

# School Transport Policy for children aged 4 to 16 years

Effective from June 2019

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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 children 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 (2014) [Home-to-school travel and transport - GOV.UK](#)
- The City Council's Medium Term Financial Strategy (2017/2018 – 2026/27) <https://pcc-live.storage.googleapis.com/upload/www.peterborough.gov.uk/council/budgets-spending-and-performance/MediumTermFinancialStrategy201718to202627.pdf?inline=true>
- Peterborough's Long Term Transport Strategy (LTTS) (2011 to 2026) and Peterborough Local Transport Plan 4 (LTP4) (2016 to 2021 ) <https://pcc-live.storage.googleapis.com/upload/www.peterborough.gov.uk/council/strategies-polices-and-plans/LongTermTransportStrategyAndLocalTransportPlan4-April2016.pdf?inline=true>
- Sections 444, 508A, 508B, 508C, 508D, 509AD and Schedule 35B of the Education Act 1996 (the Act), as inserted by Part 6 of the Education and Inspections Act 2006 (the EIA 2006) [Education and Inspections Act 2006](#)
- Regulation 5 and Part 2 of Schedule 2 to The School Information (England) Regulations 2002, as amended [The Education \(School Information\) \(England\) Regulations 2002](#)

## **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 LTP4 (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 LTP4) and therefore increasing the use of sustainable travel.

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

This policy applies to all

- community, foundation or voluntary schools;
- community or foundation special schools;
- non-maintained special schools;
- pupil referral units;
- maintained nursery schools; or
- city technology colleges (CTC), city colleges for the technology of the arts (CCTA) or academies, including free schools and University Technical Colleges (UTC)

#### 3.1 Primary

The City Council will provide free school transport for a child 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 child is registered is not within walking distance of home measured by the shortest walking route, being:

- More than two miles for primary children up to and including year 3 (age 8) and
- Three miles for primary children 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 2.3

#### 3.2 Secondary

The City Council will provide free transport for a child if they live within the boundaries of Peterborough Unitary Authority (i.e. 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 child is registered is not within walking distance of the child's home, i.e. more than three miles for secondary children measured by the shortest available walking route
- Where the child 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 child'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 child's home.

Secondary-aged children 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 2.3

#### 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 children will be expected to make their own way to a pick-up point is one mile, unless determined otherwise by the Education department
- 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 (where applicable)

### **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 children 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 child meets **all** of the following criteria on the date of the family relocation:

- The child is undertaking public examination courses in Years 10 and 11
- The child 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 child and their family have moved to their new home after the first term where the child 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 children** (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 children** (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 Passenger Transport Operations Team. Decisions will be made on an individual basis by the Transport Panel.

### 3.8 Denominational transport

From January 2013 all existing denominational transport 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, children 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 children

In certain cases, children who are not eligible for transport assistance 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 child's parent or carer to remember to pay in advance each term for discretionary passes.

Applications may take up to fifteen working days to process and children 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 children travelling on that service who have discretionary passes. Under these circumstances the City Council will not provide alternative transport for children 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 child concerned (see section 11).

## **5. Children 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 child has been permanently excluded from school or is at risk of exclusion, council officers will liaise with the child's parents in making transport arrangements for continuing the child's education.

Transport arrangements for children 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 child'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 Children attending a Pupil Referral Unit (PRU)**

If, as part of the assessment process a child 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 children will be expected to make their own way to a pick-up point is one mile, unless determined otherwise by the Education Department
- 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. Children 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 the Education Department, 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 child concerned, and the child is not responsible, to a significant extent, for the difficulties being experienced.

## **7. Children with special educational needs (SEN) or disabilities**

### **7.1 General statement**

Some children have complex and profound needs that can only be met by attending a Special School or Specialist Hub. Only the following groups of children may be eligible for transport assistance:

- Children with an Education, Health and Care Plan (EHCP)
- Children attending a Specialist Hub in a mainstream school
- Children undergoing assessment in a Special School
- MENA children undergoing assessment.

**Please note:** not all children with an EHCP require special transport arrangements. Children with an EHCP 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 EHCP should be treated in the same way as those children without, i.e. in general they should walk/cycle to school, travel on public transport, or be taken by parents. They should be encouraged to develop independent travel skills. All children will be encouraged to use public transport as soon as possible as part of their development of independence skills.

If a school/college on the EHCP is parental choice and a nearer provision can meet the needs of the child, rather than a parents more distant choice, transport will not be provided.

The Local Authority has a duty to transport eligible children to and from their recognised home to their appropriate educational placement to allow attendance during normal school hours. 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).

The City Council will review the possibility of engaging independent travel training support for children through 'Invest to Save' schemes. This would benefit those children 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 a contracted service e.g. taxi, minibus will only be granted when it can be clearly demonstrated that the child cannot walk to school or travel by public transport. To ensure all children who receive transport still meet the criteria for transport, and that the most appropriate mode of transport is arranged for each child, parents are expected to complete an application for transport when a child starts a new school/college.

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
- Children 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 and possesses a current Disclosure and Barring Service (DBS) check
- That no additional cost will be incurred by the City Council in diverting the transport 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 children 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 DBS accreditation which must be sent to the SEN Finance and Transport Officer. Transport will not be approved until evidence of childminder registration and DBS 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 Finance and Transport Officer giving authorisation for a neighbour or friend to receive the child.

## **7.2 SEN pre-school children**

Where a pre-school child has an EHCP, the nearest most appropriate educational provision to meet the child's needs will be named. 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 children without an EHCP will not be funded by the City Council.

## **7.3 SEN children 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 children 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 child as specified in their EHCP is not available within the City Council area. Such children 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.

## **7.4 SEN day placements**

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

## **7.5 SEN weekly boarding placements**

Transport will be provided to take children to school on a Sunday evening, or Monday morning, as directed by the school and to collect children 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 child to attend a specialist hospital appointment which cannot be dealt with at a hospital local to the child's residential school or care home.

## **7.6 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 child 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 child's residential school or care home.

## **7.7 SEN permanent residential placements**

Where a child has been placed in a 52 week residential school or care home, transport will be authorised for a parent or carer of the child to visit the child 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.

## **7.8 SEN children educated at alternative educational placements**

### **7.8.1 Children 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 child to attend that provision.

Where this is a City Council led decision, the transport will be funded by the City Council.

### **7.8.2 Children attending a Pupil Referral Unit or alternative out of school provision**

Where children 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 Passenger Transport Operations Team

## **7.9 Looked after children (LAC) with EHCP's**

For the purposes of the Home to School Transport, the policy for 'looked after children' is the same as for children for whom the City Council is not the Corporate Parent. Please refer to paragraphs 7.1 – 7.8 above.

### **7.9.1 SEN children in foster care**

The re-arrangement of transport for a child with an EHCP will not normally be considered for those 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 Statutory, Monitoring and Assessment 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 Education transport budget.

The City Council **may** provide transport for those children 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.

### **7.9.2 SEN children 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.

## **7.10 Children undergoing assessment in special schools**

Where a child 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 an EHCP.

The assessment period should not exceed two school terms, by which time the assessment should have been completed and a decision on whether an EHCP is required, will be taken.

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

### **7.11 Children failing to travel on transport**

When a child fails to utilise transport provision without justification for three consecutive days transport is to be suspended pending investigation as to cause. This will only be reinstated where an undertaking is given and the family makes an agreement that the child will use the transport provision in place in the future.

If the child 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 City Council.

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

### **7.12 Children placed in Specialist Hubs in mainstream school**

Children who are offered a place at a Specialist Hub may not have an EHCP. A place at the unit is offered by a multi-disciplinary panel, and transport will be provided for these children, 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 child moves out of the Specialist Hub into the main school, transport will continue to be provided until the end of the Key Stage.

### **7.13 Parental mileage allowance** (see parental mileage 12.1)

Parents of children who have an EHCP 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.

## **8. Children with medical needs**

### **8.1 Children with medical conditions**

Children 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 Passenger Transport Operations Team. An assessment of eligibility for transport assistance will be made by the Transport Panel.

Such assistance will be at the discretion of the Education Department and may also require further verification by the consultant looking after the child.

### **8.2 Children with sensory impairment**

In exceptional circumstances, children 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 the Education Department and will require verification by the medical consultant looking after the child (if relevant) or the manager of the appropriate sensory service.

## **9. Provision for safety factors relating to a route: Mainstream and SEN**

The maximum distance children will be expected to travel to make their own way to a pick-up point, will be one mile for primary and secondary children, unless determined otherwise by the Education Department.

Home to school distance is measured by the shortest, safe walking route from the gate or access to the child'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 children will be accompanied by a responsible adult. Reference will 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 children

The safety of a walking route may also be considered if the responsible adult available to accompany a child 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 child lives less than the qualifying distances (see sections 3.1 and 3.2)

## **10. Provision following a school closure or reorganisation: Mainstream and SEN**

The City Council may use its discretion to provide transport assistance for children affected by a school closure or by a reorganisation of schools. Only children 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 Service Director for Education, 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 Service Director for Education during the review process and can be reviewed at any time.

## **11. Behaviour: Mainstream and SEN**

Occasions arise where the behaviour of children on home to school transport is not acceptable. Any child 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 child and parents regarding child 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 withdrawal of transport will be imposed on any child 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 the Education Department.

## **12. 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.

### **12.1 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.

### **12.2 Cycle allowance**

An allowance of £30 per term may be paid (at the discretion of the Service Director for Education) to parents of secondary age children **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 children travelling on any other form of transport.

### **13. Passenger assistants (escorts): Mainstream and SEN**

Passenger assistants (escorts) will only be provided if deemed necessary by the Service Director for Education. Drivers and passenger assistants must be approved by the City Council and have satisfactory Enhanced Disclosure and Barring Service check. 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 child's special educational needs
- The age of the children using the transport
- The number of children using the transport
- Where there are more than sixteen children aged under seven years travelling together on a vehicle
- Looked after children with an EHCP who are under the age of 10

### **14. Transport Monitoring: Mainstream and SEN**

The City Council has a duty to provide safe and non-stressful journeys to ensure children 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 children and to resolve any operational issues.

### **15. 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 children
- 75 minutes for secondary aged children

Where parents insist on a child 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.

### **16. 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 child 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.

### **17. 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 children) 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 DBS Check for any adults covered under this clause.

### **18. 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.

## **19. Emergency circumstances: Mainstream and SEN**

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.

## **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 children wish to appeal against a transport decision made by the City Council, within 20 working days from receipt of the home to school transport decision which the appeal is made, they should contact:

Passenger Transport Operations Team  
People and Communities  
Peterborough City Council  
Ground Floor  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

Tel: 01733 317455

Email: [childrenstransport@peterborough.gov.uk](mailto:childrenstransport@peterborough.gov.uk)

### **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 Service Director for Education, as appropriate
- Relevant independent City Council staff



## Appendix 1 – Contact Details

### **Passenger Transport**

#### **Operations Team**

Telephone: (01733) 317455

Email: [childrenstransport@peterborough.gov.uk](mailto:childrenstransport@peterborough.gov.uk)

Website: [www.peterborough.gov.uk/schooltransport](http://www.peterborough.gov.uk/schooltransport)

### **School Admissions Team**

Education Department

(01733) 747474

Email: [admissions@peterborough.gov.uk](mailto:admissions@peterborough.gov.uk)

Website: [www.peterborough.gov.uk](http://www.peterborough.gov.uk)

### **Travelchoice Team**

Telephone: (01733) 747474

Email: [Travelchoice@peterborough.gov.uk](mailto:Travelchoice@peterborough.gov.uk)

### **SEN Finance and Transport Officer**

Telephone: (01733) 863662

### **Traveline**

Telephone: 0871 200 22 33

Website: [www.traveline.org.uk](http://www.traveline.org.uk)

**This policy is available on the City Council website:**

[www.peterborough.gov.uk/schooltransport](http://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 Education Department of Peterborough City Council.

### **A.2.2 Home**

A child's 'home' for the purposes of this policy is the place where s/he is habitually and normally resident (as defined by the Department for Education Home to school travel and transport guidance: Statutory guidance for local authorities). Assistance with transport will only be given to and from the nearest pick-up point for public or other transport to the child's home. 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 )**

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 child 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 child's family home, by the shortest safe walking route (measured from the gate or access to the child's home to the nearest gate or access to the school), which offers an appropriate full time education suitable for the child'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 children from low income families\*: the nearest suitable school can be one of the three nearest suitable schools between two and 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 A2.3 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 child'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 children 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**

- Transport Panel; this panel is made up of Statutory Assessment & Monitoring, Passenger Transport Operations Team and SEN Finance and Transport Officer
- Appeals Panel; 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' school offer. If the school to which a child 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

Sections 509 A-E in conjunction with schedule 35 of the Education Act 1996 relate to School Travel. Sections 508B and 508C of the Act make provision for local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. These provisions apply to home to school travel arrangements, and vice versa. They do not relate to travel between educational institutions during the school day.

Parents are responsible for ensuring that their children attend school regularly.

However, section 444(3B) of the Act provides that a parent will have a defence in law against a prosecution by a local authority for their child's non-attendance at school where the local authority has a duty to make travel arrangements in relation to the child under section 508B and has failed to discharge that duty.

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. Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (5-16) in an authority's area for whom free travel arrangements will be required local authorities are required to:

Statutory walking distances eligibility:

- provide free transport for all children of compulsory school age (5-16) **if their nearest suitable school is:**

- beyond 2 miles (if below the age of 8);

or

- beyond 3 miles (if aged between 8 and 16)

Special educational needs, a disability or mobility problems eligibility:

- make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability. Eligibility, for such children should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability.

Unsafe route eligibility:

- make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk.

Extended rights eligibility:

- provide free transport where children are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit 12 if:
  - the nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11);
  - the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);
  - the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).

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.

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.

## **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.

### **Primary Schools**

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 Schools**

#### **Arthur Mellows Village College (4C's Multi Academy Trust)**

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 (Hampton Academies Trust)**

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).

#### **Hampton Gardens School (Hampton Academies Trust)**

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 (Peterborough Keys Academies Trust)**

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 Academy**

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.

### **Queen Katherine 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.