



MAINSTREAM HOME TO SCHOOL/COLLEGE TRANSPORT POLICY FOR 2014-15 ACADEMIC YEAR (Published: May 2014)

POLICY & PROCEDURES

This document applies to children living in Leicestershire and describes free and assisted transport entitlement to mainstream schools, academies 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 for which a separate policy is available.

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Definitions used in this document

1. **“Schools”** – this is a generic term used to refer to **“qualifying”** schools and colleges under this policy where these are:

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

References to **“nearer school”** are to be taken to mean a nearer qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have.

In cases where the nearest qualifying school is a faith school, transport to the nearest non-faith school will be considered as the nearest qualifying school.

When considering eligibility for transport, for a school to be considered **“suitable”** it must have places available at the point when the parent makes a preference for a school (see Section 1.6).

“Catchment area(s)” - Any proposal to change the catchment area of a school or academy will be subject to a consultation process as part of the admission arrangements for that school or Academy. Any change in catchment area as a result of that consultation process will not affect entitlement to transport under this policy which will continue to operate by reference to existing Local Authority catchment areas (**Transport Eligibility Areas**) and age ranges as defined at 31st May 2012 until this policy is further reviewed.

2. **“Home”** - a child’s home is the place where he or she is habitually and normally resident.

3. **“Low income families”** - those families qualifying for free school meals or receiving their maximum level of Working Tax Credit. Documentation for Working Tax Credit must be recent at the time of application in order to be exempt from charges.

4. **“Full-time course”** - a full-time course is defined as one of at least 600 guided learning hours in any 12 month period.

5. **“Available route”** - a route is “available” if it is a route along which a child, accompanied as necessary, can walk with reasonable safety to school. A route will be “available” even if the child would need to be accompanied along it by his or her parent or carer, as long as such accompaniment is reasonably practicable. See Appendix 3 for further details.

1.0 **Introduction**

- 1.1 Parents are responsible for ensuring that their children attend school regularly. However, there are obligations on the local authority to assist in certain circumstances.
- 1.2 Sections 508B and 508C of the 1996 Education Act (inserted by Education and Inspections Act 2006) place a duty on local authorities to make such travel arrangements as they consider necessary to facilitate children's attendance at school. This document outlines how Leicestershire County Council will comply with legislation and for which pupils and students it will provide home to school transport. This does not mean that free transport will be provided for all pupils or students.
- 1.3 Parents should note that their right to express a preference for a school does not mean their children will also be eligible for free or assisted transport to that school under legislation or this policy. In addition, transferring through "feeder schools" does not have any influence on transport eligibility.
- 1.4 This policy does not apply to pupils attending independent schools and colleges who do not have a statutory entitlement to free or assisted home to school transport.
- 1.5 Where entitlement is dependent on measurement of distances, these will be calculated using computerised mapping systems detailed in section 2.0 of this policy.
- 1.6 Timing of the assessment of eligibility will be generally when school places are allocated as part of the notification of admissions (parents should note that if they fail to make timely admission applications they may not be provided with transport assistance). This applies for the large majority of cases taking place during the normal admissions round (usually March/April), and the smaller number of cases that take place outside the normal admissions round.
- 1.7 At the point when transport eligibility is considered, the prospect of being able to secure a place in an alternative (usually nearer) school must be a real one. So, for example, where a parent had expressed a preference for 3 schools – one 6 miles from their home, one 7 miles from their home, and one 8 miles from their home – a place offered in the school 7 miles away would attract transport support only if, at the time that the offer of a place was made there were no places available in the school 6 miles away. As this school is the nearest school with places available, it is the "nearest suitable qualifying school".
- 1.8 Once eligibility has been determined the assessment outcome will only change if either the child moves house, school or their phase of education and/or the availability of the route to school has changed.
- 1.9 Transport assistance 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. School transport will not be

provided for travel between educational institutions during the school day.

2.0 Measurement of distances

2.1 In order to determine which school is the nearest to a home address distances beyond the statutory walking distance are measured by the shortest available road route.

2.2 Once the nearest school has been identified, to establish a child's transport eligibility, statutory walking distances (2 miles for primary aged children and 3 miles for secondary aged children) will be measured by the shortest available walking route from the middle of the public highway immediately outside the home address to the nearest school or college pedestrian entrance.

2.3 All other distances beyond the statutory walking distances will be measured using the most direct route by road.

2.4 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.
- on request, we are able to provide a map of the available route and/or a list of the street/roads measured in determining the distance between home and school.

3.0 Compulsory school age and statutory walking distances

3.1 Eligible children attending qualifying schools will be provided with transport assistance during their compulsory school age during the whole period of their school attendance within these age ranges so, for example, children starting school full time at 4+ will have transport provided.

3.2 "Statutory walking distance" is measured using the method shown in Section 2 and by the shortest route (from home address to the nearest school gate) 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 the child lives from the qualifying school.

3.3 Free transport is provided under the Education Act 1996, Sec 444(5) and under this policy for:

- Primary aged pupils who attend the **Transport Eligibility Area (TEA)** school for their home address (or other nearer school) and the distance is more than 2 miles. In Leicestershire it extends to primary aged children attending secondary school.

- Secondary aged pupils who attend the **TEA** school for their home address (or other nearer school) and the distance is more than 3 miles.

3.4 The following extended rights apply for low income families:

- primary children aged between 8 and 11 the walking distance is reduced from 3 to 2 miles (note that Leicestershire County Council currently provides this for all 8 – 11 year olds in any case)
- secondary aged children (11 – 16) can receive free transport to any of their three nearest qualifying schools between 2 and 6 miles from their home
- secondary age children (11 – 16): In accordance with Schedule 35B to the 1996 Act (inserted by the Education and Inspections Act) the authority will provide free school transport to the nearest suitable school preferred by reason of a parent's religion or belief, that is over 2 miles and under 15 miles from the home address

3.5 An application for free transport under extended rights must be made annually and will only be withdrawn at the end of the academic year if the applicant's circumstances change.

4.0 Transport assistance for Post 16 Students

4.1 Transport assistance is available for those pupils above statutory 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 **TEA** school and exceeds 3 miles from home address; **or**
- the school/college is nearest to the home address where the chosen full-time course of study (defined by qualification(s) gained) is available and exceeds 3 miles home address; **or**
- the preferred school is either the nearest school (confirmed using a computerised mapping system as described in Section 9.0) of the **student's** faith or is the designated Catholic school for the student's home address;

4.2 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 compulsory school age, unless there are circumstances such as a change of faith.

4.3 Parents of students who qualify for transport assistance will be required to make an annual contribution towards transport. For the 2014-15 academic year this will be **£425** per student per annum. Families providing proof of low income (assessed annually) do not pay the contribution. Further details in respect of the Post 16 transport scheme are available in the guidance and application forms available separately.

5.0 Transport assistance where preference(s) are based on religion

- 5.1 Local authorities must have regard to any preference parents 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].
- 5.2 The government 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 religion or religious belief, such as Catholicism or Protestantism within Christianity. The government considers that the main limitation on what constitutes a “religion” is that it must have a clear structure and belief system.
- 5.3 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.
- 5.4 Travel assistance is provided if the preferred school is applied for on denominational grounds and:
- the school is the nearest school of the child’s denomination to the home address and the distance exceeds 2 miles for primary aged pupils and 3 miles for secondary or
 - for baptised Roman Catholic children (or children accepted into the Catholic faith at a later age), it is also the designated Roman Catholic school for the child’s home address and the distance exceeds 2 miles for primary aged pupils and 3 miles for secondary.
- 5.5 Parents of students who qualify for transport assistance will be required to make an annual contribution towards transport. For the 2014-15 academic year this will be £640 per student per annum. Further details in respect of the voluntary aided transport scheme are available in the guidance and application forms available separately.
- 5.6 Exemptions from the charge are as follows:
- for children of families providing proof of low income (assessed annually)
 - there is a maximum charge of 2 pupils per family (this exemption only applies to compulsory school age children)
- 5.7 The following extended rights apply for low income families for secondary aged children: In accordance with Schedule 35B to the 1996 Act (inserted by the Education and Inspections Act) the authority will provide free school transport to the nearest suitable school preferred by reason of a parent’s religion or belief, that is over 2 miles and under 15

miles from the home address.17

6.0 Farepaying Places

6.1 Parents of pupils who are not entitled to transport assistance can apply for a farepaying place on a school bus.

6.2 Places for farepaying students:

- are offered on a first come, first served basis subject to availability and at the discretion of the Council
- are offered for only one year at a time
- must be applied for each year
- offer no guarantee that transport will be granted to continuing farepayers or that places will be available in any one year

6.3 For the 2014-15 academic year the charge will be £640 per student per annum. Further details in respect of the farepaying transport scheme are available in the guidance and application forms available separately.

7.0 Pupils who move address permanently during their final year at school

7.1 To allow continued attendance at the same school free or assisted transport will be considered (at the Council's discretion) if a child of compulsory school age has moved home address for reasons beyond the control of the parent/carer; **and**

- the pupil has moved address in their final academic year at the school; **and**
- the address they have moved from was in the **TEA** of the school attended or the nearest school; **and**
- they have attended that school for more than one year; **and**
- the distance from the new address to the school is more than 2 miles for primary aged children or more than 3 miles for secondary aged children; **and**
- the new address is in Leicestershire; **and**
- the journey is a reasonable one within the view of the authority

7.2 Where charges apply they will be made pro-rata from the date transport is provided.

7.3 Examples of what is considered beyond the control of the parent/carer are below (this list is not exhaustive):

- a move from Council tenancy enforced by the landlord authority
- destruction of the normal home address of the child e.g. house fire

7.4 Examples of what is **not** considered beyond the control of the parent/carer are below (this list is not exhaustive):

- a move of place of family employment whether voluntary or otherwise
- family redundancy
- a voluntary move of house as owner or tenant

- 7.5 No assistance is provided for students who move in their Post 16 years.
- 7.6 Transport requests for pupil moves should be made in writing and supported with appropriate documentation to the general enquiry address detailed at the bottom of this policy.

8.0 Available walking routes and withdrawal of transport (also see Appendix 3)

- 8.1 Route availability is assessed using a rigorous and robust assessment process as detailed in Appendix 3. Where a walking route is assessed as unavailable, officers will initially explore (using digital mapping tools) whether an alternative exists and is less than 2 (primary) or 3 miles (secondary) before arranging transport.
- 8.2 Where a route was previously unavailable and becomes available, reasonable notice of the transport provision to be withdrawn will be issued in writing to the parent. In all cases at least 4 calendar weeks' notice will be given before transport is withdrawn.
- 8.3 If a walking route is assessed as not available, assisted transport will be provided for the period the route is unavailable.
- 8.4 Where a parent disputes the assessment of an available walking route there is an appeals process, see Appendix 1.

9.0 Disabled parents

- 9.1 If both parents have a disability that means they cannot be expected to accompany their children along a walking route for it to be considered reasonably safe, then free or assisted transport will be provided subject to each case's individual circumstances.
- 9.2 Transport requests due to parental disability should be made in writing and supported with appropriate professional documentation to the general enquiry address detailed at the bottom of this policy.

10.0 Transport to alternative addresses and for split families

- 10.1 Home to school transport is provided from/to the main home address of the child only i.e. the address where the child lives permanently or most often. Transport will not be provided to alternative addresses e.g. childminders, grandparents.
- 10.2 In the case of split families where a child spends more than 50% of their time at one or other of their parent's/carer's addresses then that is the only address which will be used to determine eligibility for and provision of school transport irrespective if they would qualify from the address where they spend the lesser amount of time.
- 10.3 For children whose parents live at separate addresses where the child spends an equal amount of time at both addresses and the child would qualify for free or assisted transport to school from both addresses, the local authority will provide transport from one address only. We will ask the parents to decide which address is to be used for the provision of school transport.

11.0 Exceptional circumstances

11.1 Consideration may be given to individual exceptional requests for transport assistance. Each case is considered on its merits and any provision will normally only last for the duration of the prevailing circumstances. Examples of past exceptions have been:

- where a pupil is subject to a Child Protection Plan
- a recent bereavement in the immediate family

11.2 The following circumstances are **not** on their own likely to be regarded as exceptional (this list is not exhaustive):

- single parent families
- a child in temporary care
- temporary fragmentation of the family
- families in receipt of state benefit or re-housed families
- parents are unwilling, or unavailable to escort their child to school or pick-up point
- work commitments or domestic difficulties of parents/carers including taking other children to school

11.3 Exceptional transport requests should be made in writing and supported with appropriate professional documentation to the general enquiry address detailed at the bottom of this policy.

11.4 In all cases of exceptional circumstances the decision to provide transport and its duration and type will be solely at the discretion of Leicestershire County Council. At minimum each case will be reviewed annually.

12.0 Transport assistance on grounds of medical condition

12.1 Transport on grounds of medical condition will usually only be considered for children who are attending their nearest qualifying or **TEA** school. Where transport assistance is requested because of a medical condition parents must complete a form available at http://www.leics.gov.uk/exceptional_medical_transport.htm with proof of the diagnosed medical condition by a medical professional. Once the documentation is assessed transport assistance will only be agreed for a period assessed as appropriate based on advice from the medical professional. In the case of a GP supported request this will be for a maximum of 12 weeks. For transport to be provided longer than 12 weeks supporting documentation must be provided by a specialist medical professional.

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

13.0 Short Break (respite) transport assistance

13.1 Children who require transport assistance to and from **short break** care settings must apply through their named Social Worker. Applications must be in writing and require supporting professional documentation.

Re-application is required annually²⁰

13.2 General enquiries can be made as follows:

Telephone: 0116 305 0005

Email: childrensduty@leics.gov.uk

14.0 Poor behaviour and withdrawal of transport

14.1 We have a duty to allow children to travel in reasonable safety and comfort. Any anti-social behaviour by a pupil/student affecting other passengers, the public or the driver that endangers (whether intentionally or unintentionally) themselves or others may lead to transport being withdrawn from that pupil/student, either temporarily or permanently. In these circumstances, the arrangement and cost of transport will fall to the parent/carer. It will be the parents' responsibility to ensure that their child attends school during the period of a transport ban.

15.0 Errors

15.1 Where a pupil or student has been assessed as eligible for assisted or free transport in error, reasonable notice of the transport provision to be withdrawn will be issued in writing to the parent. In all cases at least 4 calendar weeks' notice will be given before transport is withdrawn.

16.0 Retrospective claims & other payments to parents

16.1 The County Council reserves the right to refuse retrospective claims for transport costs undertaken by parents: eligibility is described **in this policy** and transport provided accordingly. In exceptional circumstances 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.

17.0 Transport assistance for pupils on a Managed Move

17.1 Transport assistance will only be provided where School Admissions and Pupil Services or the Behaviour and Attendance Service, under the Fair Access Protocol - see Admissions Policy at:

http://www.leics.gov.uk/admissions_useful_information.htm agree a managed move; **and**

- is only at the start and end of each school day; **and**
- is subject to the distance from home to the new school exceeding statutory walking distances; **and**
- is for a maximum of 10 weeks only (after this trial period the standard eligibility criteria contained within this policy will apply)

18.0 Transport for permanently excluded pupils

18.1 Transport will be provided as follows:

- transport during the first term of admission to a new school is to be provided by the Behaviour and Attendance Service (under review);
- transport following re-admission to a school is to be made available

- providing the home to school distance exceeds statutory distances;
- transport will only be provided to the next nearest appropriate school under the Fair Access Protocol;
- transport will only be provided to the new school until transfer to the next phase of education or until the end of year 11, except for exceptional circumstances e.g. if there are reasons connected to the exclusion why the young person cannot attend their **TEA** or nearer school at point of transfer;
- requests for transport in these circumstances must be made by the parent for consideration by School Admissions and Pupil Services.

19.0 Charges and payment from parents

19.1 Charges are announced annually on 1st March but may be subject to change, e.g. inflation or due to other decisions taken by the County Council.

19.2 We offer parents a variety of ways to pay for transport assistance, details of which can be found in the guidance notes for each transport scheme. You can view the guidance notes on our website at: www.leics.gov.uk/school_college_transport. Alternatively you may contact our Customer Service Centre for a copy:

Customer Service Centre (E&T),
Leicestershire County Council,
County Hall,
Glenfield,
Leicester,
LE3 8SR.

Telephone: 0116 305 0002

Email: customerservices@leics.gov.uk

19.3 Transport assistance debts will be pursued through legal action and no transport will be provided for any subsequent year if a debt remains outstanding. Payments in advance may be required from applicants with a history of bad debts.

19.4 Where a failure of transport arises as a result of poor weather or road conditions refunds will not be made or alternative transport arranged. Bus and Taxi operators are empowered to make the decision whether routes/parts of routes are safe to operate in severe weather conditions.

20.0 Transport provision including use of seatbelts, 3 for 2 seating and use of double deck vehicles

20.1 Home to School Transport will be provided in the most cost-effective manner as defined by the Council. This can be by any of the following means (this list is not exhaustive):

- school contract bus or taxi
- Council fleet service
- season ticket for bus or train service
- taxi journey
- bus/train fares refund
- petrol allowance

20.2 The means of transport may be changed at short notice and is entirely

20.3 We exceed minimum government regulations in relation to transporting children (to and from school) in respect of the vehicles that we are directly responsible for. We do this by:

- only allocating one child per seat on dedicated school buses, coaches or taxis (the '3 for 2' seating rule is not used in Leicestershire)
- seatbelts are provided on all dedicated single deck school buses, coaches or taxis
- only single deck vehicles are used for primary school transport
- no single journey in a double deck vehicle will exceed 12 miles

20.4 In the majority of cases the maximum each way length of journey for a primary aged child will be approximately 45 minutes and approximately 75 minutes each way for secondary aged children.

20.5 In addition to the good practice detailed above the guidance we offer schools is detailed in Appendix 2.

21.0 Supplementary information

21.1 Supplementary information that should be considered as part of the policy and procedures of home to school transport is contained in the following literature:

- Home to School Transport – a summary guide for parents
- Guidelines for School Staff
- Guidelines for Parents and Students
- Bus Passes - Frequently Asked Questions
- Anti-Social Behaviour on School Buses
- Guidelines for Parents: Special Educational Needs Transport
- Guidelines of Safe Working Practices for the Protection of Children and Staff
- Assisted transport for 16-19 Year Old students (Years 12 and 13)
- Farepaying Places on School Buses
- Assisted Transport for Leicestershire Pupils (Under 16) Attending Voluntary Aided Schools
- Application forms for transport

General Enquiries:

General enquiries and specific requests should initially be addressed to:

Address: Transport Assessments
Sustainable Travel Group
Environment & Transport Department
Leicestershire County Council
County Hall
Glenfield

Leicester 23
LE3 8RJ

Telephone: 0116 305 0255

Email: TransportAssessments@leics.gov.uk

If you require this information in an alternative version such as large print, Braille, tape or help in understanding it in your language, please contact 0116 305 0001, or e-mail: customerservices@leics.gov.uk

Further details available on our website: www.leics.gov.uk

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SCHOOL TRANSPORT APPEAL PROCEDURE

1.0 Background

1.1 Leicestershire County Council has adopted a mainstream home to school transport policy ('the Transport Policy') which applies to children and young people in Leicestershire.

1.2 In accordance with the Transport Policy and the provisions of the Education Act 1996, free and assisted transport is provided for:-

- Primary school aged pupils who attend the TEA school for their home address (or other nearer school) and the distance is more than 2 miles ('the Statutory Walking Distance').
- Secondary school aged pupils who attend the TEA school for their home address (or other nearer school) and the distance is more than 3 miles ('the Statutory Walking Distance').
- Eligible pupils who attend a particular school on denominational grounds in the circumstances set out in the Transport Policy.

1.3 Distances are measured by the shortest available walking route between the middle of the road immediately outside of the home address and the nearest school or college gate. In accordance with the provisions of the Transport Policy, the shortest available walking route is the shortest route which a child, accompanied as necessary, can walk with reasonable safety.

1.4 Measurements are carried out in a consistent fashion using computerised measuring systems as set out in the Transport Policy.

2.0 Commencement Date

2.1 This Procedure has effect from 1st June 2013.

3.0 General basis for appeals

3.1 Parents/carers have the right of appeal should they have cause for complaint about the service or disagreement about the eligibility of their child for home to school transport assistance. Parents may challenge a decision about:

- Their child's eligibility
- The transport arrangements offered
- The distance measurement
- The safety of the walking route

4.0 Appeals process and timescale

4.1 The County Council has a 2 stage appeals process as below:

Stage one:

25

- 4.2 A parent has 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision. Please note that parents may request appeals at any point in the year but we cannot guarantee to meet the timeline below when these are received beyond the 20 working day period mentioned above.
- 4.3 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.
- 4.4 Within 20 working days of receipt of the parent's written request a senior officer (the Reviewing Officer) will review the original decision and send/email the parent a detailed written outcome setting out:
- the nature of the decision reached;
 - how the review was conducted (including the standard followed);
 - information about other departments and/or agencies that were consulted as part of the process;
 - what factors were considered;
 - the rationale for the decision reached;
 - information about escalation to stage two (if appropriate).

Stage two:

- 4.5 The Parent has 20 working days from receipt of the County Council's stage one decision to make a written request to escalate the matter to stage two.
- 4.6 Within 40 working days an independent appeal panel will consider written and verbal representations from the parent and officers and gives a detailed written outcome setting out:
- the nature of the decision reached;
 - how the review was conducted (including the standard followed);
 - information about other departments and/or agencies that were consulted as part of the process;
 - what factors were considered;
 - the rationale for the decision reached;
 - information about escalation to the Local Government Ombudsman (see below).
- 4.7 The independent appeal panel members will be independent of the process to date and suitably experienced, to ensure a balance is achieved between meeting the needs of parents and the local authority, and that road safety requirements are complied with.

5.0 Review of available walking route

5.1 Grounds for review request:

- (a) If there is a material change in relation to an existing available walking route which may affect the availability of that route; **or**
- (b) If there is a new available walking route assessment.

In either case referred to above, a parent/carer or a young person (or a group of parents/carers) may request that the available walking route be reviewed if they are dissatisfied with the assessment undertaken because it has not taken into account the published national guidance relating to route assessment in force at the time.

5.2 For the purposes of 5.1(a) above, 'a material change' means works (other than temporary works) which have been undertaken since the route was last assessed where those works significantly affect:

- the use of the highway
- the road layout
- the footpath
- the traffic volume
- the speed of traffic

5.3 Any request for a review of the availability of a walking route must be made in writing setting out the material change in question (in the case of an existing route) and why the parents/carers or young person consider that the assessed route is not available. Any supporting evidence relied upon by parents/carers or the young person must be submitted with the review request.

6.0 General

6.1 The decision of the independent appeal panel is binding. There is no further right of appeal or review in relation to the processes set out in 3, 4 and 5 above. A parent/carer or young person may refer the matter to the Local Government Ombudsman, but only if complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal was handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may apply for judicial review. Referrals to the Local Government Ombudsman should be submitted to:

The Local Government Ombudsman
 PO Box 4771
 Coventry
 CV4 0EH
 Telephone: 0845 602 1983
 Fax: 0247 602 0001
 Email: advice@lgo.org.uk

7.0 Requesting a Review

7.1 Parents/carers or young persons wishing to request a review under this procedure should do so by completing the appeal form available at:

http://www.leics.gov.uk/school_college_transport_appeal_form.htm

or by contacting:

The Senior Transport Officer
 Sustainable Travel Group
 Environment & Transport Department

Tel: 0116 305 0255

Fax: 0116 305 7181

Email: TransportAssessments@leics.gov.uk

- 7.2 Parents/carers are reminded that it is their legal duty to ensure their child's attendance at school. That duty is not affected by any pending appeal procedure.

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**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 older minibuses and coaches are used to take children on organised school trips, including journeys to and from school. Minibuses and coaches first used after 1st October 2001 with compliant seat belts and anchorages may transport children in rearward facing seats. 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.
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 22 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 the Environment and Transport Department.
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 legal 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 legally be enforced by drivers or teachers. Schools may wish to include a section on seatbelt wearing on parental consent forms. Forcing a seatbelt on to a child is not appropriate. If a member of

staff or other adult is assisting²⁹ 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 and contracted home to school and return journeys 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.

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PROCESS FOR ASSESSING WHETHER OR NOT WALKING ROUTES TO SCHOOLS ARE UNAVAILABLE

Context

This process is based on the statutory guidance 'Guidance on home to school travel and transport' issued by the Department for Education (DfE) in March 2013 and the Assessment of Walked Routes to School guidelines produced by Road Safety GB in 2011 which provides guidance on the interpretation of both case law and what is generally accepted by many Local Authorities as good practice in assessing various elements of the walking route between home and school.

Specifically, the DfE guidance states, *Local authorities must also make travel arrangements for those pupils who are unable to walk to school because of their special educational need (SEN), disability or mobility problems and children who cannot reasonably be expected to walk because the nature of the route is such that they cannot walk in reasonable safety.*

Leicestershire County Council takes account of the safety aspect of routes to school by following the process and assessment criteria stated below.

2. Process

- (a) A request to assess a route for availability is made to the Sustainable Travel Group (normally from a parent or school, but also where the County Council is providing free transport outside of the Home to School Transport Policy and the route may have become available).
- (b) Request from the Sustainable Travel Group for an initial assessment of the route using available mapping media, if the route is initially assessed as an available walking route a full assessment will be undertaken including a site visit with photographic records. Routes that fail an initial assessment may be subject to a full assessment if the decision is considered marginal by the Assessing Officer and transport will be provided if under the statutory walking distances for primary and secondary aged children until the full assessment has been completed.
- (c) Evidence will be considered from the Accident Investigation and Prevention Team, when undertaking full assessments using the assessment criteria below, which may (but will not always) include a site visit, information on traffic volumes (where required and where available) and accident history records.
- (d) A written report of site visit (using the standard format below) and other information (such as accident data) will be considered.
- (e) The findings of the process above will be considered by officers within the Accident and Investigation Team who will review the assessment and provide a written report on whether the route is available.
- (f) The Assessment report will be sent to the Sustainable Travel Group.
- (g) Any appeal to review the route assessment will be considered as outlined in the Appeals Process in Appendix 1.
- (h) If a route is assessed not to be available, then free transport will be arranged as soon as practically possible. If a route is assessed to be available, but free transport has been provided (because previously the route was assessed as not being available and remedial works have

been undertaken to make the route available), the County Council will give at least 4 calendar weeks' notice to affected parents/pupils of the withdrawal the free provision.

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3. Assessment Criteria

Whilst the following criteria are specific, professional judgement will be exercised to take account of any local circumstances and the merits of any individual case, as required.

Factor Assessed	What is Assessed	Assumptions
The age of the child	<p>The age of the children using the walking route will be assessed.</p> <p>The age of the child is assessed to distinguish between the 2 maximum walking distances from home to school i.e. 2 or 3 miles.</p>	The existence of public transport (bus or rail) or farepaying places on contracted Home to School Transport is not taken into account when assessing a walking route.
Whether any potential risks might be mitigated if the child were accompanied by an adult	<p>The route is assessed on the basis that a responsible adult will accompany the child as necessary.</p> <p>There may be circumstances where this may not be possible i.e. because of disability. Such circumstances would be considered by means of an appeal.</p>	<p>Existing case law about adults accompanying children remains unchanged</p> <p>It is recognised that parents may decide that accompaniment is not required as the child matures; however the legal precedent suggests that parents accompany as necessary.</p>
The width of any roads travelled along and the existence of footways.	<p>The width of roads is taken into account when no footway is present to assess the suitability of walking at the side of the road</p> <p>The detail of the assessment will indicate the nature of the route and where crossing of main roads and walking at the side of the road is required.</p>	<p>The availability of suitable footpaths, rights of way, bridleways etc., which do not necessarily follow roads may be taken into consideration.</p> <p>If there is no suitable public footpath or footway a walking route is available if it is acceptable in two respects: walking at the side of the road and crossing the road where necessary.</p> <p>Where there is no footway and there is a requirement to walk on the road it is assumed that pedestrians will face on-coming traffic, but it is acceptable for them to cross and walk on the other side of the road if it is</p>

	33	considered safer to do so.
<p>The volume and speed of traffic travelling along any roads</p>	<p>Both crossing the road (visibility sighting times and waiting time to cross) and walking at the side of the road criteria take into account traffic volume and speed:</p> <p>Crossing a road is acceptable if:</p> <p>There is at least 4 seconds' sighting time for vehicle drivers to see pedestrians,</p> <p>AND</p> <p>A pedestrian has to wait no more than 40 seconds to cross the road.</p> <p><i>A series of timings will be taken to arrive at an average timing for purposes of assessment.</i></p> <p>Walking alongside a road is acceptable if there is a footpath with a reasonably even surface of suitable width.</p> <p>Walking at the side of a road is acceptable if:</p> <p>in the absence of a footpath the road is greater than 6.5 metres wide and there are less than 240 vehicles per hour, two-way, of which no more than 24 are HGVs,</p> <p>OR</p> <p>for roads up to 6.5 metres in width, there are less than 240 vehicles per hour, two-way, of which no more than 24 are HGVs,</p> <p>AND</p> <p>there is at least 4 seconds' sighting time for vehicle</p>	<p>LCC Criteria on sighting times and waiting times to cross have been adopted from Road Safety GB detailed guidance regarding traffic flow and gap times.</p>

	<p>drivers and pedestrians and there is a reasonably even and firm verge to step on to off the road.</p> <p><i>A series of timings will be taken when assessing the route.</i></p>	
The existence or otherwise of street lighting	Where crossing roads or where there is no available footpath the existence or otherwise of street lighting will be considered (where visibility of pedestrians at the side of the road could be compromised).	The existence or otherwise of street lighting is taken into account where this will assist drivers in seeing pedestrians walking in the road or at identified crossing points where no light controlled (Pelican or Toucan) or Zebra crossings exist. If a continuous suitable footway exists then street lighting is desirable but may not be required for a route to be assessed as available.
The condition of the route at different times of the year, at the times of day that a child would be expected to travel to and from school	<p>Site visits will cover the whole route but focus on parts of the route with potential hazards, and will take place at the time in the morning (or afternoon) when children would be travelling to school.</p> <p>Assessments when undertaken will consider seasonal variations in conditions along a route.</p> <p>Assessments may identify improvements to routes which if undertaken would make the route available, even if the route is deemed not to be available in the interim</p>	<p>The route will be kept well maintained by landowners and the Highway Authority. Where problems are identified, such as overgrown foliage and damage to footways we will ask landowners to repair this or the Council will repair this and recharge landowners as appropriate</p> <p>Assessments will consider the condition of the route at different times of the year and in particular the effects of vegetation growth.</p>

4. Assessment Report Format

General

- The start and end points of the assessment and the details of the route taken will be provided along with a map of the route assessed .The route will be split up into sections (note these) for the purpose of reporting.
- The time of day the assessment is undertaken will be stated
- The weather and light conditions will be noted.
- Photographs will be taken to exemplify areas likely to be of concern

Section characteristics

The Assessment will;

- record if there is a footway and if so, the general availability and condition of it. An assessment of the suitability of the footway will be made with photographs of any narrow sections. An assessment will be made as to whether it is available for walking and of sufficient width and quality. The condition and maintenance of the footway maintained and other pedestrian use will be noted.
- define length/names of the roads on the route and any relevant characteristics, for example, whether the route is rural/urban, single/dual carriageway, A/B class, one-way, speed limit, estimated vehicle speeds and whether traffic calmed.
- define road widths and any variations where there is no footway, (noting locations where the road narrows at 'pinch points'). In the absence of footways a note of the forward visibility for sighting times will be made.
- Highlight any feature along the route that may need re-assessment in the future (e.g. likely change in traffic patterns or vegetation that may compromise available footway width)
- Consider whether there are any alternative walking routes.

Crossing – assessment

The Assessment will:

- consider whether there is a need to cross a main road or significant side road or entrance on the section of route being assessed.
- Make reference to the fact that there are side roads and entrances and specifically note any that are likely to have significant traffic movements and which need to be crossed.
- where roads need to be crossed, consider if, there is at least 4 seconds' sighting time for drivers to see pedestrians and whether waiting time to cross is less than 40 seconds (keeping a record of the average timings).
- Note any crossing facilities on the assessed section (central refuges, zebras, pelicans, etc.)
- note if crossing is recommended to take place at a specific location.

Walking at the side of the road assessment

The assessment will:

- consider whether there is a footway on the section and if there is an available walking route on both sides of the road
- Consider which side of the road the footway is situated on and whether it has a reasonably even surface and is of sufficient width
- Consider whether 'availability' is likely to remain the same throughout the year and in all conditions
- In cases where there is no footway available, consider whether traffic flow is estimated to be over 240 vehicles per hour and if HGV flow is estimated to be over 24 vehicles per hour.
- Consider the characteristics (length, width and 'condition') of the verge

5. Frequently Asked Questions (These do not form part of the assessment process)

What time are the assessments undertaken? - Assessments usually take place in the morning during the times that children will be travelling to school but assessments may also be undertaken when returning home in the afternoon. Visits are timed, where possible, so that crossing assessments of main roads take place at the times when the number of children travelling to school is highest. Detailed timings and measurements are undertaken.

What happens if I can't walk with my child? Any adult can walk with a group of children. We will work with schools to identify other ways of travelling to school through School Travel Plans. Where the walking route is less than 2 miles for children who attend primary school and less than 3 miles for secondary age children the responsibility for ensuring children attend school remains with the parent - this is not a Leicestershire County Council responsibility.

What happens if the footpath is really narrow? There is no minimum width for a footpath to be acceptable for walking. Officers will use their professional judgement on the available width including hedgerows and verges next to the footpath to determine its availability as suitable for walking.

What if my child has to walk in the dark? Generally school start and finish times are such that children can walk to school in daylight. There will be a limited number of times when this is before sunrise and after the sun sets i.e. in twilight hours. In these cases it is the parents' responsibility to accompany their child if they feel it is appropriate. You may decide that your child can walk unaccompanied but the legal responsibility remains with parents to make appropriate arrangements to ensure that their child attends school.

What accident data will be included? The report will include a general reference to all accidents on the route, additional reference to accidents involving pedestrians, and a detailed reference to pedestrian accidents at designated crossing points.

What if there isn't a footway? Even if there isn't a footway the walking route might still be assessed as available. The assessment will take account of traffic flows and whether pedestrians and car drivers have enough time to slow down or pedestrians have time to step off the road onto a verge.

What do I do if I think the walking route is unsafe? No walking route can be absolutely safe, the term used in guidance is reasonable safety which would make the walking route available. If you think the route isn't available you have the right to appeal but you must demonstrate that there is a change to the route that would render it not reasonably safe to walk along.