

# Policy for home to school transport arrangements for 2014-2015

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## Kirklees Home to School Transport Policy

### 1. Legislation

It is the intention of Kirklees Council to comply with the statutory requirements of the Education Act 1996 and updated by the Education and Inspections Act 2006. The policy set out in this document became applicable to children of primary school age on or after 1 September 2007 and to secondary school age pupils on or after 1 September 2008.

The policy applies to all pupils permanently residing in Kirklees who attend a 'qualifying school' as set out in the Education and Inspections Act 2006 (and detailed in 1g below).

- 1.1 It is the responsibility of the parents or carers of a pupil to ensure that he/she attends school. However, in certain circumstances, which are detailed below, the Council will provide assistance to a pupil with transport from home to school.
- 1.2 The duty of a Children's Service Authority in regard to the provision of home to school transport is contained primarily in s.508A of the Education Act 1996. The circumstances where it is required by law to determine that it is necessary to provide transport derive from s.444 (4) of the Education Act 1996. A failure to provide free transport to an eligible pupil would be a legal defence for a non-attendance prosecution.
- 1.3 The new Schedule 35B to the 1996 Act (inserted by the Education and Inspections Act) includes an extension of rights to free school travel arrangements for children from lower income groups (see 2.3).
- 1.4 Where transport assistance is provided by the authority it remains the parents'/carers' responsibility to ensure their child's safety by making any necessary arrangements for their child to be accompanied to and from the bus stop or the designated collection/drop off point and during the journey to school if required.

#### Notes for section one

- 1a. Compulsory age is defined as 5 years of age to the day prior to the young person's 16th birthday. Transport assistance will be provided to the end of the school year in which the young person attains 16 years of age subject to satisfactory attendance.
- 1b. Qualifying' school (see 1.e below) is defined as nearest suitable and available school including schools situated outside the Kirklees boundary where education is provided according to the child's age, aptitude, ability and faith.
- 1c. Distance is defined as the distance from the pupil's home address by the nearest walking route. For the purpose of measuring distances are measured from the pupil's gate or the end of their property nearest to the public highway to the nearest accessible school entrance.
- 1d. The measurement of the statutory walking distance is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, may walk with reasonable safety. As such, the route measured may include footpaths, bridleways, and other pathways.
- 1e. The Customer and Exchequer Service use actual measurements taken by walking the route. The walks have been done over a number of years and you will be provided with a refusal letter if you do not qualify.
- 1f. The duty to provide free home to school transport is for the journey at the start of the school day and end of the school day only. The school day is deemed to be the session times as

approved by the governing body of a qualifying school.

The only exception to this is for pupils who receive transport under 2.2 and who attend after school enrichment classes.

1g. 'Qualifying' schools are:

1. community, foundation, voluntary aided or voluntary controlled schools;
2. community or foundation special schools;
3. non-maintained special schools;
4. pupil referral units;
5. maintained nursery schools;
6. city technology colleges (CTC), city colleges for the technology of the arts (CCTA) or Academies;
7. in relation to a child with SEN, an independent school (other than a CTC, CCTA, or Academy) will be a 'qualifying' school if it is the only school named in the child's statement, or it is the nearest of two or more schools named in the statement.

## 2.1 Eligibility criteria - General

For pupils to be eligible for transport assistance they will normally have to travel more than 2 miles (from reception up to and including Yr 3), or 3 miles (Yr 4 up to and including Yr 11) and be attending the nearest qualifying and available school to the child's permanent home address. This route will be measured along the nearest available walking route.

Where the Authority is not able to admit a child to the nearest qualifying and available School, assistance will be provided to the next nearest qualifying and available school, subject to the distance to school exceeding 2 miles (from reception up to and including Yr 3) or 3 miles (Yr 4 up to and including Yr 11).

All mileage limits will be measured as detailed in 1.d above. The 6 mile upper limit in 2.3.2 and the 15 mile upper limit in 2.3.3 are not walking routes. In short the upper limits will be measured along roads

## 2.2 Eligibility criteria – SEN (see notes on page 7)

Pupils who have a Statement of SEN will receive transport free of charge regardless of distance if all of the following apply:

- Transport is specified in Part 4 of the Statement; and
- The child is attending the nearest appropriate school named in the Statement and
- The child has a physical or medical condition that prevents them from walking (accompanied as necessary)

2.2.1 Where an SEN Child attends a mainstream school free transport assistance will be provided subject to the 2 or 3 mile limit.

2.2.2 Where a parent chooses to send his/her child to a school which is not the nearest appropriate school (and is not named as such in the child's statement) the Authority will not provide assistance with transport.

## 2.3 Eligibility for Families on lower income

Children from low income families, ie, those entitled to free school meals, or whose parents are in receipt of the maximum level of Working Tax Credit, will be eligible for home to school transport assistance if they meet the following criteria:

2.3.1 Primary aged children (up to age 11) are entitled to free travel arrangements to their nearest qualifying school where the distance to that school is over 2 miles from their home.

2.3.2 Children aged 11-16 are entitled to free travel arrangements made to one of their three nearest qualifying schools (or places other than a school at which they might receive education under section 19(1) of the 1996 Act), where they live more than 2 miles, but less than 6 miles from that school.

2.3.3 Children aged 11 to 16 where parents express a preference for a school based on religion or belief, where they live more than 2 miles but not more than 15 miles from that school to the nearest suitable school

2.3.4 Once eligibility has been confirmed on income grounds, the pupil would be eligible for

the entirety of the school year for which the assessment has been made.

## **2.4 Eligibility on the grounds of Religion or belief (see notes on pg 7)**

Where a parent has expressed a preference for a school and that preference is based on the parent's religion or belief, transport assistance will be offered if they meet the following criteria:

- 2.4.1 Where children up to the age of eight years attend the nearest suitable school preferred on grounds of religion or belief, and live more than 2 miles, but not more than 15 miles from that school.
- 2.4.2 Where children aged 8 to 16 attend the nearest suitable school preferred on grounds of religion or belief, and live more than 3 miles, but not more than 15 miles from that school.
- 2.4.3 Pupils attending a denominational school outside of Kirklees will only be considered providing they meet the above criteria.

## **2.5 Parental choice**

Where a parent arranges for his/her child to attend a school other than the nearest suitable and available school assistance will not normally be provided by the Authority.

## **2.6 Change of home address**

Where a pupil is attending the nearest appropriate school and changes his/her home address but the parent(s) does/do not wish to change schools, assistance will not normally be provided except for secondary pupils in Years 10 or 11 subject to the distance being over 3 miles. Proof of move will be required.

## **2.7 Pupils who reside at more than one address**

Eligibility for transport is assessed on the child's permanent home address. Where parents are divorced or separated the home address will be deemed as that where the parent receives child benefit unless the contrary is proved. The Authority will issue only one bus pass from one address during an academic year. Where there is joint custody for which both parents qualify, individual agreements will be reached between both parents and the Authority.

## **2.8 Temporary medical conditions**

Children with a mobility problem caused by a temporary medical condition such as a broken leg may receive transport assistance, regardless of distance, if they are attending a qualifying school and the parent is unable to provide their own transport. Medical evidence will be required to support the application.

## **2.9 Excluded pupils**

Transport assistance will be provided to those pupils who have been permanently excluded from school to the nearest suitable, available and mutually agreeable school, subject to the 2 and 3 mile limits.

Where a pupil is registered at a school, but is attending a place other than a school following exclusion, the duty to make travel arrangements will apply to the other place rather than the school where they are registered.

## **2.10 Disabled Parents and Carers**

Children whose parents are disabled and are, as a result of their condition, unable to accompany their child on the walking route to their nearest qualifying school should apply to the Transport Team for assistance.

A full assessment of the parents needs will be undertaken by the Transport Team, the results of which will form part of the assessment for assistance with transport for the child.

Assistance may involve the provision of an escort who could accompany such children on the journey to school in order for the walking route to be considered safe. Only in very exceptional circumstances would this assistance be in the form of a taxi.

This assistance would be withdrawn as soon as the parents incapacity has ended and all arrangements will be reviewed on a termly basis.

## **3. Post 16 provision**

Transport assistance will be considered for children aged 16+ to facilitate participation by them in further education in accordance with the Authority's Post 16 Transport Policy which is available from the Transport Team, Kirkgate Buildings or on the Council website.

## **4. Behaviour and misuse**

4.1 The Authority reserves the right to withdraw free transport in the event of misuse by pupils. If a child causes damage, creates trouble on a bus or attempts to defraud the bus companies, this could result in the following action:

4.1.1 the indefinite withdrawal of the child's school card or boarding card;

4.1.2 a ban from the bus for a period of time;

4.1.3 prosecution by the police;

4.1.4 the requirement to pay for any damage caused by the child.

4.2 Parents will be informed in writing of any such incidents outlining any action to be taken.

## **5. Transport provision and charges**

5.1 The Authority decides what form of transport assistance to offer in individual cases. In most cases either a school card or boarding card will be issued depending on the location of a pupil's home address. Other types of assistance include mileage or cycling allowances.

5.2 Where there is spare capacity on a taxi provision it may be possible for siblings (who do not qualify for free home to school transport) to travel on a 'grace and favour' basis whilst space is available. A charge may be made for this.

5.3 Where there is spare capacity on a boarding card bus provided by the Authority it may be possible for parents of pupils who do not qualify for free transport to purchase a pass whilst space is available. Further information is available from Metro on 0113 3481122

5.4 Where a pupil loses or defaces their pass it is the parents' responsibility to make arrangements to obtain a replacement for which there will be a cost. It is the parents' responsibility to ensure that the pupil pays the appropriate fare until a replacement pass has

been received. If it is a boarding card and fares are not accepted on the bus a temporary card can be obtained from their school.

- 5.5 The Authority reserves the right to withdraw transport where school cards or boarding cards have been issued in error. Normally, a pupil will be allowed to keep their pass until the end of the term in which parents are informed. If a card has been obtained fraudulently it will be withdrawn with immediate effect. Failure to return the card after the agreed period could result in a charge being levied.

## 6. How do I check if my child qualifies?

The Council has produced 'Help with School Travel' leaflet that will help you to assess if your child qualifies for help with travel expenses, which is available on the Council website.

Advice and information is also available:

### **For Home to school transport:**

**Transport Team**, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY

Tel: 01484 225262/5263/5277 Fax: 01484 225182

Email: [school.transport@kirklees.gov.uk](mailto:school.transport@kirklees.gov.uk)

### **For Bus passes, contact:**

**Customer and Exchequer Services**, School Bus Passes, Civic Centre I, High Street

Huddersfield, HD1 2XD Tel: 01484 416982 Fax: 01484 221123

Email: [free.buspases4schools@kirklees.gov.uk](mailto:free.buspases4schools@kirklees.gov.uk)

## 7. Assessment process

- 7.1 Where parents feel they meet the eligibility criteria set out in this document, they will need to complete an application form TA1 and return it to Customer and Exchequer Service who will assess and provide a written response within 7 days. Alternatively you can download and complete the form from the Council website.
- 7.2 Transport assistance will be awarded from the time the decision is reached following receipt of an application and will not be made retrospectively

## 8. Right of appeal

In cases where transport assistance is refused, parents have the right of appeal to Appeal Panel. If circumstances change and the applicant no longer qualifies because the school is no longer the nearest to their home, support with transport will be withdrawn with immediate effect.

Renewal applications are subject to annual review which occasionally leads to the withdrawal of transport.

Additionally applicants may declare a change in circumstances which can lead to the withdrawal of transport.

If transport is withdrawn you will be given 1 months notice and within that time you have the right to lodge an appeal. In such circumstances current transport arrangements for a pupil will continue until an appeal is heard.

## 9. Quality standards



- 9.1 Applications for bus passes can be obtained from your child's school, the Kirklees website, or from the Customer and Exchequer Service. Requests will be responded to within 7 days.
- 9.2 Pupils who qualify for assistance in the form of a bus pass can expect to receive the bus pass within 3 weeks of the application being received in the Customer and Exchequer Service.
- 9.3 Pupils who have had their bus pass stolen / lost can expect to receive a replacement within 7 days of the loss being reported to the Customer and Exchequer Service.

**Failure, by the LA, to meet the above deadlines will entitle you to reclaim the travel expenses incurred by you.**

Notes on Transport assistance for SEN pupils;

- 2.a Where pupils with a Statement of SEN qualify for transport, assistance will be provided in a way that promotes independence for the pupil.
- 2.b Transport assistance may be provided in the following ways (this list is not exhaustive)
- i) Independent travel training to enable pupils to use public transport or travel independently;
  - ii) a bus pass;
  - iii) payment to parents to transport the pupil themselves;
  - iv) a walking travel escort;
  - v) an escort to accompany a pupil on public transport;
  - vi) transport from a pick up point (taxi or specialist transport);
  - vii) home to school transport (taxi or specialist transport).
- 2.c Where transport assistance is provided it remains the parents or carers responsibility to ensure their child's safety by making any necessary arrangements for their child/ren to be accompanied to and from the bus stop or the designated collection/drop off point and during the journey if required.
- 2.d Transport provision will be reviewed on a regular basis including at the Annual Review meeting in order where possible to move towards a greater degree of independence for the child or young person.
- 2.e Where transport is provided to a residential school, assistance will be provided in line with the transport assistance identified above on a termly and half-termly basis.

Notes on religion or belief:

- 2.4a Section 509AD of the 1996 Act (inserted by the Education and Inspections Act 2006) places a duty on local authorities in fulfilling their duties and exercising their powers relating to travel to have regard to parent's religion or belief.
- 2.4b 'Belief' equates to 'conviction' and has to be more than an opinion or idea. A belief must be genuinely held and the parent bears a heavy burden of showing that it is the real reason for whatever it is they are doing.
- 2.4c Beliefs which are not included in the duty are:
- a wish for a child to attend a particular category of school (eg a grammar school);
  - Preference for a particular type of management or governance which does not affect the curricula or teaching at the school;
  - a belief that a child should be educated privately;
  - a wish for a child to attend school where they will be taught in a particular language;

- objection to rules requiring that a school uniform must be worn;
- content of school curriculum (sex education) provided that the curriculum did not amount to indoctrination incompatible with a parent's religious or philosophical convictions.
- objections to the curriculum, where special arrangements made by the school or authorities (such as allowing children to be withdrawn from class) ensure the curriculum is not 'forced' on them contrary to their convictions;
- belief that a child should receive a particular type of educational provision.