



APPENDIX 2

Leicester City Council
Education and Children's Services
Home to School Transport Policy
2015
DRAFT FOR APPROVAL

LEICESTER CITY COUNCIL
HOME TO SCHOOL TRANSPORT POLICY

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INTRODUCTION

The Education Act 1996 sets out the categories of compulsory school age (5-16) pupils who are eligible for free school transport. The council's policy is to provide free school transport to these categories of eligible pupils in accordance with its legal obligations, but not otherwise. An application must be made to the council on behalf of the child in order for eligibility to be assessed.

Free transport is usually provided through the issue of a bus pass to be used on commercial routes. The bus pass provides transport on a designated route and can only be used during term time at the beginning and end of the school day.

In circumstances where a parent/carer chooses to send their child to a school that is not the nearest qualifying school, the parent/carer will be responsible for the full cost of transport.

Parents are legally responsible for ensuring that their children attend school regularly. Issuing a bus pass does not remove the responsibility of the parent/carer to ensure that their child arrives at school safely and on time. Even where transport is provided by the council, the parent/carer remains responsible for the behaviour of their child when travelling to and from school.

1. PARENTS/CARERS AND PUPILS COVERED BY THIS POLICY

This policy applies to pupils of compulsory school age and their parents or carers who are resident within Leicester City. It also covers pupils in the care of Leicester City Council who are resident in other local authority areas.

A separate policy applies to pupils with special educational needs, disability or mobility needs which is published on the Council's website.

2. ELIGIBILITY CRITERIA FOR PUPILS OF COMPUSORY SCHOOL AGE (see definitions)

Outside Walking Distance

Free transport will be provided a pupil if he or she attends the nearest qualifying school (see definitions) to their home address (see definitions), where the distance from home to school is more than two miles for children aged under eight years old or three miles for those aged eight years old and over. The two mile and three mile distances are measured using the shortest safe walking route (see definitions).

Where a pupil takes up a school place in excess of the shortest safe walking distance as a result of parental choice, then no assistance will be provided.

Unsafe walking route

In circumstances where pupils are attending their catchment area or nearest qualifying school and where the walking route to school is less than the distances set out above but is assessed by the council as unsafe to walk, the council will provide free transport.

Change of address – students in Year 11 only

For a pupil who changes address while in Year 11, transport will be provided free of charge to allow continued attendance at the same school if the following criteria apply:

- The student has already begun an examination course; and
- The walking distance from the new home to the school boundary is more than 3 miles but less than 15 miles; and
- The pupil is attending their catchment area school or the nearest available school to their old address.

3. EXTENDED RIGHTS ELIGIBILITY CRITERIA FOR LOW INCOME FAMILIES

In addition to the eligibility criteria set out above, pupils from low income families may qualify for free transport as follows:

Primary school low income criteria

Pupils aged 8 to 11 years inclusive who are entitled to free school meals, or whose parent/carer is in receipt of the maximum level of Working Tax Credit, will receive free transport to their nearest qualifying school if they live more than two miles from that school, measured by the shortest safe walking route.

Secondary school low income criteria

Pupils aged 11 to 16 inclusive who are entitled to free school meals, or whose parent/carer is in receipt of the maximum level of Working Tax Credit, will receive free transport to one of the three nearest qualifying schools to their home address which are over 2 miles (measured by the shortest safe walking route) and less than 6 miles (measured by the shortest road route).

Denominational Transport

The council does not provide any discretionary transport to voluntary aided or faith schools. Free transport is only provided to pupils aged 11-16 who meet the low income criteria and who are attending the nearest appropriate faith school with a place available, provided they live between 2 miles (measured by the shortest safe walking route) and 15 miles (measured by the shortest road route) from the school.

Evidence of low income criteria

Parents/carers applying under the low income criteria may be required to produce evidence that they receive the maximum level of Working Tax Credit to support their application.

Annual checks on entitlement will be made, so proof may be requested each year. If acceptable proof of benefit is not received upon request, then the transport assistance will be withdrawn with immediate effect.

4. PUPILS OVER COMPUSORY SCHOOL AGE

Details are available in the Post-16 Transport Policy Statement, which is published annually on the council's website.

5. MEDICAL CASES AND TEMPORARY DISABILITY

In circumstances where the child is not able to walk to school or use public transport (when allocated with a free bus pass) as a result of an accident, planned surgery or an illness which results in a temporary disability, the council will consider a request for assistance with transport.

The parent/carer will be required to complete an application form to explain why their child has a special transport need. This should be submitted to the Special Education Service, Leicester City Council, 10 York Road, Leicester LE1 5TS for consideration. They will also be required to provide evidence from an appropriate professional to support their application.

Specialist transport will be provided for a limited period based on the medical information available. The need for transport should be reviewed every six weeks and any request to continue transport will need to be supported by updated medical information.

Further information on transport on these grounds can be found in the document, "Home to School Transport for Children with Special Educational Needs, Disability or Mobility needs."

6. PARENT OR CARER WITH A DISABILITY

The following criterion applies to children of compulsory school age who have a parent or carer with a permanent or temporary disability. Where the council relies on a parent/carer accompanying a pupil along a walking route for it to be considered safe or to accompany a pupil between home and a picking up or setting down point but the parent or carers disability prevents them from doing so, then the council may provide free transport as a "reasonable adjustment" under the terms of the Equality Act 2010.

The parent/carer will be required to explain their circumstances and to provide evidence from an appropriate professional to support their application, e.g. a copy of the Disability Living Allowance approval letter showing entitlement to the mobility component.

7. TRANSPORT FOR MANAGED SCHOOL MOVES

Where schools are arranging a managed school move following the procedures in the Council's protocol they are expected to consider placement at the next nearest school available. If this is not advisable or possible, then free transport will be provided during the period of dual registration if the pupil qualifies on distance or under the low income criteria. If the dual placement is successful and the pupil is placed on the roll of the new school, the provision of free transport will be extended.

8. TRANSPORT TO WORK EXPERIENCE PLACEMENT

It is the responsibility of the pupil's parent/carer or their school to make arrangement for any transport required for work experience placements and to enable pupils to attend a part-time placement at another school or college. When free transport is provided by the council, it is only provided to and from the school at which the young person is on roll.

9. TRANSPORT FOR TRANSITION DAYS

It is the responsibility of the pupil's parent/carer or their existing school to make arrangements for any transport required to support attendance at transition days.

10. RETROSPECTIVE CLAIMS AND OTHER PAYMENTS TO PARENTS

The council will only meet the cost of transport that has been authorised in advance according to the published criteria. Retrospective applications to meet the cost of transport arranged by the parent/carer will be refused.

11. ERRORS

Where a pupil has been assessed as eligible for free or assisted transport in error, the provision will be withdrawn at the end of the term in which the error is brought to the attention of the parent/guardian.

12. EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances (e.g. a house fire) and for a short period, consideration may be given to individual exceptional requests for transport assistance. Requests should be made in writing and supported with appropriate professional documentation. Each case will be considered on its merits by the Head of Service, School Organisation and Assets.

The following are not on their own likely to be regarded as exceptional:

- single parent families
- temporary fragmentation of the family
- families receipt of state benefit or re-housed families
- children in the same family attending different schools
- families moving house who wish for their child to remain at their existing school

Any temporary assistance that is provided will be subject to a review every 6 weeks to establish if support is still required.

APPEALS

An appeal process is available to parents who wish to challenge a decision about:

- the transport arrangements offered
- their child's eligibility
- the distance measured in relation to statutory walking distances
- the safety of the route

Stage one: Review by a senior officer

A parent has 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. This should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.

Within 20 working days of receipt of the parent's written request, a senior officer will review the original decision and send the parent a detailed written notification of the outcome of their review.

Stage two: Review by an independent appeal panel

A parent 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.

Within 40 working days of receipt of the parent's request, an independent appeal panel will consider representations from both the parent and officers involved in the case and give a detailed written notification of the outcome within a further 5 working days.

The appeal panel members will be independent of the original decision making process (but are not required to be independent of the local authority) and suitably experienced (at the discretion of the local authority), to ensure a balance is achieved between meeting the needs of the parents and the local authority, and that road safety requirements are complied with and no child is placed at unnecessary risk.

Parents/carers are not required to attend the appeal in person, as their written representation will be considered by the panel.

13. DEFINITIONS

Compulsory school age

For the purpose of this policy, pupils will be assessed for free transport if an application has been made to the council and they are attending a primary school in the Reception Year (Foundation Two) through to the end of Year 11 in a secondary school. The council does not provide transport to enable children to attend a nursery school/early years setting in Foundation One or lower year groups as this is not statutory education.

Nearest Qualifying School

For the purposes of this policy, the “nearest qualifying school” is defined as a school that:

- is maintained by the council (“state schools”), a pupil referral unit, or a non-maintained special school, an Academy or Free School. This includes community, voluntary aided, voluntary controlled, foundation and trust schools
- had a space available at the time of the Admissions application was originally made
- is appropriate for the pupil’s age, ability and aptitude (including any special needs) and takes into account the impact upon parents on low income (i.e. who are receiving the maximum level of Working Class Credit or whose children qualify for free school meals) who have expressed preference for a particular school because their religious or philosophical beliefs
- represents an efficient use of the local authority’s resources

Home Address

This is the address where the pupil resides with their parent or carer during the school week. In circumstances where the pupil resides at more than one address during the week, the address that must be used in the application for free transport is the address of the person who receives the child benefit. A bus pass issued by the council will allow the pupil to travel on a designated route at the start and end of the school day during term time only.

Shortest safe walking route

When considering if a route, it is assumed that the pupil is accompanied by a responsible adult where necessary. Pupils are expected to travel by the shortest available route, which can include the use of any footpaths.