

# **HOME TO SCHOOL TRANSPORT POLICY 2022/2023 [MAINSTREAM]**

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# Home-to-School Transport Policy

## 1 What do the council have to provide by law?

### 1a Education acts

Under section 508 (B) of the Education Act 1996, we must provide free transport to and from school for your child if they are aged 5 to 16 and they live outside the legal walking distance between your home and the nearest qualifying school. We must provide additional assistance for families who have a low income.

The Department for Education published statutory guidance for local Authorities in July 2014; Home to school travel and transport guidance.

### 1b Walking distances

By law, we must provide free transport to and from school if your child is:

- under eight years old and has to walk more than 2 miles (3.218688 kilometres) to the nearest qualifying school or
- aged eight or over and has to walk more than 3 miles (4.828032 kilometres) to the nearest qualifying school

We measure the distances using the shortest suitable walking route.

### 1c Families who have a low income

If you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport, the school must be between 2 and 6 miles away from your home.

Additionally, we will provide free transport for your child if they go to their nearest school of faith and they were admitted on faith grounds and the school is between 2 and 15 miles from your home.

If you have a low income and your child is at primary school, we must provide free transport to and from school if they have to walk more than 2 miles (3.218688 kilometres) to their nearest school.

Families qualify for low income, free transport if you are in receipt of one of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit.

**1d Parental preference**

You have the right to say which school you would prefer your child to go to (under section 86 of the School Standards and Framework Act 1998), but this does not automatically mean that your child has a right to free transport to the school. You are responsible for making sure your child gets to school.

**1e Special Educational Needs (SEN)**

The Council has a separate SEN Transport policy for children that have an Education, Health and Care Plan (EHCP) or have a full Statement of SEN which is due to be converted to an EHCP. The Council must provide transport for your child if they, attend their nearest qualifying school, live under the statutory walking distance, but because of a special need or disability it would be unreasonable to expect them to walk to school.

If there are spaces available on taxi contracts transporting pupils with SEN to school, it may be possible to purchase a season ticket for the duration of the contract.

**1f Suitable Schools**

When assessing eligibility the County Council considers whether the nearest qualifying school has places available and provides education appropriate to the age, ability and aptitudes of your child and any Special Educational Needs your child may have.

**1g How do we re-assess your claim?**

If your circumstances change, for example there is a change of address, we will re-assess your claim under the policy that is applicable at the time of your application being submitted with your change of circumstances.

**2 What extra help can we provide?**

**2a** Section 1 explains what help we have to provide by law. The Education Act 1996 also allows us to provide extra help with travel costs in certain circumstances. These are discretionary elements of the Home to School Transport Policy and can be subject to change in the future.

**2b Help with travel costs if your child goes to a school which is not their nearest school**

If your child goes to a school which is not their nearest school, we will still provide free transport if they meet the distance criteria and:

- your child moves home while they are in Year 6, 10 or 11, and they previously attended their nearest school and the pupil is from a low income family or
- there are, in the opinion of County Council officers, exceptional circumstances

### **2c Help with travel costs if your child lives less than the legal walking distance away from their nearest qualifying school**

If your child lives within the legal walking distance, we will still provide free transport if:

- the walking route in the opinion of the local authority is not suitable (see Appendix A) ; or
- your child has special educational needs or a medical condition which means it is unreasonable to expect them to walk to school

## **3 How do I apply for help with transport to and from school?**

### **Application form**

When your child starts at secondary school their entitlement to receive transport assistance will automatically be assessed. If your child is eligible to receive help an application form will be issued to your home address in June.

### **3a Renewing travel passes**

Once your child has been awarded travelling expenses this will be automatically renewed each year if you are still entitled. The Council will advise you if you are no longer eligible.

If you have been issued with a Gold pass, the bus pass will remain in use until the expiry date on the front of the pass. **It will not be renewed on an annual basis.** If your child loses or damages their travel pass, refer to section 7e.

Some children are subject to an annual re-assessment of their entitlement to receive assistance. This assessment is normally carried out during the summer term.

### **3b Timescales to apply for a travel pass**

It normally takes us up to 10 working days from the date we receive your application to issue your child's pass. This is subject to us having been provided with the full information to assess your claim (it may take longer in busy periods, such as August and September). We recommend that you apply for your child's travel pass in plenty of time

before the start of the school year. If you don't, you may have to pay your child's travel fares and we may not be able to refund this money. We will only refund any travel fares you have to pay while you are waiting for your child's travel pass if we have caused the delay.

**3c What happens if I move house?**

If you move house, you need to notify the County Council as there will be a need to re-assess your application. If you were previously entitled and still remain entitled, the Council may need to amend your travel-pass.

**4 How will you assess my claim?**

**4a The area your child lives in**

To be eligible for free transport to and from school under this policy, your child must live in the Lancashire County Council administrative area.

**4b Legal walking distances**

If your child goes to the nearest qualifying school, we will provide free transport if they are:

- under eight years old and the shortest suitable walking route is more than 2 miles (3.218688 kilometres) from the nearest school or
- aged eight or over and the shortest suitable walking route is more than 3 miles (4.828032 km) from the nearest school

**4c Assessing your child's eligibility to receive transport assistance is a two part process.**

Firstly, your child's nearest school for transport assessment purposes is determined.

The nearest qualifying school for your child will **usually** be the one:

- which is the closest to your home ( measured by the shortest walking or road route, as accepted by the Council). For those children living close to the Lancashire boundary the nearest school may be situated in another local authority area
- where there is a place available or where a place could have been offered at the allocation stage of school admissions had it been requested.



#### **4d Measuring the shortest route to the determined nearest school**

Once the Council has established the nearest school, we will measure the distance to that school using the shortest suitable walking route.

For the 2022/23 round, it is possible that the Local Authority may be using a new measuring system. Should this be in place, the Ordnance Survey Address Point of your home address will be used.

For the existing measuring system, this may include measuring along roads, footpaths and bridleways. We will measure from the nearest boundary entrance of your home (for example, your gate) to the nearest entrance to the school which your child can walk to. We will not include your drive or the drive at the school (if this applies) in this measurement. In most cases, we will take the measurement using computerised map measurements. If these measurements are close to the mileage limits, we will measure them on foot using a trundle wheel.

#### **4e Working out whether a place is available**

When we are working out whether places are available at a school nearer to your home, this will be during the normal admissions round when places are being allocated.

Additionally, If you move into a new area or your child changes schools, we will work out if places were available at the time of your change in circumstances.

#### **4f Late applications**

If you are offered one of your expressed preference schools and this is over the legal walking distance from home, then free transport will not be offered if there was a place available at a nearer qualifying school at the time of school place allocation.

#### **4g Schools that are not in Lancashire**

If your child gets a place at a school which is located within another local authority, we will only provide free transport if it is determined that this is the nearest qualifying school at which a place is available.

#### **4h If we do not meet your preferences and you made an on time secondary school application**

If we offer your child a place at a secondary school which is not one of the three schools you listed as your preferences on your application for a school place, we will provide free transport as long as:

- you meet the conditions relating to distance; and

- there is no place available at an alternative school nearer to your home address (including those in neighbouring districts of Lancashire and in other local authority areas).

#### **4i If your child is nearly eight years old**

If we provide free transport for your child and you live between 2 and 3 miles from their primary school, we will continue to provide this help until the end of the academic year in which your child turns eight years old.

#### **4j Compulsory school age**

By law, only children aged 5 to 16 are entitled to free transport to and from school. However, if your child is under five years old and at primary school, as part of our discretionary transport arrangements, we will provide free transport as long as they meet all the relevant conditions.

##### **Pre-school**

We will not provide free transport if your child is at nursery school or in a pre-school class (even if there are agreed deferred entry arrangements in place).

#### **4k Independent (private) schools**

We do not provide free transport if your child goes to an independent school.

#### **4l Unsuitable routes**

If we think that the shortest walking route to a school is not suitable for children when walking with an adult, we will look to find a suitable alternative which is less than the legal walking distance to school.

As explained in paragraphs 4c-4e we use the shortest route to decide the nearest school. If we can't find a suitable walking route, we will provide free transport to the nearest school. The council will not consider the suitability of a walking route to a school unless the child goes to their nearest school. In Appendix A we have explained our guidelines for assessing the suitability of walking routes.

#### **4m Definition of 'home'**

If your child lives in two different homes, (there is a shared parenting arrangement in place between mother and father or other approved carers), we will only provide transport from one of the addresses.

To work out whether your child is entitled to transport to and from school, we will use the address which we consider is your child's main home.

To decide which of the homes is your child's main home, we will consider:

- the address which you specifically chose to use when applying for a school place
- the address at which your child spends most school days and
- the address you give your child's doctor, dentist etc

If your child spends an equal amount of the school week at each address, we will usually consider the main address to be the one which you declared on your admission application. This is normally where your child wakes up on the most school days during the school term (Monday to Friday).

You should be aware that entitlement to assistance with home to school transport is assessed separately after the admission process (after school places have been offered).

You cannot use an address to apply for a school place and another to have transport entitlement assessed.

For a new address to be accepted, there must be very exceptional reasons for the change, for example the sale of a property, house fire at one address, bereavement or relocation of the parents/carers to a single property. Parents must provide the necessary evidence for the Council to consider. A change in a child's living arrangements, for example spending more time at the new address, will not generally be considered to equate to exceptional circumstances.

#### **4n Providing free transport to medical or other professional appointments or extra-curricular activities**

If your child is entitled to free transport from home to school, their travel pass will not cover any extra journeys during the school day. For example they will not be able to use their travel pass to get to medical or other professional appointments and we will not refund the cost of fares if your child takes part in extra-curricular activities.

#### **4o If your child moves home while they are in Year 6, 10 or 11**

If you move home and your new address is over the statutory walking distance, we will normally provide transport if your child is in their last year at primary school (Year 6) or if they are at secondary school and

they have started their GCSE courses (normally Years 10 and 11). We will consider several things when we make our decision, such as:

- the cost of the transport
- how easy it is to move your child to another school
- the distance involved
- whether your child was at the nearest suitable school to your previous address and
- whether you chose to move or whether you have been forced to move

We will also need proof (such as a solicitor's letter or a rental agreement) confirming the date you moved.

This discretion will only apply to pupils from low income families.

#### **4p Help for younger brothers and sisters**

If we provide free transport for your child on low income grounds and you move home while they are in Year 6, we will also provide free transport for any of their younger brothers or sisters to go to the same school until the end of that academic year. We will only continue to provide this help after your older child leaves the school if the school your younger children are at is the nearest school with places available and they meet the distance criteria.

#### **4q Other reasons why your child may not be entitled to help with travel costs to and from school**

We will not consider the following when we decide if your child is entitled to free transport to and from school.

##### **4q1 Brothers and sisters**

When you are applying for a school place, you have the right to say if you would prefer your child to go to a particular school. If your child has an older brother or sister at the school which you prefer, this will often be considered in the allocation of places. We will not though take this into account when we assess whether your child is entitled to free transport

##### **4q2 Family links with a school**

When we decide if your child is entitled to free transport, we will not take into account whether your child currently has family members at a school, or whether members of their family have gone to that school in the past.

#### **4q3 Financial circumstances**

When we decide if your child is entitled to free transport, we will only consider your financial situation if you are on the qualifying benefits for free school meals or the maximum amount of Working Tax Credit.

#### **4q4 Single-sex or mixed schools**

We will not agree to provide free transport just because you would prefer your child to go to a single-sex school or a mixed school.

#### **4q5 Selection tests**

Just because your child passes an entrance exam for a school does not mean that we will provide free transport. This applies to Lancashire's four selective grammar schools/academies.

## **5 Faith Schools**

From September 2018, the County Council has not provided any discretionary denominational transport assistance, for all pupils commencing at primary or secondary school. The removal of this assistance was phased-in so that children who started school under one set of transport arrangements would continue to benefit from them until they concluded their education at that school, or chose to move school or where there was a change of address.

From September 2022, there will be no discretionary denominational transport assistance available for secondary aged pupils. There may however be a small number of pupils in Years 5 & 6 who still receive assistance if parents pay a contributory charge.

Pupils admitted to a faith school where this is their nearest school and who meet the distance criterion, will continue to receive free transport.

## **6 What if I have a low income?**

If your child is entitled to free school meals or you receive the maximum amount of Working Tax Credit, you are defined as being on a low income. We have to provide extra help on top of that set out in sections 4 to low income families.

### **6a Secondary Schools**

If your child is at secondary school, we will provide free transport to one of the three nearest schools as long as the school is between 2 and 6 miles from your home.

### **6b Faith Schools**

If you have expressed a wish based on your religion or belief for your child to attend your nearest qualifying school child, we will provide free transport to the nearest faith school if it is between 2 and 15 miles from your home.

### **6c Applying for a school place outside normal times**

If you apply for a school place for your child outside the normal time for applying for places, the three nearest schools will be those with places available at the time of your change in circumstances.

### **6d Applying for a school place within normal times**

If you apply for a school place within the normal time for applying for places, the three nearest schools will be those that can offer your child a place prior to places being allocated.

**6e If you have a low income and your child is nearly eight years old**

If you have a low income and your child is at primary school and they reach eight years old, we will continue to provide free transport if you live two miles or more and go to the nearest suitable school. This assistance will remain if you continue to receive the qualifying benefits.

**7 How do we provide free transport?**

**7a Travel passes**

If your child is entitled to free transport to and from school, we will normally give them a travel pass for a bus service, a contracted vehicle (such as a coach or minibus) or a railway service. Passes are not issued on taxi services as approved lists of pupils are provided to the operator.

**7b Travel times**

When we are arranging transport, we will try to make sure that your child does not have to travel for more than:

- 45 minutes if they are at primary school or
- 75 minutes if they are at secondary school

These are one-way journey times and do not apply if your child does not attend their nearest school.

**7c Pick-up points**

We will arrange transport from a point that is reasonably near to your home and your child's school.

Parents are encouraged to check the bus stop or pick up point that their child is allocated to ensure that their child knows how to use transport to and from school safely.

**7d Behaviour**

We have the right to take away your child's travel pass if they seriously or persistently misbehave on the way to and from school.

**7e Replacement passes**

If your child loses or damages their travel pass, you will have to pay £20 for a replacement pass.

If you are in receipt of one of the qualifying benefits to receive Free School Meals, the cost of a replacement pass is £15.

If you wish to amend your child's travel pass to an alternative service, there may be a replacement charge.

**7f      Paying for replacement passes**

You will have to pay your child's travel fares while you are waiting for their replacement pass. We will not refund this money unless your child is eligible for free school meals or you receive the maximum amount of Working Tax Credit.

**7g      Bus Pass Amendments**

In those circumstances where you require your child's bus pass to be amended, for example where you move house, you must request this from the Council. At this point, eligibility to receive transport assistance will be re-assessed and an amended pass will be issued if your child is still entitled.

**7h      What if your child forgets their travel pass?**

If your child forgets their travel pass they will have to pay their bus fare. We will not refund this money.

**7i      Bicycles**

If your child is entitled to free transport but wants to use a bicycle to travel the whole or part of the way to school, the council may pay you an allowance to help with these costs.

**7j      Motorbike or car allowances**

If there isn't any suitable public transport or private transport available and you have to drive your child to school, the council may refund you your travel costs for the whole or part of the journey if your child is entitled to free transport.

Please be aware of how this may affect your driving insurance.

**7k      If your child is not entitled but wishes to use LCC School Bus Services**

The Council provides school bus services to transport children that have an entitlement to transport assistance. However, if there is a suitable bus service to your child's school, and if there is a seat available, your child may be able to travel by buying a season ticket or by paying a bus fare.



It is important to note that we cannot guarantee that a suitable school bus service will always be in operation. Additionally, we cannot guarantee that a school bus service will be available if your child is not eligible for free travel.

## **8 What happens if you allow my child to travel for free by mistake?**

If your child is going to school and we find that we are allowing them to travel for free by mistake, we will let you know that we have made a mistake and we will advise when we will stop providing free transport. Your child will be permitted to travel free of charge for the rest of the term.

## **9 Can I appeal against your decision?**

If the Council have refused your application for free transport, it is because you are not eligible under this policy or in law.

If you feel that the Council has applied the law incorrectly or if you consider that you have exceptional circumstances which you have not previously advised us of, you may submit a written appeal.

Your appeal must specify precisely the nature of the error and all exceptional circumstances must be corroborated by appropriate documentation or evidence. If you fail to provide evidence, your appeal cannot be considered.

Your eligibility will initially be reconsidered by an officer of the Council, who was not involved in the original decision not to award transport for your child. The officer will review the original decision and any personal and/or family circumstances you believe should be considered. If transport is not awarded your appeal and evidence will then be considered by the Student Support Appeal Committee, whose decision is final.

A further appeal will not be considered unless there have been some significant/exceptional changes in your circumstances since the last appeal was heard.

You can get appeal forms from your local area education office or they are downloadable from the County Council's website.

If the Student Support Appeals Committee decides that your child is entitled to help with travel costs, we will refund their travel costs from the date we receive your appeal form with the full evidence to support your appeal.



## **Annex A**

### **Home to School Transport Policy**

#### **UNSUITABLE ROUTES POLICY**

In cases where the shortest walking route between home and school is within the statutory mileage distance and a parent believes that the walking route to the school could be considered as unsuitable, the County Council will, upon a request from the parent, undertake an assessment of the whole route, or those parts of the route which the parent deems to be unsuitable. Routes will not be considered for their suitability if they do not meet the criteria listed below. When considering walking routes, the County Council will take into account footways, verges, walkable roadside strips, footpaths and bridleways. However, the absence of these does not always constitute the route as being unsuitable (See section 5).

The statutory mileage criteria are:

- 2 miles or over for pupils under eight years of age
- 2 miles or over for pupils over eight years of age if entitled to free school meals or parents receiving maximum amount of Working Tax Credit
- 3 miles or over for pupils over eight years of age

The County Council's assessment of the route will consider the following factors:

#### **1 Alternative Routes**

If the shortest walking route is felt to be unsuitable, however an alternative walking route or routes are available which may be classed as 'suitable' and which fall within the distance criteria, then assistance with travel costs will not be granted.

#### **2 Accompanied by a suitable adult**

Parents have the primary responsibility for ensuring their child's safe arrival at school. In all cases when assessing the suitability of routes the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible person and is suitably clad.

Therefore the existence of the following factors will not usually make a route unsuitable, although they would be taken into account:

lonely routes  
moral dangers  
canals, rivers, ditches, dykes, lakes and ponds  
railway crossings  
routes without street lighting

The responsibility for the child to be accompanied as necessary rests with the parent.

### **3 Availability of a footway, verge, walkable roadside strip, footpath or bridleway**

If these are available, then these parts of the route cannot be considered to be unsuitable subject to Clause 4 below.

If the width of the roadside footway/verge/roadside strip falls to less than 1m in width and an alternative footway is not available, then traffic counts will be necessary at the points where this happens, in accordance with the width of the road, as shown in the table in Clause 5 below.

Where it is necessary to make road crossings to access an alternative footpath or a footway in excess of 1m width, the volume of traffic on the road at those points will be considered taking into account the 'crossing parameters' outlined in Clause 4 below.

### **4 Suitable Crossing Points**

When undertaking the measuring of walking distances to school the County Council will take into account suitable road crossing points when assessing the suitability of the route.

Where road crossings are necessary, it will be assumed that if the half hour two way traffic flow (one way on dual carriageways) is below 240 vehicles, the road should be reasonably able to be crossed.

Conversely, where the half hour two way traffic flow (one way on dual carriageways) is in excess of 700 the road is assessed as being unsuitable to cross, unless there are 'traffic interrupters' (eg traffic lights) which provide suitable crossing gaps at reasonable intervals.

The assessments will not apply if pedestrian crossing facilities are provided.

In cases where central pedestrian islands are provided in the centre of the road to assist pedestrian crossing movements and there are no other pedestrian facilities available (ie pelican/zebra crossing), traffic flows will only be taken in one direction.

For roads where the half hourly traffic flow is between 240 and 700 vehicles, the ability of being able to cross the road comfortably four or more times in each five minute period would normally indicate a road which is reasonably able to be crossed by an accompanied child. In cases where central pedestrian islands are available, the number of crossings will be taken from the island to the footway and vice versa.

The County Council will undertake a half hourly traffic count for both the morning and afternoon during school terms to coincide with the times the route would be walked.

When determining the number of vehicles in any time period, the following 'passenger car equivalent values' (PCU's) will be used as multiplication factors:

|                         |      |
|-------------------------|------|
| 3 pedal cycles          | 1PCU |
| 2 motor cycles          | 1PCU |
| 1 car                   | 1PCU |
| 1 LGV (under 3.5tonnes) | 1PCU |
| 1 Bus/Coach             | 2PCU |
| 1 HGV                   | 2PCU |

## 5 Roads without Footways

On roads less than 6.5m in width, where there is no public footpath or walkable verge or refuge points and where the traffic exceeds the maximum vehicle numbers per hour relevant to the width of road shown in the table below, these would be deemed unsuitable routes.

In addition, if the proportion of Heavy Goods Vehicles (HGV's) using the route is more than 10% of the highest total traffic volume figure, relative to the road width shown in the table below, the route would be deemed unsuitable.

In undertaking the assessment, however, if there are verges which may be 'stepped onto' to avoid vehicles, where there is insufficient road width for the vehicle/s to pass, then these parts of the route are not deemed to be unsuitable, unless the number of vehicles exceeds that which corresponds to the appropriate road width shown in the table below.

A step off or verge is a minimum area that a pedestrian could use as a refuge which is defined as 1.5m in length and 0.5m in depth and relatively level.

Where no 'step-off' exists for any part of the route the number of vehicles using the route will be counted at this point in accordance with the road widths shown in the table below.

| Acceptable maximum length of<br>Single sections of road without<br>Verges or refuge before<br>Broken by a verge or refuge<br>width |         | Acceptable number of vehicles per half hour by road width |                        |                        |               |
|--|---------|---|------------------------|------------------------|---------------|
|  |         | >3.5m road<br>width                                       | 3.5>4.5m road<br>width | 4.5>5.5m road<br>width | 5.5>6.5m road |
| 10m  | 201-240 | 301-360   | 401-480                | 501-600                |               |
| 15m  | 161-200 | 241-300   | 321-400                | 401-500                |               |
| 25m  | 121-160 | 181-240   | 241-320                | 301-400                |               |
| 35m  | 81-120  | 121-180   | 161-240                | 201-300                |               |
| 55m  | 61-80   | 91-120  | 121-160                | 151-200                |               |
| 75m  | 41-60   | 61-90   | 81-120                 | 101-150                |               |
| 120m   | 31-40   | 46-60   | 61-80                  | 76-100                 |               |
| 160m   | 21-30   | 31-45   | 41-60                  | 51-75                  |               |

|      |       |       |       |       |
|------|-------|-------|-------|-------|
| 240m | 11-20 | 16-30 | 21-40 | 26-50 |
| 300m | 6-10  | 9-15  | 11-20 | 13-25 |
| 500m | 1-5   | 1-8   | 1-10  | 1-12  |

In order to make the assessment, the above table will only compare the number of vehicles at those places on the route where the lack of 'step-off' exists.

Example: 4.5>5.5m road width

There are 3 parts of the route where no verge exists.

Part 1 the gap is 15m there were 200 vehicles counted - Route suitable

Part 2 the gap is 120m there were 27 vehicles counted - Route suitable

Part 3 the gap is 300m there were 21 vehicles - Route unsuitable

Where HGV vehicles (this includes farm vehicles on rural roads) in the hourly two way traffic count on the un-verged portions of the route are more than 10 in number or where this constitutes more than 10% of the total traffic volume, then the route would be classed as unsuitable, irrespective of whether the traffic volume was reached.

## **6 Pupils not attending their nearest schools**

In cases where a pupil chooses not to attend their nearest school, travelling expenses to a more distant school on the grounds that the route to that school is deemed to be unsuitable cannot be considered. .

## **7 Accident Statistics**

If a particular route meets the above criteria as a 'suitable route', the County Council will also take into consideration any significant accident data on the route.

## **8 Re-imbursements and Unsuitable Routes**

Where the Council determines that a route is unsuitable, any claims for retrospective re-imbursement of travelling expenses will only be backdated to the date the Council determined the route as unsuitable.

## **Annex B**

### **HOME TO SCHOOL TRANSPORT POLICY**

#### **SPECIAL PUPIL CASES**

The County Council will consider all circumstances which are relevant for the purpose of facilitating the attendance of a child at school and assistance with transport/travel costs may be given at the discretion of the Director for Children's Service in exceptional cases.

Additional assistance may be granted in the following circumstance:

#### **1 Medical Needs of the Pupil**

##### **1.1 Long Term Cases**

Where pupils live within the statutory walking distance between home and their nearest suitable school and where it is apparent that a pupil is physically unable to walk to school, transport provision may be initially considered. Substantial medical evidence will need to be provided. Provision of transport will not usually be offered where a pupil does not attend their nearest school, unless the medical incapacity arises where the pupil is in Year 10 and Year 11 in secondary school or in Year 6 in primary school. The County Council will however consider cases in other year groups where there has been a significant change in circumstances relating to a child's medical condition.

Assistance will normally take the form of public transport provision unless the pupil is physically unable to access public transport.

The provision may also vary dependent on the time of the year.

If the County Council determine that discretionary transport support is no longer required, parents can submit an appeal to the Student Support Appeal Committee if they consider it should continue, subject to a further officer review.

##### **1.2 Short Term Cases (Up to 12 weeks)**

Short term taxi transport may be considered where a child has a short term medical incapacity. Medical evidence will be sought to confirm that the pupil will not be able to access public transport. In these cases, the provision will normally be made for a maximum of 12 weeks. In these circumstances, the Council will consider the provision of transport even if the pupil is not attending their nearest school.

If transport is likely to be required in excess of twelve weeks, the case will be reviewed by the County Transport Policy Officer. If it is decided not to extend the transport support, the parents have the option of appeal to the Student Support Appeal Committee.

## **2 Looked After Children (LAC)**

Pupils who are 'Looked After' by the County Council, who are placed in short term foster care and who do not meet the statutory criteria for transport assistance, will not be considered for transport assistance under this policy.

A separate policy is administered by the Children's Integrated Services Group to provide short term transport for LAC pupils who are not statutorily entitled to travel assistance.

## **3 Emergency Transport Arrangements for non LAC children**

In cases where children have been temporarily re-housed due to unforeseen emergency circumstances, transport assistance may be considered to a school other than the nearest provided the distance criteria is met. Assistance would be offered on this basis where it was considered that a pupil would be unable to attend school without support from the County Council. Assistance will initially be provided up to a maximum of twelve weeks. Confirmation of the family circumstances will need to be provided by the local council or other agencies.

Transport assistance will normally take the form of provision on public transport unless the journey times exceed the County guidelines.

If transport is required beyond twelve weeks, then a review of the case by the County Transport Policy Officer will be undertaken.

## **4 Managed Transfers and In Year Fair Access Protocol Pupils**

Pupils, who are admitted to schools under these arrangements, may receive assistance with public transport costs if the distance criterion is met irrespective of whether they are attending their nearest suitable school. Short term taxi transport pending receipt of a bus pass may also be provided to aid the smooth transition into the new school during the trial period.

Transport assistance will only be provided for pupils subject to a 'managed move' if the pupil meets the criteria as a low income family, as stated in Section 6 of this policy.



## **5 Children whose Parents due to their Medical Condition are unable to accompany their children to school**

In exceptional circumstances where it is not possible due to the medical condition of one or both of the parents or carer for them to accompany a child to school and it is not possible to make suitable arrangements for a family member or friend to accompany a child to school, transport assistance will be considered. Assistance may be provided where it is felt by the County Council that some assistance should be given to ensure that the pupil travels to school safely and attends the school. Any such assistance is subject to satisfactory medical evidence being provided indicating the parental incapacity.

This assistance will only be provided for pupils who meet the low income criteria, as outlined in Section 6 of this policy.

This might include instances where the pupil resides within the statutory walking distance or the pupil does not attend their nearest school.

The County Council will not consider assistance where one parent is unable to accompany the child to school due to work commitments nor will it usually consider it necessary to provide assistance to secondary school aged pupils, as they will usually be deemed to be capable of walking to school unaccompanied.

In the above cases, transport will be provided for up to a maximum of 12 weeks. Any extension of transport will be subject to a central review process by the County Transport Policy Officer.

## **6 Pupils under the jurisdiction of the Traveller Education Service**

Where pupils under this category live within the statutory walking distance from their nearest suitable school, short term transport provision may be made to ease the integration into a new school. This provision will be provided for a maximum of four weeks.

## **7 Pupils with special educational needs**

A separate policy applies to pupils in this category.

In all other cases the County Council will consider requests from parents who feel that their child requires transport to their nearest school and they are not statutorily entitled to any assistance in cases of significant non-financial exceptional circumstances.

## Annex C

### Transport to School on the Grounds of Religion or Belief

Section 509AD of the Education Act 1996 places a duty on local authorities to have regard to a parent's religion or belief, while fulfilling their duties and exercising their powers relating to travel. 'Religion' in this respect means any religion and 'belief' means any religious or philosophical belief.

It is acknowledged that the definitions of 'religion' and 'belief' are ultimately determined by the courts and there is a substantial body of case law which exists with regard to these definitions.

The Department for Education (DfE) offer the following advice in their Home to School Transport Guidance 2007 regarding religion or belief.

- a) The definition of 'religion' includes those religions widely recognised such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha'is; Zoroastrians and Jains.
- b) A religion must have a clear structure and belief system.
- c) Equally denominations or sects within a religion may be considered as religions in this context such as Catholicism or Protestantism within Christianity.
- d) 'Belief' may be understood as equating to 'conviction' and must be more than an opinion or idea. It must be genuinely held and parents/carers bear the burden of showing that it constitutes the reason for placing their child at a given school, or not placing them at a particular school.

The DfE consider that the following examples **do not** meet the requirements for the provision of transport on faith or philosophical grounds:

- the wish to have a child educated at a particular type of school (for example a grammar school)
- the wish for a child to be taught in a particular language
- a belief that a child should be privately educated
- objections to rules requiring that a school uniform must be worn
- the belief that a particular school will provide a better level of education

When pupils attend particular schools on the grounds of religion or belief, the County Council may, in accordance with its policy, exercise discretion towards transport costs.

## **Annex D**

### **Home to School Transport Policy for pupils attending secondary Pupil Referral Units**

#### **INTRODUCTION**

The policy will be applied when considering how the secondary aged pupils, attending the 7 secondary Pupil Referral Units (PRUs) in Lancashire undertake the journey to school. It will only apply to those pupils attending places commissioned by the Local Authority, permanently excluded pupils and those approved by the Alternative Provision (AP) Officer who are new to area and referred by the Pupil Access Team.

The transport costs of pupils attending intervention places at the PRU will continue be paid for by the commissioning school. Pupils attending the PRUs for medical provision are not covered by the policy and current arrangements.

The policy recognises the statutory duty of the Local Authority to make full-time educational provision for permanently excluded pupils from Day 6 of the exclusion.

The policy will be reviewed annually.

#### **ELIGIBILITY**

Under section 508 (B) of the Education Act 1996, the Authority must provide transport assistance for pupils attending their nearest qualifying school where the distance between home and school is more than three miles. When assessing eligibility to receive transport assistance, the PRU will be the nearest qualifying school.

There is additional assistance available for pupils from low income families where the nearest qualifying school is over 2 miles from the pupil's home. This applies for pupils whose parents are on the qualifying benefits to receive free school meals or the maximum amount of Working Tax Credit.

#### **DETERMINING SUITABLE TRANSPORT**

Permanently Excluded Pupils:

At the PRU admission meeting, there will be a discussion with parents about how the pupil will undertake the journey to school. At this point, it is noted that the PRU may have limited background information in relation to the pupil and any risk factors associated with independent travel.

In deciding whether a taxi should be provided, consideration will be given to:

- Age and maturity of the child.
- Health and safety related issues, including risk to self or others.

- Accessibility of PRU on public transport.
- Length of journey.
- Vulnerability of pupil.
- Whether a child is physically able to walk the distance from home to school or from home to an agreed pick up point.
- Any special educational needs.

A taxi may initially be commissioned to ensure compliance with the statutory requirement that pupils are in Day 6 provision and to encourage regular attendance from the point of admission to the school.

Where a taxi has been provided and the pupil has been on roll for six weeks, a review will take place of whether the pupil would be able to undertake the journey to school with a travel pass. The assumption will be that a travel pass will be issued unless the pupil meets one of the criteria listed below.

Where it is deemed that a pupil can safely undertake the journey to school using public transport, a bus pass application will be completed with a passport size photograph and forwarded to the local Pupil Access Team to be processed.

If a taxi is still required a member of the PRU staff will complete an application form explaining why a bus pass is not suitable and provide additional supporting evidence, where appropriate.

Where a taxi is in place, transport arrangements will be reviewed on a termly basis by PRU staff to monitor costs, quality and safety.

Travel passes will not be suitable for:

- Pupils whose journey to school on public transport would take over an hour.
- Pupils who would have to undertake more than one change of bus to undertake the journey to school.
- Pupils on high support.
- Pupils at risk of flight or CSE.
- Pupils who are defined as having severe emotional, social or behavioural difficulties for the period of their attendance at the PRU.

### **Commissioned Alternative Provision (AP) Pupils:**

Prior to commissioning AP, a member of the Pupil Access Team will gather full background information, including the behavioural history, and any ongoing involvement of professionals.

As the vast majority of commissioned places are for pupils who will be attending Year 11 provision, a travel pass will normally be provided where the statutory distance requirements are met.