

## **Bedford Borough Council 'Statutory School Age' Transport Policy 2018/19**

Part 9 of the Education Act 1996 (the Act) contains statutory duties in relation to the provision of school transport, including the requirement to publish a statement of school transport policy in regard to post 16 year old pupils. The School Information (England) Regulations 2008 requires the Council to publish general arrangements and policies in respect of transport for pupils of compulsory school age. Section 509AA of the Act requires that 'a Local Education Authority shall prepare for each academic year a transport Policy Statement'. It provides that the 'statement shall specify the arrangements for the provision of transport or otherwise that the Authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training'.

These duties are respectively complemented by statutory guidance issued by the Secretary of State for Education to which the Council must have regard. The statutory guidance requires that published Council policy should include a clear and comprehensive statement of transport arrangements, explaining statutory and discretionary provision and how parents can hold local authorities to account through their appeals processes.

The statutory guidance confirms that parents are responsible for ensuring their child's regular attendance at school and local authorities are under a duty to provide home to school transport, where necessary, to enable them to enforce attendance. Section 444 of the Education Act 1996 states that the child shall not be taken to have failed to attend regularly at the school if the parent proves that the local authority fails to make appropriate transport arrangements under Section 508. However Section 9 of the Education Act 1996 provides that in exercising all duties and powers under the Education Acts, the local authorities must have regard to the general principle that pupils are to be educated in accordance with their parents' wishes, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable expenditure.

This policy document became effective at the start of the 2017/18 academic year. There is a separate policy for students of post statutory school age and pupils with an Education, Health and Care Plan.

### **Section 1 – Statutory Mainstream School Transport Entitlement Policy**

#### **1.1 Mainstream Education Transport Policy**

- 1.1.1 Bedford Borough Council has a statutory duty to ensure that suitable travel arrangements are made where necessary to facilitate a child's attendance at school.
- 1.1.2 The Education Act 1996 (the Act) as amended, details the powers and duties to which Bedford Borough Council must adhere.
- 1.1.3 Bedford Borough Council's free home to school transport policy takes full account of the duties and powers detailed in the Education Act 1996.

#### **1.2 Statutory School Age**

- 1.2.1 A child begins to be of statutory school age on the prescribed day which either falls on or follows their fifth birthday. The prescribed days are currently 31st August, 31st December and 31st March, this is the term following their fifth birthday. A child ceases to be of statutory school age on the school leaving date in the academic year in which they turn 16. The school leaving date is currently set as the last Friday in June. An academic year commences on 1<sup>st</sup> September and ends on 31<sup>st</sup> August. Raising the participation age does not affect the statutory school age.

#### **1.3 Catchment Areas**

- 1.3.1 Catchment areas represent a geographical area and are used by a number of Bedford Borough Schools to determine the allocation of school places. Each school's admissions criteria will explain what priority is given to children that live within the priority area. The Local Authority may be the admissions authority for the school, or the school's governing body may be responsible for the admission arrangements. This will usually depend on the status of the

school.

- 1.3.2 Schools set their own catchment areas. Free home to school transport is not provided on the basis of catchment areas.

#### **1.4 Nearest School Policy**

- 1.4.1 Free home to school transport is provided to the nearest qualifying school from the home address within Bedford Borough.
- 1.4.2 The nearest qualifying school may or may not be the catchment area school.
- 1.4.3 Free home to school transport is only provided where the eligibility criteria contained within this policy is met.
- 1.4.4 Free home to school transport may be provided to schools outside Bedford Borough where there is a statutory duty to do so and the eligibility criteria is met.
- 1.4.5 Free home to school transport will be provided to St Thomas More School where it is the first preference school, the nearest school to the home address and the eligibility criteria is met.
- 1.4.6 In exceptional circumstances, free home to school transport may be provided to schools that are not the nearest school to the home address e.g. where the school is a nominated school (1.14.2).

#### **1.5 Qualifying School**

- 1.5.1 A qualifying school is defined as an educational establishment providing statutory school age education which is free of charge to parents and is registered and monitored by Ofsted, and has spaces available.
- 1.5.2 For pupils transferring school; the nearest qualifying school is defined as a school with an appropriate year group for the age of the child, not the nearest school with a relevant point of entry.
- 1.5.3 Free home to school transport for secondary school age pupils (years 7, 8, 9, 10 and 11 inclusive) will only be provided to the nearest qualifying school with an existing or planned year 11.
- 1.5.4 Please note exceptions listed in section 1.12 of this policy.

#### **1.6 Eligibility Criteria - Distance**

- 1.6.1 Free home to school transport is only provided to the nearest qualifying school with the exception of 1.8. Children who attend their nearest qualifying school will be provided with free home to school transport if they exceed the statutory walking distance criteria of;

a) more than 2 miles away from their home for children aged under 8.

Pupils aged 8 years of age who are entitled to receive free home to school transport under the distance criteria will continue to receive free home to school transport until the end of the academic year in which they reach the age of eight where they live between 2 and 3 miles from the school.

b) more than 3 miles away from their home for children aged between 8 and 16.

c) Pupils aged 16 years of age who are entitled to receive free home to school transport under the distance criteria will continue to receive free home to school transport until the end of the academic year in which they reach the age of 16. Students over the age of 16 may be eligible under the post statutory school age policy.

## **1.7 Eligibility Criteria - Road Safety**

- 1.7.1 Pupils who live under the statutory walking distance may be entitled to free home to school transport to their nearest qualifying school where the nature of the route is such that a pupil cannot be expected to walk, accompanied by an adult as necessary, in reasonable safety.
- 1.7.2 Pupils living less than half a mile from school are not entitled to receive free home to school transport on road safety grounds.
- 1.7.3 Bedford Borough Council follows the guidance published by Road Safety GB to assess walking routes to schools.
- 1.7.4 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.
- 1.7.5 Walking routes are designated as safe or not safe by an independent 3<sup>rd</sup> party assessment, conducted in accordance with 1.7.4 above.
- 1.7.6 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.

## **1.8 Pupils entitled to free school meals, or whose parent(s)/carer(s) are in receipt of the maximum rate of Working Tax Credit**

- 1.8.1 Pupils who are entitled to free school meals or whose parent(s)/carer(s) are in receipt of the maximum level of Working Tax Credit will be provided with free home to school transport if the pupil is;
- a) aged 8 but under the age of 11, attending the nearest qualifying school and the school is more than 2 miles by the shortest available walking route.
  - b) aged 11 to 16 attending their one of the 3 nearest qualifying schools where they live between 2 and 6 miles from the school by the shortest available walking route, but not more than six miles (by motorised route) from their home.
  - c) aged 11 to 16 attending their nearest qualifying school in accordance with their parent(s)/carer(s) religion or belief, provided it is more than two miles (by the shortest available walking route), but not more than fifteen miles (by motorised route) from their home.
- 1.8.2 For the above age groups, the pupil must be of the relevant age on 1<sup>st</sup> September of the academic year for which they wish to apply.

## **1.9 Free home to school transport to schools based on a particular religion, belief or philosophical conviction**

- 1.9.1 There is no statutory entitlement to denominational transport. The Council will however have regard to any wish of a parent(s)/carer(s) to have their child educated at a school on the basis

of a particular religion, belief or philosophical conviction.

- 1.9.2 Having considered the wishes of the parent(s)/carer(s) to have their child so educated the policy is normally not to make such travel arrangements.
- 1.9.3 The Council would expect that the majority of parent(s)/carer(s) would be able to facilitate their child's attendance at school, either by providing the transport themselves, or by making alternative arrangements. The Council will continue to meet its statutory obligations, with regard to denominational transport, outlined in 1.8.1(c) above.

#### **1.10 Medical transport**

- 1.10.1 Free home to school transport can be provided to the nearest qualifying school on medical grounds for either short term provision where a pupil has a temporary medical problem or on a long term basis if the pupil has a particular long term condition for one return journey per day.
- 1.10.2 In both cases (1.10.1) 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.
- 1.10.3 The council reserves the right to commission an independent medical opinion.

#### **1.11 Parent(s)/Carer(s) with a disability or medical condition**

- 1.11.1 Where parent(s)/carer(s) are relied upon to accompany their child along a walking route for it to be considered safe, free home to school transport will be considered where the parent(s)/carer(s) disability or medical condition prevents them from doing so. In such circumstances, free home to school transport can only be provided to the nearest qualifying school for one return journey per day.
- 1.11.2 Consideration will be given for either a long term or temporary medical condition and each case is considered on its individual merits. In both cases, recommendations must be received in writing from a GP or Medical Consultant.
- 1.11.3 The council reserves the right to commission an independent medical opinion.

#### **1.12 Exceptions**

- 1.12.1 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. The following exceptions allow free home to school transport to the schools listed for pupils living within the following area boundaries where the eligibility criteria is met.

##### **1.12.2 Primary School Exceptions**

<b>Area</b>	<b>School</b>
Bletsoe	Riseley Primary
Bolnhurst	Kymbrook Primary
Cardington	Sheerhatch Primary
Colesden	Roxton Primary
Colmworth	Wilden Primary
Keysoe	Kymbrook Primary
Melchbourne	Riseley Primary
Cranbourne Gardens, Bedford	Renhold Primary
Aspire, Bedford	Renhold Primary
The Spires, Bedford	Renhold Primary
Pavenham	Pinchmill Primary
Pertenhall	Riseley Primary
Stevington	Bromham Primary

Area	School
Yielden	Riseley Primary

### 1.12.3 Secondary School Exceptions

Area	School
Bolnhurst	Sharnbrook Secondary
Bromham	Lincroft Secondary
Cople	Mark Rutherford School
Keysoe	Sharnbrook Secondary
Little Staughton	Sharnbrook Secondary
Pavenham	Sharnbrook Secondary
Milton Ernest	Sharnbrook Secondary
Thurleigh	Sharnbrook Secondary
Turnvey	Sharnbrook Secondary
Willington	Mark Rutherford School

### 1.12.4 Middle School Exceptions

A three tier system is continuing in the Wootton area so free home to school transport will still be provided to the school listed below for pupils living within the Wootton village boundary where the eligibility criteria is met.

Area	School
Wootton	Holywell Middle

## 1.13 Pupils for whom there are particular exceptional social circumstances

1.13.1 Pupils for whom there are exceptional social circumstances may be entitled to free home to school transport where these circumstances would otherwise prevent them from attending school regularly.

1.13.2 Each case will be considered on an individual basis. Examples of exceptional social circumstances include:

- A child whose family has needed to be temporarily re-housed due to fire or flooding.
- A child who is Looked After by the Local Authority and transport is necessary to facilitate regular attendance at school.

1.13.3 Free home to school transport under these circumstances is usually only provided on a temporary basis and is reviewed regularly. Requests should be put in writing to the Transport Officer at Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP.

## 1.14 General Policy Principles

1.14.1 Where pupils receive free home to school transport as a result of errors in measurement, such free home to school transport will be withdrawn at the end of the academic year during which the error is discovered.

1.14.2 If as a result of making an in year application, it is not possible to offer a place at the preferred school(s) the Council will nominate a place at another school. The nominated school will be the nearest qualifying school with space available. In this case, free home to school transport will be provided where eligibility the criteria are met.

However, if the nominated school is the school the pupil already attends, free home to school transport will only be provided if there has been a significant change in personal circumstances e.g. a change of address where the eligibility criteria continue to be met.

If the pupil remains at the current school which, is not the nominated school, the transport arrangements and costs are the responsibility of the parent(s)/carer(s).

Free home to school transport will not be provided to nominated schools if the original application to school admissions was not submitted within the published deadlines.

Free home to school transport will not be provided to pupils attending nominated schools where the pupil was taken off roll at the previous school due to an extended holiday.

- 1.14.3 Parent(s)/carer(s) are expected to accompany their child to and from school where they consider it necessary. The need for parent(s)/carer(s) to be at work would not usually be considered as a reason why free home to school transport should be provided.
- 1.14.4 'Home' is defined as the place where the child is habitually and normally resident. Suitable travel arrangements will only be made using the child'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 children resident in Bedford Borough. The Local Authority will only provide travel arrangements from one address, which meets the definition described.
- 1.14.5 Pupils who live in a joint home arrangement, who fulfil the eligibility criteria for free home to school transport, will be provided with transport from the home where they live for the greater part of the week to the nearest qualifying school to that home.
- 1.14.6 The measurement used to calculate the distance from home to school is defined as the shortest route including 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 child's home to the nearest accessible school gate. The measurements are taken annually in accordance with admissions application dates.

## **Section 2 – Transport Operations Policy**

### **2.1 Code of Good Conduct on School Transport**

- 2.1.1 Bedford Borough Council has a Code of Good Conduct when travelling to and from school. All children and young persons are expected to adhere to the policy. Failure to abide by the code of good conduct may result in a temporary ban from transport or in extreme cases, home to school transport may be withdrawn. A copy of the Code of Good Conduct and additional information is available at [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport) or by contacting (01234) 276528.

### **2.2 Privilege Scheme**

- 2.2.1 Where children do not qualify for free home to school transport, Bedford Borough Council operates a privilege scheme which is provided on a discretionary basis. This scheme is only available on routes which the Council has specifically contracted to provide free travel arrangements for eligible children. The scheme is not available on routes registered as a public bus service. Charges apply for the privilege pass. More information about the scheme and the rates which are charged, is available at [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport) or by contacting (01234) 276528.

### **2.3 Sustainable School Travel Strategy**

- 2.3.1 The Local Authority has a sustainable school travel strategy which is available at [www.bedford.gov.uk/schooltransport](http://www.bedford.gov.uk/schooltransport)

### **2.4 Passenger Assistants**

- 2.4.1 The Local Authority does not generally provide passenger assistants on vehicles that are used to provide appropriate free home to school transport. In exceptional circumstances however the Local Authority will consider providing a passenger assistant. This will be based

on a risk assessment having regard for a number of factors, which may include the pupil's age, any additional needs a pupil may have, the length of the journey and the size of the vehicle. For clarity younger pupils are not routinely provided with passenger assistants. Only where there are other relevant factors and a risk assessment indicates the need for the provision of a passenger assistant is one provided.

## **2.5 Provision of Transport**

- 2.5.1 The Council will endeavour to transport pupils in the shortest possible time and will investigate all possible alternatives if the travel time, one way, exceeds 45 minutes for primary school age pupils and 75 minutes for secondary school age pupils. Where possible, adjustments will be made to reduce travel time, provided this can be achieved without a significant increase in transport costs.
- 2.5.2 Free home to school transport does not imply a door to door service. The Council will consider whether or not the pupil would be expected to walk unreasonably long distances from their home or school to a 'pick up' point. The distance will depend on a range of circumstances, including the age of the pupil, their individual needs and the nature of the route they are expected to walk to the pick up point. The Council considers that in the majority of circumstances up to one mile would be a reasonable walking distance. This applies at the beginning and end of the journey.
- 2.5.3 Parent(s)/Carer(s) remain responsible for their child before they board the vehicle in the morning, when they are travelling and when they leave the school bus at night.
- 2.5.4 Requests for changes in transport arrangements in rural areas will be considered but changes, such as additional stops, are not always possible for reasons of safety and timing.
- 2.5.5 Free home to school transport will apply to one return journey per day at the normal start and finish times of the school day. Free home to school transport will not be provided at a later or earlier time for pupils to attend before or after school clubs, detention or sporting activities. It is the responsibility of the parent(s)/carer(s) to make alternative arrangements in these circumstances.
- 2.5.6 Subject to 1.10 pupils from secondary school aged pupils, who are entitled to free home to school transport, may be expected to use public transport including one route change.

## **Section 3 – Appeal and Complaints Procedure**

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

- 3.1.1 All parent(s)/carer(s) have the right to appeal if they are refused free home school to school. Bedford Borough Council offer a two stage appeal process as detailed below.
- 3.1.2 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.

### **3.2 The Appeal Process**

- 3.2.1 Parent(s)/Carer(s) have 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.
- 3.2.2 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) .

- 3.2.3 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.
- 3.2.4 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.
- 3.2.5 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.
- 3.2.6 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).
- 3.2.7 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.
- 3.2.8 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.
- 3.2.9 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.
- 3.2.10 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.
- 3.2.11 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.
- 3.2.12 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. The Transport Appeal Panel will follow a set procedure, which is summarised in paragraph 3.2.15
- 3.2.13 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.

3.2.14 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.

3.2.15 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 free 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.

3.2.16 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.

3.2.17 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.

3.2.18 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.