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SEND Home to School and College Travel Assistance Policy

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Home to school and college travel assistance policy

revised April 2021

Travel arrangements for eligible children

1.1 Introduction

It is 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 transport assistance for eligible children.

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.

Blackpool Council accept responsibility for home to school transport travel assistance between the child's main residence and school in accordance with this policy. Where children have more than one address, home to school transport will be based on the residence where the child habitually resides. Factors may be taken into consideration, and evidence requested, outlining where child benefit is paid, or where the child is registered with a GP.

The circumstances under which Blackpool Council is required to provide travel transport assistance are detailed below:

1.2 Children living outside of specified walking distance

Specified walking distance

Blackpool Council may provide travel transport assistance 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.

Schedule 35B 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 between eight and sixteen: 3 miles

For travel 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. Section 1.4 of this policy explains how we assess the safety of a walking route.

Extended rights eligibility

Blackpool Council may also provide travel transport assistance where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit if:

1. The nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11);
2. The school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);
3. The school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).

1.3 Nearest suitable school(s)

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

The nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational need the child may have.

For secondary age where pupils are entitled to free school meals or their parents are in receipt of Working Tax Credit, the nearest suitable schools are defined as:

- 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

- The nearest school preferred on grounds of religion or belief where that school is between 2 and 15 miles from their home. 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. Blackpool 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. The Council will also seek evidence from the parent that the child was baptised within the faith.

Blackpool Council will provide travel transport assistance to eligible pupils to schools inside or outside of Blackpool, subject to the aforementioned criteria. However Blackpool Council will not pay for a pupil to attend a school outside of Blackpool where the Council can evidence that attendance was as a direct result of parental preference and the pupil could have availed of a suitable school place within Blackpool.

Travel Transport Assistance will not be offered to pupils who attend independent schools, except in the case of an independent special school named in a pupil's Education Health and Care Plan if this is the school as recommended by Blackpool Council. If a parent prefers a school or college that is further away than recommended by Blackpool Council parents will be expected to pay transport costs themselves.

Availability of school places

In determining whether places are available at a school, account will be taken of the position of school places at the time when routine allocations were made. If a place is likely to have been available had a particular school been named as a preference, then it will be assumed that places were available. Any school allocation as a result of a late admissions application may not receive transport assistance.

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

House moves

Travel Transport Assistance may only 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) subject to the specified walking distances.

Where a family chooses to move address and for the child to remain at the school allocated from the previous address, all travel transport costs will remain a parental responsibility.

When moving house a family must take into consideration whether places are available at schools closer to their new address; it is Blackpool Council's policy that travel transport assistance will not be provided as a result of the families 'personal' choice of residence.

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 and a new application form will be required.

1.4 Children unable to walk to school because of the nature of the route

Blackpool Council will provide travel transport assistance to children who live within the specified walking distance but where the nature of the route is such that a child cannot reasonably be expected to walk safely, accompanied as necessary.

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 school crossing patrol staff, 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.

However where a parent has a disability or mobility problem that prevents them from accompanying the child, this will be taken into account. Parents will be required to provide medical evidence for reasons of disability or mobility.

1.5 Children unable to walk to school (accompanied if necessary) by reason of their special educational need, disability or mobility problem

Blackpool Council may provide travel transport assistance for pupils with statements of Special Educational Needs (SEN) or Education Health Care plans (EHC) in accordance with the criteria outlined in this policy.

If the pupil attends a special school, unit or other placement other than that recommended by Blackpool Council, then the parent will be responsible for arranging and paying for any necessary transport.

However where the pupil attends a special school, unit as recommended by Blackpool Council, travel transport assistance will be given subject to the criteria defined in section 1.2 and 1.3, however this is not an automatic right. Each pupil will be assessed individually and a formal application and assessment will be based on the following information:

- The age of the pupil
- The actual distance to school from pupils address
- The nature of the pupils special educational need and how this affects them when travelling
- Whether the pupil has a mobility issue or disability which prevents them from accessing public transport or travelling independently
- Whether the pupil would present a danger to themselves and / or others if travelling on public transport or if walking to school, accompanied if necessary. Blackpool Council will consider whether the child could reasonably be expected to walk if accompanied and if so whether the child's parent can reasonably be expected to accompany the child. The general expectation is that a child will be accompanied by a parent where necessary, unless there is good reason why it is not necessary to expect the parent to do so
- If the pupil uses any specialist medical or mobility device eg buggy, wheelchair, walking frame, oxygen cylinder etc.
- Specific family circumstances - do the family receive DLA / PIP payments
- Specific travel information for each pupil - review of and transport related parts of the Education, Health and Care Plan and review of the pupils abilities
- Any other information provided by way of a personal statement

With any application for assistance transport on the grounds of SEND and or disability there must be substantive medical evidence e.g. doctors / consultants reports etc. Blackpool Council will treat each application on its own merits and will consult with its own medical advisers in making a final decision.

Applications will be considered by a panel of officers, the outcome of which will be communicated in writing to the parent. The panel will decide the form of support to be offered and the duration for which support will be given. Any support provided will be time limited and upon expiry a new application and reassessment by a panel of officers will be necessary. Parents / carers will be contacted before the expiry date and a new application will be requested. If a new application is not made by the expiry date the assistance will cease.

If circumstances change during the period of entitlement a new application will be required. This will include changes in health or

behavioural needs and changes of residential address and changes of school.

Home to special school transport for students aged 16 to 19 attending special schools

Young people with transport included as part of their Education, Health and Care Plan and who remain at a special school beyond compulsory school age may be eligible for free school transport until the end of the academic year in which they reach the age of 19, subject to annual transport reviews, reapplication and needs assessments.

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, support may be provided in certain circumstances, as set out in Section 1.7

Provision of passenger assistants

Children with special educational needs, with an Education Health and Care Plan, who are provided with transport assistance may be provided with a passenger assistant but this is not an automatic right.

An adult passenger assistant may also be provided for a child without an Education, Health and Care Plan according to the child's individual needs.

The provision of an adult passenger assistant will be considered as part of the transport application and the transport risk assessment process.

Review of travel transport arrangements

Travel Assistance Transport arrangements for all pupils will be reviewed annually and a new application may be requested.

Where a new application is requested this will be reassessed by a panel of council officers (see section 1.4 above) If a new application has been requested and is not received by the expiry date the assistance will cease.

If circumstances change during the period of entitlement a new application will be required. This will include changes in health or behavioural needs and changes of residential address and changes of school. Parents / carers will normally be expected to provide at least thirty days advance notice of a change of address in order that a new application and entitlement can be fully considered.

Blackpool Council also reserves the right to review travel transport arrangements on an ongoing basis so as to ensure the efficient use of its resources.

1.6 Children attending special educational resource facilities/Pupil Referral Unit commissioned by Blackpool Council

Where Blackpool Council has placed a child within a Special Educational Resource Provision/Pupil Referral Unit travel assistance may be provided subject to the criteria in sections 1.2 - Children Living Outside of the Specified Walking Distance and 1.3 - Nearest Suitable School(s) and the application process described above. Any provision will only be for the time the child spends in the SERP / PRU.

1.7 Home to college and school sixth form transport for students aged 16 to 19

There is no statutory obligation on local authorities to provide travel transport assistance for pupils over the compulsory school age.

However, Blackpool Council may provide some travel transport assistance where it can be clearly demonstrated that a student falls into one of the following

- Has severe or complex learning difficulties than can be evidenced through the students previous statement of educational needs or Education, Health and Care plan and the previous historical need resulted in entitlement to travel transport support Or
- Has a physical and/or mental condition that can be evidenced with professional medical evidence and through the students previous statement of educational needs or Education Health and Care plan and the previous historical need resulted in entitlement to transport support

And

- Where the family is in receipt of income support or job seekers allowance and/or universal credit equivalent

The following conditions apply:

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.

Provision is for one academic year only. A new application for travel transport assistance must be made for each subsequent year.

Attendance must be at the nearest suitable further education college or school sixth form with a minimum distance of 3 walking miles and a maximum distance of 20 miles. Any student who chooses to attend an alternative beyond 20 miles will be responsible for their own transport costs.

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 suitability for him/her. In the case of A' levels, for the purpose of considering an application for travel 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. Suitability of courses will be determined by the Director of Children's Services taking into consideration evidence provided within the application process.

2 Discretionary transport

2.1 Children looked after by Blackpool Council

Transport assistance may be provided to looked after children temporarily accommodated further away from their school than the specified walking distance.

2.2 Exceptional circumstances

Blackpool Council, at its discretion, may consider providing travel transport assistance in certain exceptional circumstances. Any assistance offered will be short term with defined solutions and maybe subject to a financial means test.

An applicant will need to complete an application form which will be considered by a panel of officers. Blackpool Council will require relevant appropriate evidence in order to support the application and may need to share information with other agencies. In reaching a decision the panel will take into account any support being provided by other agencies.

Assistance may be provided on a short term basis for cases involving

- Difficult family circumstances and poverty
- Temporary medical conditions and incapacity

3 Factors which will not be considered

The decision to provide assistance will be based on the needs of the child or young person.

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

- Siblings

Attendance by siblings at other schools will not be a factor in determining eligibility

- Not the nearest provider

If a parent chooses to send their child to a provider that is not the nearest suitable provider to the home address

- Family Associations

Past or present family associations with a school cannot be considered as grounds for the payment of travelling expenses.

- Family Circumstances

Family circumstances such as parents' employment responsibilities or other commitments are not considered when determining eligibility for assistance. The inability of a parent to accompany a child on the journey due to work or personal and family commitments will not be a factor.

- Alternative addresses

Assistance is provided from the main residential address and or collection point. Assistance will not be provided to additional

addresses.

In addition, transport travel assistance will not be provided:

- To support work experience or other extra-curricular activities
- To hospital, clinical or other medical appointments
- To other non-educational appointments
- At a different time in the event of detention
- In the event of sickness during the school day
- To respite provision and after school clubs and activities
- To alternative addresses that are not the main residential address

In these circumstances transport arrangements will be the sole responsibility of the parent / carer

4 How to apply or appeal

4.1 Applications

Mainstream

Parents of children attending mainstream schools, without an Education, Health and Care Plan, who believe they may be eligible for travel transport assistance should contact the Integrated Transport Service for advice and an application form.

Telephone: 01253 476174 / 478164 / 476795

Email: transportdirect@blackpool.gov.uk

Special educational needs and disabilities

Parents of children or young people with or without an Education Health and Care Plan who believe they are eligible for travel transport assistance should contact their Special Educational Needs Officer for advice and will need to complete an application form which can be posted or emailed

SEND Team, Blackpool Council, PO Box 4, FY1 1NA

Email: send@blackpool.gov.uk

The application form and supporting evidence will be considered by a panel of Blackpool Council officers.

4.2 Appeals

Stage 1 - Review by a senior officer

Should you decide to request a review of Blackpool Council's home to school transport decision, you will need to submit a request in writing within 20 working days of the original decision. This should detail the reasons why you believe the decision should be reviewed and provide details of any personal and/or family circumstances which you believe should be considered during the review.

You may challenge the decision on the basis of

- Entitlement
- Distance measurement
- The transport arrangements offered
- Route safety
- Consideration of exceptional circumstances

You should provide as much evidence as possible to support your request. Following the review, which can take up to 20 working days, you will receive detailed written notification of the outcome.

A Senior Officer will review the decision normally within 20 working days. You will be sent a written notification of the outcome of the review including

- Detailed reasoning for the decision made
- Notification of the option to escalate to Stage 2 appeal panel if you wish

Stage 2 - Review by an independent appeals panel

Should you choose to escalate the matter to stage two of the appeals process, which will go before an Appeals Committee who will review the decision made by the officers, you should do so in writing within 20 working days of receipt of the written notification from Stage 1.

The Appeals Committee is an independent panel made up of seven Elected Members who will be independent of the process to date and be suitably qualified. The Appeal Committee will hear written or verbal representation from the parent.

The Appeal will be heard normally within 40 days of receipt of your written notification of intention to escalate the appeal.

You will be sent a notification of the outcome of the Appeals Committee decision within 5 working days of the panel hearing your case. The outcome will include details of how to escalate the case to the Local Government Ombudsman if you decide to challenge the decision of the Appeals Committee.

5 Types of assistance

Blackpool Council will provide travel transport assistance in one of the following ways:

5.1 Independent travel support

Blackpool Council aims to give students with SEND the key skills and confidence to travel independently. Students work in groups or one to one with a travel trainer to learn how to travel independently. Students may be accompanied to and from school or to a collection point for a period of time until they are confident to make the journey themselves.

5.2 Travel pass/Zone Cards

Pupils who are eligible for travel transport assistance may be issued with an annual travel pass or fixed term zone card for a commercial or non-commercial bus service.

5.3 Mileage allowance

Where a parent uses their own car to drive 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.

Mileage allowances are payable at Blackpool Council's discretion and only where it considers that there is an absence of suitable public transport or contract hire arrangements or where it is cost effective to do so because this would be less than the cost of contracted transport.

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.

Blackpool Council will check mileage claims against school attendance records to ensure eligibility and may make suitable adjustments to reflect non-attendance at school.

Parents are responsible for any tax liability in respect of mileage allowances and will be expected to make appropriate declarations to HMRC if necessary. Blackpool Council will not provide advice or accept any liability in this respect

Detailed information will be provided where appropriate and a separate agreement will be required.

5.4 Provision of a seat in a Blackpool Council vehicle

Where appropriate the Council will provide school transport for pupils on a vehicle owned, hired or leased by the council

5.5 Provision of a seat in a vehicle provided by an independent contractor

Blackpool Council may provide school transport for pupils on a bus, taxi or coach, by an independent contractor when it considers appropriate to do so. Collection will be from home or from a designated collection point. It will be the parents responsibility to ensure safe arrival and collection of a child from a designated collection point.

In the event that the child does not reach the designated collection point by any agreed time it will be the parents responsibility to

arrange a journey of the child to school and the council will not meet any consequential expenses.

5.6 Reimbursement

Where it is not practical to issue a travel pass / zone card or to provide any other form of assistance as described above, Blackpool Council will reimburse reasonable travel costs.

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, Blackpool Council will not reimburse the costs of such travel.

5.7 Entitlement errors

Where travel assistance is found to have been granted in error, notice of one full term will be given to allow families time to make other arrangements. Where entitlement has been denied in error, transport will be arranged as soon as possible and consideration will be given to reimbursing parents retrospectively, with a normal time limit of the start of the academic year in question.

5.8 Reimbursement where the provision of transport is delayed

Where a delay occurs in providing travel assistance (i.e. after twenty working days) which is over and above the normal operational timescale for doing so, and the application for transport has been submitted in good time, reimbursement may be made to cover reasonable expenses incurred (upon production of evidence of expenditure) from the date from which travel assistance would otherwise have been provided.

Blackpool Council will not be responsible for any delays due to factors beyond its control eg bad weather and industrial action.

In the case of entitlement being granted upon appeal, reimbursement may be made of reasonable expenses incurred upon production of evidence of expenditure from the date on which the appeal was lodged.

6. Suitability and conditions of travel arrangements

Where Blackpool 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.

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

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 Blackpool Council's Conditions of Contract and Code of Conduct.

Use of child safety seats

Blackpool 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 less than 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 Blackpool Council owned vehicle.

Training for drivers and passenger assistants

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

Pre-employment checks for drivers and escorts (passenger assistants)

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

Conditions of contract with commercial transport must stipulate that all bus and taxi drivers shall be subject to enhanced DBS clearance. Pickup and Drop Off Points

School transport is not a door-to-door service, pupils may be expected to walk a reasonable distance to and from home to an appropriate pickup or drop off point. Parents are responsible for bringing pupils to and collecting them from vehicles or pickup/drop off points.

Where pupils receive a 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 / school and a suitable bus stop.

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.

Expected behaviour standards for children

As a result of their special educational needs, a child may experience behavioural difficulties as a direct result of their particular needs. In these cases the Blackpool Council will make every effort to work with the schools, parents and transport providers to manage instances where the child exhibits these extreme behaviour characteristics. Wherever possible these considerations will be taken into account when determining an appropriate and safe form of travel assistance. Advice will always be sought from the child's school regarding whether the bad behaviour is directly linked to the special educational needs and appropriate action accordingly taken.

It is however recognised, that general poor behaviour, not directly attributable to a child's particular special educational needs and circumstances, cannot be taken into account when determining an appropriate safe travel plan. It is therefore paramount to have and to enforce clear standards of acceptable behaviour in the interests of ensuring a safe journey for all pupils and staff as well as other road users.

In consultation with schools, Blackpool Council may be required to instigate permanent or fixed periods of exclusion from transport assistance. Parents/carers will be responsible for transporting their children during any period of exclusion and ensuring their child's regular attendance at school.

When considering whether to exclude any child from transport assistance Blackpool Council will require written statements from Drivers and Passenger Assistants in relation to the alleged bad behaviour. Consultation will also take place with the relevant Head Teacher and other relevant specialists.

Route Reviews

Over a period of time the children and young people travelling to a school changes - some children will leave and new children will join. Sometimes the needs of the children travelling also change.

Blackpool Council transport teams regularly review transport operators and individual transport routes to make sure that they meet the needs of the children travelling as much as possible, as well as delivering best value for public money.

Consultation with parents will not take place as part of a route review. This is to enable route reviews to be carried out in a timely and efficient manner and to avoid raising parental expectations that preference for a particular form of provision will override the cost-effectiveness or efficiency. However, where a child's special educational needs indicate that he or she is particularly sensitive to change, the impact of any proposed change will be considered. This may involve discussion with the school or the parent.

Parents may receive notification at any time that the type of transport provision for their child's school transport is to be changed as a result of a review. Changes may involve:

- Changes to the contractor employed
- Changes to Passenger Assistant provision
- Changes to timings

Notice will be given of changes wherever possible, but some may need to be made at very short notice, for example as a result of

termination of a contract with a vehicle operator or sickness.

Appendix

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:
 1. The child's transport to and from school.
 2. Boarding accommodation at or near the school (where appropriate).
 3. The child to become a registered pupil at a school nearer to his/her home.

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