

Ceredigion County Council



Home to School/College Transport Policy

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Contents

Introduction	3
Section 1: Transport for Mainstream Pupils	
1.1 School at capacity	4
1.2 Closure of school	4
1.3 Safety	4
1.4 Special Educational Needs / Additional Learning Needs	5
1.5 Change of address	9
1.6 Transport to Denominational Schools	9
1.7 Post 16 Transport	9
Section 2: General	
2.1 Parental Preference	10
2.2 Seat Belts	10
2.3 Behaviour	10
2.4 Cameras	10
2.5 Spare seat passengers	11
2.6 Complaints	11
2.7 Use of Public Transport	11
2.8 Pick-up Point	11
2.9 What help is available if walking routes are dangerous?	12
2.10 Appeals	12
2.11 References	13

Introduction

There is a statutory duty for Ceredigion County Council (as the Local Authority) to provide pupils of compulsory school age with free transport to their nearest suitable maintained school if they live over the statutory walking distance.

Free transport will be provided according to The Learner Travel Wales Measure – Operational Guidance (June 2014) and Ceredigion County Council’s school transport policy as set out below. These arrangements apply to learners resident in Ceredigion or those deemed to be the responsibility of Ceredigion County Council.

Note: This information is correct at time of publication but may be subject to change as a result of changes in the law or County Council Policy.

Section 1: Transport for Primary and Secondary Aged Pupils

Primary and Secondary Aged Pupils

Transport will be provided free of charge for pupils of primary and secondary school age travelling over the statutory walking distance to/from the main entrance of their nearest suitable school.

The definition of nearest “suitable school” is where the “education or training provided is suitable having regard for the age, ability and aptitude of the learner and any learning difficulties he or she may have¹”.

A pupil applying for assistance must be a Ceredigion resident. If he/she is attending the nearest suitable school and the distance between home and school by the shortest pedestrian route, is equal to or greater than the distances indicated below, they will normally be provided with free transport

- **Primary Aged Pupils (from 5 years of age)** - 2 miles or more from the school
- **Secondary Aged Pupils** - 3 miles or more from the school

Distance is measured by the shortest walking route between home and school. (From the nearest council maintained road to the property, to the nearest school entrance onto the school site).

The Learner Travel (Wales) Measure 2008 gives the local authority a power under Section 6 to make discretionary arrangements for pupils who would not otherwise qualify for free home to school transport.

¹ This includes taking into account a learner’s disability and/or a learner’s parent’s disability.

This discretion will be operated in accordance with Section 6 of the Learner Travel (Wales) Measure 2008 and paragraph 2.3 of the Welsh Government Guidance to it, and will apply to any arrangements the local authority thinks fit to facilitate the travel of learners to and from a place of education and learning.

Assistance may also be provided for pupils in certain circumstances on the grounds of: -

- ✓ capacity
- ✓ closure of school
- ✓ re-organisation of school(s)
- ✓ safety
- ✓ medical
- ✓ statement of educational needs
- ✓ a change of residence in a final examination year
- ✓ continuation of an advanced course of study not being available at the nearest suitable school
- ✓ religious beliefs (within an 8 miles radius of the school)
- ✓ post 16 students

1.1 Schools at Capacity

Free school transport will be provided when the Local Authority is unable to make arrangements for a pupil to attend their nearest suitable school due to it being at or exceeding its capacity.

1.2 Closure of School

Free transport for a specified period will be considered in accordance with the published Section 12 Education Act, 1980² notice following the closure or a change in the status of a school.

1.3 Safety

Section 3 of the Learner Travel Measure sets out the distance criteria whereby learners are entitled to free transport to and from their nearest suitable school. Distances below these thresholds for the purpose of this document are referred to as 'walking distances'.

Under section 3(7) of the Measure the walking distance should be measured by the 'shortest available route'. A route is considered to be available if it is safe (as far as reasonably practicable) for a learner without a disability or learning difficulties to walk the route alone or with an accompanying adult if the learners age and levels of understanding requires this.

² <http://www.legislation.gov.uk/ukpga/1980/20/section/12/enacted>

If a route is not 'available' and there is no alternative 'available' walking route within the respective distance threshold applicable to the learner's age, which can be used instead, as prescribed within section 3 of the measure, the learner cannot be expected to walk to their nearest suitable school. Even though the distance from home to school is less than the distance limit that applies to the learner's age.

Local authorities are under a legal duty to assess the travel needs of learners who walk to school under Section 2 of the Measure.

Free transport may be provided on the grounds of safety. Parents must apply, in writing, to the Strategic Director of Learning and Partnerships stating their reasons. The Authority will take into account the following when considering the application: -

- age of pupil.
- nature of the route: is it dangerous and whether the child should be accompanied.
(Note: For a route to be available within the meaning of Section 39(5) Education Act, 1944, as amended by Section 199(5) Education Act, 1993, it must be a route along which a child accompanied as necessary can walk, and walk with reasonable safety to school. (It does not fail to qualify as available because of dangers, which would arise if the child were unaccompanied).
- whether the pupil is registered at the nearest school.

the availability of public passenger services

1.4 Special Educational Needs / Additional Learning Needs

The majority of pupils with Special Educational Needs will not require assistance with home to school transport and should be travelling wherever possible with their peers. Home to school transport for pupils with SEN should be:

- **About ability and not disability -**

Their home to school transport should be supporting their independence and enabling rather than disabling. It is about providing transport in the least restrictive way.

- **Inclusive and encourage pupils to develop educationally and socially -**

This includes working towards independent travel.

- **In safety and reasonable comfort and in a state that is conducive to study -**

This means providing the right equipment, the right vehicle, at the right time, with appropriately trained staff.

- **As cost effective as possible -** This means not only making sure school transport provision is focused on those who need it most, but that it is provided in the most cost effective way.

i. General Information on Home to School Transport:

Where an entitlement to free transport due to needs exists and there is no existing school transport available, the Local Authority may offer a fuel allowance at a fixed rate to parents who are willing to drive their children to school where circumstances dictate.

The duty applies to home to school travel arrangements at the start of the school day, and or at the end of the school day according to need. It does not relate to travel between educational institutions during the school day or before and after school provision. Distance is measured by the shortest walking route between home and school (From the nearest council maintained road to the school site).

It is not always possible to arrange the routes of vehicles to pass close to the home of all pupils. Parents may therefore be required to make their own arrangements for their children to get to and from the nearest 'pick-up' point of the vehicle. Every effort is made to keep this distance to a minimum and it should not exceed 1.5 miles. In these instances the assistance of parents in escorting pupils safely to and from vehicles is sought.

Escorts may be provided on some vehicles. This will be determined following an initial travel needs application/assessment and risk assessment where necessary. If you move house, you will need to re-apply for free school transport. This is because your eligibility depends on the distance between your home and your school.

If you move to a new home, we will need to check your eligibility again. Please apply as soon as you can after your new address is confirmed. As long as your home address and the school attended do not change, there is no need to re-apply for school transport every year. Parents/Guardians need to reapply for transport for their children returning to education post 16 and all applications will be assessed by the Local Authority.

ii. Eligibility criteria:

Transport assistance will be provided to pupils with additional learning needs and/or disabilities in the circumstances set out in this policy.

The Local Authority will provide support to students with learning difficulties and/or disabilities who attend the nearest suitable school or the school assessed by the Local Authority as being able to meet his/her individual educational needs. When determining whether a child is attending their nearest suitable school the Local Authority must take into account the suitability of the school by having regard to physical, medical and any learning difficulties the learner may have.

The majority of additional learning needs can be met in the nearest school and parents/carers will be responsible for getting their child to and from school as in accordance with Learner Travel Statutory Provision and Operational Guidance (June 2014).

If a child attends a preferred, alternative mainstream school i.e. not the nearest suitable school but an alternative school that has been chosen by the parent/guardian, then they will be responsible for getting their child to and from school.

Parents of pupils with additional learning needs who the Local Authority have admitted to a specialist resource facility within mainstream schools may apply for home to school transport. Each application will be individually assessed.

iii. Application/Assessment:

Each case will be individually assessed in relation to the pupils' school placement and **only** from the pupil's home address. The transport needs will be assessed by the Local Authority with advice, where necessary, from other appropriate professionals. Parents/Guardians will need to complete a transport needs application/assessment form and provide any additional evidence to support the application. Should the application be agreed it can take up to 10 working days for the arrangements to take effect.

The following will be taken into consideration when deciding if a pupil is to be allocated free home to school transport and the type of transport provided :-

- The pupil's individual needs, social, emotional, educational or medical.
- The severity of the pupil/ student's additional learning needs.
- Whether the pupil/student has serious medical problems, short-term or long-term.
- Whether the pupil/student has serious difficulty with walking or general mobility difficulties. (In accordance with 1.86 of the Learner Travel Statutory Provision and Operational Guidance June 2014)
- The distance to the school/college/placement in relation to the criteria set out above.
- Whether the journey is on a main bus route, which is accessible to the pupil/student.
- Whether there are any severe family/personal circumstances which impact on the ability of pupil/student to attend school/college which should be taken into account.

iv. Medical condition:

Individual transport arrangements may be made where the medical condition of learners either prevents them from making use of the existing transport or the condition prevents them from walking the statutorily defined walking distances. All applications for assistance on medical grounds must be supported by a medical certificate or signed statement from a medical practitioner which must clearly state that the learner is incapable of walking the specified walking distance to school.

v. Parents/Guardians have responsibility for:

- getting their child to and from school where they are not eligible for free school transport;
- applying for free transport where their child is eligible;
- informing the Local Authority and the school of changed circumstances which may affect transport;
- notifying the Local Authority prior to a change of address;
- ensuring that their child is ready and waiting for transport at the appropriate time and

agreed location;

- accompanying their child to and from the vehicle should their child require escorting;
- ensuring that their child's behaviour while using school transport is acceptable (refer to 6.10 in Learner Travel - Statutory Provision and Operational Guidance (June 2014))

vi. Looked After Children:

Home to School transport for Looked After Children will be provided in-line with the "Ceredigion Protocol on Education of Looked After Children". Transport for Looked After Children is the joint responsibility of Social Services and Learning Services. Transport for Looked After Children will be reviewed on a termly basis, or following a change in home or school placement.

vii. Residential/Out of County Provision:

If it is agreed that a child should attend a residential special school/boarding school out of the county the Local Authority will ensure that suitable travel arrangements are made to facilitate the attendance of the child at the school, provided that there is no nearer school that is suitable to meet the child's special educational needs whether this be in county or out of county but nearer than the parental preference.

The suitable travel arrangements will be determined by an assessment of the travel needs of the individual child in accordance with the requirements of the Learner Travel Wales Measure 2008, the Welsh Government Learner Travel and Operational Guidance, June 2014, and in the context of the SEN Code of Practice dated 2004, and any risk assessment deemed necessary.

For all children a holistic approach will be taken involving liaison with health and other relevant agencies to ensure that any additional health, social, welfare or other needs such as contact with home and the family are taken into account. Where appropriate this may mean a referral to the social services for a "child in need" assessment under section 17 of The Children Act 1989 bearing in mind that a child with special educational needs is not necessarily a child in need under this Act.

viii. Review of Transport Needs:

The travel arrangements of all children will be reviewed periodically by the Local Authority at its discretion and in any event annually to coincide with the annual review. A periodic review and the need to comply with tendering requirements may result in a change to the type of vehicle, the route or the contractor. Officers will always notify parents/carers of any changes in advance. The Local Authority have carried out checks on all the transport companies being used to ensure they meet our standards and they are all expected to maintain the same level of service.

The Transport Needs Application/Assessment form is available on www.ceredigion.gov.uk. Any concerns, comments or queries regarding eligibility and assessment regarding the provision of Additional Learning Needs transport should be submitted to:-

Email: sen@ceredigion.gov.uk

Telephone: 01970 633693

Post: **Special Educational Needs Team**
Learning Services
Canolfan Rheidol
Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
Ceredigion
SY23 3UE

1.5 Change of Address

The Authority may provide transport for pupils, following a change of address during the final year of G.C.S.E or A level examinations, in order to ensure continuity of education. An application must be made to the Strategic Director of Learning and Partnerships. Such provision will not continue into Years 12 and 13 where pupils move in Year 11.

1.6 Transport to Denominational Schools

Under current school transport legislation, a learner is entitled to free transport to a denominational school if that school is considered by the local authority to be the learner's nearest suitable school, Section 6 of the Measure provides local authorities with the power to provide discretionary transport arrangements for learners who are not attending their suitable school because of denominational preference.

The Authority currently provides free transport for pupils of the minimum compulsory school age (i.e. 5) provided that they reside outside the statutory walking distance and not more than eight miles from the school.

1.7 Post 16 Transport

Free transport may be provided for students attending a college of further education on the same basis as 16-19 year olds attending school sixth forms if: -

- I. a student between 16-19 years of age attends a full time course;
- II. the course is not available at a school or college nearer the student's home;

- III. the student qualifies for transport assistance according to the free transport criteria (distance).

Such provision may be made if the post 16 student: -

- ✓ is ordinarily resident in its area;
- ✓ attends the nearest school/or college (even if outside the Local Authority's Area);
- ✓ has special educational needs or other individual circumstances which made the provision of free transport necessary.

Assistance for both secondary and college students of the age group 16-19 may be provided "by the most efficient means" i.e. to include:-

- ✓ conveyance by contract vehicles;
- ✓ conveyance by public transport;
- ✓ payment of travelling expenses for conveyance by parent/own car.

Where a pupil/student entitled to free transport reside 1.5 miles or more from the nearest pick-up point consideration may be given to the provision of a taxi from home to the pick-up point.

SECTION 2: GENERAL

2.1 Parental Preference

The Council recognises its obligations under the Education Act, 1996, to comply with parental preferences regarding choice of school.

However, parents/guardians choosing a school further away from their home than the nearest suitable school available will be responsible for transport costs and arrangements to and from that school

2.2 Seat Belts

All designated school transport vehicles are provided with seat belts. It should be noted that: -

- I. seat belts must be worn.
- II. it is the responsibility of each individual pupil to ensure that he/she is wearing a seat belt.

2.3 Behaviour

In the provision of a transport service, staff and service users can expect fair and equitable treatment. Harassment of any form will not be tolerated. Abuse and violence of/to staff and/or service users and damage to vehicles will not be accepted. Pupils' behaviour while in transit which results in any of the above may result in that pupil's transport being

withdrawn (see document "School Transport – A guide for Parents/Guardians and Pupils"³) and/or charges for damage being passed on to the parents/guardians of those responsible. The Authority may refuse to transport pupils displaying aggressive or dangerous behaviour, other than where this is symptomatic of the pupils identified special needs.

2.4. Cameras

CCTV have been installed in certain contract vehicles. The aim of the exercise is to

- ensure the safety of passengers and drivers.
- identify individuals who by virtue of their unacceptable behaviour contravene the behaviour code of the Local Authority and possibly in the worst-case scenario endanger the lives of other passengers. Where such individuals are identified the action that could be taken by the Local Authority is set out the document "School Transport - A guide for Parents/Guardians and Pupils".

2.5 Spare Seat Passengers

Pupils are not entitled to free transport if they are:

- a) attending a school other than the nearest suitable school
- b) living within the statutory walking distance

Consideration will however be given, following application to the Authority, to travel on Local Authority contracted vehicles if there are spare places available. This will be subject to a fee of £390 per year (£130 per term), as from 1 September 2017.

The agreement is granted on the understanding that should the Local Authority's requirements change then the agreement would cease and the responsibility for transport would revert to the parents.

2.6 Complaints

All complaints regarding home to school transport from pupils, parents, members of the public, drivers, etc. will be investigated. Concerns can be raised through contacting the following or via the school. (This information is available in the handbook "School Transport - A Guide for Parents/Guardians and Pupils")

Complaints regarding pupil behaviour Complaints regarding drivers	Corporate Passenger Transport Unit Glanyrafon Industrial Estate Llanbadarn Fawr Aberystwyth
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³<https://www.ceredigion.gov.uk/SiteCollectionDocuments/Resident/Schools%20and%20Education/School%20College%20Transport/school-college-transport-a-guide-for-parents-guardians-and-learners-english.pdf>

Complaints in relation to vehicles used for school transport)	Ceredigion SY23 3JQ ☎ 01970 633555
Complaints/queries regarding Car Escorts	✉ technical.services@ceredigion.gov.uk

2.7 Use of Public Transport

The majority of pupils entitled to assistance will be conveyed by vehicles specifically contracted to the Local Authority however use may also be made of public passenger transport.

2.8 Pick-up Point

Where contract or public passenger vehicles are used then it is not always possible to arrange the routes of vehicles to pass close to the home of all pupils. Parents may therefore be required to make their own arrangements for their children to get to and from the nearest 'pickup' point of the vehicle. Every effort is made to keep this distance to a minimum and it should not exceed 1.5 miles.

In these instances the assistance of parents in escorting pupils safely to and from vehicles is sought.

The handbook " School Transport - A Guide for Parents/Guardians and Pupils⁴" is available from the Local Authority offering advice and guidance for pupils/students and parents on what they can do in order that the journey to and from school/college may be undertaken safely.

2.9 What help is available if walking routes are dangerous?

When learners live less than 2 miles (primary school) or 3 miles (secondary) from the nearest school and, therefore are not entitled to free transport, but travel to school along a road that is considered by the Council to be especially dangerous, free transport is offered.

A dangerous road is defined whereby the nature of the road (which includes public footpaths) means that it is not reasonable to expect learners (considering their age and with an escort as needed) to be able to walk in a comparatively safe manner. In assessing the comparable safety of a road, the Council will undertake an assessment of the risks a learner could face along the determined road (including, for example, rivers, ditches, traffic speed along the nearby road, history of accidents, overhanging trees or branches that could impair the ability of pedestrians or drivers to see, etc). The assessment would be held at the time of day and days of the week that learners would be expected to use the road.

⁴<https://www.ceredigion.gov.uk/SiteCollectionDocuments/Resident/Schools%20and%20Education/School%20College%20Transport/school-college-transport-a-guide-for-parents-guardians-and-learners-english.pdf>

2.10 Appeals

Parents are requested to note that they may appeal against a decision to refuse to provide free transport. Such an appeal should be submitted with any supporting evidence to the Strategic Director of Learning & Partnerships within 28 days of being notified of the original decision.

Mr Barry Rees
Strategic Director for Learning and Partnerships

Cyngor Sir Ceredigion County Council

Learning Services

Canolfan Rheidol

Rhodfa Padarn

Llanbadarn Fawr

Aberystwyth

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SY23 3UE

✉ Addysg@ceredigion.gov.uk

2.11 References

Learner Travel (Wales) Measure 2008

<http://www.legislation.gov.uk/mwa/2008/2/contents>

Learner Travel Statutory Provision and Operational Guidance (June 2014):

<http://gov.wales/docs/dcells/publications/140616-ltqg-en-v2.pdf>