending on the nature of the travel need of an eligible pupil, vehicle types such as these may be provided where it is cost effective and where they only alternative to a bus pass.

Section 2: Children with special educational needs and/or disabilities

Eligibility

Most children with an Education, Health and Care plan or a statement of special educational needs do not require any additional specialist support with home to school transport beyond a bus pass or a place on a contracted coach. If additional transport assistance is necessary, the Council will arrange the most suitable form of transport provision that takes account the needs of the child. Each child will be assessed on an individual basis to identify their particular transport requirements.

Transport assistance will be provided for a child with special educational needs of statutory school age under the General Eligibility criteria that are set out in Section 1 of this policy. If parents opt for and the child attends a school that is a greater distance from home than the school that is named by the Local Authority as the appropriate or nearest suitable school, then the Council will not meet any additional costs of travel.

Transport assistance may be provided for pupils who are resident in the Borough of Walsall regardless of the distance between their home and the nearest appropriate school on the grounds of:

Physical, sensory or medical need. Children who cannot reasonably walk to school even when accompanied by an adult because of associated health and safety issues related to their special educational needs or to their disability as defined by the Equality Act 2010.

Significant special needs, in which case the Local Authority will have regard to:

- The age of the pupil
- The appropriateness of the walking route
- The special educational needs of the pupil
- Whether the pupil has physical, medical or social communication difficulties that would exclude them from using public transport
- Whether the pupil would be vulnerable and at risk of danger if they used public transport
- The efficient use of resources
- Any other individual circumstances.

The assessment of the need for transport support will cover both eligibility for support and the type of transport provision. A review will take place annually, ordinarily as part of the annual review of the statement or Education, Health and Care plan. The provision of vehicular transport may cease to be needed as a young person becomes more independent.

Residential schools

Children and young people who attend a residential school that has been named in their statement of special educational need or their Education, Health and Care Plan as the most appropriate school to meet their needs, will be allowed a maximum of 6 return journeys from/to their school each year (at the beginning and end of each half term).

Parents/carers can alternatively be reimbursed for the cost of the journey at an agreed rate that is based on the actual mileage to and from the school, or can seek an Personal Travel Budget. For 52 week placements, 8 return journeys are allowed.

Forms of travel assistance

When young people are assessed as eligible for free travel assistance to school, the decision on the type of transport will be based on an assessment of their needs and the efficient use of the Council's resources.

Walsall offers a range of transport support for children with special educational needs and disabilities as detailed below:

Independent Travel Training (ITT). The aim of Independent Travel Training (ITT) is to give young people with SEND the skills and confidence to travel independently using public transport to and from school or college. Following an assessment of whether ITT is appropriate for them, Walsall Council's ITT scheme provides young people with their own personal travel programme to learn how to travel independently. Students are accompanied to and from school or college until they are ready to make the journey independently.

A young person's travel pass will be provided once the travel training is completed. Alternatively, and subject to further training, support to buy a bicycle for use in getting to and from school or college may be provided.

Bus Pass/travel card: This is provided for use on public bus services where this is appropriate.

Cycle scheme/ cycle training sessions: The Council offers cycle training for young people. Financial support for cycle purchase is also available for young people as an alternative to a travel card. A one-off cycle grant (to the value of £300) will be made to young people with special educational needs and disabilities of secondary school age who complete both an independent travel training scheme and a cycle training scheme.

Personal Travel Budget (PTB): A Personal Travel Budget is an allowance provided in advance by the Council to parents or carers of children with Special Educational Needs and Disabilities who are eligible for travel assistance. The budget allows families to make their own arrangements for travel such as covering the costs of driving or making arrangements with other families. The budget is based on the distance from home to the school, for one round trip per school day and a mileage rate of 45 pence per mile.

Motability cars: The parents of some children may be in receipt of the higher rate mobility component of the Disability Living Allowance (DLA). This gives them access to the Motability scheme that supplies vehicles, adapted or not. If a Motability car has been provided for the benefit of child with a disability, this may be taken into account, as part of a discussion with parents, in determining any transport arrangements. Reasonable evidence as to why the Motability vehicle is not available for the child to get to school must be submitted before any other transport can be provided. A Personal Travel Budget for mileage purposes may be agreed. Wear and tear costs are included in the Motability agreement.

Vehicles: The Council may transport children/young people to and from school in private hire vehicles. These are full size coaches, minibuses, adapted vehicles, separate or shared

taxi. The type of vehicle will be the most appropriate to the child's needs. Children with special educational needs and disabilities may have specific needs that require the use of specialist vehicles.

Pupil attendants: Where appropriate, a pupil attendant will be provided through the authority's contract with the vehicle operator. Pupil attendants are responsible for the supervision of pupils on the journey to and from school and for assisting children with entry into and out of the vehicle. They will supervise the behaviour and safety of children so that the driver is unhindered in his/her duties. Pupil attendants will be deployed where:

- The pupil is of primary school age;
- There are 10 or more young people on a vehicle;
- The young person has medical needs, particularly where rescue medication is required;
- An individual pupil's needs create a health and safety risk to themselves and to others on the vehicle;
- An assessment of the pupils on the vehicle and the journey to be undertaken highlights a health and safety risk to passengers on the vehicle.

Other points

Some special needs travel assistance is provided through private hire vehicles, such as buses, minibuses and taxis. Contracts are awarded through a tendering process. The transport provider may change from time to time as a result of retendering or for other operational reasons.

Where transport is provided, a child will be expected to join an existing transport route and share the vehicle with other pupils unless there are circumstances which are supported by evidence that this is not appropriate.

All coach and some minibus services collect and drop off children at designated 'pick up points' along their routes. Parents are responsible for getting children to and collecting children from those pick up points.

Parents/carers receive a 'Home to School Transport- A guide for passengers and their parents' handbook once transport has been awarded. This sets out our service standards, provides information on how the service works and how parents/carers can help to make it run smoothly.

Section 3: Post 16 transport

A Post 16 transport policy is posted on the Council's website at the end of May. It is updated annually and is published at that time as it applies to young people moving into post 16 education and training in the following September. Walsall no longer provides direct transport support for young people aged 16-18 other than those with special educational needs or disabilities.

At the discretion of the Council, the Post 16 policy is that some students with special educational needs may be entitled to help with transport to help their participation in education or training. This can be extended beyond age 19. The Council will also consider the post 19 student's income. This provision is at the discretion of the Local Authority.

The post 16 policy document updates information on concessionary fares (which this Council supports) and points to sources of information and financial assistance with transport, such as government bursaries.

From September 2017, a new policy for post 16 students with special educational needs and disabilities comes into effect. It is based on the principle that the student or their family will contribute towards the cost of the transport provided:

- 1) Students with special educational needs and disabilities are eligible for help with transport to enable them to participate in education or training. Eligibility will be conditional upon the student attending the nearest appropriate school or college offering the majority of the course. The school or college will be more than 3 miles by the shortest available walking route from the home address for the student to qualify for transport support, unless this is overridden by the student's special educational needs or disabilities.
- 2) An Independent Travel Training assessment will be offered to all post 16 students with special educational needs and disabilities. Once a student has completed an Independent Travel Training scheme, the Council will pay the cost of a regional travel card for the period of the course of study (unless the student qualifies for a Disabled Person's card, which is free of charge). The Council has the discretion to subsidise this card for early morning travel if there is genuine hardship.
- 3) Travel assistance will be offered to qualifying students from low income families, subject to a contribution from the student/parent of £300 per year to the cost of transport. Young people from low income groups are defined as those entitled to free school meals and those whose households are in receipt of the maximum level of Working Tax Credit or Employment and Support Allowance (Income related).
- 4) Travel assistance will be offered to qualifying students from other families, subject to a contribution from the student/parent of £600 per year to the cost of transport. This will be for transport by contracted coach, minibus or taxi. The same principle will apply to other forms of transport support such as personal travel budgets or mileage allowances.

- 5) To be eligible for assistance, a student must be under 19 years of age at the beginning of the first year of their course. For courses starting in the autumn term, the academic year starts on 1 September. Support will continue until the end of the academic year in which the student completes the course of study.

Students aged 19 or over

Students who start a new course after the age of 19 may also be eligible for transport support. Students must have an Education, Health and Care plan, a statement of special educational need or a Section 139a assessment. You will need to provide evidence to show why you feel the Council should make the travel arrangements rather than yourself or your family.

The Council will then consider this evidence carefully and decide what practical support is necessary (if any) and whether this should be provided free of charge, or whether a contribution to the Council's costs is required. If a contribution is required, then this will be fixed at £600 a year for each student who is assisted, with the exception of low income students (as defined above) who will pay £300 a year. These contributions can be paid in instalments. Alternatively, the Council may simply opt to pay all or part of an adult student's reasonable travelling expenses.

Section 4: General information

Journeys covered

Where transport is provided, this will be limited to the journey to school at the beginning of the school day and the journey home at the end of the school day. There is no provision for routes to be altered to take account of medical appointments, short breaks etc. Transport is not provided for work experience, to other educational settings or to short breaks. If a child becomes ill or is sent home from school because of misbehaviour, it is the responsibility of their parent/carer to arrange for the collection of their child.

Poor behaviour on transport

The Local Authority may withdraw travel assistance where a child's behaviour is unacceptable on public transport or on contracted vehicles. In such cases, the parent or carer would be responsible for getting their child to and from school at their own expense.

CCTV on buses

CCTV (closed circuit television) systems are used on contracted coaches and minibuses for reasons of safety and security. The scheme meets the requirements of the Council's Information Governance and CCTV policies. A Data Protection Agreement for Data Processors and a Privacy Impact Assessment have been completed.

How to apply

Bus pass applications are submitted via email. Parents/carers obtain and complete an application form and return it to buspassapplications@walsall.gov.uk by Friday 11 August 2017 for the start of term in September. The Council is unable to accept applications by post.

Applications received by the due date will be processed and parents/carers will be given a date to come and collect the pass from the Civic Centre. No passes will be sent by post.

For further information on special needs and disabilities transport support, Independent Travel Training, Personal Travel Budgets and how to apply, please contact the Transport Team in Children's Services on 01922 653761/653762 or email sentransport@walsall.gov.uk

Complaints and Contact information

Any complaints should be referred in the first instance to the Children's Services Transport Manager.

The Transport Team
Walsall Children's Services
The Civic Centre
Darwall Street
Walsall, WS1 1TP
Tel 01922 653761 or 01922 653762; email sentransport@walsall.gov.uk

Section 5: Travel assistance appeals

Stage 1 – Staff in the Transport team will provide in writing the reasons for the rejection of an application for travel assistance. Parents have a right of appeal against a decision by the authority not to offer travel assistance for their child or against the transport arrangements offered. Parents wishing to appeal have 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. The written request should explain why the authority's decision should be reviewed. Within 20 days of receipt of this request the Children's Services Transport Manager should review the original decision and send a written notification of the decision to the parents who have appealed.

Stage 2 – Review by an appeal panel; a parent has 20 working days from receipt of their stage 1 decision letter to make written request to escalate the matter to stage 2. Within 40 days of receipt by the authority of a parental request an appeal panel will consider written and/or verbal representation from both the parents and officers involved and give a detailed written notification of outcome setting out the following:

- 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
- Information about the parents' right to put the matter to the Local Government Ombudsman.

There is a further right of complaint to the Local Government Ombudsman if complainants consider that there was a failure to comply with the procedural rules under this policy or if there are any other irregularities in the way their appeal has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

Full details are provided in Appendix1.

Appendix 1: Travel assistance appeals

Introduction

Walsall Council has adopted appeals procedures that have been recommended to all local authorities by the Department for Education. The intention is to ensure a consistent approach across all local authorities, and to provide a completely impartial second stage, for those cases that are not resolved at the first stage.

The appeals process sets out a clear and transparent two stage process for parents/carers who wish to challenge a decision about:

- the transport arrangements offered;
- their child's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the safety of the route.

The appeals process is shown as a flow chart, below.

Stage one: Review by a senior officer

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.

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.

Within 20 working days of receipt of the parent's written request a senior officer reviews the original decision and sends the parent a detailed written notification of the outcome of their review, setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed e.g. national Road Safety standards and guidance);
- 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;
- information about how the parent can escalate their case to stage two (if appropriate).

Stage two: Review by an independent appeal panel

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.

Within 40 working days of receipt of the parents request an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome, setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed e.g. national Road Safety guidance and standards);
- 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;
- Information about the parent's right to put the matter to the Local Government Ombudsman (see below).

The independent appeal panel members should be independent of the process to date and suitably experienced, 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.

Local Government Ombudsman

Parents have a right of complaint to the Local Government Ombudsman, but only if there is evidence of a failure by the council 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 independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

