

School Transport Policy for pupils aged 4 to 16 years

Effective from September 2016

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1. Introduction

Parents and carers have a duty to ensure that their children attend school and to make the necessary transport arrangements, including accompanying them where necessary on their journey to and from school. Parents and carers are responsible for their children until they are received onto the school premises and after they leave the school premises at the end of the school day.

The city council has a duty to transport eligible pupils from home (or a suitable pick up point) to their appropriate educational placement to allow attendance during normal school hours.

Peterborough City Council will exercise its responsibilities as a corporate parent for those children who are in its care and provide transport in accordance with this approved policy and procedures.

This policy has been updated to reflect the latest guidance in the following documents:

- Home to School Travel and Transport Guidance – Department for Education and Skills (2007) <https://www.education.gov.uk/publications/standard/publicationdetail/page1/DFES-00373-2007>
- The city council's Medium Term Financial Plan (February 2011) <http://www.peterborough.gov.uk/pdf/Councilanddemocracy-ourfinances-statementofaccounts-mediumtermfinancialplan2010-2011-2014-2015.pdf>
- Peterborough's Long Term Transport Strategy (LTTS) (2011 to 2026) <http://www.peterborough.gov.uk/pdf/traffic-strategic-transportpolicy-ltp3-Section7.pdf>
- Peterborough Local Transport Plan 3 (LTP3) (2011 to 2016) – especially:
 - Section 15: Dependencies
 - Section 16. Key Riskshttp://www.peterborough.gov.uk/traffic,_travel_and_parking/strategies,_policies_and_plans/transport_planning/ltp3/ltp3_doc.aspx
- Dept of Education: A guide to the law for school governors: Home to school travel and transport www.education.gov.uk/schools/leadership/governance/guidetothelaw
- Education Act 1996 <http://www.legislation.gov.uk/ukpga/1996/56/section/509A>
- Education and Inspections Act 2006: Section 77 <http://www.legislation.gov.uk/ukpga/2006/40/section/77>

Please note:

This policy is written and prepared based on information available at the time and in good faith. There may be other factors (e.g. new legislation) which may be introduced after the writing and publication of this policy which the city council is not currently aware of, are out of its control and which may influence and affect future policy statements.

2. Vision

Underpinning the priorities of Peterborough's LTTS and LTP3 (as above), the city council will encourage children to walk, cycle, or travel by bus to school for their health, educational, and social development. The city council aims to reduce the number of school journeys by car which add to traffic congestion, pollution, and danger for those children who do walk or cycle to school. The city council will do this by implementing smarter choices measures (as detailed in the LTP3) and therefore increasing the use of sustainable travel.

3. Entitlement for transport for pupils aged 4 to 16 at mainstream schools

This policy applies to all schools maintained by the city council, including Community, Voluntary Aided, Foundation schools and Academies. This is in line with central government guidelines - Home to School Travel and Transport Guidance (section 47 - Statutory Walking Distance) Department for Education and Skills (2007)

<https://www.education.gov.uk/publications/standard/publicationdetail/page1/DFES-00373-2007>

3.1 Primary

The city council will provide free transport for a pupil if they live within the boundaries of Peterborough Unitary Authority (i.e. the family's council tax is paid to the city council) and the nearest suitable school at which the pupil is registered is not within walking distance of home measured by the shortest walking route, being:

- More than two miles for primary pupils up to and including year 3 (age 8) and
- Three miles for primary pupils in years 4, 5 and 6 (ages 8 to 11)

Primary school children from low income families* qualify for free school transport if they:

- Are aged 8 to 11 years
- Go to their nearest suitable school, and live more than two miles away from school

* For the definition of low income families see section 3.6 and Appendix 2.2

3.2 Secondary

The city council will provide free transport for a pupil if they live within the boundaries of Peterborough Unitary Authority (the family's council tax is paid to the city council) and meet **one** of the following criteria:

- The nearest suitable school at which the pupil is registered is not within walking distance of the pupils home, i.e. more than three miles for secondary pupils measured by the shortest available walking route
- Where the pupil lives further than the maximum distances referred to above and is registered at the designated school (as designated by the city council for transport purposes) measured by the shortest available walking route
- where the school attended is not the nearest suitable school or the designated school (as designated by the city council for transport purposes) for the pupil's home address, and is further than the qualifying walking distances, and the Admissions Team can confirm that at the time of transferring to the school there were no available places at the designated school or at any school nearer to the pupil's home.

Secondary-aged pupils from low income families* qualify for free school transport if they:

- Attend a school between two and six miles (measured by the shortest available walking route) and there are not three or more suitable nearer schools.
- Attend the nearest school chosen on the grounds of religion or belief, and the school is between three and fifteen miles away from their home address.

* For the definition of low income families see section 3.6 and Appendix 2.2

Important points to note in addition to the above:

- Assistance with transport will only be given to and from the nearest pick-up point for public or other transport; it is not to be assumed that 'home to school' necessarily means door to door (unless the child is not capable of getting to the nearest pick-up point)
- A parent or carer is responsible for ensuring their child's safety to a bus pick-up point including the crossing of any roads
- The maximum distance pupils will be expected to make their own way to a pick-up point is one mile, unless determined otherwise by Children's Services
- Wherever possible, transport assistance is provided through the issuing of a bus pass for use on public transport or other contracted route

- The normal arrangements for transport provide for a return journey to and from school at the beginning and end of each statutory school day (see below). For journeys on public transport, there may be a restriction on the hours of use of the tickets issued
- If a child eligible for transport lives half the week with one parent and half with the other, the city council may provide transport from/to both home addresses. If one of the home addresses is situated in such a place that means there is no entitlement to transport then there is no duty for the city council to make arrangements to or from that home address
- If the custody of the child is not equally shared by both parents, entitlement will be assessed according to the permanent residential address where child benefit is claimed
- If transport is provided because the pupil was 'directed' to a school because no places were available at a school closer to the home address and then a place is offered at a preferred school; transport will be withdrawn if that place is refused.
- If transport is awarded because of a 'direction', the pupils name will be added to the catchment school waiting list, even if that school was not listed as a preference. If an offer of a place at the catchment school is refused, transport will be withdrawn (Primary only).

3.3 Statutory school days and standard school times

Statutory school days (normally 190 days per annum) do not include any additional learning provision provided during school holidays.

Standard school times do not include extra curricula activities before or after the normal school day, e.g. the provision of breakfast clubs, additional learning provision, early starts or late finishes for school trips or after school clubs or societies.

3.4 Parental choice

Where parents choose to send their child to a school which is neither the nearest suitable school to the family home nor the designated school, parents are responsible for home to school transport arrangements including the costs.

This includes pupils whose parents or carers have agreed to transfer to another school for specific courses, e.g. Football CV Academy at Nene Park

3.5 Permanent family move, continuity of education (Years 10 and 11 only)

Where families permanently relocate, free transport or assistance with transport costs will be provided from the new home (parental or foster) to the existing school if the pupil meets **all** of the following criteria on the date of the family relocation:

- The pupil is undertaking public examination courses in Years 10 and 11
- The pupil or the family have not elected or chosen to move, but have been moved by another agency (e.g. housing association), because of circumstances beyond their control
- The new home is within the city council boundary
- That the pupil and their family have moved to their new home after the first term where the pupil is in Year 10
- The new home to school distance is greater than three miles, and the journey on existing transport does not exceed 75 minutes each way.

Please note: this provision will only be made until the end of the course (end of year 11) and does not apply for those electing to continue to study at the school for Years 12 and 13.

3.6. Low income families

Primary school pupils (aged 8 to 11 years) from low income families qualify for free home to school transport if they go to their nearest suitable school and live more than two miles away from school.

Secondary school pupils (aged 11 to 16 years) from low income families are entitled to free home to school transport if they:

- Attend a school between two and six miles (measured by the shortest available walking route) and there are not three or more suitable nearer schools, or
- The nearest school chosen on the grounds of religion or belief is between three and fifteen miles away from their home address

3.7. Children of disabled parents

In some circumstances, the city council will provide transport support where a parent or carer is unable to accompany their child to school because of their disability. Applications should be made to the Children's Services Admissions and Transport Team. Decisions will be made on an individual basis by the medical panel of representatives from within the city council and the health authority as appropriate (see section 20).

3.8 Denominational transport

From January 2013 all existing denominational transport will be ceased. Parents will be required to make arrangements for their children to reach the following denominational schools:

- Sacred Heart Roman Catholic Primary School, Bretton,
- St Thomas More Catholic Primary School, Park Lane, Eastfield
- The King's School (The Cathedral School), Park Road
- St John Fisher Catholic High School, Park Lane, Eastfield

However, pupils aged 11 and over (attending the relevant faith secondary schools) whose families are deemed low income families* may still qualify for support under the provision within this transport policy

* For the definition of low income families see section 3.6 and Appendix 2.2.

4. Discretionary seats for non-eligible pupils

In certain cases, pupils who are not eligible for assistance with travel under the terms of this policy as stated above, may be able to purchase a spare seat on existing transport services contracted by the city council only (i.e. **not** on public transport). These arrangements can only be agreed when advanced payment is received on a termly or half termly basis. Seats are **not** available on transport provided by public transport operators. A parental contribution will be required, which is subject to annual review.

Passes for discretionary 'spare seat' transport are issued - subject to availability - strictly on a 'first come, first served' basis, and the city council cannot guarantee to give advance warning if seats are no longer available at the start of each term.

The issue of a bus pass for a term or half term does not guarantee the issue of subsequent passes.

It is the responsibility of the pupil's parent or carer to remember to pay in advance each term for discretionary passes.

Applications may take up to ten working days to process and pupils may not board the bus until the pass is received.

Discretionary transport is not available on all transport services contracted by the city council.

The route and timetable of an existing transport contract will not be adapted to accommodate any applications for discretionary transport.

The city council may alter, withdraw or amalgamate a transport service at short notice without reference to the pupils travelling on that service who have discretionary passes. Under these circumstances the city council will not provide alternative transport for pupils who are not eligible for transport assistance.

The offer of a seat may be withdrawn in the event of any serious misbehaviour on the part of the pupil concerned (see section 12).

5. Pupils who have been permanently excluded or are at risk of exclusion: Mainstream

5.1 Fair Access Protocol

In accordance with the Fair Access Protocol and only where a pupil has been permanently excluded from school or is at risk of exclusion, council officers will liaise with the pupil's parents in making transport arrangements for continuing the pupil's education.

Transport arrangements for pupils placed under this protocol will fall under the provision for 'exceptional circumstances' which allows the city council some discretion in the provision of transport.

The city council officers will ensure that they consider a school or educational provision, where a place is available, which is closer to the pupil's home, since the city council will not normally pay for transport to a more distant school. However, the identified schools or educational provision may not be the nearest establishment in all cases.

5.2 Pupils attending a Pupil Referral Unit (PRU)

If, as part of the assessment process a pupil is placed at a PRU, transport to the relevant PRU **may** be considered. If transport is to be provided it will be on the understanding that:

- Assistance with transport will only be given to and from the nearest pick-up point for public or other transport; it is not to be assumed that 'home to school' necessarily means door to door (unless the child is not capable of getting to the nearest pick-up point)
- A parent or carer is responsible for ensuring their child's safety to a bus pick-up point including the crossing of any roads
- The maximum distance pupils will be expected to make their own way to a pick-up point is one mile, unless determined otherwise by Children's Services
- Wherever possible, transport assistance is provided through the issuing of a bus pass for use on public transport or other contracted route
- The normal arrangements for transport provide for a return journey to and from school at the beginning and end of each school day. For journeys on public transport, there may be a restriction on the hours of use of the tickets issued

6. Pupils in difficulty within school: Mainstream

In exceptional circumstances, and subject always to prior discussion and agreement with the head teacher and the relevant officer within Children's Services, transport to an alternative school or educational provision **may** be provided. This very limited discretion will only be exercised where it is clear that:

- All reasonable efforts to resolve the difficulty within school have been exhausted
- Parents are in full support of the move
- Transfer of school or educational provision is clearly in the best interest of the pupil concerned, and the pupil is not responsible, to a significant extent, for the difficulties being experienced.

7. Emergency circumstances: Mainstream

The city council recognises that exceptional emergency situations may arise that are not covered by this policy. These will be reviewed on receipt of an application detailing all aspects of the emergency and the relevant officer will make the decision whether or not to grant home to school transport.

8. Pupils with special educational needs (SEN)

8.1 General statement

Some pupils have complex and profound needs that can only be met by attending a Special School or Enhanced Resource Placement (ERP). Only the following groups of pupils may be considered for the cost of transport from the Additional Learning Needs transport budget:

- Pupils with a Statement of Special Educational Needs (SEN)
- Pupils attending an Enhanced Resource or Autism Unit
- Pupils undergoing assessment in a Special School
- MENA pupils undergoing assessment.

Please note: not all children with SEN statements require special transport arrangements. Pupils with a SEN statement should be transported to school in a manner that assists their readiness to engage in learning on their arrival at school and ensures both their comfort and safety.

Wherever possible children with SEN statements should be treated in the same way as those pupils who do not; i.e. they should, if possible, consider walking, cycling or travelling on public transport to school. They should also be encouraged to develop independent travel skills which should be assessed as part of the annual review process.

The city council has a duty to transport eligible pupils from home to their appropriate educational placement to allow attendance during normal school hours.

The city council will review the possibility of engaging independent travel training support for pupils through 'Invest to Save' schemes. This would benefit those pupils by enabling them to travel independently from home to school or college which would give them the confidence in future to travel independently. It could also help provide, in the longer term, cost savings for the city council with reduced outgoings.

Transport by taxi will only be permitted where it can be clearly demonstrated that the pupil cannot walk or cycle to school or travel by public transport. To ensure all pupils who receive transport meet the criteria and that the most appropriate mode of transport is arranged, a transport review form must be completed by a school on every occasion where a child has an annual review, or when a child transfers to a new school, or is new to the Peterborough area.

The provision of transport, once agreed, will be written into Part 6 of the pupil's Statement. The provision is then subject to annual review alongside all other elements of provision in the Statement. The transport review form must be posted or given to the SEN Transport Manager or given to the SEN Officer if in attendance at the review.

Transport will **not** be provided for:

- Parents or children to attend extra school activities e.g. school plays, sports days or parent evenings
- Children to attend doctor or dental appointments, as these should be arranged out of school hours
- Pupils to attend breakfast clubs or out of school activities

Transport **may** be provided to take children to or from an immediate family member, childminder or after school club provided all of the following conditions are met:

- That the childminder is officially registered as a childminder
- That the childminder possesses current Criminal Records Bureau (CRB) clearance
- That no additional cost will be incurred by the city council in diverting the taxi to or from alternative family member, the childminder or the after school club
- That the diversion of the transport to the alternative family member, childminder or after school club does not impact on the journey time of other travelling pupils by more than 15 minutes per single journey and as long as the total journey time does not exceed 45 minutes.

Parents are responsible for providing evidence of childminder registration and CRB accreditation which must be sent to the SEN Transport Officer. Transport will not be approved until evidence of childminder registration and CRB accreditation is received.

Where a child is being returned to the family home and an immediate family member will not be available to take responsibility for the child then the family should send a letter to the SEN Transport Officer giving authorisation for a neighbour or friend to receive the child.

If a pupil had a statement of SEN up to the age of 16, they are classed as de-statemented if they elect to attend a Further Education college. If they previously received transport assistance in their statement it **may** be possible for transport to continue to be provided to the nearest appropriate centre. An application should be made to the SEN Transport Officer, Children's Services, Peterborough City Council, Bayard Place, Peterborough PE1 1FB.

8.2 SEN pre-school pupils

Where a pre-school pupil has a Statement of SEN, the pupil's Assessment and Review Officer will identify the nearest most appropriate educational provision to meet the pupil's needs. Transport will only be provided to that provision or the nearest suitable alternative provision where the nearest suitable provision has no places available. Transport to provision not meeting the criteria above will not be provided by the city council.

Transport to pre-school placements for pupils without a Statement of SEN will not be funded by the Additional Learning Needs Team.

8.3 SEN pupils attending out of city placements

Parents or carers are responsible for the transport and costs for visits to prospective schools. In exceptional circumstances it may be necessary to place pupils with complex and severe needs in out-of-city schools or residential care homes, either maintained by another local authority or independent or non-maintained special schools. These circumstances would occur where appropriate provision to meet the needs of a pupil as specified in their Statement of Special Educational Needs is not available within the city council area. Such pupils are eligible for transport funded by the city council with travelling arrangements which will minimise the length of journey time as much as possible. However, shared transport may be applicable.

8.4 SEN day placements

The maximum recommended journey time for day attendance at school is 45 minutes each way for primary school age pupils and 1 hour 15 minutes each way for secondary school age pupils.

8.5 SEN weekly boarding placements

Transport will be provided to take pupils to school on a Sunday evening, or Monday morning, as directed by the school and to collect pupils to take them home at the end of the designated school week or earlier as directed by the school for planned or unplanned early closures.

In addition transport **may** be authorised for the pupil to attend a specialist hospital appointment which cannot be dealt with at a hospital local to the pupil's residential school or care home.

8.6 SEN termly residential placements

Transport will be provided at the start and end of each term, and at other school closure times, i.e. half term breaks or approved closure weekends.

In addition, transport **may** be authorised for the pupil to return home at non-statutory times to allow them to attend a specialist hospital appointment which cannot be dealt with at a hospital local to the pupil's residential school or care home.

8.7 SEN permanent residential placements

Where a pupil has been placed in a 52 week residential school or care home, transport will be authorised for a parent or carer of the pupil to visit the pupil at the placement, provided the parent or carer has custodial rights over the child. The city council transport provision is restricted to one visit per term.

8.8 SEN pupils educated at alternative educational placements

8.8.1 Pupils remaining on a school roll

A school may find on occasions that they are not able to provide the full curriculum timetable and make arrangements with another service provider to provide alternative education.

Where this occurs the school arranging the alternative education provision will be responsible for the payment of any associated transport costs for the pupil to attend that provision.

Where this is a city council led decision, the transport will be funded by the city council.

8.8.2 Pupils attending a Pupil Referral Unit or alternative out of school provision

Where pupils are placed in a PRU or alternative out of school provision having been removed from a school roll they will be assessed for eligibility for home to school transport by the SEN Transport Officer.

8.9 Looked after children (LAC) with statements of SEN

For the purposes of the Home to School Transport the policy for 'looked after children' is the same as for pupils for whom the city council is not the Corporate Parent.

8.9.1 SEN pupils in foster care

The re-arrangement of transport for a pupil with a Statement of SEN will not normally be considered for pupils who are to remain at a foster address for less than six weeks. For the first six weeks of a new placement Children's Social Care will be required to fund the cost of any transport provision.

At the end of the six week period, The Additional Learning Needs Team will require written confirmation from Children's Social Care that the foster placement has lasted for six weeks and is expected to continue. The cost of transport will then revert back to the Additional Learning Needs Team budget.

The city council **may** provide transport for those pupils who attend schools in Peterborough, whose parents or carers reside in Peterborough, but who are fostered and therefore living temporarily within the boundaries of other local authorities.

8.9.2 SEN pupils in respite care

Enquiries for Respite Care Transport should be directed to the Children's Social Care Team to be assessed and reviewed on an individual basis.

8.10 Emergency transport provision

Occasions may occur where an emergency arises, and the provision of transport is required on a temporary basis for children with a Statement of SEN. Where transport is authorised, evidence of the emergency which necessitated the request must be submitted within 28 days of the incident occurring. Where this evidence is not provided the city council will seek to recover any costs incurred.

Emergency Transport will normally be approved for up to six weeks or half a term whichever is longer. Where this period is likely to be extended, cases will be considered by the city council on an individual basis for agreement on the length of extension. Evidence will be required to support applications to extend provision. After this period the parent has either to take over the responsibility for funding transport to the original school or to apply for a place in a school local to the new address.

Where the only appropriate school is the original designated school, transport will continue until the family returns to the original family home and while the pupil continues on roll at the designated school. Transport may be provided to an alternative family address in the following circumstances:

- Where a medical practitioner determines that a pupil cannot return to their normal residence owing to illness of the pupil or a family member at the residence and to do so would place the pupil at risk of infection.
- Where a competent person e.g. Social Worker or Emergency Services representative deems it unsafe to return the pupil to the recognised residence
- Emergency situations not covered above and in consultation with the pupils Assessment and Review Officer or Additional Learning Needs Manager

8.11 Pupils undergoing assessment in special schools

Where a pupil has been identified as having significant educational needs to the extent that a mainstream placement is unlikely to meet their needs, transport to attend a special school for an assessment of need will be considered even though the child does not have a Statement of SEN.

The assessment period should not exceed two terms by which time the assessment should have been completed and a decision on whether a Statement of SEN will be taken.

Transport to the appropriate school will then be considered under existing criteria

8.12 Pupils failing to travel on transport

When a pupil fails to utilise transport provision without justification for three consecutive days transport is to be suspended pending investigation as to cause by the pupil's SEN Transport Officer or Additional Learning Needs Manager. This will only be reinstated where an undertaking is given and the family makes an agreement with the SEN Officer that the pupil will use the transport provision in place in the future.

If the pupil then fails to use the transport again a decision may be made to suspend the provision for the remainder of that term at the discretion of the SEN Transport Officer in consultation with the Additional Learning Needs Manager.

Where this suspension is invoked it will be the parent's responsibility to transport the pupil to their educational placement.

8.13 Southfields Primary School Enhanced Resource Provision (ERP)

Pupils who are offered a place at the ERP based at Southfields Primary School may not have a statement of SEN. A place at the unit is offered by a multi-disciplinary panel, and transport will be provided for these pupils, until the end of the Key Stage, if they:

- Live more than two miles away for up to and including year 3 (age 8)
- Live more than three miles for years 4 to 6 (age 8 upwards)
- Are considered 'low income' families, are aged 8 to 11 and live more than two miles away

If a pupil moves out of the ERP into the main school, transport will continue to be provided until the end of the Key Stage.

8.14 Parental mileage allowance (see parental mileage 13.1)

Parents of pupils who have a statement of SEN and who are eligible for free transport under this policy may be eligible for financial assistance to transport their children themselves. This arrangement will not apply if a contractor is able to make transport provision at a lower cost.

9. Pupils with medical needs

9.1 Pupils with medical conditions

Pupils may be eligible for assistance with transport to their nearest, specialist or designated school in exceptional circumstances, e.g. where a medical condition seriously affects their ability to walk or cycle to school whilst the condition persists.

Applications should be made to the Admissions and Transport Team, Childrens Services. An assessment will be made by the Medical Hours Panel of Childrens Services. A consultant paediatrician, whose responsibility is to advise on need and level of transport assistance required, is a member of the panel.

Such assistance will be at the discretion of Children's Services and may also require further verification by the consultant looking after the pupil.

9.2 Pupils with sensory impairment

In exceptional circumstances, pupils with a sensory condition which requires particular specialist provision only available at specified schools within the city council area may be eligible for assistance with transport.

Such assistance is at the discretion of Children's Services and will require verification by the consultant looking after the pupil (if relevant) or the manager of the appropriate sensory service.

10. Provision for safety factors relating to a route: Mainstream and SEN

The maximum distance pupils will be expected to travel to make their own way to a pick-up point, will be one mile for primary and secondary pupils, unless determined otherwise by Children's Services.

Home to school distance is measured by the shortest, safe walking route from the gate or access to the pupil's home to the nearest gate or access to the school along which a child, accompanied as necessary, may walk or cycle with reasonable safety. The route may include footpaths, bridleways, bridges, under-passes, and any other pathways as well as recognised roads.

If a parent claims that the walking or cycling route to school is unsafe, an assessment of that route will be considered by the Passenger Transport Operations Team in association with the Network Management Team. Any safety assessments will be made with the assumption that pupils will be accompanied by a responsible adult. Reference will be also be made to the availability of public transport and safe cycling routes.

The following factors will be considered, but other factors will not be excluded if found pertinent to the assessment of the safety of the walking route:

- If a public footpath totally separated from roads is available, it must normally be made up with a hard all weather surface, i.e. tarmac, gravel etc. to be acceptable as a route
- The presence of suitable refuges adjacent to a road (e.g. a verge)
- The volume, speed and type of traffic
- Visibility, i.e. sharp bends with a high hedgerow or bank
- The accident record of the road during times of high usage by school pupils

The safety of a walking route may also be considered if the responsible adult available to accompany a pupil to school is registered disabled (see section 3.7). An adult's disability does

not automatically preclude the ability to accompany their child to school. The route will be assessed by the Passenger Transport Operations Team and, if necessary, with the advice of a professional working for one of the agencies representing people with the disability in question.

Entitlement to transport on safety grounds may be withdrawn immediately if there are changes to the nature, structure and alignment of the route to school, resulting in a route that is now deemed to be safe. For example, if an existing route, deemed unsafe due to the density of traffic, is bypassed resulting in a quantifiable change in the nature of the road hazards, transport may be withdrawn if a pupil lives less than the qualifying distances (see sections 3.1 and 3.2)

11. Provision following a school closure or reorganisation: Mainstream and SEN

The city council may use its discretion to provide transport assistance for pupils affected by a school closure or by a reorganisation of schools. Only pupils in attendance at a school affected at the time of closure or reorganisation who live within the catchment area for the school may, at the discretion of the Director of Children's Services, be provided with transport assistance to the new school for as long as they continue to live within the area of their previous school. The level of assistance will be determined by the Director of Children's Services during the review process and can be reviewed at any time.

12. Behaviour: Mainstream and SEN

Occasions arise where the behaviour of pupils on home to school transport is not acceptable. Any pupil who misbehaves in a manner which causes offence to others is likely to have breached the behaviour guidelines.

A copy of The Student Behaviour Guidelines is sent to all parents along with the issue of a bus pass by the Passenger Transport Operations Team. This contains advice for the pupil and parents regarding pupil behaviour and any subsequent disciplinary action. Any reported breach of these guidelines will be investigated by the Passenger Transport Operations Team and, if upheld, disciplinary action including suspension or permanent exclusion will be imposed on any pupil involved.

In such situations, the parent or carer will be responsible for ensuring subsequent attendance at school and the costs of any transportation required. The decision whether to permanently withdraw transport will be made following consultation between the Passenger Transport Operations Team, the head teacher of the school, and Children's Services. .

13. Other travel assistance: Mainstream and SEN

When considering applications for assistance with transport the city council will take account of current transport provision, distance, journey times and the efficient use of resources.

13.1 Parental mileage

Where a family chooses to transport their child to and from school instead of using the designated transport, they may claim parental mileage only where it is more cost effective than any alternative transport available and a space is not left vacant on the designated transport for that school. The current rate for parental mileage is £0.40p per mile.

13.2 Cycle allowance

An allowance of £30 per term may be paid (at the discretion of the Director of Children's Services) to parents of secondary age pupils **who are entitled to free transport** but wish to cycle to school.

Such allowances will only be payable where the cost of transport would exceed the amount of the cycle allowance. Allowances will not be payable to pupils travelling on any other form of transport.

14. Passenger assistants (escorts): Mainstream and SEN

Passenger assistants (escorts) will only be provided if deemed necessary by the Director of Children's Services. Drivers and passenger assistants must be approved by the city council and have satisfactory Enhanced Criminal Records Disclosure. Approved drivers and passenger assistants will be issued with a photo-identity badge which they are required to have with them at all times whilst carrying out their professional duties. Consideration will be given to:

- The nature and length of the journey
- The pupil's special educational needs
- The age of the pupils using the transport
- The number of pupils using the transport
- Where there are more than sixteen pupils aged under seven years travelling together on a vehicle
- Looked after children with statements of SEN who are under the age of 10

15. Transport Monitoring: Mainstream and SEN

The city council has a duty to provide safe and non-stressful journeys to ensure pupils can gain maximum benefit from the education they receive at school or college. Transport services are monitored on a regular basis and also in response to any incidents which may occur. Action will be taken to ensure the safety of the pupils and to resolve any operational issues.

16. Travelling Time: Mainstream and SEN

The maximum journey times for day attendance at school for mainstream and SEN each way are:

- 45 minutes for primary aged pupils
- 75 minutes for secondary aged pupils

Where parents insist on a pupil attending a school to which the journey time exceeds these limits, the city council will not be responsible for making or meeting the cost of travel arrangements.

17. Withdrawal of transport provision, applications approved in error: Mainstream and SEN:

Where an application for home to school transport provision is approved in error, the city council will withdraw the provision as follows:

- Where the pupil is in the final two years of a public examination course, on completion of that course.
- In all other cases, at the end of the term in which the error is found.

18. Other users of school transport: Mainstream and SEN

Other persons, in approved circumstances, may travel on contracted transport (e.g. school staff, parent-helpers, exchange pupils) provided no additional costs to the city council are incurred, that a seat is available and that the use is authorised with the express permission of the Passenger Transport Operations Team. The city council may request an approved CRB Check for any adults covered under this clause.

19. Home to School Transport Charges: Mainstream and SEN

Where charges are levied, they will be reviewed on an annual basis. The amounts are subject to variation as agreed by the council.

20. Appeals: Mainstream and SEN

Any parent who has been refused assisted school/college transport may appeal to the Appeals Committee (Service Issues) if they wish to challenge:

- (1) the refusal is not in line with this policy
- (2) the transport arrangements offered
- (3) that there are exceptional reasons to depart from this policy

20.1 Stage One: Review by the Team Manager, Passenger Transport Operations

A parent has 20 working days from receipt of the home to school transport decision to make a written request to the Team Manager, Passenger Transport Operations asking for a review of the decision.

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

Within 20 working days of the parent's written request the Team Manager, Passenger Transport Operation will review the original decision and send the parent detailed written notification of the outcome of their review, setting out:

- 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 (if applicable);
- What factors were considered;
- The rationale for the decision reached;
- Information about how the parent can escalate their case to stage two (if appropriate)

20.2 Stage Two: Review by an independent appeal panel

A parent has 20 working days from receipt of the Team Managers stage one written decision notification to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parents request an independent appeals panel made up of Councillors will consider written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days), setting out:

- 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 (if applicable);
- What factors were considered;
- The rationale for the decision reached;
- Information about the parent's right to put the matter to the Local Government Ombudsman (see below)

Local Government ombudsman – parents have a right of complaint to the Local government Ombudsman, but only if there is evidence of a failure by the council to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for a judicial review.

One of these reasons must be set out in the application for appeal.

The appeals process will be undertaken in accordance with the following principles:

20.3 Procedure

If parents/carers or students wish to appeal against a transport decision made by PCC, they should contact within 20 working days from receipt of the home to school transport decision which the appeal is made.

Passenger Transport Operations Team
People and Communities
Peterborough City Council
3rd Floor
Bayard Place
Broadway
Peterborough
PE1 1AY

Tel: 01733 317455 (call centre)

20.4 Transport appeal hearings

Unless there is an emergency or extenuating circumstances, appeals will normally be held monthly during term time.

20.5 Safety of route site visit

The panel may decide to visit a site or review a route before or during an appeal hearing, which may assist in their decision. Where a visit to a site or route is to be arranged, the following may be invited to attend dependent on the circumstances of the claim:

- All other transport appeal panel members
- City Councillors representing the relevant ward
- The parent or carer or their representative
- Representatives of the Director of Children's Services and Director of Operations department, as appropriate
- Relevant independent city council staff

Appendix 1 – Contact Details

Passenger Transport

Operations Team

Telephone: (01733) 317455

Email: childrenstransport@peterborough.gov.uk

Website: www.peterborough.gov.uk/schooltransport

Admissions and Transport Team

Children's Services

(01733) 747474

Email: admissions@peterborough.gov.uk

Website: www.peterborough.gov.uk

Travelchoice Team

Telephone: (01733) 747474

Email: Travelchoice@peterborough.gov.uk

SEN Transport Officer

Children's Services

Telephone: (01733) 863662

Traveline

Telephone: 0871 200 22 33

Website: www.traveline.org.uk

This policy is available on the city council website:

www.peterborough.gov.uk/schooltransport

Appendix 2 - Glossary

A2.1 Local authority

The local authority i.e. the city council, which, for this policy, is the Children's Services Department of Peterborough City Council.

A.2.2 Home

Assistance with transport will only be given to and from the nearest pick-up point for public or other transport. It is not to be assumed that 'home to school' necessarily means door to door (unless the child is not capable of getting to the nearest pick-up point or the arrangements put in place include a planned pick up from home.)

A2.3 Low income family

A low income family is one where the child lives within the boundaries of Peterborough Unitary Authority i.e. the family's council tax is paid to Peterborough City Council and whose children are entitled to free school meals or whose parents receive the maximum Working Tax Credit (section 3.6 refers). Proof of benefit is required

A2.4 Religion or belief (as directed by the Department for Education and Skills)

This also refers to a lack of religion or belief (see section 3.8)

- Religion: those religions widely recognised in this country, such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha'is, Zoroastrians and Jains. Denominations or sects within a religion can be considered as a religion or religious belief, i.e. Catholicism or Protestantism within Christianity.
- Belief: equates to conviction e.g. belief in single sex education where that belief is based on the parent's religious views

A2.5 Not included as beliefs:

- A wish for a child to attend a particular category of school, i.e. grammar or grant-maintained schools
- Preference for a particular type of management or government which does not affect the curricula or teaching at the school
- A belief that a pupil should be educated privately
- A wish for a child to attend a school where they will be taught in a particular language
- Objection to rules requiring that a school uniform must be worn
- Content of school curriculum (e.g. sex education) provided that the curriculum does not amount to indoctrination incompatible with a parent's religious or philosophical convictions
- Objections to the curriculum, where special arrangements made by the school or authorities (such as allowing children to be withdrawn from class) ensure the curriculum is not forced on them contrary to their convictions
- Belief that a child should receive a particular type of educational provision

A2.6 Nearest suitable school (sections 3.1, 3.2 refer)

The 'nearest suitable school' is the nearest City council maintained school (Community, Voluntary Aided, Foundation, or Academy) to the pupil's family home, by the shortest safe walking route (measured from the gate or access to the pupil's home to the nearest gate or access to the school), which offers an appropriate full time education suitable for the pupil's age, ability and aptitude and any special educational needs he or she may have and at which the city council is able to arrange admission.

For secondary pupils from low income families*: the nearest suitable school can be one of the three nearest suitable schools not more than six miles from the family home, or to a school or

institution up to fifteen miles where the education provided is in accordance with their religion or a belief. The two mile lower limit will be applied for transport purposes.

If the city council is unable to offer a place to one of three nearest schools between two and six miles then the city council may offer a fourth or fifth school, as appropriate up to the six mile limit, as long as there are not three suitable schools with places available.

*For definition of low income families see A2.2 above.

A2.7 Designated School – catchment area school

The 'designated school' (for transport purposes) is the relevant catchment school identified in the city council's Admissions booklets, which are published annually.

Please note that not all Peterborough addresses have a catchment school

A2.8 Statutory walking distances

Home to school distance is measured by the shortest available safe walking or cycling route from the gate or access to the pupil's home to the nearest gate or access to the school, along which a child, accompanied by a responsible parent or carer as necessary, may walk with reasonable safety.

The route is not necessarily the shortest distance by road, but could include footpaths, bridleways and road side verges.

A2.9 Parental choice

Parents may choose to send their child to a school which is neither the nearest suitable school to the family home, nor the designated school (sections 3.1 and 3.2 refer).

A2.10 Emergency situations

Are for example families made homeless as a result of social problems, house fires, eviction etc. or pupils with no financial support from parents or carers (this list is not exhaustive and each case will be reviewed on their own merits).

A2.11 Panels

- Emergency circumstances: this panel is made up of the relevant officers from within Children's Services and the Passenger Transport Team
- Medical conditions: this panel is made up of officers from within Children's Services and the Health Authority
- Appeals: this panel is made up of Council Members

A2.12 Immediate family member:

May include brother, sister, either grandparent, aunt or uncle

A2.13 Directed/Direction

A Direction is when the Admissions team are unable to offer a place at any of the preferred schools and are then bound to offer a place at the next nearest school with available places. This is referred to as a 'directed' offer. If the school to which a pupil has been directed is over the 2 or 3 mile qualifying distance (according to the year group concerned) then free transport is normally awarded.

Appendix 3 - Legal Background

The Education Act 1996 (as amended by the Education and Inspections Act 2006 through insertions of new sections 508B and 508C) places a duty on the local authority to make suitable travel arrangements as they consider necessary to facilitate attendance at schools for school aged children.

Sections 509, 1 and 2 of the Education Act 1996 place a duty upon local authorities to provide free transport where necessary to facilitate the attendance of pupils at school.

Section 509 (4) requires local authorities to take certain factors in account when deciding whether or not it is necessary to make arrangements for a pupil's transport, these include:

- Pupil's age
- Nature of possible routes
- Wishes of the parent or carer for their child to be educated at a school or institution where the religious education provided is that of the denomination to which the parent adheres

The Education and Inspections Act 2006 places a duty on local authorities to provide free transport to pupils of compulsory school age from low income groups (see section 3.6). Certain extra factors need to be taken into account:

- The wishes of the parent or carer for their primary aged child in years four, five, and six to be educated at the nearest suitable school, more than two miles from the family home
- The wishes of the parent or carer for their secondary aged child to be educated at one of the three nearest city council maintained schools more than two miles and less than six miles from the family home
- The wishes of the parent or carer for their child to be educated at a school or institution more than two miles and less than fifteen miles from the family home where the education provided is in accordance with their religion or belief

Consideration has also been taken under the European Convention on Human Rights (ECHR): parents do not have any right to have their children educated at a faith or secular school, or to have transport arrangements made by their local authority to and from any such school.

It is understood that although provision of the Equality Act 2006 do not apply to the exercise of an authority's functions in relation to transport (s 51 (2) (b) Equality Act 2006), we are aware of the obligations under human rights legislation.

An equality impact assessment will be carried out on completion of the policy consultation.

This statement of policy sets out the way in which the city council has decided to exercise its powers and duties to provide home to school transport as laid down in the Education Act 1996 and the Education and Inspections Act 2006. This policy relates to transport to all schools maintained by the city council (Community, Voluntary Aided and Foundation schools) for pupils aged 4 to 16.

Appendix 4 - Designated Schools

The designated school is the relevant catchment school identified in the city council's admissions booklets for parents and carers, which are published annually and are available on the city council's website. Please refer to these booklets for primary and secondary schools and the main policy document for criteria for eligibility for home to school transport. Please note that not all Peterborough addresses have a catchment school.

Children with Statements of Special Educational Needs (SEN) will be placed in a school which is judged by the relevant officers and parents to be the best to cater for those needs and which may not necessarily be the designated or catchment school.

Primary

The designated primary schools are those listed in the alphabetical street list in the annual publication of the Admission to School brochure indicating catchment primary schools (this is also available on the city council's website).

Exceptions are Sacred Heart RC and St Thomas More RC primaries which do not have defined catchment areas. All Saint's CofE School has a catchment area based on its Ecclesiastical Parish and is detailed in the annual Admissions booklet. St Augustine's CofE School bases its catchment area on that of Brewster Avenue Infant School.

Secondary

Arthur Mellows Village College

Children living in the catchments areas of the following primary schools: Barnack CofE, Castor CofE, Eye VC, John Clare (Helpston), Newborough CofE, Northborough, Peakirk cum Glington CofE, the Duke of Bedford (Thorney) and Wittering

Ormiston Bushfield Academy

Children living in the catchment area served by the academy (please refer to the annual Admission to Secondary booklet or the city council's website).

Hampton College

Children living in the catchment area served by the school (please refer to the annual Admission to Secondary booklet or the city council's website).

Jack Hunt School

Children living in the catchment areas of the following primary schools: Gladstone, Highlees, Longthorpe, Middleton, Ravensthorpe, Thorpe and West Town. This includes children living within the above catchment areas who may be attending Sacred Heart RC Primary School and other primary schools.

Ken Stimpson Community School

Children living in the catchment area served by the school (please refer to the annual Admission to Secondary booklet or the city council website).

Nene Park Academy

Children living in the catchment area served by the school (please refer to the annual Admission to Secondary booklet or the city council's website).

The King's (The Cathedral) School

Has no designated catchment area.

St John Fisher RC High School

Has no designated catchment area, but has named feeder schools being:

- All Saints School, March
- St Augustine's School, Stamford
- St Thomas More School, Peterborough
- Sacred Heart School, Peterborough

Stanground College

Children living in the catchment area of the following schools: Farcet CofE, Fourfields, Heritage Park, Oakdale, Old Fletton, Southfields, Stanground St. John's CofE and William de Yaxley CofE Junior School.

The Thomas Deacon Academy

Has no designated catchment area.

The Voyager Academy

Children living in the catchment areas of the following primary schools: Discovery, Eyrescroft, Fulbridge (west of Lincoln Road), Gunthorpe, Norwood, Paston Ridings (north of Soke Parkway), The Beeches (west of Lincoln Road) and Watergall.