



# School Transport

## POLICY DOCUMENT V1.2



# Contents

<b>SECTION 1: TRAVEL ARRANGEMENTS FOR ELIGIBLE CHILDREN .....</b>	<b>4</b>
1.1. Introduction.....	4
1.2. Children Living Outside Of Specified Walking Distance .....	4
1.3. Children Unable to Walk to School Because of the Nature of the Route. ....	5
1.4. Children Unable to Walk to School By Reason Of Their Special Educational Need, Disability or Mobility Problem (Including Temporary Medical Conditions). ....	6
<b>SECTION 2: DISCRETIONARY TRANSPORT .....</b>	<b>8</b>
2.1. Home to College and School Sixth Form Transport For Students Aged 16-18 .....	8
2.2. To Enable Children in Years 6, 10 and 11 to Complete a Programme of Study. ....	9
2.3. Children Resident in the Council’s Homeless Hostels.....	9
2.4. Children Resident at the Women’s Refuge. ....	9
2.5. Looked After Children. ....	9
2.6. Children Attending Special Educational Resource Facilities. ....	9
2.7. Other Exceptional Circumstances.....	9
<b>SECTION 3: CIRCUMSTANCES UNDER WHICH TRANSPORT WILL NOT BE PROVIDED.....</b>	<b>9</b>
<b>SECTION 4: APPEALS .....</b>	<b>9</b>
<b>SECTION 5: BASIS OF PAYMENT .....</b>	<b>10</b>
5.1. Travel Pass .....	10
5.2. Mileage Allowance .....	10
5.3. Provision of a Seat in a Council Owned Vehicle .....	10
5.4. Provision of a Seat in a Vehicle Hired by the Council.....	10
5.5. Provision of an Escort .....	10
5.6. Participation in Activities Before and After School.....	10
<b>SECTION 6: SUITABILITY OF TRAVEL ARRANGEMENTS.....</b>	<b>11</b>
6.1. Vehicle Safety .....	11
6.2. Use of Child Safety Seats.....	11
6.3. Training for Drivers and Passenger Assistants.....	11

**6.4. Pre-Employment Checks for Drivers and Escorts (Passenger Assistants)..... 11**

**6.5. Pickup and Drop Off Points..... 11**

**6.6. Reasonable Journey Time ..... 11**

**6.7. Use of School Buses by Pupils Who Are Not Eligible for Free School Transport ..... 12**

**SECTION 7: SUSTAINABLE SCHOOL TRAVEL STRATEGY ..... 13**

**APPENDIX 1. LEGAL FRAMEWORK. .... 14**

## Section 1: Travel Arrangements for Eligible Children

### 1.1. Introduction

It is a parent's responsibility to ensure that their child attends school regularly at the appropriate times each day. However, there are circumstances when Blackpool Council is required by law to provide or pay for eligible children to receive free school transport.

To qualify as an eligible child, the child must be resident in Blackpool and be of statutory school age. For the purposes of this policy Blackpool Council extends the definition of statutory school age to include any pupil aged four years old who has started primary school in the Reception year and who is yet to attain statutory school age. A child ceases to be of school age on the last Friday in June of the School year in which he or she reaches 16.

The circumstances under which Blackpool Council is **required** to facilitate free school transport include:

### 1.2. Children Living Outside Of Specified Walking Distance

#### Specified Walking Distance

Blackpool Council will provide free school transport where a child lives further away from the nearest suitable school(s) than the 'specified walking distance' and no suitable arrangements can be made by the Local Authority for the child to become a registered pupil at a qualifying school nearer to the child's home.

Section 444(5) of the Education Act 1996 defines statutory walking distances beyond which it is considered unreasonable for a child to walk to school. These distances are:

1. For a child under the age of eight; 2 miles.
2. For a child aged eight or above: 3 miles.

For the purposes of this policy and in line with statutory requirements Blackpool Council has extended this definition and defines 'specified walking distances' as:

1. For a child of primary age: 2 miles
2. For a child of secondary age from a low-income family: 2 miles
3. For a child of secondary age who is not from a low-income family: 3 miles.

For transport purposes only, low-income families are defined as families who are in receipt of the maximum level of Working Families Tax credit or whose children are eligible for free school meals.

For transport purposes only, the walking distance is taken as the 'shortest safe walking route' from the child's home to the nearest suitable school. The distance is measured, using a Geographical Information System, from the front of the child's home to the main entrance of the school.

#### Nearest Suitable School(s)

For the purposes of transport provision, the nearest suitable school is defined as:

1. for pupils **not** applying for a school on the grounds of religion or belief, the nearest community school with available places to the child's home address;

or

2. for pupils applying for a school on the grounds of religion or belief, the nearest voluntary aided school with available places;

For secondary age pupils from low income families, the nearest suitable schools are defined as:

1. for pupils **not** applying for a school on the grounds of religion or belief, the three nearest community secondary schools with available places to the child's home address, up to a maximum distance of 6 miles.

or

2. for pupils applying for a school on the grounds of religion or belief, the nearest voluntary aided school with available places, up to a maximum distance of 15 miles.

For transport purposes, where pupils are applying for transport to voluntary aided schools, the school should be of the family's own religious denomination, to which they must be able to demonstrate an ongoing commitment in accordance with the school's admissions policy. The Council will seek evidence from the Headteacher of the school to confirm that the pupil was admitted on grounds that meet the denominational requirements of the school's admissions policy.

Blackpool Council will provide free school transport to eligible pupils to schools inside or outside of Blackpool.

It is not Blackpool's policy to offer assistance with school travel expenses to pupils who attend independent schools, except in the case of an independent special school named in a pupil's Statement of Special Educational Needs.

### **Availability of School Places**

In determining whether places are available at a school, account will be taken of the position at the time when places were allocated. If a place is likely to have been available had a particular school been identified as a preference, then it will be assumed that places were available.

In the case of children moving into an area, the availability of places at the time of application will be considered.

### **1.3. Children Unable to Walk to School Because of the Nature of the Route.**

Blackpool Council will provide free school transport to children who live within specified walking distance where the nature of the route is such that a child cannot reasonably be expected to walk accompanied as necessary in reasonable safety.

#### **Safety of Walking Routes**

In assessing whether the shortest walking route is safe, Blackpool Council will follow guidelines issued by the Royal Society for the Prevention of Accidents (RoSPA) and take into account:

- the age of the child;
- the availability of suitable footways;
- the width of any roads crossed;
- the volume and speed of traffic travelling along roads;
- the location of suitable crossing points, including the location of lollipop, zebra and pelican crossings;
- the existence of street lighting; and
- the condition of the route at different times of year, at the times of day that a child would be expected to travel to and from school.

In determining the safety of the walking route, the child is assumed to be **accompanied, as necessary**.

The assessment of the safety of the route will not take into account additional dangers that might arise from the parent not accompanying the child unless it is clear that accompaniment is not reasonably practical.

The employment commitments of parent(s) are not considered when determining whether they are able to accompany their child to school.

Where a parent has a disability or mobility problem that prevents them from accompanying the child, this will be taken into account.

Where a parent has a temporary medical condition that prevents them from accompanying the child, this will be taken into account. However, where the route is deemed to be safe for an accompanied child, Blackpool Council will only make suitable travel arrangements for the period in which the temporary medical condition prevents the child from being accompanied.

#### **1.4. Children Unable to Walk to School By Reason Of Their Special Educational Need, Disability or Mobility Problem (Including Temporary Medical Conditions).**

Blackpool Council will provide free school transport to children who are unable to walk to school by reason of their Special Educational Need and/or disability or mobility problem where:

1. no suitable arrangements can be made by the Local Authority for the child to become a registered pupil at a qualifying school nearer to the child's home; and
2. the child could not reasonably be expected to walk to school.

Any pupil with a Special Educational Need, disability or mobility problem, living outside of specified walking distance would be eligible for free school transport on this basis.

Children with special educational needs, **statemented or otherwise**, who live within specified walking distance may be provided with free school transport but this is not an automatic right.

Assessment of eligibility will be made according to the individual needs of each pupil and factors that may be considered include:

1. the age of the pupil;
2. the distance between the child's home address and suitable schools;
3. the nature of the child's special educational need or disability;
4. whether the pupil has physical, medical, or communication difficulties that would prevent them from safely using public transport or from achieving independent travel;
5. whether a pupil would be able to travel independently following independent travel training;
6. whether suitably modified public transport is available (e.g. for wheelchairs, specialist seating etc);
7. whether the pupil's disability prevents them from travelling the whole distance from school;
8. whether the assessed behaviours and/or social independence skills of the pupil are such that the pupil is unable to travel safely;
9. whether the pupil would present a danger to others;
10. whether the pupil's needs prevent the parents from providing transport;
11. the efficient use of the Authority's resources;
12. any other individual circumstance.

The above list is for guidance only, and satisfaction of one or more of the criteria does not automatically allow entitlement to transport assistance.

Where a pupil applies for free school transport on the grounds of a Special Educational Need, disability or mobility problem there must be substantive medical evidence to support this. For example a report from a consultant doctor based on an examination of the pupil. Each case will be treated on its own merits and the Local Authority will consult its own medical advisers in deciding whether free school transport will be provided.

Where a pupil has a Statement of Special Educational Needs, the Local Authority will decide whether the pupil would be able to walk to school as part of the Statutory Assessment of Special Educational Needs and the need for transport will be written into the statement.

No provision will be made for pupils who can reasonably make their own way without assistance

## **Home to Special School Transport For Students Aged 16-18 Attending Special Schools**

Young people with transport included as part of their statement of Special Educational Needs and who remain at a **special school** beyond compulsory school age will be eligible for free school transport until the end of the academic year in which they reach the age of 19.

Blackpool Council is not required to provide support for pupils with special educational needs or disabilities who attend school sixth forms or colleges of further education. However, discretionary support may be provided in certain circumstances, as set out in Section 2: Discretionary Transport.

### **Provision of Passenger Assistants**

Children with special educational needs, stated or otherwise, who are provided with free school transport may be provided with a passenger assistant but this is not an automatic right.

The provision of an adult passenger assistant will be considered as part of the Statutory Assessment of a pupil's Special Educational Needs and the transport risk assessment process.

An adult passenger assistant may also be provided for a child without a Statement of Special Educational Needs according to the child's individual needs.

### **Review of Transport Arrangements**

Transport arrangements for pupils with Special Educational Needs, disabilities or mobility problems will be reviewed annually and for pupils with Statements of Special Educational Needs this will be part of the Annual Review of a child's Statement of Special Educational Needs.

In addition, the authority reserves the right to review transport requirements outside the annual review in order to safeguard its statutory duty to ensure the efficient use of resources.

### **Temporary Medical Conditions**

Blackpool Council will provide free school transport for children with temporary medical conditions, e.g. a broken leg, that prevent them from walking to school. Where a child has a temporary medical condition that prevents them from walking to school, there must be substantive medical evidence to demonstrate this, e.g. in the form of a letter from a consultant doctor. Each case will be treated on merit and the Local Authority will consult its own medical advisers in deciding whether free school transport will be provided. Free school transport will only be provided for the period in which the temporary medical condition prevents the child from walking to school.

### **Factors Not Taken Into Account When Determining Eligibility**

The following factors are not taken into account when determining eligibility for assistance towards the cost of school transport.

1. **Siblings.** Although the right of a parent to express a preference for a particular school is recognised and the presence of an elder sibling in attendance at the school of the parent's choice may be an important factor in dealing with the question of admissions, travelling expenses will not be paid on this basis.
2. **Family Associations.** Past or present family associations with a school cannot be considered as grounds for the payment of travelling expenses.
3. **Family Circumstances.** Family circumstances such as parents' employment responsibilities are not considered when determining eligibility for free school transport.

## Section 2: Discretionary Transport

In addition to the circumstances under which Blackpool Council is required to facilitate free school transport, the Council uses the powers given to it under Section 508C of the Education Act 1996, as inserted by Part 6 of the Education and Inspections Act 2006, to provide or pay for all or part of the cost of transport for some pupils who are not automatically eligible for free school transport.

Assistance with transport may be provided on a **discretionary** basis in the following circumstances:

### 2.1. Home to College and School Sixth Form Transport For Students Aged 16-18

Blackpool Council may offer assistance with home to college or school sixth form transport to students who are aged 16 to 18 when their course starts where they (or in the case of dependent students, their parents) receive Income Support or Job Seekers Allowance (income based) and where at least one of the following circumstances apply.

- (i) **Learning Difficulties.** Usually where a student has had a statement of special educational needs whilst at school and in the opinion of the Executive Director of Children's Services there is a necessity for transport assistance to college.
- (ii) **Medical Difficulties.** Where in the opinion of the Executive Director of Children's Services there is a necessity for transport on the grounds of a student's medical difficulties with strong supporting professional evidence.
- (iii) **Severe Social or Domestic Difficulties.** Where, in the opinion of the Executive Director of Children's Services, there is a necessity for transport on the grounds of a student's **severe** social or domestic difficulties.

#### Conditions

No assistance will be provided under this scheme for a student who is aged 19 or more when he/she begins a course of further education, a student attending a part time course or undertaking a higher education course.

Attendance must be at the nearest suitable further education college or school sixth form. A student who chooses to attend an alternative to the nearest suitable college or school sixth form will be entitled to assistance with transport expenses equivalent to the cost of transport to the nearest suitable college or sixth form.

#### Suitability of Courses

A student may wish to attend a college or school sixth form other than the nearest suitable one because he/she considers that a particular course offers more suitable for him/her. In the case of A' levels, for the purpose of considering an application for transport assistance, the Council defines a 'suitable course' as one where at least two or more subjects are available, unless the student can demonstrate that the third (or subsequent) subject is an essential requirement for a subsequent course or career. A similar test will be applied where a student is seeking to attend a more distant school or college in order to follow a particular syllabus within the same subject.

If a student's choice of course cannot be supported, travelling expenses may be paid only to the amount that would be payable to the nearest school or college offering the alternative course.

#### Students who change address

Students who change address but who remain within the Borough may continue to receive transport assistance to their present sixth form or further education college.

Blackpool residents who move out of the Borough but who intend to complete their course at the current school or college may remain eligible to receive transport assistance from Blackpool Council until the end of the current academic year.

Students who move into Blackpool should refer to their previous local education authority for transport assistance if they wish to complete a course of further education already started.

## **2.2. To Enable Children in Years 6, 10 and 11 to Complete a Programme of Study.**

Free school transport may be provided to pupils who move home during their final year at primary school (Year 6) or in their final two years of secondary school (Years 10 or 11) where:

1. The distance from school exceeds the specified walking distance; and
2. The distance from school or the time taken to travel between home and school is not regarded as excessive.

Where a pupil of compulsory school age in a year group other than Year 6, 10 or 11 who is eligible for free school transport changes address, their transport entitlement will be reassessed.

## **2.3. Children Resident in the Council's Homeless Hostels.**

Free school transport may be provided to children resident in the Council's homeless hostels.

## **2.4. Children Resident at the Women's Refuge.**

Free school transport may be provided to children resident at the Women's Refuge.

## **2.5. Looked After Children.**

Free school transport may be provided to looked after children temporarily accommodated further away from their school than the specified walking distance

## **2.6. Children Attending Special Educational Resource Facilities.**

Free school transport will not automatically be provided to children attending Special Educational Resource Facilities. Each case will be reviewed and assessed on its own merits according to the main eligibility criteria set out in this policy.

## **2.7. Other Exceptional Circumstances.**

Free school transport or a contribution towards the cost of transport may be provided where, in the opinion of the Executive Director of Children's Services, other exceptional circumstances apply.

## **Section 3: Circumstances Under Which Transport Will Not Be Provided.**

Transport would not normally be provided:

- To support work experience or other extra-curricular activities.
- To hospital, clinical or other medical appointments.
- To other non-educational appointments.
- In the event of detention.
- In the event of sickness during the school day.

## **Section 4: Appeals**

Parents can appeal against a decision not to provide transport or against the detailed arrangements made. The Employment and Appeals Committee will consider any written or oral representations made by parents in support of their appeal. The decision of the Committee is final and binding unless there is some significant change in circumstances, which would merit the case being reconsidered.

## **Section 5: Basis of Payment**

At the discretion of the Council and in consultation with parents the Council will provide or pay for school transport in one of the following ways:

### **5.1. Travel Pass**

Pupils who are eligible for free school transport may be issued with a travel pass for a commercial or non-commercial bus service.

### **5.2. Mileage Allowance**

Where a parent consents to driving their child to school in lieu of the local authority making arrangements to transport the child, a mileage allowance may be paid at a rate equivalent to the Council's mileage rate for essential car users.

Mileage allowances are payable at the Council's discretion and only where it considers that there is an absence of suitable public transport or contract hire arrangements.

Where a parent agrees to transport their child to school, it is the parent's responsibility to ensure the safety of the child on the journey to and from school. This includes ensuring that the vehicle used is roadworthy, adequately insured and if necessary appropriately modified to meet the transport needs of the child.

### **5.3. Provision of a Seat in a Council Owned Vehicle**

Where appropriate the Council will provide school transport for pupils on one of its own vehicles.

### **5.4. Provision of a Seat in a Vehicle Hired by the Council**

Where appropriate the Council will provide school transport for pupils on a hired bus or taxi.

### **5.5. Provision of an Escort**

Where a child is unable to walk a short distance to school unaccompanied due to the safety of the route and the parent is unable to accompany the child, the Council may, with the parent's consent, provide an escort to accompany the child on the walk to school.

Where a child is unable to travel unaccompanied on public transport and the parent is unable to accompany the child, the Council may, with the parent's consent, provide an escort to accompany the child on the journey to school on public transport.

### **5.6. Participation in Activities Before and After School**

Where a pupil participates in activities before or after school and is unable to make use of a travel pass due to the time of travel, the Council will reimburse the costs of such travel.

## **Section 6: Suitability of Travel Arrangements**

Where the Council provides free school travel it will ensure that travel arrangements are suitable and allow the child to travel in reasonable safety and reasonable comfort and without stress, strain or difficulty, so that they can benefit from the education provided.

The Council will take account of the following factors when determining the suitability of travel arrangements:

### **6.1. Vehicle Safety**

All PSV vehicles used in the provision of services must comply with the DFT (Department for Transport) 'Road Worthiness Standards.'

All Hackney and Private Hire vehicles used in the provision of services must comply with the Council's 'Hackney Carriage and Private Hire Licensing Policy.'

### **6.2. Use of Child Safety Seats**

The Council follows best practice in the use of child safety seats, as advised by the Royal Society for the Prevention of Accidents and set out below.

- All children who are under 12 years of age, up to 135cm (4' 5") and between 15kg (33lbs) and 36kg (79.4lbs) will be transported on a Booster Seat (with sides and a back).
- All children who are under 12 years of age, up to 135cm (4.5ft) but over 36kg (79.4lbs) will be transported on a Booster Cushion.
- All children under 15kg (33lbs) will continue to be transported with the appropriate Child Safety Restraint.

The above relates to all children who are provided with transport in a Hackney or Private Hire vehicle or in a Council owned vehicle.

### **6.3. Training for Drivers and Passenger Assistants**

It is a condition of employment that all Passenger Assistants and Council employed Drivers successfully complete a comprehensive and nationally recognised programme of training. This training ensures all staff are equipped with the necessary skills to manage and care for the children and young people, effectively, safely and confidently

### **6.4. Pre-Employment Checks for Drivers and Escorts (Passenger Assistants)**

All Council employed drivers and passenger assistants involved in the transport of children to and from school shall be subject to enhanced CRB checks prior to starting in their employment with the Council.

Conditions of contract with commercial transport must stipulate that all bus and taxi drivers shall be subject to enhanced CRB clearance prior to working in the transport of pupils to or from school.

### **6.5. Pickup and Drop Off Points**

Transport is generally provided from a child's home addresses. However, school transport is not a door-to-door service pupils may be expected to walk a reasonable distance to and from home to appropriate pick up or drop off points. Parents are responsible for bringing pupils to and collecting them from vehicles or picking-up points.

Where pupils receive pass for free travel on commercial or non-commercial buses they may reasonably be expected to walk a distance of up to 1 mile between home and a suitable bus stop.

### **6.6. Reasonable Journey Time**

Blackpool Council will seek to ensure that, whatever method is used to transport a pupil from school, the journey time is reasonable. Reasonable journey time is defined as 45 minutes in either direction for pupils of primary school age and 75 minutes in either direction for pupils of secondary school age.

## **6.7. Use of School Buses by Pupils Who Are Not Eligible for Free School Transport**

Pupils of compulsory school age and students aged 16-18 who are not eligible for free school transport may use the non-commercial school buses.

Pupils who are eligible for free school transport on non-commercial school buses have priority over other pupils.

Blackpool Council and Blackpool Transport Services will monitor school bus use to ensure that situations do not arise where pupils who are eligible for free school transport are not displaced by pupils who are not eligible.

## Section 7: Sustainable School Travel Strategy

By 31 August each year, Blackpool Council will publish a document setting out its strategy for the promotion of sustainable modes of school travel for the following academic year. This document shall be known as the 'Sustainable School Travel Strategy'.

Sustainable modes of travel are modes of travel which the Local Authority consider may improve either or both of the following:

- (1) The physical well-being of those who use them;
- (2) The environmental well-being of the whole or a part of their area.

The Sustainable School Travel Strategy shall apply to:

- (1) the travel needs of:
  - (a) children of compulsory school age or below.
  - (b) young people of sixth form age, i.e. who are over compulsory school age but under 18, or older if they started a course of further education before their 19th birthday and are still participating in that course.
- (2) children and young people who are:
  - (a) resident within Blackpool and receiving education in Blackpool or in the area of another Local Authority.
  - (b) resident outside of Blackpool but who travel within Blackpool to receive education of training.
- (3) journeys to, from and between:
  - (a) schools.
  - (b) institutions of further education.
  - (c) institutions providing full or part time education to pupils of compulsory school age who by reasons of illness, exclusion from school or otherwise, may not for any period receive suitable education in a school.
- (4) journeys at the start and end of the day, including attendance at pre- and after school activities.

Before preparing the strategy, the Local Authority will undertake:

2. an audit of the travel and transport needs of the children and young people in the local area;
3. an assessment of the sustainable travel and transport infrastructure within the authority.

In preparing the strategy, the Local Authority will:

- (1) consult such persons as they consider appropriate;
- (2) have regard to any guidance issued by the Secretary of State.

The Sustainable School Travel Strategy and a summary of it will be published on the Blackpool Council website. A summary of the strategy shall also be included within the 'Education In Blackpool: A Guide for Parents' document, provided annually to all parents applying for school places at primary and secondary schools.

## **Appendix 1. Legal Framework.**

Section 508A, 508B, 508C, 509AD and Schedule 35B of the Education Act 1996 (the Act), as inserted by Part 6 of the Education and Inspections Act 2006, relate to the Local Authority's duties with regard to school travel.

### **Section 508A**

Section 508A of the Act places a general duty on Local Authorities to promote sustainable modes of school travel and to produce, annually, a Sustainable School Travel Strategy.

### **Section 508B**

Section 508B of the Education Act 1996 as inserted by Part 6 of the Education and Inspections Act 2006, places a duty on the local authorities to:

*'make, in the case of an eligible child in the Authority's area such travel arrangements as they consider necessary in order to secure that suitable school travel arrangements, for the purposes of facilitating the child's attendance at the 'relevant educational establishment' in relation to him, are made and provided free of charge in relation to the child.'*

This duty only applies where suitable travel arrangements are not already provided free of charge to the child by any person who is not the authority.

This duty applies to travel in both directions between the child's home and the relevant educational establishment at the start and end of the school day. It does not relate to travel between educational institutions during the school day.

### **Section 508C**

Section 508C of the Act gives Local Authorities the discretionary powers to provide free school transport to pupils who are not eligible.

### **Section 508AD**

Section 508AD of the Act places a duty on Local Authorities to have regard to religion or belief in exercise of travel functions.

### **Schedule 35B**

Schedule 35B of the Act defines the meaning of an 'eligible child' for the purposes of Section 508B.

### **Section 444**

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly, his/her parent is guilty of an offence.

However, the child shall not be taken to have failed to attend regularly if the parent proves that:

1. The child's school is outside of statutory walking distance.
2. That the Local Authority has not made suitable arrangements for:
  - a. The child's transport to and from school.
  - b. Boarding accommodation at or near the school (where appropriate).
  - c. The child to become a registered pupil at a school nearer to his/her home.