

# **WOKINGHAM BOROUGH COUNCIL**

## **POLICY FOR HOME TO SCHOOL**

### **TRANSPORT**

Revised February 2015

Revised July 2020 to comply with statutory national home to school travel guidance regarding 2nd stage appeals.

## Contents

INTRODUCTION.....	3
HOME TO SCHOOL TRANSPORT – GENERAL ENTITLEMENT .....	3
HOME TO SCHOOL TRANSPORT – LOWER INCOME FAMILIES .....	4
PARENTAL PREFERENCE.....	4
ALTERNATIVE SCHOOLS WHEN PREFERENCES CANNOT BE MET .....	5
ASSESSMENT OF TRANSPORT ENTITLEMENT .....	5
DISTANCES .....	5
SAFE WALKING DISTANCE / ROUTES .....	5
CHILDREN WITHIN WALKING DISTANCE UNABLE TO WALK TO SCHOOL.....	5
SHORT TERM MEDICAL CONDITIONS.....	6
TRANSPORT ARRANGEMENTS .....	6
BEHAVIOUR.....	6
CHANGE OF ADDRESS .....	6
DENOMINATIONAL SCHOOLS .....	7
SAFETY OF ROUTE .....	7
FAREPAYING TRANSPORT .....	7
POST-SIXTEEN TRANSPORT .....	7
RISING 5's.....	7
SIBLINGS.....	7
EXCLUDED PUPILS .....	7
PUPILS EDUCATED OTHER THAN AT SCHOOL.....	8
WHEN TRANSPORT IS NOT PROVIDED.....	8
HOME TO SCHOOL TRANSPORT - FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS .....	8
PARENTAL PREFERENCE, SEN STATEMENTS .....	8
FAREPAYING/DISCRETIONARY TRANSPORT.....	9
TRANSPORT APPEALS PROCEDURE.....	9
PROCEDURES AND SERVICE STANDARDS .....	10
COMPLAINTS PROCEDURE.....	10

## INTRODUCTION

In general, it is the responsibility of parents to ensure that their children regularly attend school. This includes making any necessary travel arrangements except in certain circumstances where there is a duty on the local authority to do so.

In those cases where Wokingham Borough Council has a duty to make transport arrangements to enable children resident in the Borough to attend school, any transport arrangement will be free of charge. The Council also has discretion to make transport arrangements, to subsidise travel costs, and to make appropriate charges, in other circumstances.

In all cases, the Council will aim to make safe, reliable and suitable travel arrangements which meet the needs of children and their families, balanced with the need to make efficient use of its resources.

Where the Council does provide transport, parents still retain responsibility for their child's regular attendance (for example, good timekeeping and behaviour in order to be able to travel on a school bus route).

Any duty to make transport arrangements or to meet travel costs is normally the responsibility of the local authority in whose area a child mainly lives (or, in the case of looked-after children, the local authority responsible for placing them in care).

## HOME TO SCHOOL TRANSPORT – GENERAL ENTITLEMENT

Wokingham Unitary has a duty to provide transport as set out below. Note that this duty relates to transport at the beginning and end of the statutory school day, and does not extend to travel within the school day or to attend extension activities before or after school.

Under the Education Act 1996 Section 508B:

Transport will be provided for '**eligible children**' attending a '**qualifying school**'.

*Eligible children*<sup>1</sup> means –

- Pupils under the age of eight and of statutory school age who attend and live more than 2 miles from a qualifying school, by the shortest safe walking route.
- Pupils aged eight and up to sixteen (school leaving age) who attend and live more than three miles from a qualifying school, by the shortest safe walking route.
- Pupils who attend a qualifying school where there is no safe walking route from home to school.

*Qualifying school* means the nearest available and suitable school, or a designated school for admissions purposes. '*Nearest*' is determined by straight line distance; '*Available*' means a place at this school would have been available to be allocated, had this been stated as a higher preference. The local authority is entitled to determine which schools are '*suitable*'. This will normally include all Community, Voluntary Controlled and Voluntary Aided Schools, and Academies, unless a child has a statement of special needs which specifies a requirement for a specialist setting. 3

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<sup>1</sup> The definition of 'eligible children' is based on that set out in Schedule 35B of the Education and Inspections Act 2006

Any reference to schools includes schools in other local authority areas but does not include independent (fee-paying) schools (except in the case of approved independent special schools – see section on children with statements of special education need)

*Safe Walking distance* – see separate section for fuller explanation

For children resident in **areas that have more than one designated school**, any of the designated schools will be considered to be a *qualifying school* for transport assistance, even if it is not the nearest one. However, this will not apply where one of the designated schools was available and lies within safe walking distance of home, since providing transport assistance in those circumstances would not be compatible with the efficient use of public resources.

## **HOME TO SCHOOL TRANSPORT – LOWER INCOME FAMILIES**

Lower income families in this case are defined as

- (a) families whose children are entitled to free school meals, or
- (b) families in receipt of the maximum level of working tax credit.

For these families, the general entitlement to transport assistance is extended to include

- Pupils aged eight or over who attend school for primary education at their designated or nearest qualifying school and live more than two miles away by the shortest safe walking route.
- Pupils who attend one of their three nearest qualifying secondary schools and if they live between two and six miles from school.
- Pupils who attend the nearest suitable school on the basis of faith or belief if they live between two and fifteen miles from school.

Schools counted in these cases are those at which a place was or would have been available at the time of application. Publicly-funded Local Authority Maintained Schools and Academies are deemed to be suitable, qualifying schools, but not independent schools.

## **PARENTAL PREFERENCE**

In most cases parents are responsible for making arrangements for their child to get to school. The Local Authority will provide transport where it is necessary to do so in order for their child to attend a local school, as set out in law and explained in the previous sections of this policy.

Whilst it is a requirement that parental preference is respected wherever possible in allocating school places, this requirement does not extend to the provision of transport. Where parents<sup>2</sup> select alternative schools to their designated or nearest schools<sup>3</sup>, they accept responsibility for making their own transport arrangements for their children. Information about transport is published in the School Admissions Guides for parents. If transport costs are a significant factor in choosing schools, and it is not clear whether they would qualify for transport assistance to a particular school, further advice can be provided.

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<sup>2</sup> Parents, throughout this document, should be taken to include “corporate parents”, that is Local Authorities, including Wokingham, which have parental responsibilities for Looked After Children.

<sup>3</sup> nearest schools, in the case of lower income families – see earlier section of the policy.

## **ALTERNATIVE SCHOOLS WHEN PREFERENCES CANNOT BE MET**

Where parents have made an application for a place at their designated school but the local authority has been unable to meet this or any of their preferences, the local authority will allocate the most accessible school with available places. In such cases the school will be treated as a qualifying school for transport assistance, unless it is unnecessary because the school is within safe walking distance.

## **ASSESSMENT OF TRANSPORT ENTITLEMENT**

Assessment of entitlement is generally carried out at the time of entry to and transfer between schools. Entitlement will be determined on receipt of an application following the allocation and acceptance of offers of places at the school. Where granted, transport will normally apply for the whole of the school year of entry. Any entitlement to transport is subject to reassessment thereafter on an annual basis.

Changes to transport or school admissions policies that affect entitlement to free travel for future entry years to schools will not be applied retrospectively to the entitlement of existing pupils.

## **DISTANCES**

The nearest school (or three nearest secondary schools for lower income families) shall be determined in all cases by reference to radial (straight line) distance.

The two and three mile minimum distances are measured by the nearest available walking route and verified by the Council, or its agents, by appropriate means. These may include calculations using computer generated mapping systems. The stated distances are an exact measure and they cannot be considered as marginal. The Council may commission an independent assessment of the length and safety of a particular route, but will only do so at its discretion in exceptional cases.

The 'maximum' entitlement distances for lower income families, of six and fifteen miles, shall be measured as shortest available road route distances.

## **SAFE WALKING DISTANCE / ROUTES**

Routes are assessed to be safe using nationally recognized road safety guidelines<sup>4</sup>. Safe walking route means a route which is safe for the child to walk accompanied if necessary (appropriate to their age and nature of the route).

## **CHILDREN WITHIN WALKING DISTANCE UNABLE TO WALK TO SCHOOL**

Where due to any special educational need, disability, or mobility problem, a child is unable to walk to school, travel assistance will be considered.

Where due to disability, a child's parent(s) is/are not able to accompany them, and no alternative arrangements are able to be made, an assessment will be made as to whether in effect the child does not have access to a safe walking route to their designated or nearest school, and if so travel assistance will be considered.

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<sup>4</sup> Guidelines published by the Road Safety Officers Association

Such cases will be assessed on the basis of any available evidence provided in support of the application (Evidence from a doctor or other relevant professional will normally be required)

### **SHORT TERM MEDICAL CONDITIONS**

If a child suffers from a temporary physical or medical condition that means they are unable to walk to school or travel in their usual manner, then free school transport may be provided. Applications for transport on this basis must be supported by appropriate evidence from the medical profession.

This may include, but is not restricted to:

Letter from the child's GP and/or  
Letter from the child's consultant

If the child attends a school outside their designated area, parents will normally be required to pay the usual costs of transport as a contribution towards the Council's costs.

Transport provided on this basis will be reviewed every half term and may require submission of further evidence on completion of a review.

### **TRANSPORT ARRANGEMENTS**

Transport is arranged during the summer months for the start of the academic year. Parents are notified of the transport arrangements prior to the start of term.

Applications received during the academic year will be dealt with as quickly as possible with transport arrangements being confirmed within five working days.

When suitable public or commercial transport routes are available, pupils will be supplied with a pass or season ticket enabling them to travel. If such provision is not available, then transport may take the form of school transport contract coaches or minibuses arranged by the Council, or in exceptional circumstances, taxis may be used. Agreement may be sought with parents to pay mileage rate using their own vehicle where this option is available.

Transport is arranged based on the pupil's registered home address, but this may not necessarily be door to school gate. Pupils can be required to walk to and from a central pick up and/or drop off point. This will usually be within one mile walking distance from the child's home, and total walking distance will be within the statutory 2 or 3 mile walking distances explained elsewhere in this policy.

The Council will determine the means of travel assistance to be provided, to ensure the most efficient use of resources compatible with meeting children's travel needs.

### **BEHAVIOUR**

There are guidelines for parents and pupils with regard to travelling to and from school. These are distributed to parents when transport arrangements are confirmed. Steps to be taken when instances of bad behaviour occur are outlined in the guidelines. For pupils who continue to misbehave, transport may only be provided if the pupil is accompanied by an adult.

### **CHANGE OF ADDRESS**

In circumstances where there is a change of address for a pupil, so that their school is no longer a 'qualifying school' under the definitions set out within this policy, responsibility for the child's attendance and any transport arrangements is assumed by the parents.

## **DENOMINATIONAL SCHOOLS**

The Council's Executive, at its meeting on 31<sup>st</sup> July 2003 agreed to end discretionary denominational transport for all new applicants.

This does not affect the statutory entitlement for lower income families to receive transport support for a child attending a secondary school chosen on grounds of faith or belief (see the section on entitlement for lower income families for full details).

## **SAFETY OF ROUTE**

Within the terms of Sections 444 (4) and (5) of the Education Act 1996 a parent cannot be charged with failing to secure regular attendance of registered pupils if the nearest available walking route is unsafe. If the safety of a walking route is challenged then an assessment of the safety of the route is made by a Road Safety Officer, following the guidelines of the Road Safety Officers Association on Safety of Journeys between Home and School on the basis of pupils being accompanied by an adult as necessary.

If transport is provided on the grounds of safety of route then this entitlement will be routinely reviewed every two years during the Summer Term and parents will be notified of the outcome prior to the end of the academic year with regard to transport provision for the following academic year. If a safe walking route is identified then transport provision will be withdrawn. If during the two years between reviews a safe walking route is identified, then parents will be given one term's notice of termination of transport provision.

## **FAREPAYING TRANSPORT**

If a pupil does not receive free transport provision a farepaying seat may be purchased on an existing contract vehicle subject to certain conditions. If the seat is required at any time in the future by an entitled pupil then the parents of the farepaying child must make alternative arrangements. Farepaying provision is not made if there is public transport operating the same route.

## **POST-SIXTEEN TRANSPORT**

Home to school transport will be provided up to school leaving age (to the end of the school year concerned). A separate policy is published on the Council's arrangements to support post-16 travel.

## **RISING 5's**

Transport will be provided for pupils below statutory school age but admitted in accordance with published admissions policies for the purposes of primary education at qualifying schools and who meet the entitlement criteria for transport assistance.

Transport will not be considered for other children registered for pre-school early years education and childcare at a school, including integrated foundation units.

## **SIBLINGS**

The provision of transport for an older sibling does not create any precedent for younger siblings, as each application will be considered afresh on its own merits, and there may have been material change in circumstances from one application to another.

## **EXCLUDED PUPILS**

Where a pupil has been permanently excluded and is to attend a new school through the reintegration or managed move protocols, transport will be provided within 5 working days of

receipt of the request to whichever school the child is directed. This is subject to the general entitlement criteria (safe walking distance) and the application must be supported by the relevant Service Manager.

This is without prejudice to the general entitlement to transport assistance to qualifying schools set out elsewhere in this policy.

Where the child is reintegrated into a school of the parent's preference, or through an in-year admission application to transfer schools, requests for transport will be assessed against the general entitlement criteria.

See also the next section.

## **PUPILS EDUCATED OTHER THAN AT SCHOOL**

Pupils attending sessions organized through Foundry College may receive free transport provision the home to learn journey is beyond safe walking distance, or on a discretionary basis. Any such transport will be organised through the College.

Where the local authority is asked to arrange transport, requests will considered if they are made in writing by the Head of the College (or a manager to whom the Head has formally delegated this authority).

## **WHEN TRANSPORT IS NOT PROVIDED**

Transport is not currently provided for the following:

- After school/breakfast clubs or other extended day activities.
- Other than to and from the registered home address
- To work experience
- To part-time provision off the school site organised by the school, e.g. to vocational classes at college
- Movement between educational establishments

## **HOME TO SCHOOL TRANSPORT - FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS**

**A statement of special educational needs does not automatically lead to free transport provision from home to school. Transport applications will be assessed on the basis of the general entitlement criteria set out in this policy, unless they have additional identified travel needs.**

Special education transport entitlement is based on the child's individual needs. If a child's needs are such that transport is not necessary then the mainstream distance criteria applies – transport is provided if the pupil attends their designated or nearest suitable school and lives more than 3 miles (2 miles if under eight) from the school.

Transport arrangements will be made for children living within the statutory walking distance limits who cannot be expected to walk because of their special educational needs, a disability or a mobility problem. In such cases this should be through reference to travel needs recorded in part 5 or 6 of the child's Statement of Special Needs. Travel needs should be reassessed as part of the annual review process.

## **PARENTAL PREFERENCE, SEN STATEMENTS**

A parent whose has exercised their preference for their child to attend a school that is further away from the child's home than another school that, in the authority's view, would be

suitable to meet the child's special educational needs, is responsible for arranging and funding the transport to that school. Where the local authority agrees to meet parental preference in naming such a school on a child's Special Needs Statement, it may do so on condition that the parent takes responsibility for any transport arrangements.

### **FAREPAYING/DISCRETIONARY TRANSPORT**

If a pupil does not receive free transport provision a fare paying seat may be purchased on an existing vehicle, subject to certain conditions. If the seat is required at any time in the future by an entitled pupil then the parents of the fare paying child must make alternative arrangements.

This option is available on school routes for any registered pupils, including students above statutory school age attending sixth form.

The availability of this facility on any particular route is at the local authority's discretion.

### **TRANSPORT APPEALS PROCEDURE**

Where an application for transport assistance has been made and has been rejected, the parent will be written to with an explanation of the decision. The letter will advise the parent of their right to have this decision reviewed. *In such cases the following procedure will apply from May 2012 onwards:*

***First Stage*** – *Appeal forms are initially reviewed by a panel of three Officers.*

***Second Stage*** – *Formal Transport Appeal Hearing heard by School Transport Appeals Panel. The quorum for a Panel hearing is three elected members appointed to the Panel.*

Officers will be bound to the decision of the Transport Appeals Panel. However, as with all transport assistance, this may be subject to review in the light of any material change in circumstances. Further appeals are not allowed within the same academic year, and may only be made in subsequent years if there is a substantial change in circumstances to consider.

All appeals are administered by :

Democratic Services  
Wokingham Borough Council  
Shute End  
Wokingham RG40 1WQ

Telephone 0118 974 6319

Email [democratic.services@wokingham.gov.uk](mailto:democratic.services@wokingham.gov.uk)

If a parent feels that their transport application or appeal have not been administered fairly or correctly, they can complain to the Local Government Ombudsman. The Ombudsman can be contacted at:

Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

Helpline: 0300 061 0614.

Further information can be found at: [www.lgo.org.uk](http://www.lgo.org.uk)

## **PROCEDURES AND SERVICE STANDARDS**

Detailed procedures for assessing and authorising transport for relevant mainstream and special education settings, and agreed service standards for the provision of transport, are to be set out in separate documentation and kept under regular review.

## **COMPLAINTS PROCEDURE**

Complaints about transport provision will be investigated in accordance with the Council's Complaints Policy. This does not apply to complaints about a refusal to grant transport, which will be dealt with through the Transport Appeals procedure.