

**HOME TO SCHOOL/COLLEGE  
Travel assistance policy**

**December  
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## HOME TO SCHOOL/COLLEGE TRANSPORT POLICY

### Introduction

This policy applies to the provision of transport to and from:

Schools maintained by Cambridgeshire County Council (the Council), the Local Children's Services Authority.

Other state-funded schools, including Academies, Free Schools, Studio Schools and University Technical Colleges (UTCs) in the area in which Cambridgeshire County Council is the Local Children's Services Authority.

Independent special schools where these are named in a child's statement of special educational need and disability (SEND) or their Education, Health and Care Plan (EHC).

Sixth form and further education colleges which were previously maintained by the Council.

Schools maintained by other local authorities where Cambridgeshire has determined these as the *designated schools* (see the Glossary) for the pupils concerned.

Sixth form and further education colleges which were previously maintained by other local authorities where Cambridgeshire has determined these as the nearest appropriate post-16 centres for the students concerned (see Appendix A).

It:

sets out the criteria against which children and young people's entitlement to free and subsidised transport will be determined; and

sets out the process for reviews and appeals against those decisions.

### Discretionary exceptions

The Council reserves the right to make exceptions to the policy in circumstances where the Executive Director of Children, Families and Adult Services (CFA) considers it reasonable to do so and where it would be in the best interests of the child or young person concerned. Such exceptions are normally limited to those children/students attending their designated school.

## **Section A: Provision of Transport for pupils of statutory school age (those aged 5-16)**

- 1.0** The Council will provide free transport for a child if:
- (a) he or she lives within the area where Cambridgeshire is the Local Children's Services Authority; and
  - (b) the child is at least in the school year in which he/she will attain his/her fifth birthday; and
  - (c) he or she is registered at the school *designated* (see Glossary page 30 for definition) by the Council and this is not within the statutory walking distance of the child/young person's home (i.e. two miles for pupils aged (5-8)<sup>1</sup> and three miles for pupils aged (8-16) measured by the *shortest available route*<sup>2</sup> to the *nearest entrance to the school*; and
  - (d) the journey each way (excluding the time taken to get to the designated pick-up point or waiting time for a connecting service), can be achieved in 45 minutes for children of primary school age or 75 minutes for young people of secondary school age.
- 1.1** Where parents insist on a child attending a school to which the journey time exceeds these limits, the Council will not be responsible for making, or meeting the cost of, their travel arrangements.
- 1.2** The maximum distance under which children will be expected to make their own way, accompanied by an adult as necessary, to a pick-up point will be half a mile for children of primary school age and one mile for young people of secondary school age.
- 1.3** When travel assistance takes the form of a bus or taxi service organised by the Council, one return journey at fixed times will normally be provided, timed so that children/young people arrive at school well in advance of registration and/or the start of the official school teaching day, and are collected within 20 minutes of the end of the school teaching day. Travel assistance will not be made available to enable a child/young person to attend a before and after school clubs.
- 1.4** Where parents express a preference for their child to attend a school that is not the school designated by the Council and a place is offered to them at that school they will be responsible for making and funding the daily transport arrangements to and from that school.

## **2. Transport Arrangements**

- 2.1** Where a child/young person is entitled to transport, the Council will deem their home address to be that used by the parents when applying for the

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<sup>1</sup> The Council currently uses its discretionary powers under Section 508C of the Act to apply a two mile 'walking distance' for children up to the point at which they transfer to secondary school at age 11.

<sup>2</sup> The Council determines the *distance from home to school* by measuring the *shortest available walking route* using a digital system which ensures a high degree of accuracy.

child/young person's place at school.

In cases where a child/young person spends part of the week or regularly resides at a different address, for example where their parents are separated, the Council **will not** provide assistance with transport to and from that alternative address. In addition, the Council **will not** authorise the collection or return of a child/young person to a different address during the week **unless** it has reached a prior agreement with the parents and there is no additional cost to the Council. A bus pass will only be issued against one home to school journey.

**2.2** Parents are responsible for ensuring their children get to and from the designated pick up and drop off point for the vehicle and remain responsible for them until they board the vehicle on their way to school or once they leave the vehicle at the end of their return journey. Once on school premises the school becomes responsible for the supervision of the child/young person.

**2.3** The Council is unable to guarantee that pick up or drop off times will be compatible with any other arrangements made by parents.

**3.0 The Council will not provide or fund additional transport in the following circumstances:**

The child/young person is not at the pick up point and ready to board the vehicle by the scheduled departure time.

For young people on work experience placements. It is the responsibility of the school/college to support students to find and be able to access a suitable work experience placement.

To support a pupil/student's attendance at school nor will it provide transport in cases where the pupil/student is required to remain at school because they have been placed in detention.

When the child/young person has a medical or dental appointment at a time when they would normally be travelling to or from school or during the school day. If a child/young person becomes ill during the course of the school day, the school will notify their parents and ask them to make arrangements to get their child home. In exceptional circumstances, the Council will liaise with the school/college to ensure suitable arrangements are put in place.

When a child/young person is required to attend a court hearing.

When a child/young person has been issued with a fixed term exclusion.

#### **4.0 Provision of transport for pupils of secondary school age living in low-income families**

**4.1** In line with the requirements of the Education Act 2006, the Council will provide free transport for all young people of secondary school age living in low income families **if** they are eligible for free school meals, or their parents are in receipt of their maximum level of Working Tax Credit<sup>3</sup>, to:

one of their three nearest qualifying schools where they live more than two miles, but not more than six miles from that school and the nearest suitable school preferred on grounds of religion or belief, where they live more than two miles, but not more than 15 miles from that school.

Copies of original documentation will be required to determine eligibility.

**4.2** Timing of assessment of eligibility will be considered as the point when school places are allocated.

Once eligibility has been confirmed, the young person will be entitled to free transport for the entirety of the school year for which the assessment has been made. For each subsequent year while the young person is of statutory school age, the Council will make a new assessment of eligibility on receipt of the child/young person's application for transport. If they continue to meet the qualifying criteria, free transport will be provided.

#### **4.3 Children unable to walk to school because of the nature of the route**

In cases where the distance between the child/young person's home and their designated school is less than the qualifying walking distance of 2 or 3 miles depending upon their age **and** the Council has assessed the route along which they would have to travel as one which they could not use to walk to and from that school accompanied by an adult as necessary, free transport will be provided by the Council. The criteria used by the Council in making an assessment of the availability of a route are set out in **Appendix D**.

The Council undertakes a rolling programme of route reviews and will give notice to parents of its intention to withdraw free transport in cases where a route has been assessed as meeting its criteria as one available to a child/young person to use to walk to school accompanied by an adult as necessary and offer a right of appeal to a Service Appeals Committee. Further details of the appeals process are provided in **Appendix B**.

#### **5.0 Children of disabled parents/carers**

**5.1** In cases where the distance between child/young person's home and their designated school is less than the qualifying walking distance of 2 or 3 miles depending upon their age **and** either one or both of their parents has a

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<sup>3</sup> These are statutory eligibility criteria.

disability as defined by s6 Equality Act 2010, that adversely affects their ability to accompany their child to and from school, the Council has a duty to make reasonable adjustments (as defined by s20 of the Equality Act 2010) i.e. ensuring suitable arrangements are in place to enable the child to get to and from school and that they are not disadvantaged in any way.

- 5.2** In order to assess whether such adjustment is necessary the child/young person's parents **must** provide the Council with documentation in respect of the nature of their disability and supporting evidence to demonstrate why they are unable to accompany the child to and from their designated school. In addition, the Council **will require** written confirmation from the parents/carers' GP or relevant consultant.
- 5.3** The Council reserves the right to seek a further independent assessment from an occupational health officer or medical professional.
- 5.4** Where it is confirmed that an adjustment needs to be made, where possible, a walking escort will be provided. Where such an arrangement cannot be put in place, a pass for use on a contract bus service will be provided.

## **6.0 Fair Access Protocol**

- 6.1** The purpose of the Council's Fair Access Protocol is to ensure access to education is secured as quickly as possible for children who have no school place. Where a child is admitted to a school under this Protocol following a managed move or permanent exclusion, the Council will provide free transport according to the criteria set out in Sections 1a to d above i.e. where the distance involved between home and designated school is beyond the statutory walking distance or where the Council has deemed the route to the school to be unavailable for a child to use to walk to school, accompanied by an adult as necessary.

## **7.0 Transport for pupils whose families move into temporary accommodation**

- 7.1** In recognition of the disruption which can arise when a family finds it necessary to move into temporary accommodation with little or no prior notice due to circumstances beyond their control for example, as a result of domestic violence, the Council will consider requests for transport assistance on a case-by-case basis, provided the temporary home is in Cambridgeshire. Account will be taken of:

whether there is a risk that the child/young person will be taken into care/accommodated by the Council;

whether the child/young person is entitled to free school meals; whether the child/young person or family is already known to and is receiving support from the Council, for example through the Together for Families initiative;

whether the child/young person is attending their designated school;

the child/young person's age and the length of time they have been enrolled at their current school;  
the distance from the temporary home to the child/young person's school;  
the nature of the route the child/young person would have to use get to and from the school; and  
the anticipated length of stay in the temporary accommodation.

**7.2** If the Council agrees to provide transport assistance, this will usually be for a **maximum** of six teaching weeks/half a term (whichever is the longer). After that time, the Council expects the parents to make and fund their own transport arrangements or apply for a place in a school local to the new address.

## **8.0 Transport for pupils who have reached the statutory school leaving age of 16 by the time they start Year 11**

**8.1** In cases where the young person has reached the age of 16 (the statutory school leaving age) before they start Year 11 (the final year of statutory education), for example as a result of time lost due to illness, or where a decision was made earlier in their education to delay their transfer from one year group to the next, free transport will be provided to enable them to complete their statutory education provided they meet the eligibility criteria for transport set out in Section 1.

## **9.0 Transport on medical grounds**

**9.1** If a child/young person has a diagnosed long-term medical condition which prevents them from either from walking to and from school or from accessing the type of free transport provided by the Council (usually a place on a contract or service bus) the Council will consider requests for transport assistance on a case-by-case basis **provided that:**

They are attending their designated school **and** the child/young person's consultant/GP provides the Council with written confirmation and supporting evidence that transport is **essential** on medical grounds to enable them to get to and from school.

**9.2** In cases where a child/young person who qualifies for free transport has a short-term medical need which prevents them from accessing the type of transport provided by the Council (usually a place on a contract or service bus), the Council will consider requests for alternative, temporary transport arrangements to get them to and from school on a case-by-case basis.

**9.3** In cases where a child/young person who **does not** qualify for free transport on grounds of distance and attendance at their designated school, has a short-term medical need, their parents are responsible for getting them to and from school.

## **10.0 Transport for children/young people with a Statement of Special Educational Needs and Disability (SEND) / Education, Health and Care (EHC) Plan up to the age of 16**

- 10.1** Most children/young people with Statements of SEND and EHC Plans do not require special transport arrangements. Wherever possible and appropriate, the child/young person with SEN should be treated in the same way as those without i.e. in general they should walk to school, travel on a public bus or rail service or a contract bus service or be taken by their parents. They should develop independent travel skills which should be assessed at each Annual Review.
- 10.2** The majority of children/young people of statutory school age (5-16) who have a statement of SEN will attend their designated mainstream school.
- 10.3** Only if, as detailed in their Statement of Special Educational Needs (SSEN) / EHC Plan, a child/young person has a special educational need or disability which **ordinarily** prevents them from either walking to and from school or accessing a public bus or rail service or contract bus service, will they will be eligible for free transport.

If parents decide to send their child to a school other than their designated school and a place would have been available for them at that school, the Council **will not** provide or fund transport. The **only exception** to this will be where the Council is ordered to do so by the Special Educational Needs and Disability Tribunal (SENDIST). In these circumstances, the Council will provide the most cost effective option. This will include one of the following:

- i) Place on an existing route
- ii) New transport route
- iii) Parental mileage (remuneration for miles from home to school) at the approved Council rate. This will only be paid where there has been prior agreement between parents and the Council. Parents must provide a valid driving license, adequate insurance and a current MOT certificate for the vehicle they intend to use before they can be approved as eligible to be paid the approved mileage rate.

Payment should not result in parents and carers experiencing income tax liability, but they should confirm this with their tax office.

- 10.5** Children/young people will be transported to and from the designated pick up and drop off point to school and back at the end of the school day. The Council **will not** authorise the collection or return of a child/young person to a different pick up or drop off point during the week unless it has reached a prior agreement with the parents **and** there is no additional cost to the Council.

- 10.6** Parents are responsible for escorting their child/young person to and from the designated pick up and drop off point for the vehicle and remain responsible for their child until they board the vehicle on their way to school or once they leave the vehicle at the end of their return journey.
- 10.7** The Council is unable to guarantee pick up or drop off times will be compatible with any other arrangements made by parents. Where appropriate, depending upon the child/young person's particular needs or disabilities, on their arrival at school an escort will either take them into the building or hand them over personally to an identified member of staff. Once on school premises the school becomes responsible for the supervision of the pupils.
- 10.8** Parents are required to receive the child (**up to the age of 16**) on their return from school. For those **aged 16-25**, an agreement will be reached between their parents and the Council which takes into account the young person's age to mental capacity.
- 10.9** The Council aims to keep journeys to no more than 45 minutes for primary and 75 minutes for secondary age child/young person each way, wherever possible.
- 10.10** The Council **will not provide or fund transport** in the following circumstances:

The child/young person is not available to board the vehicle at the scheduled departure time.

For young people on work experience placements. It is the responsibility of the school/college to support students to find and be able to access a suitable work experience placement.

To support a pupil/student's attendance at school nor will it provide transport in cases where the pupil/student is required to remain at school because they have been placed in detention.

When the child/young person has a medical or dental appointment at a time when they would normally be travelling to or from school or during the school day. If a child/young person becomes ill during the course of the school day, the school will notify their parents and ask them to make arrangements to get their child home. In exceptional circumstances, the Council will liaise with the school/college to ensure suitable arrangements are put in place.

To support parents/carers attendance to and from Annual Reviews (ARs).

To enable a child/young person to attend a court hearing.

The child/young person has been subject to a fixed term exclusion from school.

**11.0 Specialist Independent provision for children and young people with a Statement of SEND/EHC Plan**

**11.1** Where a child/young person has been placed in a **specialist** out of county school by the Council it will ask the parents to transport the child/young person to and from school and reimburse them at the Council's approved rate per mile.

**11.2** The Council **will only** provide transport where the family has no access to a vehicle **or** where the parents/carers are unable to do so, for example, they do not drive.

**11.3** A written agreement between the Council and parents will identify the number of journeys for which the Council will reimburse the parents/carers at the approved rate per mile. This will vary dependent upon the nature of the residential placement i.e. weekly boarder/termly boarder.

**11.4** The Council will fund a maximum number of journeys per academic year as set out below:

For weekly residential placements - 2 journeys per week

For termly residential placements - 8 journeys per term

For 52 week residential placements - 1 journey per month.

For children/young people in 52 week placements any additional journeys will be at their parents' expense or in discussion with social care.

**12. Passenger assistance for a child/young person with a statement of SEND/EHC Plan**

**12.1** A passenger assistant will be provided on Council-organised transport in the following circumstances:

The child/young person is aged five or under.

The child/young person has assessed communication difficulties that prevent them alerting the driver to a problem.

Where the child/young person has individual needs which, in the Council's risk assessment, require provision of a passenger assistant.

### **13. Review of arrangements**

- 13.1** As part of the annual review of the statement/EHC Plan process the travel arrangements for the individual will also be reviewed.
- 13.2** The nature of placements means that overall transport arrangements have to be flexible and take into account any new child/young person requiring transport during the course of the year. Frequent changes of operators are avoided wherever possible to ensure the child/young person benefits from consistency and parents will be given prior notification of any changes.

### **14.0 Transport for child/young person who are looked after by the Council (LAC)**

- 14.1** For the purposes of home to school transport, the policy for looked after child/young person (LAC) is the same as for those for whom the Council is not the corporate parent. However, in circumstances where a child/young person's foster placement is changed, the Council is sympathetic to the disruption this can cause and mindful of the fact that school placement may be the one point of continuity for them. Decisions regarding requests for free transport in such cases are based on the individual circumstances of the LAC, and take into account the child/young person's year group, the journey length and time as well as the cost.

### **15.0 Transport for children from Traveller families**

When making admissions decisions the Council will, wherever possible, endeavour to ensure that siblings are not separated. In such circumstances, where necessary, free transport will be provided for the children concerned if the school they are attending is their designated school and is beyond the walking distances set out in Section 1.

### **16.0 Nursery and Reception Pupils**

- 16.1** The Council **will only** provide transport for children attending a maintained nursery or nursery class or an early years setting run by a private, voluntary or independent provider if this is named in the child's statement of SEND/EHC Plan and without transport the child would be unable to access the education provision specified.
- 16.2** If children are attending a mainstream school part-time at the start of their Reception Year, the Council **will only** provide transport to school at the start of the school day and to return home at the end of the school day. Parents will be responsible for transporting their children to and from school at other times of the school day before they attend full-time.

## **17.0 Denominational Transport**

- 17.1** The Council **will only** provide free transport to young people of secondary school age living within the area where Cambridgeshire is the local Children's Services Authority to denominational schools in line with the statutory requirements set out in the Education Act 2006. They **must** either be eligible for free school meals, **or** their parents must be in receipt of their maximum level of Working Tax Credit **and** they must be attending their nearest school preferred on grounds of religion or belief **and** that school must be more than two miles, but less than 15 miles from their home, **and** existing transport can be used.
- 17.2** Original documentation is required as evidence of benefits.
- 17.3** Once eligibility has been confirmed, the young person will be entitled to free transport for the entirety of the school year for which the assessment has been made. In each subsequent year while they remain of statutory school age, the Council will make a new assessment of eligibility on receipt of the application for transport. If they continue to meet the qualifying criteria, free transport will be provided. In cases where circumstances have changed, for example, there are places available at a nearer school, the parents will either have to take on responsibility for transport to the existing school or move their child to a nearer school.
- 17.4** The Council will consider requests for assistance with transport costs for children travelling to non-denominational schools on a case-by-case basis where attendance at those schools enables the children to be educated in accordance with their parents' philosophical convictions. The onus will lie with the parents to demonstrate that their beliefs are genuinely held and are the real reasons for their school preference.

## SECTION B – TRANSPORT FOR POST-16 STUDENTS

Details of transport for post-16 students with SEND can be found in Section 19 below.

### 18.0 Raising the Participation Age

With effect from September 2015 all young people will be required to continue in learning or training until the end of the academic year in which they turn 18. This is known as Raising the Participation Age (RPA). The statutory school leaving age remains 16 as young people are not required to continue their education in school until they are 18. They have the following options available to them:

full time education, such as school, college or home education

apprenticeships, work-based learning

part-time education or training if they are employed, self-employed or volunteering for at least 20 hours a week

### 18.1 Support with Post-16 Transport Costs

For those young people who choose to undertake a **full-time** course of education (a minimum 15 taught hours per week) after the age of 16, the Council will provide **support with the cost of travel to enable them to undertake a course of study at the nearest appropriate** post-16 centre designated by the Council if they:

- (a) live within the area where Cambridgeshire is the Local Children's Services Authority; and
- (b) are under 19 or are on a course of further education which started before they reached the age of 19;
- (c) are resident at an address which is more than three miles from their nearest appropriate post-16 centre measured by the *shortest available walking route*; and
- (d) either they or their parents (if they are still living in the parental home) qualify for Income Support, Income-based Jobseeker's Allowance, Income Related Employment and Support Allowance, Support under Part VI of the Immigration & Asylum Act 1999, Guarantee element of State Pension Credit or holds the NHS Tax Credit Exemption Certificate.<sup>4</sup>

The support offered is in the form of a subsidised termly charge.

**18.2.1** Students who started a full-time post-16 course **before 1 September 2016** who satisfy the criteria in 18.2.1 will continue to be eligible for free transport

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<sup>4</sup> These eligibility criteria are based on local policy.

until they reach their age of 19 unless they change course, in which case, a re-assessment of their entitlement to free transport will be undertaken.

- 18.2.2** Students who started a full time post-16 course **before 1 September 2016** who satisfy criteria (a) to (c) in 18.2.1 will continue to be eligible for subsidised transport until they reach the age of 19 unless they change course, in which case, a re-assessment of their entitlement to financial support from the Council will be undertaken.
- 18.2.3** In all cases, copies of original documentation are required as evidence of entitlement to benefits.
- 18.3** Transport support is usually in the form of a bus pass on a public service or contract bus for a return journey to and from the designated pick up/drop off point to the young person's nearest appropriate post-16 centre at the beginning and end of each official school/college day during published term dates. Students are expected to make their own way to and from the designated pick up/drop off point.
- 18.5** Parents and students may also be able to purchase passes from bus operators at the same or lower cost than the subsidised rate charged by the Council and are advised to check with the bus operators first before applying to the Council.
- 18.6** The rates for subsidised transport are reviewed annually. The Council produces leaflets which it distributes to schools and colleges to explain the operation of the policy.
- 18.7** If a student has progressed through secondary school a year in advance of their chronological age i.e. is aged 15 when embarking upon a course of further education, the Council will consider them as if they had already reached the age of 16 years for the purposes of determining eligibility for transport support.
- 18.8** A post-16 student **may** also qualify for transport support to their nearest appropriate centre **if** they have a **diagnosed long-term medical condition** which:
- prevents them from walking to that centre if it is less than 3 miles from their home; **or**
  - walking to and from the designated pick up/drop off point; **or**
  - from accessing the type of free transport provided by the Council (usually a pass for a contract or service bus).
- Written confirmation from the student's Consultant/GP that transport is **essential** on medical grounds and the period for which is required before consideration will be given to such requests.
- 18.9** The Council expects single journey times (excluding the time the student takes to get to and from the designated pick up/drop off point and waiting time

between connections) to be reasonable i.e. achievable within a travelling time of 90 minutes.

- 18.10** The Council issues photo identification bus passes and operates a 'no pass, no travel' policy.
- 18.11** If a student loses their pass they must immediately inform the Council's Social Education Transport Team (SETT). If a student withdraws from their post-16 studies at any stage, they must return their pass immediately to SETT. If the pass is returned and received by SETT:
- i) before half term, a refund will be issued for the term in question and any subsequent terms for which payment has been made.
  - ii) after half term, no refund will be issued for the term in question. Payments for subsequent terms will be refunded.
- 18.12** If a student changes their post-16 course at any stage, they must submit a new transport application.
- 18.13** For appeals in relation to the provision of transport for post-16 students, see **Appendix B**.
- 18.14** If a post-16 student is looked after (LAC) by the Council they will be eligible for free transport to their nearest appropriate sixth form centre. Proof of LAC status will be required to determine eligibility.
- 18.15** International Baccalaureate

The Council will provide subsidised transport to the nearest centre which offers the International Baccalaureate (IB) if the student meets the criteria set out in paragraph 18.1 or 18.2.1 above **and** there is an existing transport route.

**19.0 Post-16 students (16-25) with Special Educational Needs, Learning Difficulties and/or Disabilities (SEND)**

- 19.1** Post-16 students will be expected to walk or use public transport to their educational provision unless they have a special educational need or disability which prevents them walking **or** accessing public transport (bus or train) **or** a bus service contracted by the Council.

NB All post-16 students may be eligible for subsidised transport to their nearest appropriate centre if they meet the general post-16 transport criteria (see Section 18). This does not relate to eligibility for SEN Transport.

- 19.2** For consideration of post-16 SEND transport assistance, a student must be unable to access public service transport (bus or train) **or** a bus service contracted by the Council **or** walk to school/college and must be enrolled on a full-time course either in school (mainstream or special) or college of further

education. This must be the nearest appropriate centre (NAC) to their home address offering an appropriate course for that student.

- 19.3** If these criteria are met they may be eligible for **subsidised** transport up to the age of 25.

The Council will levy a charge per student as a contribution towards the full cost of post 16 SEND transport provided by it. The rates of subsidised transport are reviewed annually. Students who meet the low income criteria set out in 18.2.1 will be entitled to free transport.

- 19.4** If the student is eligible for support with transport costs, the Council will **always** explore whether their parents should be asked to use their own transport and be remunerated for their fuel costs.

All claims for assistance need to be agreed in writing before transport commences and payment can be made. Where there is no parent/carer/family member who can transport the student, the Council will consider the provision of subsidised transport and apply the annual charge as a contribution to the cost of the transport as detailed above.

## **Section C: General Information**

### **20.0 Safety and well-being of children**

**20.1** In order to promote the safety of children on school transport, the Council undertakes the following:

(i) police vetting of:

a) drivers of all contracted vehicles used for school transport;

b) drivers of all vehicles used for SEND transport;

c) provision of passenger assistants for children and young people with SEND/ECH Plans where appropriate (see Section 12.1);

d) provision of passenger assistants for children and young people on mainstream transport (see Section 20.3)

(ii) the use of licensed vehicles only;

(iii) the provision of identity cards for non-Public Service Vehicle (PSV) drivers, through the licensing system;

(iv) safety checks on vehicles through the licensing process;

(v) written guidance for signature by drivers and passenger assistants of children and young people with SEND/EHCPlans, setting out what is expected of them;

(vi) provision and fitting of correct forms of restraint, including child seats, booster seats/cushions, depending on the age and height of the child, in accordance with child seat restraint legislation [The Motor Vehicles (Wearing of Seat Belts) (Amendment Regulations 2006)].

**20.1.1** In cases where a bus or taxi driver has concerns that there is no one to escort a child from the designated drop off point home or meet them at home (if the drop off point is their home address), the Council's advice is that they should to take the child/young person to the nearest Social Care office.

### **20.2 Seatbelts**

In accordance with legal requirements, the Council requires seatbelts to be provided in all coaches, minibuses and cars which are used on its home to school/college contracts. This is not the case on public service vehicles (buses and trains).

The Council requires vehicles used to transport children of primary school age and those children and young people with SEND/EHC Plans who have been assessed by the Council as not being able to travel on public service vehicles (buses and trains) to be fitted with seat belts.

Where seatbelts are provided children and young people are expected to wear them at all times when they are travelling.

**20.3** A passenger assistant will be provided in each of the following circumstances:

- (i) the vehicle is carrying more than 16 pupils **and** all the pupils are of primary school age; or
- (ii) a child/young person has a statement of SEND/ECH Plan that specifies that they require a passenger assistant; and

the driver of the vehicle sits in a cab or compartment separated from the passenger seating accommodation, which means that the driver cannot gain access from his/her seat without first leaving the vehicle; or

the driver of the vehicle does not have control of the vehicle doors from the seated driving position (i.e. the vehicle is not fitted with central locking); and/or

- (iii) in any other circumstances when the Executive Director of Children, Families and Adult Services deem it reasonable or appropriate.

**21.0 Bicycle allowance**

In cases where a child/young person has been assessed as meeting the criteria for either free or assisted travel, as an alternative to being issued with a bus pass, being transported by their parents (see Section 23) or by taxi, they can apply to receive a termly allowance use a bicycle to travel to and from school/college. Such allowances will only be payable where the equivalent savings are made on the cost of transport which would otherwise be provided by the Council.

Application details are available on the Council's website.

**22.0 Use of students' own transport**

Students who use their own motorised transport are not entitled to any financial support from the Council.

### **23.0 Provision of transport by parents for payment**

The Council may provide financial assistance to parents who use their own vehicle to transport their children to and from school. The circumstances where such financial assistance might be made are where:

- (a) children are eligible for free transport under this policy; and
- (b) the contractor is unable to provide transport at a lower cost.

Parents will be re-imbursed for four journeys between the designated home address and school each day at the Council's approved mileage rate. (This recognises that the parent is in fact making a total of two return journeys, one at the beginning and one at the end of the school day.) A digital mapping system will be used to measure the closest available route by road to the nearest school entrance from the child/young person's home address will be used distance.

## **24.0 Spare seats for non-eligible passengers**

**24.1** At the Council's discretion, spare seats on contract buses provided under the terms of the Council's policy to enable children entitled to free or subsidised transport to attend their designated school **may** be available for purchase for non-entitled children, i.e. those:

- (i) who live within walking distance of their school; or
- (ii) whose parents have expressed a preference for the school in question and this is not their designated school.

Bus passes will only be issued on receipt of the appropriate contribution from the parents.

Rates charged are reviewed annually and published in April for the following academic year. Applications **may only** be submitted from the start of the half-term holiday which immediately precedes the term for which the spare seat is being sought.

**24.2** It is a condition of acceptance of any offer to purchase a spare seat from the Council that parents confirm their understanding and acknowledge that:

- (a) availability of seats will vary term-by-term;
- (b) availability of seats can only be guaranteed for the term for which payment has been accepted and a bus pass issued;
- (c) changes may need to be made to transport arrangements at short notice;
- (d) seats are offered on a first come/first served basis;
- (e) they and their children must abide by the Council's Code of Conduct for Home to School/College Travel
- (f) the Council is under no obligation to offer spare seats for purchase.

## **25.0 Behaviour on school transport**

The Council has a published Code of Conduct which applies to all children/young people regardless of their mode of travel to school. They are expected to behave appropriately in accordance with the Code.

The Code is available to download from the Council's website **[www.cambridgeshire.gov.uk](http://www.cambridgeshire.gov.uk)** and copies are available in all schools.

Children/young people travelling to school/college by service or contract vehicle using a pass supplied by the Council who misbehave, cause damage or injury either to the vehicle or other passengers, can expect to have their pass withdrawn either temporarily or permanently by the Executive Director: Children, Families and Adults Services.

Once a pass is withdrawn, the parents of the child/young person concerned will be responsible for ensuring that they are able to attend school regardless of the grounds on which they qualified for transport. There is no right of appeal against a transport ban.

## **26.0 Bus passes**

- 26.1** Transport assistance is generally provided through the issuing of passes on contract or public service buses.
- 26.2** Passes will be issued on the basis of the parents/carers' home address given on the application form for admission to school.
- 26.3** Entitlement to travel will be withdrawn if the child/young person subsequently moves to a new address where he/she is no longer eligible for assistance or where it is apparent that the parents have provided fraudulent or misleading information. In such circumstances, passes must be returned to the Social Education Transport Team (SETT) without delay.
- 26.4** If a child/young person loses his/her bus pass they must immediately inform SETT and the relevant member of staff at their school. A charge will be made for a replacement pass unless it has been stolen in which case, a police crime number is required for the pass to be replaced free of charge.

## **27.0 Travelling expenses**

The Council **will not** consider any claim for payment of travelling expenses, **unless** it has agreed to do so in writing in advance.

## **28.0 Respite care**

Transport to enable children/young people deemed eligible for respite care such as that organised by Social Care Services, health and voluntary agencies will only be provided if this has been approved by the appropriate fund holder.

## **29.0 Rail and alternative transport**

Where there is a choice of travel and entitled students find using the more expensive method (usually rail) more convenient, the Council will purchase season tickets providing the parents are prepared to pay the difference in cost between the more expensive method and the alternative, cheaper transport option offered by the Council.

## **30.0 Work experience and Work-based Learning**

The Council does not make transport arrangements or provide financial support to meet the costs incurred by students for travel to and from work experience placements or for those undertaking work-based learning.

### **31.0 Educational visits/school trips**

If a school is making arrangements for an educational visit or school trip which includes the need for special or adapted transport for a child/young person with physical needs, the school will need to meet the costs from its own resources.

### **32.0 Disability training**

In accordance with Government guidance, the Council is active in ensuring that drivers and passenger assistants who take children/young people to and from school have undertaken disability equality training in order for them to be able to recognise, support, manage and communicate appropriately with all those who have disabilities irrespective of the nature of that disability.

### **30.0 Transport provided in error**

Where free or subsidised transport has been provided in error, the Council will continue to provide this until the end of the term in which the error was identified in order to allow for alternative arrangements to be put in place by the parents concerned.

## **Appendix A**

### **Criteria for nearest appropriate post-16 centre**

The nearest appropriate post-16 centre is the school or college that:

- (i) regardless of county boundaries, is nearest to the student's designated home; and/or
- (ii) where appropriate, named by the Council for the student's designated home address; and
- (iii) offers the main essentials of the course required by the student, both in terms of type and level with regard to higher education and/or career outcomes.

The non-availability, for example, of a particular subject mix, or a particular range of module options will not normally be considered grounds for approval of assistance with transport to a more distant centre.

The Council will seek advice from independent careers guidance professionals as necessary to help determine students' eligibility for assistance with transport costs.

## **Appendix B**

### **Home to School Transport Appeals Process**

A two stage home school transport review/appeals process is available for parents who wish to challenge a decision about:

Their child's eligibility for free or subsidised transport

The distance measurement

The availability of the route unless the Council has undertaken a review of that route and the parents have been notified in writing that the Council has assessed the route as meeting its criteria as an available route and that it intends to withdraw free transport as a result. In such cases, appeals against such decisions move straight to Stage Two of the process set out below.

There is no right of appeal against a ban where the Executive Director: Children, Families and Adults Services has withdrawn a child's pass either temporarily or permanently on the grounds of unacceptable behaviour (see Section 22).

#### **Stage one:**

Parents have 20 working days from receipt of the Council's decision to submit a written request asking for a review of that decision.

The written request should detail why the parents believe the decision should be reviewed and give details of any personal and/or family circumstances they believe should be considered when the decision is reviewed.

A senior officer with the Council will review the original request/application within 20 working days of receipt of the parents' written request and write to the parents to inform them of:

- 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 escalation to Stage Two (if appropriate).

#### **Stage two:**

Parents have 20 working days from receipt of the Council's Stage One decision to make a written request to escalate the matter to Stage Two.

Within 40 working days a Service Appeals Committee (SAC) comprising three County Councillors who have received appropriate training considers written and verbal representations from the parents and Council officers and reaches

a decision on the case.

If the appeal is unsuccessful and the parents consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal was handled, they can lodge a complaint with to the Local Government Ombudsman.

If the parents consider the SAC's decision to be flawed on public law grounds, they can apply for judicial review.

A further appeal **will only** be considered if there has been a clear change of circumstances, for example, a change of school or address. A change of year group alone would not constitute a change of circumstances.

Please note:

If a child is under 16 years of age, the right of appeal can only be exercised by a parent.

If a child is 16 or 17 years old, the parent or the young person can exercise the right of appeal.

If a child is 18 years old, only the young person has the right of appeal.

## Appendix C

### The Legal Framework

The legal parameters relating to home to school/college transport for children and young people of statutory school age are set out in Sections 508, 509 and schedule 35B of the 1996 Education Act as amended by the Education and Inspections Act 2006.

Sections 509(1) and (2) place a duty upon local authorities to provide free transport where necessary to facilitate the attendance of children and students at schools and institutions both within and outside of the further and higher education sectors.

Section 509(3) allows local authorities to pay the whole or any part of reasonable travelling expenses when not making provision under 509(2) above.

Section 509(4) requires local authorities to take certain factors into account including the child's age, the nature of possible routes and parental wishes for the provision of education at a school or institution in which the religious education is that of the religion or denomination to which his/her parent adheres.

Section 509AD defines the duty placed on local authorities to have regard to religion and belief in exercising their school travel functions. They are required to provide free transport to the nearest secondary school preferred by reason of a parent's religion or belief between 2 and 15 miles from the child's home where the family meets the national low-income criteria.

In line with the requirements of the Act, the Council provides free transport for all young people of secondary school age (11-16) living in low income families **if** they are eligible for free school meals, or their parents are in receipt of their maximum level of Working Tax Credit<sup>4</sup>, to:

one of their three nearest qualifying schools where they live more than two miles, but not more than six miles from that school and the nearest suitable school preferred on grounds of religion or belief, where they live more than two miles, but not more than 15 miles from that school.

The Act requires authorities to make arrangements to assist students with transport costs, as appropriate, who are enrolled on a full-time post-16/FE course of study, which started before they reached the age of 19. For students with disabilities and/or learning difficulties, assistance must be provided up to the age of 21, as a minimum. It does not prescribe what those arrangements might involve. It is therefore, for the Council to decide whether transport needs to be provided and under which circumstances assistance with travel should be available.

The law states that in providing transport, local authorities must make no less favourable arrangements for students attending a further education sector institution

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<sup>4</sup> These are statutory eligibility criteria.

or a higher education institution maintained or assisted by the Council than at a maintained or state-funded school (be it a community, voluntary aided, foundation school or academy, including free schools and University Technical Colleges).

The law also stipulates that if the Skills Funding Agency (SFA) has secured for a student a placement for education or training at an institution outside the further and higher education sectors together with accommodation, the Council is under a duty to provide transport if it deems it necessary for facilitating the student's attendance at that institution.

Section 508A of the Act covers the duty upon local authorities to promote sustainable travel.

Section 508B of the Act deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for 'eligible children'. Section 35B of the Act defines 'eligible children' – those categories of children in a Council's area for whom travel arrangements will always be required. A condition of each category is that they are of statutory school age. Under Section 508B, every feature of these arrangements must be provided free of charge.

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

Statutory walking distance is defined in Section 444(5) of the Act as either two miles (if the child is under 8 years of age) or three miles (if the child is aged 8 to 16 years old).

The Council has used its discretionary powers under Section 508C of the Act to apply a two mile 'walking distance' for children up to the point at which they transfer to secondary school at age 11.

### The Equality Act 2010

S149 Equality Act 2010 ('The Act') places a duty on local authorities to promote equality of opportunity for disabled people and to eliminate discrimination. As such the Council has a duty to ensure that its policies, practices, procedures and services do not discriminate against disabled people.

Section 6 of The Act defines disability and section 20 defines the duty to make reasonable adjustments so that disabled people are not discriminated against.

The Council is under a legal duty to publish a policy that reflects these provisions and to comply with the requirements of the Public Sector Equality Duty.

## **Appendix D**

The Council's process for assessing the availability of walking routes for children/young people aged 5-16.

### **Distances**

Primary-aged pupils – Under two miles.

Secondary-aged pupils – Under three miles.

### **Walking Route assessment**

Any assessment, gap analysis and where appropriate risk assessment and subsequent judgement on whether a route is an available walking route that it is, one 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. (Essex County Council vs Rogers 1986.)

It is assumed that all road users will behave reasonably and responsibly.

### **Assessment of available Walking Route process**

The Council will conduct a detailed assessment of the walking route informed by Best Practice Guidance issued by the Royal Society for the Prevention of Accidents (ROSPA).

The assessment will take place during the time of day pupils would be expected to walk to and from school.

The aim of the walking route assessment is to determine if it is an available walking route when applying the Council's criteria, specifically whether a child/young person can walk in reasonable safety accompanied by an adult as necessary.

The assessor will take the following factors into consideration:

Whether public footpaths, ones normally made up with a hard surface e.g. tarmac or gravel are available for use along the route.

Whether those public footpaths are totally separated from roads e.g. kerb, white line or grassed area.

The presence of stepping off points along the route which can be used as refuges e.g. grassed area or verges.

The volume, speed and type of traffic.

Areas of footpath which are overgrown or hedges/trees which restrict the footpath width.

Sharp bends with a high hedgerow or bank, or overhanging trees or branches that might obscure fields of vision for the pedestrian or motorist.

Accident record of the route – specifically, child related injuries which have occurred during the school term and during the hours which children would be walking to/from school.

### **Vehicle Gap Analysis**

In cases where the route involves the need to cross one or more roads and where the assessor considers it appropriate, a vehicle gap analysis will be conducted on the busiest road to cross. This will involve a one hour vehicle and pedestrian count conducted during the time of day when pupils would be expected to cross the road to/from school. Once completed the data from the peak thirty minute period when children would be crossing the road would then be used to determine if the road was acceptable or unacceptable for a pedestrian to cross without undue delay (four gaps in traffic flows in a five minute period are deemed to allow sufficient time to cross the road). This process has been used by the School Crossing Patrol (SCP) Service nationally and is in accordance with ROSPA Management of the SCP Service Best Practice 2008.

### **Risk Assessment of Walking Route.**

Where the assessor deems that the route meets the Council's criteria as one which is available for a child/young person to use to walk to school accompanied by an adult as necessary, in reasonable safety, it will commission a separate risk assessment of the route.

Where the assessor deems that the route does not meet the Council's criteria due to specific hazards, a separate risk assessment may also be conducted to identify if control measures could be put in place which would then enable the route to re-assessed.

### **Acceptable hazards**

The following are examples of potential hazards which the Council considers to be acceptable to an accompanied child/young person. The presence of an adult would be a control measure making these examples of reasonable risk:

Moral danger e.g. Lonely routes.

Unmanned level crossings.

Roads to be crossed

Availability of street lighting.

Ditches, rivers or canals running along part or the whole of the walking route.

## GLOSSARY

<b>Academy</b>	An independent state-funded school run by a trust. The trust or local governing board are responsible for admissions to the school. The definition of academy includes free schools and University Technical Colleges.
<b>Catchment area</b>	A defined geographical area surrounding a school from which it will usually take the majority of its pupils/students.
<b>Catchment school</b>	The local school within a defined geographical area described as the catchment, (see above), recognised by the Council for meeting its statutory obligations for home to school transport. This is without prejudice to any catchment area that may be determined by an own admission authority school within its admission arrangements.
<b>Community school</b>	A school maintained by the Council where the Council is responsible for employing the staff and for the admission arrangements.
<b>Designated school</b>	<p>Each home address within Cambridgeshire will have a catchment school and/or a school which is the closest school to that address. In the majority of cases, the catchment and closest school are the same school. In cases where it is not, the designated school is whichever of the two schools the child attends.</p> <p>In addition, the designated school may also be determined following the allocation of a school place for a child. On receipt of an application requesting admission to a school the Council will, where they are able to, offer a place at the highest preference school that has a place available. In cases where this is neither the catchment school, nor the closest school to the home address, transport <b>will not</b> be provided.</p> <p>Only where a parent has applied for, and been refused a place at both the catchment school, and, (where applicable) nearest school will transport be provided to an alternative school if that school is beyond the walking distances specified in this policy or the route to access</p>

that school has been deemed by the Council to be unavailable for a child/young person to use accompanied by an adult as necessary. This alternative school will then become the designated school for the child concerned.

In determining which school becomes the designated school, the individual circumstances of each case will be considered as well as; which is the next nearest school with a place available, which given the age of the child can be accessed using existing transport/route, or using the easiest travel route at the lowest cost.

In addition to the above conditions, there are two occasions when a designated school may also not be the catchment school, or the closest school, for a child;

The school is specified in the child's statement of special educational need (SEND)/Education Health Care Plan whilst the child remains at that school; and

where a school is identified under appendices 4, 5 and 10 of the In-Year Fair Access Protocol whilst the child remains at that school.

**Distance from home to school**

The distance from the entrance to the child's home to the nearest recognised entrance of the school via the shortest available walking route.

**Foundation school**

A school which is funded and maintained by the Council, but where the governing body is responsible for admissions to the school and employment of the staff.

**Low income**

The eligibility criteria for subsidised or free transport on grounds of low income vary depending on whether they are statutory or discretionary.

**Maintained schools**

All schools funded and maintained by the Council (this includes community, foundation, voluntary controlled and voluntary aided schools).

<b>Parent</b>	A person who is the child's natural parent or, is not the natural parent but has parental responsibility for the child, or who has care of the child.
<b>Public examination courses</b>	GCSEs, AS levels, A levels, NVQs, BTec First/National Diplomas.
<b>Religion or belief</b>	The main indication of what constitutes a 'religion' is that it must have a clear structure and belief system. 'Belief' is defined as 'a religious or philosophical belief' and equates to 'conviction'. Based on European case law, it has to be more than an opinion or idea. A belief must be genuinely held and the parents bear a heavy burden of showing that it is the real reason for their action/preference.
<b>SETT</b>	The Council's Social Education Transport Team which organises transport for those who are entitled under the Council's Home to School/College Transport Policy.
<b>Shortest available walking route</b>	Route along which a child may walk, without trespass, with reasonable safety, accompanied by an adult as necessary (see Appendix D)
<b>Voluntary aided School</b>	A school set up and owned by a voluntary body, usually a church body, largely financed by the Council but run by the school's governing body.
<b>Voluntary controlled School</b>	A school maintained and funded by the Council but with links to the foundation which originally established the school. The constitution will normally have representatives of the foundation on the governing body.
<b>Walking distance</b>	Defined as either two miles for children of primary school age or three miles for children of secondary school age as measured by the nearest available walking route.

**Contact Information:**

See the Council's website at: [www.cambridgeshire.gov.uk](http://www.cambridgeshire.gov.uk)

For transport queries, email: [edtransport@cambridgeshire.gov.uk](mailto:edtransport@cambridgeshire.gov.uk)

or telephone 0345 045 5208 (Monday to Friday 8am to 6pm, Saturday 9am to 1pm)

For post-16 education transport eligibility queries, see the website at:

[www.cambridgeshire.gov.uk/post16edtransport](http://www.cambridgeshire.gov.uk/post16edtransport)

or email: [post16transport@cambridgeshire.gov.uk](mailto:post16transport@cambridgeshire.gov.uk)