

HOME TO SCHOOL AND COLLEGE TRANSPORT POLICY

Lead Directorate and service:	Children, Families and Schools – Inclusion & Access Adult Services – Adult Care Management
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Approved By:	Cabinet (date to be determined following consultation)

1. Background

- 1.1 The Education Act 1996, as amended, requires all local authorities to determine a policy setting out the circumstances in which a pupil will receive transport support for the journey to and from the establishment at which they are registered.

2. Definitions for the Purposes of this Policy

- 2.1 This policy relates to the provision of transport support for the journey from the pupil's home to the school or college at which the pupil is registered for the start of the school or college day and from the registered school or college to home at the end of the school day.
- 2.2 Except for children or young people who are in the care of the East Riding of Yorkshire Council or who have been provided with accommodation by the Council (see section 22 of the Children Act 1989), to be eligible for the support of transport from the East Riding of Yorkshire Council, the pupil concerned must be resident in the East Riding of Yorkshire.

3. Qualifying education providers

- 3.1 Where mentioned in this policy, qualifying schools are:

- community, foundation, or voluntary schools
- community or foundation special schools
- non-maintained special schools
- pupil referral units
- city technology colleges, city colleges for the technology of the arts or academies
- in relation to a child with an Education, Health and Care Plan, independent schools if the school is the only school named on the child's statement or, if more than one

school is named on the statement, the school attended is the nearer or nearest to the pupil's home.

3.2 If the pupil is attending an independent school which is not a qualifying school, that school will be deemed to be a qualifying school if it is the nearest school at which the child can become a registered pupil.

3.3 For the purposes of this policy, the term 'college' includes further education colleges and sixth form colleges funded by the Education and Skills Funding Agency, (ESFA).

4. Catchment Area Schools

4.1 All areas of the East Riding of Yorkshire are included in at least one school's catchment area. A child living in the East Riding of Yorkshire will live in an area which falls within the defined catchment area of a given school for each stage of education (primary and secondary). All community and voluntary controlled schools maintained by East Riding of Yorkshire Council have defined catchment areas as part of their admission arrangements. For the purposes of home to school transport, the East Riding of Yorkshire Council has also determined the catchment areas for the foundation and voluntary aided schools and academies in the local authority area.

4.2 If a community or voluntary controlled school converts to an academy, the academy's catchment area will be deemed to be the last catchment area determined by the East Riding of Yorkshire Council for the community or voluntary controlled school.

5. Distance Measurement

5.1 The distance measured is the shortest available route along which a child, accompanied as necessary, may walk safely. Therefore, the Council may include footpaths and other pathways as well as recognised roads when measuring routes. To measure the distance of a walked route the council will use GIS mapping software. The courts have defined an "available route" as one "along which a child accompanied as necessary can walk with reasonable safety to school. It does not fail to qualify as 'available' because of dangers which would arise if the child is unaccompanied. The guidelines produced by Road Safety GB will be used to determine whether a route is an available home-to-school walking route. In determining the availability of a route, the authority will consider any restrictions on a parent's ability to accompany their child imposed by any disability the parent may have (please see Section 32 'Exceptional Circumstances').

5.2 For schools that have a split site, the distance will be measured to the nearest approved entry point to the school's site appropriate for the child's year group.

6. Transport Provision

- 6.1 It is for East Riding of Yorkshire Council to decide the means of and arrangements for transport, including the issue of and requirements to carry passes and tickets. Such transport may be by way of contracted services or local bus or rail services. Pupils are collected as near to their home as reasonably possible. Some pupils may have to walk a reasonable distance to and from home to meet the transport. However, the designated picking up/setting down point will not exceed one mile from the pupil's home. The responsibility for ensuring a child's safety in getting to and from the designated picking up/setting down point rests with the parent/carer.
- 6.2 Wherever possible, in arranging transport the Council will ensure that the journey times do not normally exceed 45 minutes for a single journey for a child attending a primary phase school or one and a quarter hours for a pupil attending a secondary school. These journey times may have to be exceeded for pupils attending special schools and colleges, or where transport is being provided to a school other than the child's catchment or nearest school.

7. Siblings

- 7.1 The term "siblings" refers to children living as part of the same family unit at the same address. A family unit consists of children and their parents/carers. The term "parent/carer" includes any person who is the birth parent or person with parental responsibility or special guardianship or who has care of that child.

8. Free School Meals

- 8.1 Where referred to in this policy, a child entitled to free school meals is a child who is identified within section 512 of the Education Act 1996.

9. Working Tax Credit

- 9.1 Where referred to in this policy, a parent in receipt of the maximum level of Working Tax Credit must be ordinarily resident at the same address as the child and the award must be at the rate which is the maximum rate.

10. Educational Terms

- 10.1 A **pupil** is a child registered at a school on a full-time basis in years Reception to 11.
- 10.2 A **pupil of sixth form age** is to be construed in accordance with section 509 AC(1) of the Education Act 1996.
- 10.3 A **post-19 young person is** of adult age but eligible to home to school or college transport as part of the 19-25 age provision.

11. Learning Difficulty or Disability

- 11.1 Having a greater difficulty in learning than a majority of people of that age or having a disability which prevents the use of facilities generally provided by post 16 education and training.

12. Policy Statement

- 12.1 It is the view of East Riding of Yorkshire Council that, for educational and social reasons, the majority of children of statutory school age are best served by attending the school designated as serving the area where they live, that is to say their catchment area school. All children of compulsory school age and who live beyond the statutory walking distance from their catchment area school will be provided with transport to enable them to attend that school. Where legislation provides for children to be provided with transport to alternative schools, the Council will also provide this.
- 12.2 The Council recognises that, for some children, particularly those in vulnerable groups, it may be more appropriate for them to be provided with transport for distances less than the statutory walking distance, or to attend an alternative school to their catchment area one. The Council therefore uses its discretion to provide transport in certain prescribed situations.

13. Corporate Priorities

- Valuing our environment
- Supporting vulnerable people, reducing inequalities

14. Policy Development including Consultation

- 14.1 The requirement to ensure children and young people can attend a suitable school or education provider in order to secure their attendance has been in place for a considerable period of time. The policy is reviewed annually considering changes in national legislation and feedback from schools which includes regular meetings with nominated staff. Consultees include: -

- Director of Children, Families and Schools
- Head of Children and Young People, Education and Schools
- Education Policy and Compliance Strategic Lead
- Head of Children and Young People's Support and Safeguarding Services
- Group Manager - Transportation Services
- Director of Adults, Health and Customer Services
- Head of Adult Services
- Head of Business Management and Commissioning

15. Links with other Policies

- Children and Young People's Plan
- Admissions to Community and Voluntary Controlled Primary Schools

- Admissions to Community and Voluntary Controlled Secondary Schools
- Co-ordinated Schemes for School Admissions
- Policy and Procedures for the Review of Primary School provision
- Adult Social Care Support with Travel Policy

16. Outcomes and Impacts

- 16.1 All children who have a statutory entitlement are provided with transport to their nearest or most appropriate school or college.
- 16.2 Children from identified vulnerable groups can access appropriate education by the provision of transport.
- 16.3 Where there are exceptional circumstances, children are not prevented from attending school due to lack of appropriate transport.
- 16.4 Adult Services will consider eligibility for young adult learners aged 19-25 with a learning difficulty or disability attending a qualifying education establishment for a course that started after their 19th birthday in line with the Post-19 Transport Policy Statement 2021-2022.

17. Implementation

- 17.1 The policy will be implemented from 1st January 2022 and remain in force until such time as it is reviewed. This policy updates and replaces the policy implemented in September 2016.

18. Financial Implications

- 18.1 Until a pupil is accessing transport through Post-19 eligibility this policy is funded through the Children, Families and Schools - Home to School and College Transport budget as approved by cabinet.
- 18.2 Post 19 transport provision is funded by Adults Services as transferred and actioned from 1st April 2021.

HOME TO SCHOOL AND COLLEGE TRANSPORT POLICY PROVISIONS

TRANSPORT SUPPORT FOR PUPILS OF STATUTORY EDUCATION AGE

19. Primary Age Pupils

19.1 Free transport to enable a child to attend an infant, junior or primary school will be provided if the child is in Reception or Years 1 to 6 and:

- The child is attending their catchment area school and the only available routes to the catchment area school from the child's normal place of residence are more than two miles for a child in Reception, Year 1, Year 2 or Year 3 or more than three miles for a child in Year 4, Year 5 or Year 6. The distance of three miles for a child in Year 4, Year 5 or Year 6 will be reduced to two miles if the child is entitled to free school meals or the child's parents are in receipt of their maximum level of Working Tax Credit. Where the qualifying distance has been reduced in this way, the child will be entitled to free transport to the end of the school year.

OR

- The parent's application for a school place for their child is refused, free transport will be provided to the school allocated in accordance with East Riding of Yorkshire Council's co-ordinated scheme for primary school admissions if the only available routes to the school allocated in that way are more than two miles for a child in Reception, Year 1, Year 2 or Year 3 or more than three miles for a child in Year 4, Year 5 or Year 6. If a place becomes available for the child at their catchment area school before the child is on roll at the school allocated under the co-ordinated scheme, the entitlement to free transport to the alternative school will be withdrawn.

OR

- The child is attending a school which is not their catchment area school and the child's parents have not been able to secure a place at a school nearer to the home address and the only available routes to that school from the child's home are more than two miles for a child in Reception, Year 1, Year 2 or Year 3 or more than three miles for a child in Year 4, Year 5 or Year 6. The distance of three miles for a child in Year 4, Year 5 or Year 6 will be reduced to two miles if the child is attending a qualifying school and is entitled to free school meals or the child's parents are in receipt of their maximum level of Working Tax Credit. Where the qualifying distance has been reduced in this way, the child will be entitled to free transport to the end of the school year.

20. Secondary Age Pupils

20.1 Free transport to enable a child to attend a secondary school will be provided if the child is in Years 7 to 11 and:

- The child is attending their catchment area school and the only available routes to the catchment area school from the child's home are more than three miles.

OR

- The parent's application for a place for their child at a school is refused, free transport will be provided to the school allocated in accordance with East Riding of Yorkshire Council's co-ordinated scheme for secondary school admissions if the only available routes to the school allocated in that way are more than three miles. If a place becomes available for the child at their catchment area school before the child is on roll at the school allocated under the co-ordinated scheme, the entitlement to free transport to the allocated school will be withdrawn.

OR

- The child is attending a school which is not their catchment area school and the child's parents have not been able to secure a place at a school nearer to their home and the only available routes to the school the child is attending from the child's home are more than three miles.

OR

- The child is entitled to free school meals or the child's parents are in receipt of their maximum level of Working Tax Credit and the school the child is attending is either one of their three nearest qualifying schools which is above 2 miles but less than 6 miles from their ordinary place of residence; or it is the nearest suitable qualifying school preferred by the child's parents on the grounds of the parents' religion or belief and the school is more than 2 miles but not more than 15 miles from the child's home address.

DISCRETIONARY TRANSPORT PROVISION

21. Children with Education, Health and Care Plans

- 21.1 Pupils with Education Health and Care Plans will be entitled to free transport if the pupil is unable to walk to school or use public transport and is attending their catchment area school or the nearest qualifying school that can meet their special educational needs.

22. Medical Transport

- 22.1 Pupils in Reception and Years 1 to 11 with a medical condition who are fit to attend school but are unable to do so because they are unable to walk or are unable to travel by their normal means of transport may be considered for free transport to school whilst that condition persists. A request for medical transport must be supported by a medical practitioner and may be referred to the Council's medical adviser for advice.

23. Pregnant Schoolgirls and Schoolgirl Mothers

- 23.1 To facilitate attendance, free transport may be provided for pregnant schoolgirls and schoolgirl mothers of compulsory school age between their home and the school or establishment they are attending.

24. Excluded Pupils

- 24.1 Where a pupil of compulsory school age has been permanently excluded from a school, free transport may be granted to a school, college, or other establishment of the Council's choice.

25. Children in Care

- 25.1 The East Riding of Yorkshire Council recognises its obligations under the Children's Act 1989. Where appropriate, free transport will be provided for children in the care of the East Riding of Yorkshire Council (including pupils of sixth form age) to avoid disruption to the child's education or home life.

Pupils of Sixth Form Age

26 Pupils of Sixth Form Age

- 26.1 Pupils of sixth form age should also be aware of the post-16 transport policy statement available at <http://localoffer.eastriding.gov.uk/education/education-providers/home-to-school-transport/post-16-transport/#:~:text=The%20East%20Riding's%20statement%20outlines,made%20on%20an%20annual%20basis.>

27 Eligibility

- 27.1 The provision of transport for pupils of sixth form age will be subject to a contribution payment. For the 2021/22 academic year the contribution payment will be £540. For pupils who are members of a low-income family or who are living independently and who meet the relevant income criteria, the contribution payment for the 2021/2022 school year is reduced by 50% to £270.
- 27.2 To qualify for this reduced contribution, a low-income family or a pupil living independently on a low income is in receipt of any of the following:
- Income Support
 - Income-based Jobseeker's Allowance
 - Income-related Employment and Support Allowance
 - support under Part VI of the Immigration and Asylum Act 1999
 - the Guaranteed Element of Pension Credit
 - Child Tax Credit (provided the person is not also entitled to Working Tax Credit and has an annual gross income of no more than £16,190)
 - Universal Credit - household income must be less than £7,400 a year (after tax and not including any benefits the household receives)

The pupil or the pupil's parents and other members of the household will be asked to provide evidence of their entitlement to or receipt of the above support.

- 27.3 Tailored transport support may be available to pupils with learning difficulties or disabilities who are aged between 16 and 18 and are unable to travel to school or college independently. If the pupil reaches the age of 19 after the start of the academic year, they will continue to receive support until the end of that academic year. Transport provision will be subject to the eligibility criteria below.
- 27.4 To qualify for transport under this provision a pupil must:
- have an assessed need identifying transport support

- be accessing the most appropriate institution nearest to his/her home
- be attending a full-time course of further education at a school/college of at least 30 weeks duration and has no less than 12 hours of required attendance per week
- have a clear academic progression identified through the learning aims
- be unable to travel independently
- attend the course regularly and the pupil's behaviour and conduct must be satisfactory and in line with the institutions' own policies for behaviour and attendance
- have considered alternative travel arrangements with a view to their longer-term needs.

As well as one of the below:

- the pupil has an Education Health and Care Plan
- there has been a significant change in the pupil's circumstances, or a significant deterioration in health condition affecting learning or mobility.

28. Personal Transport Budget

- 28.1 Up to date information on Personal Transport Budgets can be found via <http://localoffer.eastriding.gov.uk/education/education-providers/home-to-school-transport/personal-travel-budgets/>
- 28.2 Where a pupil has an identified eligibility to transport support under the provisions of the policy, the parent/carer may be considered for a personal transport budget. Approval of a personal transport budget is at the discretion of the Council.
- 28.3 Once a personal transport budget is accepted a parent accepts responsibility for providing or arranging the pupil's journeys between home and their education provider. Any failure to fulfil this responsibility cannot be used as a defence in association to any enforcement actions taken by the Council in relation to school attendance.
- 28.4 In determining whether to award a personal transport budget, key factors will be the specific needs of the child concerned and the relative costs to the Council of providing suitable transport for the child.

29. Travel on Contracted Vehicles

- 29.1 Passengers who are not entitled to free transport can apply to buy a spare seat on vehicles contracted by the Council for home to school transport on payment of an appropriate charge. For the 2021/22 academic year the contribution payment will be £540.

30. Withdrawal of Transport

- 30.1 Use of spare seats on contracted services by passengers who are not entitled to free transport can be withdrawn if the seat is required for a pupil entitled to transport under the other provisions of this policy. If transport is withdrawn in this way, the authority will give at least two weeks' notice. If this should be the case, any failure on the parents part to ensure their child can get to and from school, cannot be used as a defence in association to any enforcement actions taken by the Council in relation to school attendance.

31. Lost and Damaged Passes

- 31.1 A charge of £10 will be made if a replacement travel pass has to be issued because the original is lost or rendered unusable because it is damaged.

32. Behaviour on Buses

- 32.1 In the interests of safety, it is important that all passengers comply with the standards of behaviour set out in the Council's Code of Conduct or in any scheme used by the Council to promote good behaviour, such as Buswise. If the behaviour of a passenger is such that the safety and well-being of other passengers, the driver or other road users has been affected, that passenger will be denied access to transport.
- 32.2 If the Council deems that a pupil's behaviour is such that it cannot justify providing transport, the responsibility for transporting the pupil to school will rest with the parents. Any failure to fulfil this responsibility cannot be used as a defence in association to any enforcement actions taken by the Council in relation to school attendance.

33. Exceptional Circumstances

- 33.1 The Director of Children, Families and School, or a nominated officer, may authorise the provision of home to school or college transport in circumstances where they consider the applicant has shown that there are exceptional circumstances. The Director can agree to the Council meeting the full costs of transport or paying towards part of the costs. Each case will be dealt with on its own merits.
- 33.2 Post-16 pupils must show that they have applied for, and been refused, assistance from their establishment to have their exceptional circumstances considered under this policy provision.

34. Appeals

- 34.1 If an applicant is refused home-to-school or college transport support, or the support offered is in their view insufficient or inappropriate, they may challenge the decision
- 34.2 Before proceeding to a formal appeal, applicants must have first made an application to the Director of Children Families and Schools under the provisions relating to exceptional circumstances above in section 32.
- 34.3 Should the Director, or their nominated officer, have refused the applicants' request for transport for their child, under Section 32 as above, the applicant may appeal if they believe that there are good reasons why the Council should make an exception in their case.
- 34.4 Applicants must set out their full reasons for the appeal and show that there are reasons why the Council should give transport outside the current parameters of this policy.
- 34.5 All appeals are considered by the Council's Education Appeals Committee and administered by the Council's Legal and Democratic Services Team, who will liaise with applicants regarding the appeal and the outcome.

TRANSPORT SUPPORT FOR PUPILS POST-19 YEARS OF AGE

35. Assessment

- 35.1 Transport provision for young adult learners will be provided following application to Adult Services
- 35.2 Application forms will be available from the East Riding of Yorkshire Council website on the Adult Services section via the following link (link to follow)
- 35.3 Enquiries regarding the eligibility of young adult learners to transport support should be made through East Riding of Yorkshire Council on 01482 393939 and will be handled by the Futures Plus Team or via email futuresplusduty@eastriding.gov.uk
- 35.4 Assessment will be completed by the Futures Plus Team using the below eligibility criteria

36 Eligibility

- 36.1 Young adult learners aged 19-25 with an Education Health and Care plan, learning difficulty or disability attending a qualifying education establishment for a course that they started after their 19th birthday
- 36.2 In determining whether it is necessary for the Council to provide transport, the Council will also consider on an individual basis why it is necessary for the Council and not the pupil, family or establishment to make travel arrangements.
- 36.3 In order to assess eligibility the below information will be considered:
- Whether the institution attended is the nearest appropriate educational establishment offering a suitable course, on a full-time basis (i.e. a minimum of 16 hours of guided learning across at least three days a week)
 - What other arrangements have been considered or tried and why they are not suitable, e.g. independent travel training
 - What funding is available for transport from the institution that the young adult learner is attending, there would be an expectation that the pupil has actively applied for that funding
 - What other funds the young adult learner can access; there would be an expectation that the pupil has actively applied for that funding
 - If the young adult learner is in receipt of the higher rate mobility component of the Personal Independence Payment, this would be taken into account as a means of securing independent travel assistance. For example, the Council has exercised its discretionary powers to extend the Post-16 contributory scheme to Post-19 pupils.
 - If consideration has been given to the use of an available 'Motability' vehicle and if there is a family member / carer who is willing to transport the pupil.

Evidence of the above will be requested as part of the assessment process

37. Exceptional Circumstances

- 37.1 Young adult learners aged 19-25 with an Education Health and Care plan, learning difficulty or disability, attending a qualifying education establishment for a course that started after their 19th birthday will be assessed in accordance with the Post-16 Transport Policy Statement 2021-22.

38. Appeals

- 38.1 If an application is not successful, applicants have a right to appeal. This must be submitted within 20 working days of receiving notification of the decision and should be sent to

Futures Plus Team
East Riding of Yorkshire Council
Council Offices
Main Road
Skirlaugh
HU11 5HN

The stage one appeal will be reviewed by the manager of the Futures Plus Team and must provide the reasons for appeal including any new evidence that the applicant wants to be considered. The team aims to respond within 20 working days.

If the appeal is not successful, applicants can submit a final appeal that will be considered by the Adult Services Manager. Final appeals must be submitted within 20 working days of the date of the stage one decision. This appeal must provide the reasons for challenging the stage one decision and may include new documentary evidence. The service manager aims to respond within 20 working days.

- 38.2 Parents/carers can complain to the Local Government and Social Care Ombudsman only if they consider that:
- there was a failure to comply with the procedural rules
 - if there are any other irregularities in the way the appeal has been handled.