

Bradford Metropolitan District Council

**Home to School Travel and Transport Policy for Children of
Compulsory School Age**

September 2015

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Introduction

This policy document is effective from September 2015. Re-assessment of entitlement for existing recipients of travel assistance or any new applications received after September 2015 will be dealt with under this policy.

It has been developed from the principles defined in the *“Joint framework to guide support for travel from childhood through adulthood.”* approved by the Council Executive on 14th October 2014.

It identifies the primary responsibility of individual parents, carers and guardians to meet the school travel needs of children and young people in their care.

In relation to children of compulsory school age, it details the Local Authority’s statutory duty to provide suitable travel support arrangements to facilitate a child’s attendance at school in certain circumstances, and describes how the Council will do this and how it will exercise its discretionary powers.

It explains how the Council supports the right of all children and young people to learn how to travel independently and become economically active citizens.

It has been developed to ensure best use of public resources by prioritising support to those in greatest need.

Legal Definitions

“Compulsory school aged children” are those aged between 5 and 16 years.

A **“qualifying school”** is:

- (a) a community, foundation or voluntary school,
- (b) a community or foundation special school,
- (c) a school approved under section 342 (non-maintained special schools),
- (d) a pupil referral unit,
- (e) a maintained nursery school, or
- (f) a city technology college, a city college for the technology of the arts, an academy school (including free schools) or an alternative provision academy.

note: In relation to a child with special educational needs, a qualifying school is also an independent school, if it is the only school named in the Education Health and Care Plan (EHCP) or statement maintained for the child, or it is one of two or more schools named in that plan or statement and of those schools it is the nearer or nearest to the child’s home.

Legal Responsibilities & Duties

Parents¹ are **responsible in law** for ensuring that their children attend school regularly.

The Education Act 1996 ('the Act') makes provision for local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. Such travel arrangements are concerned with travel to the child's school from home and back again. **These arrangements are not concerned with travel between educational institutions during the school day.**

The Act places a **duty** on local education authorities to make and provide free of charge such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.

In addition to the statutory duty detailed above, local authorities also have discretionary powers to go beyond their statutory duties and provide transport to children who are not eligible for free transport under the statutory duty. These arrangements do not have to be provided free of charge.

Children who are eligible for travel support

A child is an "*eligible child*" and qualifies for free travel support if they fall within one of the categories below:

- **Outside the statutory walking distance:**

Children who are registered pupils at their nearest qualifying² school and that school is beyond the statutory walking distance and no suitable arrangements have been made for boarding at or near the school or for them to attend a nearer qualifying school.

The statutory distances are: beyond **2** miles for children under eight, and beyond **3** miles for children over eight.

- **Special educational needs, disability or mobility problems:**

Children who are registered at a qualifying school that is within walking distance of their home but who, because of their special educational needs, disability or mobility problems, cannot reasonably be expected to walk to the school, accompanied as necessary and no suitable arrangements have been made for them to attend a nearer qualifying school²

- **Nature of the route to/from school:**

Children who are registered pupils at a qualifying school within walking distance of their home but having regard to the nature of the routes which they could reasonably

¹ Parents are defined in the Education Act S576.

² References to the 'nearest qualifying school' are taken to mean the nearest qualifying school with places available.

Children who are eligible for travel support contd.

be expected to take, cannot reasonably be expected to walk, and no suitable arrangements have been made for them to attend a nearer qualifying school.

- **Free school meals/ Working Tax Credit:**

(a) Children who are aged over 8 and under 11, registered at their nearest qualifying school more than two miles from home and they are either entitled to free school meals or a parent with whom they ordinarily reside is awarded the maximum rate of Working Tax Credit.

(b) Children aged between 11-16 who are entitled to free school meals or a parent with whom they ordinarily reside is awarded the maximum rate of Working Tax Credit and who are registered at a qualifying school that is between 2 and 6 miles from home and there are not three or more suitable nearer qualifying schools

(c) children aged between 11-16 who are entitled to free school meals or a parent with whom they ordinarily reside is awarded the maximum rate of Working Tax credit, and who are registered at a qualifying school that is between 2 and 15 miles from home and it is the nearest qualifying school preferred on the grounds of religion or belief.

- **Children excluded from school:**

Where children are excluded and required to attend a place other than their registered school and which is beyond the statutory walking distance, they are treated as an eligible child for the temporary period.

Council Policy

Decisions about the type of travel arrangements made by the Council will be based on the child's needs / abilities, the promotion of independence and the best use of public resources.

Existing individual travel support arrangements will remain in place until reviewed. However the Council will review travel arrangements for all existing and future applicants under this policy which means that the type of travel provision or mode of travel offered may change in the future. Reviews of the needs of the child, and their 'eligibility' for assistance will take place periodically to ensure that any support provided remains appropriate for age and abilities, allowing children and young people to acquire and develop the necessary skills for independence in adulthood.

Review of individual travel support arrangements will, where possible, be undertaken alongside the planning and review of other services and support for children and young people with additional needs. This ensures that travel needs are informed by a holistic view of the individual's needs and abilities.

All routine assessments or periodic reviews carried out by services and schools should assess the ability of children to learn skills for independent living including the skills to travel to school, college and places of employment and leisure, having regard to developing future employability and ability to participate in society.

Additional review of individual travel support arrangements will take place at key

Council Policy contd.

points of planning for change, such as in advance of transitions between schools or between school and college.

Where it is anticipated that progress can be made over a matter of weeks or months, travel support arrangements will be reviewed more frequently and existing provision adapted and gradually withdrawn. The aim should be for children to travel independently alongside their peers wherever possible.

The legal definition of “travel arrangements”

“**Travel arrangements**” for eligible children are travel arrangements of **any** description including:

- arrangements for the provision of transport,

and the following arrangements if made with the consent of a parent of the child:

- the provision of an escort;
- the provision of a walking escort;
- payment in whole or part of reasonable travelling expenses;
- arrangements for the payment of allowances in respect of the use of particular modes of travel.

The suitability of the arrangements depends on the circumstances of the child, including the child’s age and any SEN / disability the child may have and the nature of the route.

Such travel arrangements are concerned with travel to the child’s school from home and back again. These arrangements are not concerned with travel between educational institutions during the school day.

In exercising any of its functions relating to school travel arrangements, the Council must have regard to, amongst other matters, any wish of a parent that the child be provided with education or training at a particular school, where that wish is based on the parent’s religion or philosophical belief, including a lack thereof.

Travel & Transport Provision

Home to School Travel and Transport is provided jointly by Bradford Metropolitan District Council in partnership with the West Yorkshire Combined Authority (Metro).

Where an application for transport provision is approved the Council will provide any travel support arrangements considered necessary and will do so in a safe and cost effective manner taking account of the child’s specific needs and with regard to the best use of the Council’s resources.

As a general principle free passes for public transport will be considered first and only rejected on the basis of evidence that they would not meet the child’s needs.

Travel & Transport Provision contd.

Provision may also include:

- Travel Passes – These can be used on the home to school and return journey.
- School Cards for journeys on local bus and rail services.
- Bus Boarding Cards for travel on school buses provided under contract.
- Travel Training to enable independent travel. (See Page 12)
- Personal Transport Assistance Budget where the parent chooses to transport an eligible child or young person to school. Based on 2 return journeys at £0.75 per mile.
- Provision or re-imburement of the cost of equipment, e.g. booster seat for a car.
- Escorted walking journey.
- Escorted bus journey.
- Specialist transport, escorted as necessary e.g. where access to public transport is not possible.

Note: Where a child is receiving transport through Passenger Transport Services or contracted vehicle, parental preference for travel arrangements (e.g. timings of collection) cannot be considered, as the timing will be based on the most efficient route available.

Accompaniment

It is expected that a parent will accompany a child to school where necessary, unless there are circumstances that make it unreasonable for the parent/s to do so.

In determining whether a child can reasonably be expected to walk to school, the Council will consider whether the child could reasonably be expected to walk if accompanied and, if so, whether it is reasonable for the child's parent/s to accompany the child.

When considering these matters, a range of factors will be relevant, including the age of the child, any special educational needs / disabilities of the child or parent/s, and whether one would ordinarily expect a child of that age to be accompanied.

Children attending dual placements

The Council does not provide school/college transport assistance during the school day. Children attending a dual placement may require additional transport, for example, during lunchtimes. Transport arrangements should be made between the schools concerned.

Similarly, pupils based full-time at one school may visit another school for integration purposes. Where this happens, transport arrangements should be made between the schools/educational establishments.

Children below compulsory school age

The Council does not have a duty to provide transport to children below compulsory school age but provision may be made for eligible children starting full-time in Reception Class prior to their fifth birthday.

Children who have been assessed as having Special Educational Needs, a disability or mobility problem (SEND)

Children with a statement of SEN or an EHCP do not have an automatic entitlement to free school travel support. The eligibility of a child for free school travel support is set out in statute and depends on the ability of the child to walk to school.

Where transport provision has been agreed, the arrangements in place will be reviewed periodically in line with Council policy.

Parents will be responsible for all travelling expenses and travel arrangements where they requested that a school is named within their child's Statement / Education Health and Care Plan and the Council has named an alternative nearer suitable school that is able to meet their child's needs.

Parent's of eligible children who receive the higher rate of the mobility component of Disability Living Allowance (DLA) and have chosen to lease a mobility car, will be asked to use this car to transport their child to school. A mileage allowance will be paid at the Council approved rate of 75 pence per mile.

Note: Eligible pupils with special educational needs who are eligible for assistance with home to school transport will also be entitled to free travel arrangements to exams, school trips and work experience placements which do not coincide with the normal times of the school day. This does not include mock exams.

Concessionary Pass

Some disabled young people may be eligible for free travel at all times on local buses and local trains, and on local buses elsewhere in England between 9.30 a.m. and 11.00 p.m. Monday to Friday and all day at weekends and on public holidays if they:

- are registered blind;
- are profoundly deaf or cannot speak or have limited speech that is difficult to understand; or
- have learning difficulties
- have severe walking difficulties;
- are registered partially sighted;
- are profoundly or severely deaf;

For more information on the National Concessionary travel pass for disabled people please contact:

Disabled people's applications: Tel: 01274 438723

Blind people's applications: Tel: 01274 435001

Disability discrimination considerations

The Equality Act 2010 places a duty on Local Authorities to promote equality of opportunity for disabled people and to eliminate discrimination and this applies to the exercise of its policies, practices and procedures and provision of services so that they do not discriminate against disabled people or those associated with them.

Reasonable adjustments under the Equality Act as applicable will be considered in relation to the type of travel assistance provided.

Journey times

Every effort will be made to keep journey times to a minimum while also fulfilling the Council's responsibility to secure cost-effective provision. (e.g. By use of shared transport) There may be times when it is not possible to meet these journey times due to circumstances outside of the Council's control such as attending a preferred school, traffic congestion, accidents, or adverse weather conditions for example.

In normal circumstances primary school age children should not spend more than 45 minutes each way being transported between home and school.

A child of secondary school age should not have a journey time that exceeds 75 minutes each way.

Looked After Children placed with foster carers or who live in care homes

Foster carers are normally expected to fund home to school transport for the children they look after from their carer's allowance.

The expectation is also that children living in care homes would have their travel to school funded by the home.

Provision of Passenger Escorts – Eligible Children

A Passenger Escort may be provided to accompany a pupil to school whether using public transport or on transport commissioned by the Council. Passenger Escorts will only be provided where the Council determines they are necessary for the care of children and/or the safe operation of vehicles.

The provision of trained and D.B.S. checked escorts for some children with special educational needs (SEN) is particularly important in ensuring safe and stress free passage from home to school and home again.

This is particularly important for the small number of highly vulnerable children with profound and multiple needs or with severe communication difficulties or children with unpredictable needs such as severe social, emotional and behavioural problems.

Provision of Passenger Escorts contd.

The individual needs of every child will be assessed, but as a guide, children who fall into the following categories would normally need to be accompanied on journeys to and from school.

- Primary aged children with profound and multiple learning or physical difficulties needing specially adapted vehicles.
- Secondary aged children with profound and multiple learning or physical difficulties needing specially adapted vehicle.
- Primary aged children who are profoundly hearing impaired attending dedicated provision in a mainstream school.
- Primary aged children who are profoundly visually impaired attending dedicated provision in a mainstream school.
- Primary aged pupils with severe social, emotional and behavioural difficulties attending dedicated provision.
- Older children with complex needs identified as necessary by the Councils SEN Service.
- Children with profound communication and interaction need, attending dedicated provision.

Training and deployment of escorts:

Escorts are D.B.S checked (National "Disclosure and Barring Service") before commencing employment

Escorts receive appropriate training, refreshed at 3 yearly intervals.

Escorts are provided and comply with adequate background information and strategies for dealing with a range of special needs.

They are provided with a schedule containing any relevant information pertaining to the individual transport needs of the children they escort.

Pick up & Drop off points

The decision to allocate a pick up point will be dependent upon the individual needs of the child.

Those eligible children whose assessment identifies severe or complex needs will be provided with a home pick up and drop off.

Other eligible children and young people may be expected to access a local pick up point to meet their transport provision. For older pupils; pick up points may be used as an introduction to independent travel.

Responsibility for a child accessing the pick up point will rest with their parent/carer.

Reimbursement of mileage costs

Providing the child is eligible for assistance, parents/carers may be paid a mileage allowance of 75 pence per mile where they use a household vehicle to transport a child to or from school. In normal circumstances this will be paid on the assumption of 2 return trips per school day during term time.

Sustainable travel

The Education and Inspections Act 2006 requires Local Authorities to publish a Sustainable Modes of Travel Strategy. This explains the Council's plan for developing the sustainable travel and transport infrastructure for children travelling to and from school. The strategy promotes sustainable travel and includes walking, cycling and public transport initiatives. The recognised benefits of such schemes include less pollution, healthier children and increased awareness of road safety issues.

Bradford Council's Sustainable Modes of Travel Strategy is available online at:

<https://www.bradford.gov.uk/education-and-skills/travel-assistance/sustainable-travel-to-school/>

Temporary accommodation

Where a child is temporarily re-housed as a result of the circumstances specified below: -

- the family is fleeing domestic violence;
- the family is evicted from the family home; or
- the child is staying with a relative because the parent is in hospital

free travel will normally be granted to enable the child to continue to attend their current school, subject to the qualifying distance criteria being met, until the family is re-housed in permanent accommodation or the child returns home.

Temporary disability or illness

There may be occasions when a pupil is unable to travel to school by their normal means because of a medical condition. The duration of the condition may be short, long or intermittent and where the parent/carer is unable to transport the pupil themselves, in some circumstances, the Council may make alternative arrangements to facilitate the child's attendance at school.

Requests for transport assistance on medical grounds must include confirmation from a senior medical practitioner/consultant that the pupil is fit to attend school but unable to travel by their normal means:

In the case of a child who lives inside the walking distance the medical practitioner should indicate whether the pupil is able to walk the distance between home and school and whether the pupil could use public transport.

Temporary disability or illness contd.

A child who is entitled to transport assistance from the Council, normally receives this in the form of a travel pass. In this case the medical practitioner should indicate whether the pupil can travel by bus or train, or whether in view of their medical condition, an alternative arrangement should be made.

In all circumstances, an indication of the estimated length of time for which transport assistance is sought should be included. The provision of transport on medical grounds is subject to regular review and confirmation of the need for alternative transport arrangements will be regularly sought from the senior medical professional/consultant.

Transport for pupils to independent special day or residential schools

If a child attends an independent special day or residential school that is named on their statement or EHCP this will be taken to be their 'qualifying school'. Eligible children will receive transport assistance for residential placements as follows:

Weekly residential placement - Travel arrangements will be made to school on Monday and from school on Friday each week.

Termly residential placement - Transport will be provided at the beginning and end of each term and mid-term holiday.

Travel Training

Learning about travel will be included in learning goals from a young age.

Formal Travel Training is available to pupils who are eligible for transport assistance. It may be carried out by an educational establishment or the Bradford Travel Training Unit and focuses on enabling students to travel independently to and from school.

It can be provided for children living in the Bradford District and is usually an appropriate provision for those in year 7 and upwards. It would normally be considered when planning transition to Key Stage 3. Training may be considered for younger pupils, dependent upon their individual needs.

Decision-making and planning for travel training should take place alongside planning and review of services and support for eligible children and young people so that travel needs are informed by a broad view of the individual's needs and abilities.

Travel training is inclusive of parents, carers, guardians and professionals. This helps them support children and young people as they develop the skills and confidence to travel alongside their peers or travel independently.

Where a pupil is offered independent travel training the process will begin with an initial assessment of their skills and abilities. The training provided will be targeted to individual need and development. It is expected that where independent travel training is offered, a pupil will take up this training and will, on successful completion of that training, move on to a more independent mode of travel.

Walking Distance

The shortest available walking route is measured to calculate the distance to the nearest school, to determine whether the qualifying distance is met for an entitlement to travel assistance

The legal definition of an 'available walking route' is a route along which a child, accompanied as necessary, can walk and walk with reasonable safety to school.

In order to ensure consistency and fairness the measurement is calculated through the use of GIS systems, as appropriate and is strictly applied. The GIS measures the distance using the Ordnance Survey Integrated Transport Network (ITN) data which is the base data for many online mapping and routing applications.

The route measured will start at the point on the road network that is closest to the Ordnance Survey address point of the pupil's home, and will end at the main gate at a point on the road network closest to the address point of the school.

Any parent who wants to find out which school the Council considers to be their nearest school for transport purposes should send an email to: schooltransport@bradford.gov.uk

The email should state the child's name and address, asking what the Council considers to be the nearest school for transport purposes to that address. The request should detail whether the information is sought for primary or secondary school transport.

The measurements produced by the Council's GIS are the definitive distance calculations that the Council will use to determine transport eligibility.

Walking routes

Where the nature of the walking route is such that a child could not be expected to walk in reasonable safety, parents should accompany or make suitable arrangements for their child to be accompanied on that route.

An assessment of the route will be made by the Council to determine the risks and whether any potential risks might be mitigated.

Where routes are re-classified as safe and available, those who received free travel assistance based on the previously unsafe route will be re assessed for eligibility.

For those who become ineligible based on that reassessment, free travel will continue until the end of the academic year in which the unsafe route is reclassified as safe, and then it will cease.

The Council has a list of routes that have been assessed as unsafe to walk accompanied as necessary and these can be found at:

http://www.bradford.gov.uk/bmdc/education_and_skills/schools/school_transport/school_travel_policy.htm

Applying for travel assistance

Requests for travel assistance can be made:

- using the application form available at
- http://www.bradford.gov.uk/bmdc/education_and_skills/schools/school_support_services/school_travel
- by writing to the Travel Assistance Service, Margaret McMillan Tower, Princes Way, Bradford, BD1 1NN
- by emailing schooltravel@bradford.gov.uk
- to the Travel Assistance Service by telephoning (01274) 439450

Where a pupil has additional needs parents/carers must provide details of those needs, before they travel, in order that the pupil's needs can be assessed.

Correctly completed application forms take an average of 30 school days to process. If further information is required or the form is not completed correctly it may not be possible to make a decision within this timescale.

If the pupil is not eligible the applicant will be notified in writing of the reason(s) why together with information on how to appeal against the decision. A telephone or verbal communication is not sufficient to begin the appeals process.

At busy times in the school year it may not be possible to comply with this guideline for processing applications however the Travel Assistance Service will endeavour to process applications quickly.

The Council will carry out periodic reviews of provision made under this Policy.

Where, for any reason, transport provision has been granted in error, or where a pupil ceases to be entitled to free travel because a route that was previously classed as non-available is now designated as available. The Council reserves the right to withdraw that provision and will normally do so, as follows:

Where the pupil has been receiving the transport for more than a term - at the end of the academic year; where the pupil has been receiving the transport for less than a term - until the end of that half term or term, whichever is earlier.

Before transport is withdrawn in these circumstances the Council will give notice of its intention to withdraw transport, with reasons, and will provide the pupil's parents with an opportunity to give their views as to why transport should not be withdrawn.

Home to School Travel Appeals Process

If a parent wishes to challenge a decision resulting from their application for travel support, the council operates a two stage appeals process that should be followed, and is set out below.

The grounds on which parents may challenge a decision include:

- Their child's eligibility
- The distance measurement in relation to statutory walking distances
- The safety of the route.

Home to School Travel Appeals Process contd.

Stage one: Review by an independent officer

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.

The written request should detail why the parent believes the decision should be reviewed and provide details of any personal and/or family circumstances including financial details, if relevant, that the parent believes should be considered when the decision is reviewed.

Within 25 working days of receipt of the parent's written request an independent officer who has had no involvement with the original decision will review the original decision and send the parent a detailed written response setting out:

- the nature of the decision reached and the decision;
- how the review was conducted (including the standard followed, for example, Road Safety GB);
- information about other departments and/or agencies that were consulted as part of the process;
- the factors that were considered;
- the rationale for the decision reached;
- information about escalation to stage two if appropriate.

Stage two: Review by an independent appeal panel

A parent has 20 working days from receipt of the local authority's stage one decision to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parent's request an independent appeal panel will consider written and verbal representations from the parent and from officers involved in the case and will give a detailed written outcome within 5 working days, setting out:

- the nature of the decision reached, and the decision;
- how the review was conducted (including the standard followed, for example, Road Safety GB);
- 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 the parent's right to put the matter to the Local Government Ombudsman (see below).

Home to School Travel Appeals Process contd.

The independent appeal panel members are independent of the original decision making process. The panel is comprised of three elected Council members who will determine the appeal based upon the information they are provided with. Parents may attend the appeal in person if they wish to do so.

Local Government Ombudsman: There is a right of complaint to the Local Government Ombudsman if complainants feel there was a failure to comply with the procedural rules or if there were any other irregularities in the way the appeal was handled. If the complainant considers that the decision of the independent panel was flawed on public law grounds, the complainant may also apply for judicial review of the decision.

For more information on reviewing a decision and the Council's appeals process, or for paper copies of the procedures, please contact the Travel Assistance Service.

Children not eligible for travel assistance – useful information.

Pupils not entitled to free travel have a range of travel options:

- Where spare capacity exists on existing contract services, students who do not qualify can apply to Metro to purchase a School Card for use on school bus services.
- Metro offer a range of prepaid tickets and concessionary permits for use on all bus and train services across West Yorkshire. Visit their web site at www.generationm.co.uk
- Bus Tickets for use on Transdev Keighley and District Services which also extend into Lancashire and North Yorkshire are also available through their website www.keighleybus.co.uk
- Bus Tickets for use on First Services in the Bradford District are available through the First Group website www.firstgroup.com/ukbus/bradford

Bus and train times

Timetables for all public transport services within West Yorkshire are available through Metro.

Phone METROLINE: 0113 245 7676, or visit their web site at www.wymetro.com

Metro Travel Centres are located at Bradford Interchange and at Keighley Bus Station - for bus and train enquiries, prepaid tickets and concessionary permits.

To receive timetables in large print or Braille, audio tape or disc, phone 0113 2457676. For people who are deaf or hard of hearing: Text phone 0113 242 8888. (Typetalk friendly.)

School Bus Times and My Bus Services are available on Metro's website for young people www.generationm.co.uk

The council's travel policies, travel arrangements and contracts will be reviewed annually to ensure best value for money is achieved.