

## Post Statutory School Age Transport Policy 2018/19

This policy document became effective at the start of the 2017/18 academic year and describes the support available to students of post statutory school age with travel arrangements to and from schools that offer education post 16.

### **1.1 Students who are entitled to receive assistance with travel arrangements to and from 6<sup>th</sup> form school**

1.1.1 Students are only eligible for transport if they are between 16 and 18 years of age on the 1<sup>st</sup> September of the academic year for which they wish to apply.

1.1.2 Transport will be provided to students provided they meet all of the following criteria:-

- a) They live in Bedford Borough throughout the duration of the course.
- b) They are enrolled and attend a full-time course up to and including level 3 (This means courses up to and including A Level).
- c) They are attending the nearest 6<sup>th</sup> form school to the home address within Bedford Borough. Those establishments are; Bedford Academy, Kempston Challenger Academy, Wootton Upper School, Biddenham School, Sharnbrook School, Mark Rutherford School and St Thomas More RC School.
- d) The eligibility criteria outlined in this policy is met (Sections 1.3 and 1.4)

### **1.2 Exceptions**

1.2.1 In some areas the majority of the houses are closer to one particular school or there may be local circumstances where a particular school may not be the nearest school for the whole area but where an exception can be made, or if the nearest school does not offer post 16 education. The following exceptions allow transport to the school listed for students living within the following area boundaries where the eligibility criteria is met.

<b>Area</b>	<b>School</b>
Bolnhurst	Sharnbrook Secondary
Bromham	Currently commercial options exist to Sharnbrook Secondary
Clapham	Sharnbrook Secondary
Keysoe	Sharnbrook Secondary
Little Staughton	Sharnbrook Secondary
Pavenham	Sharnbrook Secondary
Milton Ernest	Sharnbrook Secondary
Oakley	Sharnbrook Secondary
Stevington	Sharnbrook Secondary
Thurleigh	Sharnbrook Secondary
Turvey	Sharnbrook Secondary

### **1.3 Eligibility Criteria - Distance**

1.3.1 Students who attend their nearest 6<sup>th</sup> form school or exception school will be provided with assistance with travel arrangements if they exceed the statutory walking distance criteria of more than 3 miles away from their home.

### **1.4 Eligibility Criteria - Road Safety**

1.4.1 Students who live under the statutory walking distance may be entitled to assistance with travel arrangements where the nature of the route is such that a student cannot be expected to walk in reasonable safety.

1.4.2 Students living less than half a mile from school are not entitled to receive assistance with travel arrangements on road safety grounds.

1.4.3 Bedford Borough Council follows the guidance published by Road Safety GB to assess walking routes to schools.

1.4.4 The walking route must have;

- a) a continuous adequate footway on roads that carry normal to heavy traffic or
- b) step-offs on roads that are lightly trafficked, but have adequate sight lines to provide sufficient advance warning or

c) on roads with low traffic flow, no step-offs, but sufficiently good sight lines to provide adequate advance warning

and;

d) if there is a need to cross roads, there must be crossing facilities e.g. zebra or pelican crossings, pedestrian phases at traffic signals (including necessary refuges), school crossing patrols, traffic calming (sufficient to enable safe road crossing), pedestrian refuges, etc. or;

e) sufficient gaps in the traffic flow and sight lines to allow enough opportunity to cross safely.

1.4.5 Walking routes are designated as safe or not safe by an independent 3<sup>rd</sup> party assessment, conducted in accordance with 1.4.4 above.

1.4.6 Route reviews will be undertaken when changes in the road network or additional pathways mean a safe route to school may be identified. Major changes to the public highway will also be considered as and when the change occurs.

## **1.5 Medical transport**

1.5.1 Assistance with travel arrangements can be provided to the nearest 6<sup>th</sup> form school or exception school on medical grounds for either short term provision where a student has a temporary medical problem or on a long term basis if the student has a particular long term condition for one return journey per day.

1.5.2 In both cases (1.5.1) recommendations must be received in writing from a GP or Medical Consultant. The information from a GP or Medical Consultant must clearly state inappropriate types of transport and be specific about appropriate distances.

1.5.3 The council reserves the right to commission an independent medical opinion.

## **1.6 Charges**

1.6.1 The travel arrangements for post statutory school age students, eligible under this policy, are not free of charge in any cases. Confirmation of cost will be advised upon approval of the student's application

1.6.2 The cost of Bedford Borough Council's post statutory school age transport is available by contacting Customer Services on (01234) 718004. The transport fee is subject to annual review through the fees and charges review process.

1.6.3 Students are entitled to a discount of the costs of transport if their parent(s)/carer(s) are in receipt of Income Support, Income Based Jobseekers Allowance, Support from the National Asylum Support Service, Guaranteed Element of State Pension Credit or Child Tax Credit (provided that you are not entitled to Working Tax Credit and annual income does not exceed £16,190), or the maximum rate of Working Tax Credit.

1.6.4 The transport fee is offered at a fixed rate and no further reductions are available for part time travel or where transport is provided after the start of term.

## **1.7 When to apply for assistance with travel arrangements**

1.7.1 Bedford Borough Council will publish the post 16 transport policy by 31<sup>st</sup> May each year. Therefore, students will be able apply for transport after this date.

1.7.2 Application forms will be available from Bedford Borough Council. It is the responsibility of the parent(s)/carer(s) and student to obtain an application form and apply for transport within the published deadline.

1.7.3 Deadlines for applying for post 16 transport are published each year. Application forms received after the published deadlines are not guaranteed to be processed for the start of the term but will be processed as soon as possible.

1.7.4 The Council does not offer reimbursements for travel costs where the application has not been submitted in accordance with these timescales.

1.7.5 The Council reserves the right to change the post 16 travel arrangements policy, subject to relevant consultation on 31<sup>st</sup> May each year. There should be no expectation that travel arrangements will continue, other than those arrangements which must be provided because there is a statutory duty to do so.

## **1.8 General policy principles**

1.8.1 Where students receive assistance with travel arrangements as a result of errors in measurement, such transport will be withdrawn at the end of the academic year during which the error is discovered.

1.8.2 'Home' is defined as the place where the student is habitually and normally resident. Suitable travel arrangements will only be made using the student's home address, as defined. The Local Authority is not responsible for providing travel arrangements from any other address. The Local Authority is only responsible for providing travel arrangements for students resident in Bedford Borough. The Local Authority will only provide travel arrangements from one address, which meets the definition described.

1.8.3 Students who live in a joint home arrangement, who fulfil the other criteria for travel assistance, will be provided with transport from the home where they live for the greater part of the week to the nearest school or exception school to that home.

1.8.4 The measurement used to calculate the distance from home to school is defined as the shortest route along which a child, accompanied by an adult as necessary, may walk with reasonable safety. As such the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads. The measurement is calculated from the nearest point on the 'walking route network' to the boundary of the student's home to the nearest accessible school gate.

1.8.5 In most cases a bus route is provided by the Local Authority for the specific purpose of providing transport to an educational establishment.

1.8.6 Bedford Borough Council does not guarantee that this scheme is the cheapest method of transport available and you are advised to make your own investigations prior to applying for transport.

1.8.7 The Local Authority will consider what is the most suitable and cost effective means in providing travel arrangements based on the evidence available. Parental mileage and individual transport will not be approved, with the exception of point 1.5.1.

1.8.8 Students who have a particular disability or mobility problem (including a temporary medical condition) may be entitled to assistance with travel arrangements to school. If their disability or

mobility problem (including temporary medical conditions) means that they could not reasonably be expected to walk to school then suitable assistance with their travel arrangements will be made.

1.8.9 The travel arrangements will apply to one return journey per day.

1.8.10 Transport will only be provided to the main establishment where the student is studying. Transport will not be provided for induction days, work experience, placements, extracurricular activities or travel to alternative sites during the day. In such cases the parent(s)/carer(s)/student will be responsible for making alternative arrangements.

1.8.11 Assistance with travel arrangements does not imply a door to door service. The Local Authority will normally expect the student to make their own way from their home or school to a 'pick up' point.

## **Section 2 – Appeal and Complaints Procedure**

### **2.1 If you feel aggrieved by a decision taken**

2.1.1 All parent(s)/carer(s) have the right to appeal if they are refused transport to school. Bedford Borough Council offer a two stage appeal process as detailed below.

2.1.2 Parent(s)/carer(s) may also wish to consider the Council's formal complaints procedure, which is available at [www.bedford.gov.uk/beheard](http://www.bedford.gov.uk/beheard) or by contacting the Customer Relations Team on (01234) 228597 for further advice. Please note where an appeals process exists this should always be exhausted before making a complaint. Once these procedures are concluded then it may be possible to use the complaints procedure to investigate the issues, however in most cases this is unlikely to reverse any decisions made as part of these separate processes.

### **2.2 The Appeal Process**

2.2.1 Parent(s)/Carer(s) have 20 working days from receipt of the local authority's transport decision to make a written request asking for a review of the decision.

2.2.2 The Appeal form is available on line at [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport) or by calling Member Services on (01234) 228523. Appeals can also be submitted on-line at [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport).

2.2.3 The Appellant needs to fully complete the appeal form. If the Appellant would like to submit any supporting evidence they must collect this themselves. The Clerk to the Appeal Panel will not contact anyone on the Appellant's behalf and will not accept evidence direct from any third party. The Appellant needs to collect the evidence and then send it to the Office of the Clerk to the Appeal Panel as soon as possible. For example the Appellant might want to submit letters from a doctor if the appeal is on medical grounds.

2.2.4 If the Appellant is submitting an appeal based on financial hardship, they are advised to complete the income and expenditure form and provide evidence of income. The income and expenditure form is available at [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport) or by contacting Member Services on (01234) 228523.

2.2.5 We will acknowledge an appeal within one week of receiving it. Appellants can call (01234) 228523 if they have not received an acknowledgement within 2 weeks of posting their appeal.

2.2.6 Within 20 working days of receipt of the appeal a senior officer (Head of School Support Services) will review the original decision made and send the appellant a detailed written notification of the outcome of their review and information about how the parent can escalate their case to stage two (if appropriate).

2.2.7 The Appellant has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two, which is a review by an independent appeal panel.

2.2.8 If the Appellant would like a friend, adviser, interpreter or signer to come to the appeal with them for support, they are welcome to attend. If the Appellant does not speak or understand English they can ask a friend or relative to help explain their case at the hearing, or we can be asked to arrange for an interpreter to attend the appeal. If the Appellant needs us to book an interpreter, please tell us this on the appeal form. If the Appellant has any access requirements or disabilities we should be aware of please tell us in the access or language requirements box of the appeal form.

2.2.9 The Appellant should normally submit evidence with their original appeal form, however if they have additional evidence, it must be submitted by a deadline which will be included in the letter advising the Appellant of the date of their appeal hearing. If evidence is received after the specified deadline, then the Appeals Panel will need to decide whether this information can be considered, taking into account its significance and the effect of a possible need to adjourn the hearing. Evidence cannot be submitted after the appeal hearing. Seven working days before the appeal the Clerk will collect all of the evidence received from the Appellant and from the Transport Officer. This will be copied and copies of all the evidence will be sent to the Appellant, the Transport Officer and the Panel members.

2.2.10 Stage two Appeals will be heard at Borough Hall, Bedford. The Clerk will write to the Appellant at least ten school days before their appeal to advise of the time, date and location of the hearing. The Appellant should attend the appeal hearing if they can as it is the only chance to explain their case to the Panel. If for an exceptional reason the Appellant cannot attend the appeal on the date given, they should call the Office of the Clerk to the Appeal Panel on (01234) 228523. If the appeal cannot be re-arranged and the Appellant does not attend, the Panel will hear the appeal in their absence using the information submitted. Alternatively, the Appellant may ask a friend or relative to attend the hearing on their behalf.

2.2.11 Stage two appeals will be decided by a Transport Appeals Panel of three Councillors. All will be impartial and have no member interests/roles in Transport, Education or Social Services. Appellants will be advised of the names of the Councillors who will decide their appeal. If the Appellant thinks they know one of the Panel Members hearing their case, please call the Office of the Clerk on (01234) 228523 immediately.

2.2.12 The Transport Appeal Panel will follow a set procedure, which is summarised in paragraph 2.2.14 below. A copy of the full procedure will be provided to appellants before the meeting. The Panel will listen to both cases and are likely to ask questions. The Clerk is independent of the School Transport Entitlement Team but is appointed by the Borough Council. The Clerk is responsible for making sure that the correct procedures are followed and that the appeal hearing is fair but does not take part in the decision making process. The Transport Officer will explain their decision and answer any questions the Appellant or the Panel have, following which the Appellant will be invited to state their case and may be asked questions by the Panel. The Appellant may be accompanied by a friend or relative to support them or they can ask someone to go to the appeal on their behalf. If the Appellant does not attend or send someone to the appeal the Panel will make their decision based on the written evidence the Appellant has sent in and information given (in writing and at the hearing) by the presenting officer. Legal representation is rarely needed; if the Appellant would like to bring a legal representative please let the Office of the Clerk know immediately. Please do not bring any children to the appeal.

2.2.13 Sometimes people observe appeals as part of their training as clerks, Panel Members or presenting officers; if the Appellant does not want them to observe the appeal hearing they should tell the Clerk on the day. Appeals are normally heard in private.

2.2.14 The panel will consider all appeals on their individual merits. The procedure will normally be as follows:

- a). The Transport Officer will be invited to explain their case (that is, why transport has been refused).
- b). The Appellant and the Panel can ask questions about the Transport Officer's case.
- c). The Appellant will be invited to explain their case.

- d). The Transport Officer and Panel will ask the Appellant questions about their case.
- e). The Transport Officer will sum up their case (they cannot mention any new evidence or points).
- f). The Appellant will sum up their case (they cannot mention any new evidence or points).

The Panel will try to keep the appeal hearing as informal as possible but needs to ensure that both parties have a fair chance to explain their case and that the hearing is fair. Due to time constraints there is no facility for Appellants to make a Power Point presentation or show videos/DVDs during their hearing.

2.2.15 The Panel will make their decisions after they have heard all of the appeals they are dealing with on that occasion. No Appellants will be present and the Transport Officer will not be present when they make their decision. The Clerk will be present to record the decision and provide legal/procedural advice. The Panel will either uphold the appeal or they will dismiss the appeal.

2.2.16 The Clerk will aim to write a letter to the Appellant within 5 working days after the decision is made explaining the result and how the Panel reached their decisions. The Clerk will not tell the Appellant the result over the telephone, in person, by fax or email. If the Appellant has not received a letter two weeks after the appeal hearing please call the Office of the Clerk on (01234) 228523.

2.2.17 The Appeal Panel's decision is final and binding, they cannot review their decision. However, an appellant may make a complaint to the Local Government Ombudsman if they feel there has been any administrative fault in the way the Panel has reached its decision.