



## MAINSTREAM HOME-SCHOOL/COLLEGE TRANSPORT POLICY

(Version: May 2010)

### POLICY & PROCEDURES

(This document applies to children living in Leicestershire and describes free and assisted transport entitlement to mainstream schools and colleges, including entitlement for children with Statements of Special Educational Needs who have no special transport requirements and who attend such establishments. Please note that some children with special educational needs require specific transport beyond the scope of this policy.)

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## **1.0 Introduction**

- 1.1 The Local Authority has a duty to make arrangements to facilitate attendance at schools and colleges by providing transport in certain circumstances. This document outlines Leicestershire County Council's Home to school/college transport policy. This does NOT mean free transport will be provided for all pupils.
- 1.2 This policy does not apply to pupils attending independent schools and colleges.
- 1.3 Where entitlement is dependant on measurement of distances, these will be calculated using computerised mapping systems detailed in section 6.0 of this policy.

## **2.0 Statutory School Age and Statutory Walking Distances**

### *Definitions:*

- *Primary aged children in Leicestershire range from 4+ to 10+*
- *Secondary aged children in Leicestershire range from 11+ to 16*

- 2.1 Statutory school age means the age when a child **must** be in school i.e. the term immediately following their 5<sup>th</sup> birthday or below to 16 years old (i.e. the last Friday in June of the year the child turns 16). [Education Act 1997 Sec 52]
- 2.2 The measurement of the 'statutory walking distance' is measured by the shortest route along which a child, accompanied as necessary, can walk with reasonable safety. If there is no such route, the local authority must provide free transport no matter what distance you live from the school. However, in accordance with DCSF guidance (2007), the upper limits for low income families (6 miles and 15 miles – see section 6 above) are measured along road routes available to vehicles.
- 2.3 Free transport is provided under the Education Act 1996, Sec 444(5)]for:
- Primary school aged pupils who attend the catchment area school for their home address (or other nearer school) and the distance is more than 2 miles (see section 6.0). In Leicestershire it extends to primary aged children attending secondary school.
  - Secondary school aged pupils who attend the catchment area school for their home address (or other nearer school) and the distance is more than 3 miles. (see section 6.0)

### **3.0 Transport Assistance where preference(s) are based on religion**

3.1 Local authorities must have regard to any preference the individual may have for a particular institution based on their religion or belief [*Section 509AD of the Education Act 1996 (as inserted by section 84 of the Education and Inspections Act 2006). Subsection (3) provides that “religion” means any religion and “belief” means any religious or philosophical belief*]

3.2 The definition of “religion” includes those religions widely recognised in this country such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha’is, Zoroastrians and Jains. Equally, denominations or sects within a religion can be considered as a religious or religious belief, such as Catholicism or Protestantism within Christianity. The Department considers that the main limitation on what constitutes a “religion” is that it must have a clear structure and belief system.

3.3 For a “belief” to be worthy of protection it must attain a certain level of cogency, seriousness, cohesion and importance; be worthy of respect in a democratic society and not be incompatible with the human dignity of the fundamental rights of the child. Examples of beliefs are Humanism and Atheism.

3.4 Therefore transport assistance (there is a charge for entitled pupils) is provided if:

the preferred school was applied for on denominational grounds,

- The school is the nearest school of their faith and the pupil’s home address distance exceeds 2 miles for primary aged pupils and 3 miles for secondary **or**
- For Catholic children, it is the designated Catholic school for the child’s home address and the distance exceeds 2 miles for primary aged pupils and 3 miles for secondary.

*(See section 6.0 for a description of how distances are measured)*

3.5 Pupils who attend a voluntary aided school who qualify for transport assistance will pay £240 per year per child.

#### **Please note:**

- there is a maximum charge of 2 pupils per family (this exemption only applies to statutory school age children (see definitions para 2.0)
- families providing proof of low income (assessed annually) i.e. in receipt of free school meals or the maximum level of working tax

credit, do not pay the charge.

- the £240 charge is subject to change, e.g. inflation or due to the decisions taken by the County Council.

#### **4.0 When a Pupil moves Address: assistance with transport is provided to allow continued attendance at the same school, if:**

*For Primary children aged 10+ or below and Secondary children aged 14+ (Year 9) or below (see definitions para 2.0)*

- the pupil has moved address in their final year at the school and
- the distance from the new address to the school is more than 2 miles for primary aged children; or
- the distance from the new address to the school is more than 3 miles for secondary aged children; and
- the address they have moved from was in the catchment area of the school attended; and
- they have attended the catchment area school for more than one year

*For Secondary children aged 15+ (Year 10) to 19 (see definitions para 2.0)*

- the distance from the new address to the school is more than 3 miles; and
- the pupil has embarked on an examination course; **and**
- the pupil has attended the school from a catchment area address: and
- for year 10 pupils those who have attended from a catchment area address for at least the first half of the Autumn Term.

*(See section 6.0 for a description of how distances are measured)*

4.1 Transport is only provided at the normal school/college start and finish time. If a pupil is eligible for transport and attends part-time there will be no transport provided other than at the normal school/college start and finish times.

#### **5.0 Extended Rights for Low Income Families**

5.1 Variations to the above for low income families (i.e. qualifying for free school meals or receiving maximum working tax credit):

- children aged between 8 and 11 the walking distance is reduced from 3 to 2 miles (Leicestershire currently does this for all 8 – 11 year olds);
- secondary age children (11 – 16) can receive free transport to any of their three nearest suitable schools between 2 and 6 miles from their home;
- secondary age children (11 – 16) can receive free transport to the nearest school **of their faith** preferred by reason of religion or belief, between 2 and 15 miles from the home.

## **6.0 Farepaying Places**

6.1 Parents of pupils who are not entitled to transport assistance can apply for a fare paying place on a school bus where there are empty spaces available. Parents are charged at a flat rate of £300 for primary school and £400 for secondary school.

6.2 Places for fare paying students:

- are offered on a first come, first served basis subject to availability
- are offered for only one year at a time
- must be applied for each year
- offer no guarantee that applications will be accepted from continuing farepayers or that places will be available in any one year

## **7.0 Transport Assistance for Post 16 Students**

7.1 Transport assistance is available for those pupils above compulsory school age if they live more than three miles from the school/college attended, if the student is aged 16, 17 or 18 when the course is started **and,**

- the school is the catchment area school; **or**
- The nearest school/college to the home address where the chosen course is offered and
- The distance exceeds 3 miles
- If the school/college attended is a school/sixth form college in Leicester City, where the home address is 3 or more miles to the city boundary and no county school is closer; **or**
- the preferred school is either the nearest school of your faith (confirmed using a computerised mapping system para 6.0) or is the designated Catholic school for the child's home address as ; or
- is attending a FE college more than 3 miles from home address and is the closest college offering the course

**NOTE:** *Where a student attends a voluntary aided school for the first time at 16+, assisted transport will only be considered if the parent has previously made an application on genuine denominational grounds for a place at an aided school of the same denomination while the child was of statutory school age, unless there are circumstances such as a change of faith.*

## **8.0 Measurement of Distances**

- 8.1 Distances are measured by the shortest available walking route between where the home property meets the public highway and the nearest school or college entrance (i.e. where this meets the public highway). (A route is available if it is a route along which a child, accompanied as necessary, can walk with reasonable safety to school.)

Distances are measured in a consistent fashion using computerised measuring systems:

- For in-county measurements, and for an address in Leicester City and Rutland, the County Council's MapInfo software is used.
- For distances that cross the county boundary (except for Leicester City and Rutland), Google Maps is used. This is because the County Council's MapInfo system only currently covers addresses that fall in Leicestershire, Rutland and Leicester City. Please note that these methods may change as new software becomes available.

## **9.0 Split Families (includes both statutory and post 16 age groups)**

- 9.1 For children whose parents live at separate addresses where the child spends an equal amount of time during the school week at both addresses and the child would qualify for free or assisted transport to school from both addresses, the local authority will issue only one bus pass (or equivalent). The local authority will ask the parents to decide which address is to be used for the issue of school transport. Where a child spends more than 50% of their time at one or other of their parent's addresses then that is the address which will be used to determine eligibility for school transport irrespective if they would qualify from the address where they spend the lesser amount of time.

This affects pupils of all ages both of statutory school age and students over compulsory school age.

## **10.0 Exceptional Circumstances**

- 10.1 For a short period of time, consideration may be given to individual exceptional requests for transport assistance. Each case is considered on its merits. Examples of past exceptions have been:

- Where a pupil is subject to a child protection plan

- A recent bereavement in the immediate family

10.2 The following circumstances are not on their own likely to be regarded as exceptional:

- single parent families
- child in temporary care
- temporary fragmentation of the family
- families in receipt of state benefit or re-housed families

10.3 Exceptional transport requests should be made in writing and supported with appropriate professional documentation to:

Deputy Team Leader (Allocations Section)  
Room 144, County Hall  
Glenfield  
Leicester  
LE3 8RF

☎ 0116 305 6630

#### **11.0 Transport Assistance on Grounds of Medical Condition**

11.1 Where because of a medical condition transport assistance is requested parents must complete a form with proof of the diagnosed medical condition by a lead medical professional. Once the documentation is assessed transport assistance will only be agreed for a period assessed as appropriate based on advice from the lead medical professional. Where the period of time has not been specified, the LA will review the situation on a termly basis.

11.2 Children with long-term or permanent medical conditions that necessitate transport assistance are assessed as above with an annual review of the transport assistance.

For assessment enquiries: ☎ 0116 305 5755

#### **12.1 Respite Transport Assistance**

12.2 Children who require transport assistance to and from respite care settings must apply through their named Social Worker. Applications must be in writing and require supporting professional documentation. Re-application is required annually.

For general enquiries: ☎ 0116 305 8119

#### **13.0 Disability Discrimination Act (DDA)**

13.1 Reasonable adjustments for children under the DDA will be considered in relation to the type of transport or vehicle the route being taken.

#### **14.0 Poor Behaviour and Withdrawal of Transport**

14.1 The LA has a duty to ensure all travellers are safe during their journey from home to school/college. Any behaviour affecting other passengers, the public or the driver that:

- endangers (whether intentionally or unintentionally) themselves or others

Transport may be withdrawn from a pupil, either temporarily or permanently. In these circumstances the arrangement and cost of transport will fall to the parent.

#### **15.0 Errors**

15.1 Where a pupil or student has been assessed as eligible for assisted or free transport in error, the provision will be withdrawn at the end of the term in which the error was brought to the attention of the parent/guardian.

#### **16.0 Safety & Walking Routes to Schools**

16.1 This is the shortest route along which a child, accompanied as necessary, can walk with reasonable safety. Where the route is challenged to be unavailable, the challenge must be put in writing to the Local Authority's Access and Welfare Service. Who will in turn commission a route assessment by the road and traffic safety office. This involves the officer walking the route at the start and end of the school day.

16.2 If a walking route is designated as not available, assisted transport will be provided for the period the route is unavailable.

#### **17.0 Retrospective Claims & Other Payments to Parents**

17.1 The County Council reserves the right to refuse retrospective claims for transport costs undertaken by parents: eligibility is described in the information for parents booklets (entitled "Your Guide to Primary/Secondary Education in Leicestershire") and transport provided accordingly. Exceptionally, the County Council can make direct payment to parents or students who make their own arrangements for journeys to and from school or college. However, this will only be done by agreement and where the cost to the County Council is less than that of providing transport itself.

#### **18.0 Transport Assistance for pupils on a Managed Move**

18.1 Transport assistance will only be provided where the Access and Welfare Service or an Area Placement and Support Panel, under the Fair Access Protocol, agree a managed move; **and**

- is only at the start and end of each school day
- is subject to the distance from home to the new school exceeding statutory walking distances



- is for a maximum of 10 weeks only


## **19.0 Transport for Permanently Excluded pupils**

- a. transport during the first term of admission to a new school is to be provided by the Student Support Service (under review);
- b. transport following re-admission to a school is to be made available via mainstream provision from the start of the term following admission, providing the home-school distance exceeds statutory distances;
- c. mainstream transport will not be funded to a more distant school than the next nearest school following parental preference, when a nearer appropriate school place is available under the Fair Access Protocol;
- d. transport will only be provided to the new school until transfer to the phase or until the end of the year 11, except for exceptional circumstances, e.g., if there are reasons, connected to the exclusion, why the young person cannot attend their catchment school at point of transfer;
- e. requests for transport in these circumstances made by the parent are considered by the Deputy Manager of the Access and Welfare Service.

## **20.0 Payment from Parents**

- 20.1 The LA offers parents a variety of ways to pay for transport assistance, details of which can be found with accompanying guidance on the application form available from:-

Passenger Transport Unit

 0116 305 8777

- 20.2 Unpaid invoices will be pursued by legal action and no transport will be provided for the forthcoming year if a debt remains outstanding at the end of the Summer Term.

- 20.1 Where a failure of transport arises as a result of poor weather or road conditions then refunds will not be made or alternative transport arranged. The LA has delegated the decision as to whether routes are safe to bus and taxi operators and ultimately to the drivers of those vehicles so cannot sanction other operation.

## **21.0 Seatbelts / 3-for-2 Seating / Use of Double-Deck Vehicles**

- 21.1 The Local Authority aim is to exceed minimum government regulations and the law in relation to transporting children (to and from school) for the vehicles that they it is responsible for. It does this by :-

- a) only allocating one child per seat on dedicated school buses, coaches or taxis (the '3 for 2' seating rule is not used in Leicestershire)
- b) seatbelts are provided on all dedicated single-deck school buses, coaches or taxis
- c) only single deck vehicles are to be used for primary aged children (including those 10+ children at secondary schools)
- d) double-deck buses are to only be used for secondary aged children (apart from children aged 10+ at secondary schools see bullet (c))
- e) no single journey in a double deck vehicle is to exceed 12 miles

21.2 Apart from the good practice detailed above the guidance the LA offers schools is detailed in Appendix A.

## **22.0 Criminal Records Bureau Checks**

### **22.1 Bus drivers**

It is mandatory for all LA home to school drivers to display their 'approved school bus driver status' badge, which indicates that they have had an enhanced CRB check.

### **22.2 Taxi drivers**

Taxi drivers – These are checked by the relevant District Council as part of the licensing process. All Leicestershire District Councils check taxi drivers to an enhanced level and repeat checks are carried out at regular intervals (depending on the individual Council's processes).

## **23.0 Process of Appeal over Transport Decisions**

23.1 Where transport assistance has been refused and a parent wishes to appeal, a form is available on request. The appeal is considered by a senior independent officer whose decision is binding.

For further details:

0116 305 6630

For queries in relation to:

- availability of fare-paying places
- allocation of children to buses
- payment methods
- bus passes
- bus timetables

Please contact the Customer Service Centre  
0116 305 0002

## **APPENDIX**

### **GUIDANCE TO SCHOOLS ON THEIR OWN HIRE OF BUSES & COACHES**

#### **SEATBELTS AND '3 INTO 2' SEATING**

1. Government regulations now require:
  - A forward-facing seat with a seatbelt is required for each child when minibuses and coaches are used to take children on organised school trips, including journeys to and from school. The minimum requirement is for a lap belt to be fitted to each seat used by a child aged 3 to under 16.
  - The “3-for-2” concession (which allows three children under 14 to sit in two seats) is not allowed for vehicles fitted with seatbelts.
  - A coach is defined as a vehicle of more than 7.5 tonnes of weight and capable of more than 60 mph. The regulations do not apply to buses or to any vehicle carrying school children on a registered local bus service.
2. The local authority additionally recommends that schools follow its policy in extending this requirement as follows:
  - “3-for-2” seating disallowed on all vehicles.
  - Seatbelts to be provided on all single deck vehicles.
  - Seatbelts to be provided also for students over 16 years of age travelling on single-deck contract services.
3. It is recommended that double deck buses are not used for long journeys. A travel time of 1¼ hours is considered to be a reasonable maximum. Schools should consider the County Council’s use of double-deck buses, as in paragraph 24(e) of the policy, when arranging transport.
4. Separate guidance covering the ownership use and hire of minibuses, including driver requirements, is dealt within Code of Practice No.14, Policy on Driving on LEA Business (issued May 2000). Specialist technical advice and guidance may be sought from the Vehicle Unit within HT&WM (telephone 01455 283268).
5. It is recommended that parental consent forms are issued for bus and coach journeys arranged by the school, e.g. annual/termly consent forms for regular journeys or individual forms for one-off events

6. For children aged 14 and over, it is a legal requirement that seat belts, where fitted in a bus or coach, must be used but it is not the driver's responsibility to ensure that seat belts are used. For pupils between the ages of 3 and 13 inclusive there is no legal requirement that seat belts, where fitted in a bus or coach, are used. The wearing of seatbelts cannot be enforced by drivers or teachers. It is a matter for parents and children as to whether or not the children wear seatbelts (although it is important to note that for certain types of smaller vehicle, e.g. cars and minibuses, the wearing of seatbelts is compulsory by law). Schools may wish to include a section on this on parental consent forms, and if it is thought appropriate, to recommend the wearing of a seatbelt. Forcing a seatbelt on to a child is not appropriate. If a member of staff or other adult is assisting a child to put on a seatbelt, in accordance with the parent's and child's wish, physical contact with the child must be minimal and only such as is necessary to put on the belt. Staff are advised to undertake such actions in the presence of other adults.

7. School bus signs:

Buses being used to carry children under the age of 16 on school trips must display a special prescribed sign both at the front and rear of the vehicle. The sign must have a black border enclosing a silhouette of two children on a yellow reflective background. The size of the sign being displayed at the front of the vehicle must be at least 400 mm x 400 mm with a black border not more than 300 mm wide. These should be held by the operator.

**If you have any comments on this Policy that would assist in the policy making, please write or e-mail Gurjit Singh Bahra:**

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