

# EDUCATION TRAVEL IN SOMERSET

This document sets out the Somerset County Council Policy for Home to School Travel Assistance and Travel Provision for children aged 4 to 16 years.

**Last updated: April 2018**

## CONTENTS

### Part 1

1.0	Introduction	3
2.0	Eligibility Criteria for Home to School Travel	3
2.1	Statutory Walking Distance	4
2.2	Route Safety	5
2.3	Religion or Belief	8
2.4	Low Income	8
2.5	Pupils with a Temporary Medical Need	9
2.6	Severe and Sustained Bullying	10
2.7	Critical Stage	10
2.8	Exceptional Home Based Issues	11
2.9	Closure/reorganisation of a School/change of Catchment area for Admissions	11
2.10	Children in care to the Local Authority	12
2.11	Children in care to other Local Authorities	12
3.0	Using the Bus	12
3.1	Vacant Seats	14
3.2	Mileage Payments & Personal Travel Payments	14
3.3	Behaviour	15
4.0	Review of Transport Provision	16
5.0	Application Process	17
6.0	Travel Assistance for Post 16 Students	17
7.0	When Travel Assistance is not provided	17
8.0	Complaints and Appeals Procedure	18

### Part 2

Travel Assistance for Children with Special Educational Needs or Disabilities

## 1.0 Introduction

This policy applies to all children resident in Somerset or deemed to be the responsibility of this Authority and applies to home to school travel arrangements at the beginning and end of the school day. It does not apply to travel between educational establishments during the school day.

Parents and carers have a legal responsibility to ensure that their children attend school regularly. This includes arranging travel to and from school, meeting the costs and accompanying their child as necessary.

In some cases, Somerset County Council has a legal obligation to provide suitable free school travel. Travel assistance will be provided in the most cost effective and appropriate way for the child's needs. This policy summarises the categories of eligible children, the provision offered, circumstances when assistance is not provided and how to appeal against a decision. We will also make decisions with reference to our commitment to the Armed Forces Covenant which seeks to redress disadvantage of opportunity within the armed forces community.

It is for the Local Authority to determine the means of travel between home and school/college at the beginning and end of the school day. Such travel may be by way of County Council vehicles, contracted services, public bus or rail services, fuel allowance or a personal travel payment.

Please see part 2 for the additional provision for children and young people with Special Educational Needs and Disabilities (SEND).

Our Policy complies with DfE Guidance 2014 and the Education and Inspections Act 2006. Please follow links below:

<https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

<https://www.legislation.gov.uk/ukpga/2006/40/contents>

## 2.0 Eligibility Criteria for Home to School Travel

The following arrangements for travel assistance at the normal start and finish times of the school day apply to children resident in Somerset, or who are deemed to be the responsibility of the Local Authority, and who are of statutory school age or who are admitted to school as a rising five under admission arrangements.

Travel assistance will be assessed and awarded only from the address which is registered with the school as the home address or, prior to admission, the address used on the relevant school admission application form.

For children where parents live separately the home address is defined as where the child spends the majority of the time with the parent/carer. Proof of which parent/carer is in receipt of child benefit or proof of the child's home address as held by the doctor's surgery may be required in order to determine the home address if the child spends equal times at both addresses. Child care addresses cannot be considered as home addresses for school travel assistance purposes.

Section 508B of The Act places a duty on Local Authorities in England relating to home to school travel arrangements for 'eligible' children which are defined under schedule 35B of The Act 1996 as:

- Children who attend schools beyond the statutory walking distance
- Children whose route to school is deemed to be unsafe
- Children from low income families
- Children with special educational needs or disability (SEND)

A qualifying school is a Community, Foundation, or a Voluntary Aided school both mainstream and special needs, a non-maintained Special school, a Pupil Referral Unit (PRU), an Academy or a Free school. Sometimes an independent school may be deemed as a qualifying school for SEND pupils with a Statement or Education, Health and Care Plan. To be deemed suitable in terms of travel eligibility, a qualifying school must have places available at the time of allocation. Where a pupil is registered at a school, but is attending a place other than a school as a result of temporary exclusion, the other place will be the relevant school in terms of travel eligibility for the temporary period

## 2.1 Statutory Walking Distance

For children who attend schools beyond the statutory walking distance, the Local Authority provides free travel assistance either to the nearest qualifying school with available places, even if the school is within another local authority area **or** to the school within the transport area for the child's home address. This means a child is eligible for free travel assistance if:

- The child attends the nearest qualifying school with available places and this school is over 2 miles from the home address for children under 8 years of age or over 3 miles for children who are 8 years of age or over; **or**
- The child attends the transport area school and this school is over 2 miles from the home address for children under 8 years of age or over 3 miles for children who are 8 years of age or over.

If the parents' preference/s for a school place cannot be met, then the Local Authority will offer a place at an alternative school with available places, if

possible within statutory walking distance. The Local Authority has a responsibility to ensure pupils have access to a school place within statutory walking distance. If this is not possible, dependent on the circumstances it may be possible to offer free travel assistance to a school with a place available that is over the statutory walking distance. This would usually be the next nearest school with places.

If a place is allocated at a school which is parentally preferred and which is beyond the statutory walking distance but this school is neither the nearest nor the transport area school and at either of which places would have been available at the time of application, then the parents will be responsible for making their own travel arrangements and for all travel costs in getting their children to school, unless of course the child is awarded travel assistance under any other criteria or under any discretionary entitlement

The measurement of the statutory walking distances is not necessarily the shortest route by road. It is measured by the shortest route along which a child accompanied as necessary may walk safely. The route measured may include footpaths, bridleways, and other pathways, as well as recognised roads.

Measurement of walking routes for extended rights under Section 2.4 is taken in the same way. Some extended rights under Section 2.4 are not walking routes and for these longer routes measurements are taken along roads.

Routes are calculated using GPS digital "Ordnance Survey Master Map mapping software. Master Map data is captured to a high degree of accuracy, at a map ratio of 1:1250 in urban areas and 1:2500 in rural areas, with a maximum margin of error of +/- 1 metre. A tolerance is also built in to every entitlement calculation to allow for any routes where distance may be affected by significant changes in gradient. The only time Master Map is not used is for out of county requests where generalised map backgrounds are used.

Measurements are taken from the point at which the entrance/drive of the home address meets the adopted highway. Distances are measured to the point at which the adopted highway meets the entrance which is established and nominated by the school as the main entrance to the school grounds.

## **2.2 Route Safety**

Where children live *within* statutory walking distance of their transport area or nearest qualifying school the Local Authority has a duty to provide travel assistance where the nature of the available walking route is such that a child cannot reasonably be expected to walk (accompanied as necessary) in reasonable safety.

The Courts have defined an “available route” as one “along which a child, accompanied as necessary, can walk to school with reasonable safety. It does not fail to qualify as ‘available’ because of dangers which would arise if the child is unaccompanied”. The route measured may include footpaths, bridleways and other pathways, as well as recognised roads.

The Local Authority will provide free travel assistance when:

- the walking route to the **nearest or transport area school** is within statutory walking distance but is assessed as un-suitable because of the dangers which would arise for an accompanied child, and, once measured the alternative safe route is longer than the statutory walking distance.

Walking routes are assessed against the following criteria:

- That the child will be accompanied
- Road width, visibility and the severity of bends
- Existence of 'safe refuge' - this means footpaths and verges, road markings at the side of the road
- The volume of traffic at the relevant time of day
- The type of traffic and its speed
- Difficulty of road crossings
- Nature of road (urban or rural) and driver expectation
- The presence or absence of speed limits and other warning signs
- The accident record along the route

A range of factors are taken into account. The fact that there is a high volume of fast-moving traffic is not in itself a reason to assess a route as unsuitable - there may be a footpath and good crossing points along the route that would mean it is safe.

Similarly, the lack of a footpath or verge would not be a reason to assess a route as unsuitable if there was, for instance, a very low volume of traffic and good visibility.

The following are not taken into account:

- The parent’s individual circumstances, for instance personal availability to walk with the child or that it may be necessary to walk with younger children or prams.
- Parental finances
- Local weather conditions
- Unusual events - such as, road closures, construction work, flooding
- Lack of street lighting - the majority of roads in Somerset do not have streetlights and lighting is not an issue all year round
- Lack of pavements - the lack of a paved footpath is not necessarily a reason to assess a route as unsuitable.

- The presence of uncut hedges
- Difficult terrain and arduousness of the route
- Practicality or the time taken to walk the route

The Local Authority is committed to improving pedestrian safety; creating walking environments that feel safe and secure for walkers and helping people walk or cycle to school (see Somerset's Future Transport Plan 2011-2026). Part of this commitment may involve the improvement of walking routes. Such improvements, once completed, may result in a route which has been deemed un-suitable on the grounds of road/pedestrian safety being deemed as safe and the subsequent withdrawal of travel assistance entitlement given a minimum period of notice of at least one ½ term / 6 weeks.

Parents have the right to apply for a route assessment to their nearest qualifying or transport area school, if, in their opinion, a route could be considered unsafe. A route assessment form will need to be completed and returned to the Admissions and Entitlements Team. The route assessment process can be found on Somerset County Council's website. Paper copies are available on request.

In accordance with the Equalities Act 2010, disabled parents have the right to apply for a walking route assessment on the basis that the nature of their disability means that they are unable to accompany their child/ren along a walking route from home to school in order for the route to be considered suitable. Where there is no other responsible parent an application will need supporting evidence of the parents' disability and the use of mobility cars will be taken into consideration. If the walking route is deemed not to be suitable for the parents' disability and either the nature of the route or the age of child is such that accompaniment is necessary for it to be considered safe, the child will qualify for free travel assistance.

The Local Authority has the right to re-assess eligibility when new or revised information is available, including the information held on its mapping system.

Where a route has been reassessed or an alternative recommended and as a result a child no longer qualifies for free travel, a minimum of at least ½ term's / 6 weeks notice will be given of the withdrawal of eligibility.

For example notice of withdrawal to take effect at the start of the new academic year would have to be provided by the last school day before the previous May/June half term holiday, and by the last day of the Autumn Term to be effective from the second half of the following Spring Term.

The Local Authority is committed to improving pedestrian safety; creating walking environments that feel safe and secure for walkers and helping people walk or cycle to school (see Somerset's Future Transport Plan 2011-2026). Part of this commitment may involve the improvement of walking

routes. Once such improvements to a walking route are completed, the route will be reassessed.

### **2.3 Travel Assistance on the Grounds of Religion or Belief**

There is no statutory assistance to support children attending a denominational church/faith aided school for reasons of religion or faith alone.

From September 2018, pupils between years 8 and 11, already in receipt of a pay seat (see section 3.1 vacant seats) to their nearest church/faith school on the grounds of religion of belief will have this pay seat protected under existing arrangements until the pupil completes his/her education at the end of year 11 at the current school. If a pupil moves schools, or if a change of address means the current school is no longer the nearest church/faith school to home, the pay seat will no longer be provided if there is no service serving the school. Suitable proof that the family adhere to the professed faith must continue to be provided every year or the arrangements will cease.

The charge for spare seats is usually uplifted annually at 1 September in line with inflation.

### **2.4 Low Income**

There are some extended rights to travel assistance on the grounds of low income.

Travel assistance will be provided for the following children who are in receipt of either Free School Meals, or whose families are in receipt of Universal Credit or the maximum level of Working Tax Credit (WTC):

- Children aged 8 but under the age of 11 and living more than 2 miles (walking route) from their nearest qualifying school with available places, or to the transport area school;
- Children of compulsory school age aged 11 and over to one of 3 nearest qualifying schools if greater than 2 miles (walking route) but no more than 6 miles (road route only) from the home address;
- Children of compulsory school age aged 11 and over to the nearest qualifying school preferred by reason of a parent's religion or belief with available places if greater than 2 miles (walking route) but no more than 15 miles (road route only) from the home address.

Parents will be requested to provide proof of either Free School Meal entitlement or that they are in receipt of the required level of Universal Credit, maximum Working Tax Credit at the time of application for school transport.



For those eligible under Working Tax Credit, once eligibility has been confirmed, this will remain valid for the entirety of the academic year. For those eligible under Free School Meals or receipt of Universal Credit criteria, eligibility will be re-assessed on a termly basis.

For applications for low income transport assistance on religious grounds parents will be requested to provide proof that the family adheres to the professed faith. This must be evidenced by a declaration signed by the parish priest/minister or other local official of the named religion. The minimum attendance at services to be regarded an adherence is at least once a month for a period of no less than six months.

## **2.5 Pupils with Temporary Medical Needs**

The Local Authority will consider travel assistance for children who are not normally entitled to travel assistance, but are attending, and live under statutory walking distance from their nearest qualifying school (with places available at the time of allocation) or designated transport area school and are suffering from a temporary medical condition (defined as a condition, illness or injury lasting for 12 months or less) which prevents them from walking to school, even if accompanied.

Similarly the Local Authority will consider an alternative type of travel assistance for children, who are currently entitled to travel assistance under statutory, low income, religious or belief grounds and are suffering from a temporary medical condition (defined above) which is preventing them from reasonably accessing education in the normal way.

In all cases written evidence from a medical professional, for example a child's Consultant or GP will be required to confirm that the temporary medical condition prevents a child from travelling to school in the normal way. The school may also be asked to comment on the child's mobility within school and this feedback will inform any decision regarding travel assistance. This exceptional entitlement will be regularly reviewed with further medical evidence requested where necessary.

Providing there is no break in entitlement any travel assistance in place as at March 2018 under this criterion will continue to be assessed under the previous policy.

## **2.6 Severe and Sustained Bullying**

It is a statutory requirement that each school has an anti-bullying policy therefore changing a child's school and disrupting continuity of education because of bullying should be a last resort.

The Local Authority will consider travel assistance in extreme cases of severe and sustained bullying to an alternative school which will normally be the next nearest school to the home address where a place can be offered, if all the following criteria are met:

- The bullying must have taken place at the nearest or transport area school. (If the current school is not the nearest or transport area school and the alternative school is the nearest of transport area school then entitlement will be under Section 2.1 or 2.4.)
- There must be clear evidence that a child has been the victim of severe and sustained bullying (letters and documents submitted by the parent to the school and from the school to the parent and/or details of meetings at the school).
- There must be detailed information from the school of the alleged incidents, how they were dealt with and the outcome. This will be requested from the school by the Local Authority.
- It cannot be assumed that bullying in a previous school phase will result in bullying at the next school phase (for example, bullying at a primary school cannot be assumed to result in the need for transport to an alternative secondary school). Therefore, a pupil cannot be assessed under this criteria where the alleged bullying has taken place in a previous school phase.

## **2.7 Critical Stage**

If a house move takes place with a child in Year 10 (after October half term) or Year 11, and the child is from a low income family (evidenced by the parent in receipt of child benefit being entitled to the maximum level of Working Tax Credit or in receipt of Free School Meals for the child) assistance will be considered for that child to remain at their current school until the end of Year 11 for pupils who meet all of the following criteria:

- The child must have been attending the designated transport area school or nearest qualifying school (or one of 3 nearest schools, if receiving statutory travel assistance under low income grounds under section 2.4 above for his/her original home address immediately prior to the move).
- The normal statutory walking distance criteria are satisfied.

- The new nearest or designated transport area school cannot equally meet the child's exam options
- The length of the journey from the new address to the original designated transport area school or original nearest qualifying school does not exceed acceptable limits based on the standard school transport target limits (a maximum of 75 minutes for secondary age pupils). Journeys of greater duration would be considered detrimental to the child's ability to benefit from the education to be received;

## **2.8 Home Based Issues**

In the case of parental incapacity (serious illness) and where there is no other responsible adult who is able to transport the child, the family may require short term support. Medical evidence of the parent's condition will be required. Assistance will only be provided to the transport area or nearest qualifying school for a maximum period of six weeks.

Very exceptional cases arise where the pupil does not normally have a specific travel need, but the family is facing considerable challenges, including getting children to school. The Local Authority will consider assistance with travel in such cases for a maximum period of 4 weeks for pupils who meet the following criteria:

- The pupil must currently be attending the nearest or transport area school, or was doing so prior to any temporary change of address
- The pupil must be from a low income family as defined in Section 2.4
- There must be supporting written evidence of the family circumstances, or written support from the child's school, social worker or team involved with the family

## **2.9 Closure/Reorganisation of a School/Change of Catchment Area For Admissions**

When there is a closure or reorganisation of a school, school travel assistance will be assessed according to statutory entitlement.

Where an own Admission Authority makes a change to either the session times or the annual calendar of school terms and holidays, resulting in an increase in cost to existing transport, this cost will be borne by the Admissions Authority making the change if sufficient notice is not given to the Authority.

Where a school changes its age range with the result that there are 2 or more schools offering the same phase of education within one existing transport

area, this will not normally affect the transport area for the school. The travel entitlement remains for the transport area as designated in September 2012 unless the Local Authority has agreed to change it following consultation.

## **2.10 Children in Care to the Local Authority**

Travel assistance for children in care is funded by Children's Social Care (CSC) unless the child meets the eligibility criteria defined in Section 1 or Part 2 of this Policy. If CSC then move the pupil to a different address CSC will be responsible for any additional cost. CSC will be responsible for the cost of additional requests such as a Passenger Assistant or individual transport not deemed necessary by the Transport Officer.

## **2.11 Children in Care to other Local Authorities**

We may also consider allowing other LA's to utilise spare seats on school transport vehicles. In these circumstances the other LA will need to complete and return a signed pay agreement together with a pre-payment of an agreed fee.

## **3.0 Using the Bus & Operational Guidance**

All parents will be sent a medical questionnaire which will also ask them to confirm whether or not they wish to utilise the space/seat on school transport. If it is not required they will have to provide 6 weeks written notice should it be required in the future. If there is a change of address or placement a new application for travel assistance will need to be made.

The Local Authority will endeavour to organise bus stops within 1 mile for children over the age of eight or ½ mile for children under the age of eight from the home address, however vehicles are not expected to negotiate long private drives or farm lanes. It is a parental responsibility to ensure the child/ren arrive safely at the designated stop at least 5 minutes before the bus is due to depart and to meet them from the stop at the end of the school day. They are also responsible for their child/ren while they are waiting for transport and when they leave the transport at the end of the day. The Local Authority's responsibility for the child does not begin until the child is on the school transport vehicle. Children are advised to wait a maximum of twenty minutes at their bus stop before returning home in the event that a vehicle is running late.

The school is responsible for meeting pupils from transport in the morning and for returning pupils to the transport at the end of the day.

All County owned and contracted vehicles must be fitted with seatbelts to all seats. Provision will be made for each passenger to have his/her own seat. Seatbelts must be worn by passengers. Where appropriate children of small build will be provided with booster seats or safety seats to ensure they can travel safely. Travel assistance will be withdrawn permanently from passengers who consistently refuse to wear their seat belts

This requirement cannot be extended to children travelling by season ticket on public transport buses, which are governed by legislation beyond the remit of Local Government.

The maximum journey time is 45 minutes for primary age pupils and 75 minutes for secondary aged pupils both including waiting time. This accords with best practice as defined by the DfE. There may be exceptional circumstances such as attending a Special School or an out of County Provision where these times may be exceeded.

For First, Middle and Primary school pupils every effort is made to ensure that waiting time on school premises before and after school does not exceed fifteen minutes. Where this is not possible supervisory staff may be provided to supervise children who receive free school travel and arrive on school premises more than 15 minutes before school starts or leave more than 15 minutes after the end of the school day.

Secondary age pupils may have to wait longer than 15 minutes for the school bus.

In the event of a road closure every effort will be made to keep disruption to the service to a minimum. However, in some circumstances it may be necessary to ask parents to take their child/ren to the nearest, safest or accessible pick up/drop off point for a temporary period during the duration of the road closure.

The decision on whether or not transport will operate during periods of severe weather rests with transport contractors who will be aware of localised weather conditions in their area. They will liaise as necessary with their Transport Officer contact in the Transporting Somerset Office. Many schools have contingency plans in place to deal with transport emergencies resulting from severe weather. Parents are advised to liaise in advance with their child/rens school to ensure that they are aware of any school plans or guidelines that are in place. Please be aware that if the school transport did not operate in the morning it will not operate in the afternoon.

In exceptional circumstances, passenger assistants may be provided on public service vehicles, and on school contract routes where the Local Authority is responsible for conveying significant numbers of primary pupils; and/or pupils with special educational needs on some vehicles carrying a mixture of infants and secondary pupils.

Where staff have substantial access to children, Transporting Somerset carries out checks on any convictions, cautions, etc. All drivers and passenger assistants are required to have an enhanced Disclosure and Barring Service (DBS) certificate. Information obtained by such checks will not be released to a third party.

### **3.1 Vacant Seats**

Sufficient provision will be made to meet the needs of entitled children and no more. The Local Authority does not extend the school travel network to meet the needs of non-eligible children. Where there is not an exact match between the number of entitled children and vehicle size, some spare seats will be available.

Where spare seats are available children not eligible for free travel may be allowed to travel on a concessionary basis on the pre-payment of a fee as determined by the School's Commissioning Team. The charge for spare seats is uplifted annually at 1 September in line with inflation. This applies also where after assessment a child/young person with special educational needs is not provided with free travel assistance. In such cases, the child/young person will be treated on the same basis as any other child/young person in relation to the use of vacant seats on school transport vehicles.

Where the number of applicants exceeds the number of available seats, preference will be given to children attending the transport area school. Judgement between such children will take into consideration age, distance from home to school and the presence of siblings on transport.

Parents are advised that these "concessionary travellers" are liable to be displaced if other children become entitled to free school travel assistance under the terms of Section 2, or if the travel network needs to be reorganised, for example if it is necessary to alter a route or hire a smaller vehicle.

A minimum notice period of two weeks is given when a concessionary seat must be withdrawn and concessionary travellers refunds are made as appropriate.

Parents wishing to cancel existing concessionary seats must do so in writing to Transporting Somerset.

### **3.2 Mileage Payments & Personal Travel Payments**

Where parents or carers are able and willing to provide transport for their own eligible child/ren, a standard rate fuel allowance is available of 18p per mile. The Local Authority reserves the right to agree fuel allowances on an

individual basis, up to a maximum limit, where this provides best value to the authority. This will be reviewed annually to allow other travel strategies to be employed, were they to be a more efficient use of public resources.

Parents being offered a fuel allowance will be required to complete and return a reply slip confirming they have the correct licence, MOT and insurance for conveying their child/ren on all school travel journeys.

Where appropriate the Authority may also offer a personal travel payment to parents, enabling them to make Home to School travel arrangements that meet their child's specific needs. This may mean bespoke arrangements to suit their child (including for example the purchase of a bicycle). This will not be available to the majority of families and will only be offered where it makes effective use of public resources. Again, this will be reviewed annually where appropriate as above.

### **3.3 Behaviour on School Transport**

Pupils, parents, schools, transport contractors, the Local Authority and Transporting Somerset all have an interest in the behaviour of pupils on school transport. SCC's "Guide to Behaving Responsibly" sets out the responsibilities of all involved. Please see link below. Paper copies are also available on request.

<http://www.somerset.gov.uk/roads-parking-and-transport/school-transport/school-transport/>

All contracted vehicles over 20 seats have CCTV installed, drivers are trained to deal with poor behaviour and where appropriate we have pupils who have the additional responsibility of helping support the driver. These pupils may already be prefects at the school or named as bus monitors.

Drivers and/or Passenger Assistants are asked to notify their employers and to liaise with schools and School Transport staff based in Transporting Somerset on behavioural problems but are instructed never to evict a pupil from the vehicle anywhere on a route other than at the normal setting-down point.

Pupils who exhibit the following behaviours on school transport may have their entitlement/pass removed from them. The withdrawal of the pass may be either temporary or permanent.

In regards to pupils who because of their age or degree of learning difficulty cannot be held responsible for their actions, alternative steps may be taken to deal with any behaviour difficulties that arise on the transport. This will depend on the behaviour incident which will be investigated fully by the Transport Officer.

Transport Officers will always discuss concerns about poor behaviour with the child's school which may then involve Children's Services as appropriate to address these concerns, in the hope of avoiding the necessity of withdrawing the child's pass. However, in the case of extreme or dangerous behaviour it may be necessary to withdraw the child's pass, either temporarily or permanently, immediately.

Behaviour that may lead to the temporary or permanent withdrawal of a child's pass includes:

- Disruptive behaviour & fighting
- Bullying
- Violence towards other pupils, driver or Passenger Assistant
- Vandalism
- Derogatory offensive language (eg racist and sexist words)
- Carrying weapons
- Drug or solvent abuse
- Smoking
- Anything liable to seriously endanger yourself or others
- Persistent refusal to carry bus passes or wear seat belts

Temporary withdrawal of transport will be for a specified number of days/ weeks whilst permanent withdrawal will mean exclusion for the remainder of the period that the child is in attendance at the school.

The withdrawal of transport, either temporary or permanent, does not imply that travel arrangements were not necessary and should not have been provided, but rather that the arrangements were necessary and had been made, but the child's behaviour was such that they could not take advantage of it. In such circumstances, no alternative arrangements to support the attendance of the child concerned at school will be made. The responsibility & cost to get a child to and from school will rest with the parent.

Contractors will seek recompense from parents where responsibility for damage rests with their children and may involve the police for criminal damage.

#### **4.0 Review of Transport Provision**

Travel assistance will be reviewed regularly to make sure that the service provided continues to be appropriate for the child's needs.



## 5.0 Application Process

Applications for travel assistance to a mainstream school must be made by using the online application form (paper copies are available on request) on this webpage:

<http://www.somerset.gov.uk/education-learning-and-schools/school-transport/apply-for-school-transport/>

Applications for pay seats must be made by using the online application form (paper copies are available on request) on this webpage;

<http://www.somerset.gov.uk/education-learning-and-schools/school-transport/request-school-transport-on-a-paying-basis/>.

Both type of application will be processed within 10 working days and you will be informed of the outcome by email or post.

## 6.0 Post 16

Please refer to the separate Post 16 Travel Policy Statement which covers children/young people aged 16-19 and continued learners aged 19-25. This can be found at:

<http://www.somerset.gov.uk/roads-parking-and-transport/school-transport/school-transport/>

## 7.0 When Travel Assistance is not provided

It is the responsibility of parents or carers to arrange and pay for transport at times other than the beginning and end of the school day. For example we do not provide transport for:

- Transitional periods
- Induction periods
- Breakfast or after school clubs or extra-curricular activities
- Medical appointments
- Parents evenings
- Work experience or work placement
- Fixed term exclusions
- Off-site educational placements

Assistance is not given to children attending schools in the private sector unless the placement has been made by the Special Educational Needs team.

## 8.0 Complaints and Appeals Procedure

Complaints about how the service is working are dealt with initially by Transporting Somerset staff that organise the transport. They are in touch with the situation “on the ground” and can usually deal quickly with those involved in order to put things right with the least possible delay. If things continue to go wrong the complaint is passed to the Team Leader and subsequently, if a satisfactory resolution has not been reached, the appropriate Manager within Transporting Somerset.

Complaints regarding policy will be discussed with the appropriate Manager, Schools Commissioning.

If a satisfactory resolution cannot be reached then the County Council’s the Corporate Complaints Procedure will apply, further information about which can be obtained by telephoning 0300 1232224, by email to somersetdirect@somerset.gov.uk or by texting 07781 482858.

Complaints, comments and compliments can all be recorded by completing the appropriate form found at:

<http://www.somerset.gov.uk/have-your-say/complaints-comments-and-compliments/complaints-comments-compliments/>

Alternatively a letter can be sent to:  
Somerset County Council  
Compliments, Complaints or Comments  
Customer Contact  
FREEPOST NAT9109  
TAUNTON  
Somerset TA1 4ZA

### Appeals

For pupils under statutory school leaving age, DfE guidance states that, Local Authorities should have an appropriate process in place to deal with representations from parents relating to the implementation of school travel policy. This review/appeals procedure should be a clear 2-stage process for parents who wish to make a challenge in the areas of:

- Travel arrangements offered
- The child’s eligibility for travel assistance (where a parent believes the policy has not been applied correctly)
- The distance measurement in relation to statutory walking distances
- The safety of the route to school

The Local Authority’s appeal process follows the recommended process outlined in the latest DfE Guidance on Home to School Travel and Transport 18 July 2014 which can be found at:

<https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

### **Stage One:**

A parent has 20 working days from receipt of the Local Authority's home to school transport decision to complete an application form (known as the School Transport Review Form) asking for a review of the decision. Parents can only request an appeal/review with evidence that the policy has not been applied correctly under the following criteria:

- You are not satisfied with the travel arrangements offered to you.
- The school is the nearest suitable school with a place available, or is the transport area school for your home address.
- You believe the walking route exceeds the statutory walking distance.
- You consider the walking route to be unsafe for a child accompanied by an adult.
- Your child has medical need or there are other exceptional needs that mean travel assistance is needed. (An application must be made under the discretionary Exceptional Needs Policy before a review can be requested on these grounds. Any medical need would need to be evidenced in writing by a medical practitioner)

Within 20 working days of receipt of the parent's written request, a senior officer reviews the original decision and sends the parent a detailed written outcome setting out the nature of the decision reached, how the review was conducted (including the standard followed e.g. Road Safety GB, information about other departments and/or agencies that were consulted as part of the process, what factors were considered, the rationale for the decision reached and information about escalation to stage two (if appropriate).

### **Stage 2:**

A parent has 20 working days from receipt of the local authority's stage one decision to make a written request to escalate the matter to stage two.

Within 40 working days an independent appeal panel considers written and verbal representations from the parent and officers and gives a detailed written outcome (within 5 days) setting out the nature of the decision reached, how the review was conducted (including the standard followed e.g. Road Safety GB), information about other departments and/or agencies that were consulted as part of the process, what factors were considered, the rationale for the decision reached and information about escalation to the Local Government Ombudsman (see below).

The independent appeal panel members should be independent of the process to date and suitably experienced, to ensure a balance is achieved between meeting the needs of parents and the local authority, and that road safety requirements are complied with.

### **Local Government Ombudsman**

It is recommended that as part of this process, local authorities should make it clear that there is a right of complaint to the Local Government Ombudsman, but only if complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal was handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may apply for judicial review.

## Part 2

### Travel Assistance for Children with Special Educational Needs or Disabilities

This document details the policy on giving assistance with home to school travel for children and young people with special education needs and/or disabilities (SEND). It should be read in conjunction with the Education Travel Policy Part 1.

1.0	Qualifying for SEND Travel Assistance	22
1.01	Accompaniment	23
1.1	Using Travel Assistance	23
1.2	Respite Care	23
1.3	Residential Placements	24
1.4	Travel Care Plans	24
2.0	Travel Assistance and Support for SEND Children	24
2.1	Personal Travel Payments	25
2.2	Independent Travel Training	25
2.3	Passenger Assistants	26
2.4	Behaviour on School Transport	27
2.5	When Travel Assistance is not provided	27
3.0	Review of Travel Provision for SEND Children	27
4.0	Application Process	27

## 1.0 Qualifying for SEND Travel Assistance

Please see Part 1 of this Policy for more details.

Children/young people covered by this heading of the policy are children of statutory school age, who have a disability or SEN, mobility problems and/or:

- Attend specialist provision or attend a named school beyond Statutory Walking Distance as named in an Education Health & Care Plan, (including those attending specialist provision under emergency assessment)
- Are identified as needing SEN Support in line with the SEND Code of Practice and have needs that necessitate support in getting to school
- Are children and young people placed by the LA at independent special schools, out of authority establishments and so are beyond statutory walking distance.
- The Local Authority is also required to provide free home to school travel assistance where a child lives within statutory walking distance of a school but, because of their special educational needs (SEN), disability or mobility problems, they cannot reasonably be expected to walk there. This eligibility will be assessed on an individual basis and evidence will be required in writing and may be subject to review.

We appreciate that many families make their own arrangements to get their child to school rather than requesting travel assistance. We also encourage parents and carers to work with the Local Authority to enable their child with SEND to travel independently if and when appropriate.

Travel assistance is not automatically given if a child has a Statement of Special Educational Needs or an Education Health and Care (EHC) Plan, and many children with SEN and disabilities are able to travel to school without additional support from the Local Authority. However some children with specific needs will require more support, often for an agreed period of time.

Where admission to specialist provision or a mainstream school named in an Education, Health & Care Plan is being discussed, parental preference will be given consideration. Free travel assistance is not provided (even where a particular travel need has been established), to the parents' preferred school if there is another school that can meet the child's special educational needs and that is nearer to the child's home if consideration of the efficient use of resources including travel costs tells against the school of parental choice.

A child's individual needs will determine the support they are given and evidence will be taken from a range of professionals and from parents or

carers. Where relevant, a risk assessment will be carried out before the child begins travelling to make sure that the travel assistance provided will meet their needs. This will include a detailed Travel Care Plan which gives a breakdown of the child's needs and control measures, detailing how they will be kept safe whilst travelling. This will include whether a passenger assistant will be required and any medical protocols that may be needed. Please see Section 1.4 below for more information.

### **1.01 Accompaniment**

The general expectation is that a child will be accompanied on their journey to and from school as necessary. It is the parent/carers responsibility to ensure appropriate accompaniment. The Local Authority will also take into account a range of factors such as the age and needs of the child, nature of the route and whether the child's parent can reasonably expected to accompany their child.

### **1.1 Using Travel Assistance**

Travel assistance for those requiring special arrangements is defined as home to school/college travel provided from defined pick-up and setting down points, at the start and end of the school/college day (formal education sessions). Home pick-ups are not guaranteed for pupils with SEND and the same distance criteria to the stop applies. (1 mile for children over the age of eight or ½ mile for children under the age of eight).

Parents are responsible for their child/ren's safety in getting to and from the defined pick-up and setting down point. Pupils must be ready 5 minutes before and are advised to wait a maximum of 20 minutes at the stop in the event the vehicle is running late. Children with severe SEND which makes them particularly vulnerable should be not left alone at stops or at the home address and should always be transferred directly into the care of another responsible adult. In cases, where home pick-ups are necessary parents are required to meet the vehicle at the kerbside in the morning and afternoon. Drivers are not permitted to wait more than 5 minutes for pupils outside the home address.

The school is responsible for meeting pupils from transport in the morning and for returning pupils to the transport at the end of the day.

### **1.2 Respite Care**

School travel assistance is not available for travel to and from respite placements, even when the child is the responsibility of the Local Authority for normal home to school travel assistance.

### **1.3 Residential Placements**

Travel assistance to termly or weekly boarding placements in maintained and independent out of county schools will be limited to fixed term periods through the school year, for example, weekly, half-termly or termly. School travel assistance is not available for transport for: prospective visits, induction days, transitional arrangements, other school events, respite care/short breaks, or trips not authorised by the LA

### **1.4 Travel Care Plan**

Every child/young person requiring special travel assistance arrangements travelling on education transport has an Individual Travel Care Plan which is compiled in consultation with the child/young person, their parents, school and medical specialist (where appropriate). This includes details of medical considerations; appropriate harnesses or restraints and wheelchair details, where relevant. As an added precaution a 'wheelchair passport' will be attached to the pupil's wheelchair so that the driver and passenger assistant know which restraints should be used and how they should be attached to the chair. Individual risk assessment analyses the defined needs of the child and puts in to place strategies and mechanisms to reduce the likelihood and outcome of potential hazards. It is the parents' and the school's responsibility to ensure this document is kept updated with any changes by liaising with the relevant school transport officer.

Safety restraints to ensure safe transport will be provided according to the child's needs. If the parents/carers do not agree to the use of the appropriate restraint or equipment as detailed in the risk assessment process then the LA reserves the right to refuse to carry the child. The LA may also refuse to carry a wheelchair user travelling in a wheelchair which has proven to be unsafe during transit in standard crash testing procedures or if the wheelchair is in an unfit condition for transit – for example tyres are not fully inflated. We will need to be informed in advance of any changes to a pupil's wheelchair so the relevant Risk Assessment and pass-porting can take place. If the LA is not informed please be advised that it will not be able to transport the pupil until this is completed.

## **2.0 Travel Assistance and Support for SEND children**

Once eligibility for travel assistance to a school or college placement has been confirmed the application will be passed to Transporting Somerset and the parent/carer will be contacted to complete a telephone risk assessment. This will determine the type of transport that will be offered. Transport is shared with other children which means it may not be a direct route to school.



All schools are encouraged to consider the independence and life skill benefits for young people, who may with appropriate support be enabled to walk to school or make use of public service vehicles.

## **2.1 Personal Travel Payments**

Personal Travel Payments (PTPs) may be offered to parents, enabling them to make Home to School travel arrangements that meet their child's specific needs. This will not be suitable for the majority of families and will be offered only where it makes effective use of public resources.

## **2.2 Independent Travel Training**

Independent Travel training can help support independence by developing personal, social and life skills by looking at the needs and capabilities of a young person. As part of an on-going review, we will consider the capability of a young person to travel independently. If they are assessed as suitable, we will expect secondary aged children to start travel training to become independent travellers.

The training will be given by Independent Travel Trainers (bus buddies) who are employed by Somerset County Council in partnership with schools, colleges and parents or carers.

## **2.3 Passenger Assistants**

A passenger assistant will be provided only following the outcome of an assessment of the child's Special Educational Needs and/or medical needs in order to meet the needs of the child/ren travelling to and from school. This determination will be made by the Senior Transport Officers within Transporting Somerset taking into account:

- A child's medical needs, particularly where rescue medication is required
- Where an individual child's needs create a clear danger or health and safety risk to themselves and other passengers on the vehicle.
- Where an assessment of the children on the vehicle and the journey to be undertaken highlight a clear danger or health and safety risk to all passengers on the vehicle

The provision of a passenger assistant will be reviewed regularly.

The essential criteria for the provision of a passenger assistant are the individual needs of the child/young person as assessed and a Risk Assessment of the vehicle in relation to the needs of the children travelling.

All passenger assistants, and the drivers of accessible vehicles, are trained in: Passenger Care and Consideration, Disability Awareness, Moving Disabled Passengers, Emergency Aid on a Vehicle, Strategies to Manage Behaviour, Crisis Intervention and Prevention and Child Protection Issues. Passenger assistants may have regular supervisory visits whilst they are engaged on their duties on the vehicle, from the Transport Officers.

Passenger assistants are not generally trained or permitted to deliver medication on education transport vehicles. In the event of a medical emergency the emergency services will be called in accordance with the emergency protocol in place. Where children and young people are identified as having critical medical conditions, (that is where emergency medical intervention may be required at any time) their travel arrangements will be assessed and addressed on an individual basis.

Passenger assistants are not permitted to leave the vehicle, to make a doorstep pick-up or in order to alert parents or carers that the vehicle has arrived. Where passenger assistants are provided they are instructed always to remain close to the vehicle and never to leave the children unattended.

Drivers and passenger assistants are not permitted to deliver pupils to alternative addresses.

In the afternoons and in the case of a child/ren requiring responsible adult care directly following transport, if a responsible adult is not available to collect the pupil within a reasonable time, the passenger assistant will keep him/her on the vehicle for the remainder of the route and then return to the setting down point/home address. At that stage, if there is still no responsible adult at home, the child/young person will be taken to the nearest Children's Social Care office or the local police station. The passenger assistant or driver will leave a note at the family home and notify Transporting Somerset office staff.

All drivers and passenger assistants employed on Somerset County Council contracted education transport are required to have an Enhanced DBS (Disclosure and Barring Service) check (formerly Criminal Records Bureau Enhanced Disclosure). Renewed DBS clearance is required every three years.

## **2.4 Behaviour on School Transport**

Section 3.3 of Part 1 of this policy also applies to SEND travel assistance. In addition, in regards to pupils who because of their age, or degree of learning

difficulty, cannot be held responsible for their actions, alternative steps may be taken to deal with any behaviour difficulties that arise on the transport. This will depend on the behaviour incident which will be investigated fully by the Transport Officer.

## **2.5 When Travel Assistance is not supplied**

Section 7 of Part 1 of this policy also applies to SEND travel assistance.

## **3.0 Review of Travel Provision for SEND Children**

Travel assistance will be reviewed with parents and education and care professionals who know the child and are part of the statement or EHC plan review which normally takes place annually. The Local Authority may also review eligibility by a scheduled meeting or by telephone contact. Parents will be told of all decisions in writing. We need to ensure that the service provided continues to be appropriate for the child's assessed needs.

## **4.0 Application Process**

To apply for travel assistance for a child with a statement of SEN or an EHC Plan please complete the online application form on this webpage;

<http://www.somerset.gov.uk/education-learning-and-schools/school-transport/apply-for-school-transport/>.

Applications will be processed within 10 working days and you will be informed of the outcome by email or post. Paper copies are available on request.