

## Home to School/College Transport Discretionary Areas of Policy

### Current Legal Position

The obligation on LEAs to provide free transport, or to pay fares, to facilitate attendance of pupils of statutory school age at school is provided for in s.509 of the **Education Act 1996**. An LEA must make suitable transport arrangements if the school is not within “walking distance” of the child’s home. “Walking distance” is defined as 2 miles for a child under the age of 8 and 3 miles for those over that age. LEAs are required to have regard for the age of the pupil, the nature of the routes he or she could reasonably be expected to take and the religious denomination of the parents, when considering their arrangements.

An LEA may not contend that if a child lives more than 3 miles from school but within 3 miles of a place from where free school transport is available, that they have made suitable arrangements under s.509. Since there is also an obligation to provide transport to and from school where the child lives more than 3 miles away, the LEA must either provide transport or pay for the use of public transport to take the child “from a point reasonably near his or her home to a point reasonably near the school”.

In meeting these legal requirements, LEAs do have some areas of discretion. The following policies apply in Herefordshire.

### Current Policies on Discretionary Areas

#### **I. Boarding Points**

In general, children, accompanied by their parents where appropriate, may be required to walk up to one mile to or from a designated boarding or alighting point. However, in certain circumstances the cost or redesignating a new boarding point may not be economic or cost effective and therefore parents may be expected to take their child up to the limit of the statutory walking distances as defined above.

#### **II. Year 10/11 Pupils Changing Address**

Each year, some Year 10/11 pupils engaged in examination courses move home address into another part of the County (i.e. into the catchment area of a different school). In such situations, which arise from decisions taken by parents, the normal expectation is that parents will take responsibility for getting their son/daughter to the school (including under the vacant seats payment scheme, if available) at which the pupil is enrolled, or make arrangements for the pupil to transfer to another school. Only in exceptional family circumstance, would free transport assistance be offered, on an individual basis. Even in such situations, transport assistance would normally be allowed only where provision could be made within an existing Home to School Transport route, with the parent being responsible for taking the pupil to and from the relevant boarding point.

#### **III. Denominational Policy**

Free transport is provided to pupils attending St. Mary’s R.C. High School and Bishop of Hereford’s Bluecoat School if they live over 3 miles from the school and have a denominational place at the school. This requires the child to have gained a denominational place within the specific admission over-subscription policy of the appropriate/designated aided school. Details of the current over-subscription policies can be found in the Council’s Information for Parents booklet. In addition, parents are expected to take their children to the nearest/defined boarding point, which can be up to 3 miles from the home of the child.

#### IV. Travelling Time

The Council currently aims to limit journey times to 45 minutes each way in the case of primary school pupils, to an hour in the case of secondary, Post-16 students, and of pupils with special educational needs for whom the relevant provision might be at a considerable distance from home.

#### V. Vacant Seats for all Age Groups

Where there are vacant seats on vehicles carrying pupils entitled to free transport, these are made available to pupils not entitled to free transport on application and on payment of a standard fee. The charges in Herefordshire stand at £75 per term (full price) with a discretionary level of £20 per term in the case of students whose families are on income support.

#### VI. Post-16 Transport

Post-16 students are not eligible for free transport, but those living over 3 miles from college or sixth form are offered subsidised transport. The current charge is £80 per term (or £25 for those whose families are on income support).

It is envisaged that with the introduction of Education Maintenance Allowances in September 2004, the charging policy will be reviewed.

#### VII. Transport provision for under 5s

Generally the Council does not provide transport for under 5s, until the term in which children are entitled to start school under the Council's **standard admissions policy**. In other words, transport is not provided for children attending nursery classes, or for children attending reception classes under earlier admission arrangements allowed by schools.

#### VIII. Public Service Route – subsidy

The Council subsidises certain bus services in the County as part of its commitment to maintaining, and where possible improving, the position of public transport. The Council uses a criteria based policy to determine which services should be subsidised, based broadly upon the cost per passenger. Only services that meet this criteria are eligible for subsidy.

In order not to conflict with the Council's policy for the provision of Education Transport, services solely to provide transport for non-entitled children are not subsidised. However, there are cases where services are provided that do carry non-entitled children. These have arisen as follows:

Where a service to provide for non-entitled children can be done as part of a wider service to meet general public need and at no additional cost to the Council. This may be because the revenue generated from fares covers the marginal cost of the particular journey or if the journey would have to take place in any case to enable the bus to be in the correct location for a later service;

Long standing services that originally carried both entitled and non-entitled children may no longer be needed to carry entitled children. In some instances these have been retained on the basis that when parents have made their original choice of school they would have reasonably assumed that the bus service was available and it would therefore be unreasonable to withdraw it, as long as it continues to meet the Council's overall subsidy criteria.

## **IX. Transport for Pupils with Special Educational Needs**

### **(a) General Situation with statutory aged pupils**

In the case of pupils with statemented special education needs the Council **may** when appropriate:

- I. provide free daily transport to the nearest appropriate school/centre if they live more than the normal working distances defined for primary and secondary pupils, or if walking is too difficult for the child (there may be advantages for a child's development if they are able to make their own way to school, accompanied by a parent if necessary);
- II. provide transport at the beginning and end of terms and at half terms for pupils attending residential establishments;
- III. provide other types of transport assistance where necessary in relation to residential schooling, including transport for parents and children for pre-admission assessments (in-County and one out-County) and for subsequent case conferences/reviews – if necessary reasonable overnight accommodation costs will be met by the Council.

Parents often prefer to make their own arrangements to take their children to special schools and centres, rather than use the transport provided by the Council, to enable daily contact with the school staff to be maintained more easily. Where that is agreed to be more appropriate for the child, a mileage allowance would be available to the parents if walking is too difficult for the pupil.

Parents have full responsibility for transport arrangements when their child attends, by parental preference, a school other than the one provided for their child's home address, or for their child's type of statemented special need. In a few such cases, it may be possible for parents to pay to use spare seats that are occasionally available on school transport.

In most cases where transport is provided:

- ❖ Escorts are employed, if necessary, to supervise the children on their journeys to and from school;
- ❖ Safety equipment, such as harnesses, is made available on all vehicles if needed.

### **b) Transport assistance for post-16 Students with Special Educational Needs**

In the case of students with special education needs, in the age range 16 years to 25 years on 1st September, free transport is provided to the appropriate school or further education institution, irrespective of the normal statutory walking distances defined for primary or secondary pupils, if walking is too difficult for the student. **Students cease to be eligible at 31st August following their 25th birthday.** Some further education institutions consider that use of public transport is part of independence training for a student with special educational needs.

The range and nature of help provided with transport for out-County placements is outlined in the following paragraphs.

#### **Journeys supported for post 16 students (and parents where appropriate)**

Transport assistance may be given, in appropriate cases:

- (a) to view a college prior to firm application;
- (b) to and from college each day or (in the case of residential courses) at the beginning and end of terms and at half terms;

(c) to attend a period of assessment required as part of the application and recruitment process;

(d) to attend any necessary case conferences and reviews.

The location of some colleges occasionally requires reasonable overnight accommodation costs to be met. Such costs are limited to the student and his/her parents only.

### **Types of travel assistance for post 16 students**

(a) if the college provides transport, students are expected to use it;

(b) if students are capable of using public transport independently, they are expected to do so – some colleges regard use of public transport as part of their students training;

(c) minibuses or taxis are arranged, with escorts where necessary, by the Education Directorate Admissions and Transport Section;

(d) if it is necessary for private transport to be used, a mileage rate is paid.