

Portfolio Holder Decisions/Leader Decisions

Date: Thursday, 28 May 2020
Time: 12.00 pm
Venue: On line

Membership

Councillor Colin Hayfield

Items on the agenda: -

1. Home to School Transport Policy

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A report seeking the permission of the Portfolio Holder for Education and Learning to undertake a consultation exercise regarding home to school transport.

Monica Fogarty
Chief Executive
Warwickshire County Council

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**Proposed Decision to be made by the Portfolio Holder for
Education and Learning on or after 28 May 2020 –
Consultation on proposed change to the Home to School
Transport Policy**

Portfolio Holder	Portfolio Holder for Education & Learning
Date of decision	May 2020
	Signed

1.0 Decision

That the Portfolio Holder for Education and Learning approves the undertaking of a consultation process on the proposed change to the Home to School Transport policy.

2.0. Reasons for decision

2.1. Local authorities have a duty to prepare and publish Transport Policy arrangements. This policy needs to specify the arrangements for the provision of transport or otherwise that the authority considers necessary to facilitate the attendance of all eligible persons receiving education or training.

2.2. Where changes are proposed to the local policy on transport arrangements, Local Authorities are required to consult on these changes for at least 28 working days during term time.

3.0. Background information

3.1. The change proposed to the Home to School Transport Policy is to the definition of the nearest qualifying school.

3.2. A number of changes were endorsed by Cabinet in January 2018 including a revision of the definition of 'the nearest qualifying school'. From 1st September 2019 the definition of "nearest qualifying school" was altered to include only the school closest to the pupil's home by the shortest route with a pupil place available, in line with statutory

requirements. However, it may not be the school in whose priority area the pupil resides (their 'catchment school') if there is another school closer to home by the nearest available walking route. Previous criteria encompassed the priority school or the nearest school with places available.

3.3. Following a review of this change in the definition of nearest qualifying school, it is proposed to change the definition to reintroduce the priority area school. A number of factors contributed to the decision to review and propose a change to the definition of nearest qualifying school (paragraph 2.3 of current home to school transport policy):

- The implementation of the 2018 definition of 'the nearest qualifying school' has created a large number of appeals, complaints and representations from local residents. There are circa 90 appeals outstanding for September 2020, with approximately two thirds of these impacted by the recent change in definition of nearest qualifying school. The current level of appeals is difficult to manage and will result in delays to their processing and response. There is one officer responsible for coordinating both school admission and transport appeals. If the current criterion remains further officer capacity will need to be recruited in order to process and respond to the appeals in the stipulated time frame.
- There are a number of schools that have very wide rural priority areas, and therefore certain localities and villages have a divide in terms of their nearest school
- The unalignment from catchment areas has created confusion and can prove complex to understand for parents when making a school place application with one catchment school and multiple nearer schools.

4.0. Financial implications

4.1. The Medium Term Financial Strategy (MTFS) proposed an additional £7.6million to the Home to Transport revenue budget by 2024/25. This includes an additional £2.037million in 2020/21 in order to address estimated growth and balance the budget.

4.2. With the current home to school transport policy still in a transition stage the transport network is predominantly operating on the previous nearest qualifying school criteria. Therefore, the operational impact of altering the nearest qualifying school criteria (for example to include the catchment area school) is expected to be minor.

4.3. The MTFS outlines proposed savings of £0.279m for 2020/21 increasing by a further £0.295m in 2021/22. It is not anticipated that the proposed change to the definition of nearest qualifying school will have an impact on these efficiency savings.

4.4. The January 2018 Cabinet report recommending a number of policy changes, including the change to the current definition of nearest qualifying school. Estimated savings were attached to these policy changes. Therefore, a reversal of the policy decision to change the definition of nearest qualifying school will result in the service being unable to achieve the estimated sav

4.5. ing of between £31,000 and £44,000 which was based on assumptions surrounding potential additional income from paid transport (ie those that were eligible under the previous policy taking up the option of paid transport where available). If there is a resulting overspend from this proposed policy change further areas for potential savings will be explored.

4.6. It should also be noted that the current number of appeals as a result of 2018 policy change to the definition of nearest qualifying school is difficult to manage and if the policy was to continue with the current definition of nearest qualifying school additional officer capacity within the Education Transport Team would need to be sought, together with the associated additional revenue expenditure, in order to process the transport appeals within the stipulated time frames.

5.0 Environmental implications

5.1. Including the priority area school (often the preferred school of choice), within the nearest qualifying school criteria could increase the eligibility for transport assistance in certain areas but at the same time provide the option of a more sustainable mode of transport. Retaining the current definition could lend itself to an increase in the number of individual cars used to transport learners to the school of choice where transport assistance is not available.

6.0 Timescales Associated with the Decision and Next Steps

6.1 It is proposed that a consultation exercise would take place between Monday 8th June 2020 and Friday 17th July 2020 using WCC's consultation platform and social media to connect with the various stakeholders.

6.2 Cabinet would then be asked to consider any responses to the consultation and to approve the new Transport Policy at their meeting on 10th September 2020

6.3 It is intended that the new transport policy would be implemented for new transport applications received for September 2021 entry.

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Lead Director	Strategic Director for Communities
Lead Member	Portfolio Holder for Education & Learning

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

None

Members and officers consulted and informed

Portfolio Holder – Councillor Colin Hayfield

Corporate Board – Mark Ryder

Legal – Jane Pollard

Finance – Andy Felton

Equality – Keira Rounsley

Democratic Services – Paul Williams

Councillors – N/A

Home to School/College Transport Policy

COMMUNITIES GROUP

HOME TO SCHOOL / COLLEGE TRANSPORT POLICY

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1 INTRODUCTION.

The following document aims to provide guidance for parents/carers, young people and young adults on the Education Transport Policy adopted by Warwickshire County Council (“the local authority”) and approved by elected members. This document sets out Warwickshire’s Education Transport Policy and describes how the Council fulfils its duties and exercises its discretionary powers as required under the Education Act 1996 and subsequent legislation.

The purpose of this comprehensive guidance is to incorporate all education transport assistance into one key policy for pupils aged 3 to 25 years of age.

There is no universal entitlement to free travel for every child or student to and from any school. Parents and post-16 students are strongly advised to consider how pupils and students will get to an education establishment before applying for a place.

Support from the Local Authority (LA) for travel to and from education will not necessarily be in the form of a vehicle to transport a child. It may be by enabling the child to walk to and from education through Independent Travel Training where the child may otherwise not have been capable of doing so. This does not affect any statutory right to free transport.

Where there is no entitlement to support from the LA, parents and students can seek assistance from educational institutions which are able to use some of their own funds to support transport where they feel this is appropriate. Where support from Warwickshire is not free, it may not be the cheapest option for an individual to take up a vacant seat on the LA’s transport network and commercial options should be explored.

Parents have a legal duty and a responsibility to make necessary arrangements to ensure that their statutory aged children attend school regularly. The local authority is required to provide transport assistance to children resident within the administrative area of Warwickshire County Council who are entitled under the law and this policy.

Transport policy will often influence a parent’s decision when choosing a school but the two policies are not intrinsically linked.

The following policy will outline in detail the key aspects of applications received for consideration under the heading of Eligible Children, it aims to provide clarity and understanding of criteria for eligibility and the process when a child is refused free travel. The policy will also outline any discretionary arrangements for specified groups and will explain travel arrangements for non-eligible travellers.

The Policy contains supplementary information within the appendices attached. The content of these are updated regularly and are subject to change without consultation.

Following consultation on changes to the Policy in 2017 the contents of this Policy are effective from 1st September 2018. This is with the exception of section 2.3 which takes effect for transport arrangements from 1st September 2019 onwards. This includes applications received prior to 1 September 2019, where the transport is required to start on or after this date.

2 DEFINITIONS

2.1 Eligibility for travel assistance

To qualify for free home to school transport the pupil must meet all of the criteria listed below;

A	The pupil must be resident in Warwickshire
B	The pupil must be attending their nearest qualifying school (see section 2.3)
C	The pupil must be of compulsory school age. This includes all pupils from the start of the academic year in which they turn 5 until the end of the academic year in which they turn 16. Transport assistance is not provided to Nursery settings (exceptions to this rule are in section 3.6)
AND either D or E	
D	The pupil must live more than the statutory walking distance from their qualifying school (see section 2.4) OR have a route to school which is less than the statutory walking distance but deemed unsafe to walk (see section 3.4)
E	The pupil must be unable to walk the statutory walking distance to their qualifying school because of their special educational need, disability or mobility difficulties (subject to an assessment of their needs)

2.2 A **qualifying school** falls within one of the categories set out below:

- (a) a community, controlled, foundation or voluntary aided school
- (b) a community or foundation special school
- (c) a non-maintained special school
- (d) a pupil referral unit (PRU)
- (e) a free school
- (f) a maintained nursery school
- (g) a City Technology College (CTC), College, Career & Technology Academy (CCTA) or Academy
- (h) an independent school if named in a child's Statement of Special Educational Needs

- 2.3 The **nearest qualifying school** is the closest qualifying school (see 2.2) to the pupil's home address, with places available, that provides education appropriate to the age, ability, and aptitude of the pupil and takes into account any special educational needs that pupil may have. Parents who choose a different school or unit will not normally qualify for transport assistance, except where agreement is reached under the rules set out in *Dudley MBC v Shurvington* (2012).

This may not necessarily be a school in whose priority area the pupil resides.

Initially a calculation on nearest qualifying school is undertaken on the basis of what school is closest to home by the shortest available walking route with spaces available in the pupil's year group. If there is no such school within statutory walking distance (see 2.4 for definition) then a new calculation will take place on the basis of the shortest motorised route to calculate the nearest qualifying school.

The calculation of nearest qualifying school for a pupil who has gained a place at a selective school will include non-selective comprehensive schools which provide schooling for those of all ability levels. As such transport to selective schools will only be provided if it is the nearest qualifying school to the child's home, taking into account all relevant secondary schools.

Similarly, the calculation of nearest qualifying school for a pupil who has gained a place at a faith school will include non-faith schools which provide schooling for those of all faiths. As such transport to faith schools will only be provided if it is the nearest qualifying school to the child's home, taking into account all relevant schools. The exception to this will be when the pupil is of secondary school age and qualifies under the extended eligibility criteria (see section 3.3).

The nearest qualifying school for a pupil attending a special school or specialist unit will be the nearest appropriate special school or unit that can meet their needs. Parents who choose a different school or unit will not qualify for transport assistance.

Where a special school or unit is named in the pupil's statement or EHCP because of parental preference, free transport will not normally be provided if it is not deemed to be the nearest school able to meet the pupil's needs.

- 2.4 The **statutory walking distance** is:
- (a) two miles for pupils under eight.
 - (b) two miles for pupils aged 8-16 from a low-income family (see 2.6).
 - (c) three miles for other pupils aged 8-16.

The measurement of the 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 in reasonable safety. As such, the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads.

Walking Distance will be measured from the home boundary to the nearest school gate. This may not be main school gate, but may be the closest access point.

- 2.5 **Motorised Routes** are those passable by using a suitable motorised vehicle. Paths and roads not passable by motorised transport will not therefore be considered. Measurements will be made by the Authority's Education Transport Office using Google Maps or other appropriate measurement system used by the Authority at that time.

Motorised routes will be used to calculate the distance from home to school when there is no qualifying school within statutory walking distance of the child's home.

- 2.6 **Low-income families**; pupils shall be considered to be from a low-income family if they are entitled to free school meals, or if a parent with whom they are ordinarily resident are in receipt of their maximum level of Working Tax Credit. Proof will be required.

For pupils granted free transport on the grounds of entitlement to free school meals, or their parent's receipt of the maximum level of Working Tax Credit, eligibility will need to be confirmed during each academic year.

Where pupils are granted free school meals on a non-statutory basis, or if parents are unable to prove they are in receipt of their maximum level of Working Tax Credit, the pupils shall not be considered to be from a low-income family for transport purposes.

3 **ELIGIBLE PUPILS.**

3.1 **Background.**

Under Section 508B Education Act 1996, the Authority must provide certain categories of pupils with free home school transport. The following groups of pupils are currently considered eligible for free transport.

Unless eligible under section 3.3 of this policy, pupils should be attending the nearest qualifying school to qualify for free transport (see section 2.2). Section 3 applies only to children of compulsory school age, and does not provide any entitlement to those aged under 5 or those who are 16 or over and are no longer of compulsory school age.

3.2 **Pupils living outside Walking Distance**

Statutory walking distance is a threshold which determines whether the responsibility for travel sits with the Council or with the child's parent. It

does not mean that pupils must walk the distance. It is the responsibility of parents who live under the qualifying distance to decide how to get their child(ren) to and from school.

Free home to school transport assistance will be available to pupils attending their nearest qualifying school, where the distance from home to school by the shortest available walking route exceeds:

- (i) Two miles for pupils under the age of 8 years
- (ii) Three miles for pupils aged 8 – 16

Where a pupil qualifies for Home to School Transport under the age of 8 due to the distance being more than 2 miles but less than 3 miles, transport assistance will continue until the end of the academic year in which they turn 8 years old.

3.3 Pupils from low-income families:

Where a pupil is considered to be from a low-income family free Home to School Transport assistance will be provided:

- (a) To pupils aged 8-11, attending the nearest qualifying school, if more than two miles from their home by the shortest available walking route.
- (b) To pupils aged 11-16, attending one of their three nearest qualifying schools, provided it is more than two miles (by the shortest available walking route), but not more than six miles (by motorised route) from their home.
- (c) To pupils aged 11-16, attending the nearest qualifying school which accords with the parents' religion or belief, provided it is more than two miles (by the shortest available walking route), but not more than fifteen miles (by motorised route) from their home.

Where an application for transport is made on grounds of religion or belief, the Authority will require written evidence to support that application. It is the applicant's responsibility to provide this information. This may include written confirmation from third parties supporting the religion or belief claimed. Providing such evidence is no guarantee of free transport, as the final decision as to whether the application meets the criteria for being based on grounds of religion or belief will sit with the local authority.

3.4 Pupils unable to walk in safety to school because of the nature of the route.

Where pupils live within the statutory walking distance of the nearest qualifying school, and the pupil attends that school, the local authority may, in certain circumstances, be under a duty to make travel arrangements.

These include where the nature of the route is such that a pupil cannot reasonably be expected to walk, accompanied as necessary, in reasonable safety. (See 'Accompaniment' Appendix B & section 3.14),

and no alternative suitable route of under statutory walking distance exists.

The Council has a detailed policy for carrying out route assessments. Further information is provided in Appendix A.

Where a parent believes that the route from home to school is not safe they can request that the route is assessed. The route will then be assessed by the local authority if, it has not been assessed in the last 3 years or if the parent provides evidence that circumstances on the route have changed since the last assessment. Parents will need to complete the request form which can be obtained from the Education Transport department directly, using the contact details in section 12.

3.5 Pupils with a Statement of Special Educational Needs or an Education Health & Care Plan (EHCP)

Entitlement to free school transport assistance for a pupil with special educational needs and/or a disability who has a Statement of Special Educational Needs or an EHCP is based on the following criteria. Where a parent chooses to send their pupil to a more distant school or specialist provider, even though the nearest qualifying school is able to meet the pupil's needs, they will normally assume responsibility for the provision of transport and any associated costs, subject to the rules set out in *Dudley MBC v Shurvington* (2012):

- **The pupil is a Warwickshire resident**
- **The pupil holds a statement of special educational needs, an Education Health & Care Plan (EHCP) or is accessing a placement for continuous assessment such as;**
 - A designated speech and language unit
 - A specialist nursery
- **The pupil is attending the nearest qualifying school**

The **nearest qualifying school** is a qualifying school that provides education appropriate to the age, ability, and aptitude of the pupil, and taking into account the child's special educational needs. For most children this is still likely to be their nearest mainstream school.

In the case of a pupil whose needs cannot be met in mainstream but which can be met in a generic Warwickshire special school, this is likely to be the school which serves that area of the County. Further details are available in Appendix C (this will be updated annually or as and when required). It could also be another school if closer to home by the shortest available route.

If the child's needs cannot be met in either mainstream or in a generic special school, the nearest qualifying school would depend on the specific requirements of the pupil. This could be a specialist special school, satellite provision or resourced provision within mainstream

schools (please see Appendix C for full details), or provision made through the Flexible Learning Team as written into the child's EHCP.

Where a parent chooses to send their pupil to a more distant school or specialist provider, even though the nearest qualifying school is able to meet the pupil's needs, they assume responsibility for the provision of transport and any associated costs. Such circumstances will be noted on the Statement of Special Educational Needs or EHCP.

- **Distance**
EITHER
- **The Pupil has been assessed as having mobility difficulties or health and safety issues related to a disability or special educational needs that makes it impractical to safely walk to school, even if accompanied.**

OR

- **The Pupil lives over the statutory walking distance from the school**

Upon application from the parent who considers that their child has mobility difficulties or health and safety issues related to a disability or special educational needs that makes it impractical to safely walk to school, even if accompanied, that County Council will arrange for an assessment of their needs to determine whether transport assistance is necessary to facilitate access to school. The pupil's individual needs will be taken into consideration as well as the nature of the route to/from school. The pupil's EHCP may be used to obtain information about their specific needs.

Please see Appendix D for a list of the assessment criteria and the supplementary information that may be required to support the application. All applications will be considered on an individual basis, in line with any relevant law or legislation. The type of transport assistance offered may vary depending on the pupil's individual needs. Independent Travel Training will be considered an appropriate form of assistance where the pupil has been assessed as being suitable (see section 5.1/5.3). Refusal to engage in the training may result in no further transport assistance being offered.

If the pupil lives over the statutory walking distance from the school and all other criteria are fulfilled then transport will be provided without a need for a full assessment of the child's needs.

3.6 Pupils with special educational needs attending a specialist Nursery

Free transport will be provided to children in early years where:

- They are resident in Warwickshire;

- The pupil is attending the nearest appropriate specialist nursery provision and has a place confirmed by IDS (Integrated Disability Service); and
- The pupil is aged 3 or 4 years old

3.7 Children Looked After

Arrangements for children who have been placed with foster carers may differ slightly, as the school attended by the child may be set by the Local Authority, which would make that school the nearest qualifying school, but the Local Authority is clear that this policy applies to all Looked After Children. Foster carers should agree arrangements for the provision of transport to school with the child's social worker prior to placement.

3.8 Managed Moves

Pupils placed by the Local Authority into a school as a managed move may qualify for transport assistance. This would normally be funded by the Area Behaviour Partnership (ABP) and will depend on the circumstances of the case.

3.9 Fair Access Protocol (FAP)

Where a pupil has been placed at a school by the Local Authority under the FAP, they may receive transport to facilitate their attendance, should it be considered necessary to do so.

3.10 Pupils unable to walk to school by reason of their medical needs

Where a pupil (up to 16 years of age) has a disability, mobility issues or short or long-term medical needs, which prevent them from walking to school, transport assistance will be considered.

A pupil of compulsory school age will be eligible for free home to school transport, if they attend their nearest qualifying school and if they cannot reasonably be expected to walk to that school because of their disability or mobility problems.

Evidence of any conditions or difficulties will be required from relevant professionals. Applications under this criterion must evidence that the pupil's disability prevents him or her from walking the statutory walking distance to school, even if accompanied by a responsible adult.

Eligibility will be assessed using the information provided on the application form. Parents / carers will be responsible for providing supporting evidence and it may be necessary to seek guidance from relevant professional agencies. Evidence may be a letter from a paediatrician or a consultant psychologist, for example.

Should transport assistance be agreed, it will normally be on a time-limited basis. Transport assistance for those with short term medical

problems will be agreed for up to 8 weeks, subject to review at the end of the period if necessary. Long term medical conditions will normally be agreed for the academic year, with a new application required for the following academic year.

Parents should apply using the 'Transport Assistance for Pupils on Medical Grounds' application form. This can be found at <http://www.warwickshire.gov.uk/educationmedicaltransport> or requested from Education Transport by using the contact details in section 12.

Students over the age of 16 should apply either under the 16-19 transport policy (section 10) or under the 16-25 policy (section 11). If the student has an EHCP, statement or learning difficulties / disabilities. They should not apply for transport assistance using the 'Medical Grounds' application form.

3.11 Pupils Educated Outside of Year Group/Deferment

Occasionally, pupils may be placed in a year group below their chronological year group assumed by their date of birth. Deferred entry to school would also mean that a pupil is educated outside of their normal year group.

Pupils who are legally entitled to free transport assistance would continue to receive assistance until the end of the academic year in which they reach the age of 16. Transport assistance after this time would depend on the Post-16 policy and become chargeable, further details of which can be found in section 10 of this policy.

3.12 Accompaniment

It is the responsibility of those with parental responsibility to make suitable arrangements to ensure that their child is accompanied on walking routes to school, if it is considered by the parents that the child's age, ability and levels of understanding make this necessary. The Authority will therefore not provide transport solely because parents have not made such arrangements, unless exceptional circumstances apply. Such circumstances may include where disability means that no parent is available to accompany the pupil along a walking route to school. In circumstances such as this, parents will be responsible for providing supporting evidence and it may be necessary to seek guidance for relevant professional agencies.

Production of evidence is no guarantee of free transport and each case will be assessed on an individual basis. It is the general position of Authority that parents are expected to manage ensuring that their children are accompanied to school alongside any work commitments that they may have. Details on the law can be found in Appendix B.

4 GENERAL PRINCIPLES APPLYING TO TRANSPORT PROVISION UNDER THIS POLICY FOR THOSE OF COMPULSORY SCHOOL AGE.

4.1 Eligibility.

The Education Transport section will establish eligibility for free transport. This will take place on application once places at schools have been allocated, and accepted by the parents. Only one application may be made per academic year (unless there is a significant material change of circumstances such as a house or school move).

Warwickshire County Council only provides free home to school transport to Warwickshire residents. However, non-Warwickshire residents may apply for transport assistance under the Council's Vacant Seats Scheme. (See section 8.2).

By law, a pupil is not entitled to free transport until he / she reaches statutory school age (at the beginning of the first term to start after the child's fifth birthday). Since Warwickshire's policy is to admit pupils from the start of the academic year in which they become five, transport provision will normally be made from the time of their admission. Transport assistance will not be provided before this time except in accordance with section 3.6.

Parents have the opportunity to express a preference for the pupil to attend any school. However, when pupils do not attend the nearest qualifying school, there is no requirement to provide transport, unless eligible under a relevant section of this policy.

If parents have been unable to secure a place for the pupil at the nearest qualifying school, free transport assistance will normally be provided to the next nearest qualifying school if this is above the statutory walking distance.

However, where the pupil initially attends the nearest qualifying school, and then transfers to another school, free transport will only be provided if the new school is considered the nearest qualifying at the time of application and the journey from home to school is over the statutory walking distance. If the school being applied for is further away than the child's initial setting then it is unlikely that transport assistance would be provided, unless evidence exists to confirm that the child's initial setting is not a suitable school for them.

The route used for determining eligibility for free transport will be that which is the nearest available to a child, accompanied as necessary, to walk along with reasonable safety to school. (See 2.3 / 3.4)

4.2 Divorced / Separated Parents

Where parents are divorced or separated and the pupil spends time living with each parent at different addresses, eligibility for free transport

will depend on the nearest qualifying school (see section 2.3 for definition) for each of the parent's addresses.

If the nearest qualifying school is the same school from both parent's addresses, then free transport will normally be provided from each address (dependent on the usual eligibility criteria).

However, where the chosen school is only deemed to be the nearest qualifying from one parent's address, transport would only be provided from this address (subject to the normal eligibility criteria).

A vacant seat may be purchased to facilitate travel from the alternative address provided a seat is available (see section 8.2 for further details).

4.3 Review of Entitlement (for pupils with a Statement of SEN or an EHCP)

The pupil's entitlement to free transport will be considered following each annual review of their Statement or EHCP, and should be discussed at each annual review meeting for children currently in receipt of transport assistance. The outcome of these reviews will include whether the pupil still qualifies for free transport assistance, if transport needs to continue and if so, what provision is most appropriate. Options for independent travel, and independent travel training, will be explored where possible.

4.4 Withdrawal of Transport.

All Warwickshire County Council services are reviewed on a regular basis.

The local authority reserves the right to withdraw free transport if a pupil ceases to be eligible, or if it is discovered that transport has been granted in error. One term's notice will be given. Where it is established that parents have fraudulently applied for transport the Local Authority reserves the right to withdraw free transport immediately and to recoup the costs of transport provided to date.

Occasionally, the local authority may decide that a service is no longer financially viable. This is normally when few or no entitled students are travelling. In these cases, all passengers will be given a minimum of one term's notice. Any eligible students will be accommodated on alternative provision whilst vacant seat / post 16 students will be required to make their own arrangements.

4.5 Behaviour

Warwickshire County Council expects all pupils to behave in a considerate way when travelling on transport either provided, or arranged by the local authority.

Further details on the standard of behaviour expected can be found on the application form for transport assistance. Parents / Carers, and

students of secondary school age will be required to accept the relevant Terms and Conditions of Travel.

The Authority reserves the right to withdraw a pupil's entitlement to free home school transport without notice if a pupil misbehaves whilst on transport provided under this policy.

For serious breaches of the Terms and Conditions of Travel, the Authority reserves the right to permanently withdraw transport. Parents will then be responsible for transporting the pupil to school although a direct travel payment may be paid (see 5.2).

For pupils with an EHCP, where behavioural problems may be the result of an additional need, alternative transport may be procured in exceptional circumstances where problems exist on the current provision. This will be the last resort after all other solutions have been explored. Alternative transport can take up to 15 working days to arrange.

4.6 Parent's Responsibilities

Parents are responsible for ensuring that the pupil reaches the pick-up point and that they board the vehicle safely. They should also ensure that the pupil is aware of the need to fasten their safety belt (where provided) and to not move around the vehicle during the journey.

Parents should also ensure that a responsible adult is there to meet the pupil at the drop-off point at the end of the school day, or that the pupil is able to make their way home by other means.

If a pupil's parents are not at home when they are brought home / to a drop-off point, any additional costs, e.g. waiting time, extra mileage, will be met by the parents. In such circumstances, it may be necessary to take the pupil to the local police station, and / or seek guidance from social services. In the case of repeat incidents, the local authority reserves the right to withdraw / amend the transport provision. A direct travel payment may be offered in lieu of free transport (see 5.2).

5 PROVISION OF TRANSPORT FOR THOSE OF COMPULSORY SCHOOL AGE.

5.1 Transport Arrangements

Transport assistance provided may include (but is not limited to) dedicated school bus services, public buses, specialist vehicles, or an appropriate combination. Direct travel payments may be provided, with parental agreement, under the scheme in section 5.2.

Independent travel training (section 5.3) is offered to pupils with SEN who have been assessed, by a professional advisor, as being suitable. Pupils will be expected to participate unless they have been assessed, by a professional advisor, as being unlikely to benefit from such training.

If your child has been successfully trained to travel independently, it will be expected that they will then take up a suitable alternative form of transport (such as a bus pass or by walking/cycling). Refusal to accept this alternative will be deemed as declining the Local Authority's offer of travel assistance and no alternative assistance will be provided.

Transport arrangements will be made by the Transport Operations department within the local authority's Communities Group to ensure the most effective and efficient use of resources. Dependant on the arrangements required, this may take up to 15 working days to arrange. The offer will be the most cost effective from a range of options and will be offered based on an individual consideration of the safety of the pupil. The Council reserves the right to change the offer at any point during the year, if necessary.

Where eligible, free transport will be provided for one return journey per day, for arrival at school prior to the beginning of the normal school day, and departure from school after the end of the normal school day, to and from a pick-up / drop-off point at or near the child's home address (taking into account Section 4.2).

No transport assistance will be offered to enable children to attend wrap-around provision, breakfast clubs, paid employment, extra-curricular activities or any other provision which exists outside of normal school hours. Similarly no transport will be provided to any site other than the school's main campus. No transport assistance will be provided to college day release programmes, work experience or other school sites.

Eligibility for travel assistance will be reviewed annually or when there is a change in circumstances. For pupils with a statement of special educational needs or an EHCP, this will be done following the annual review of the statement or EHCP. Any changes will be implemented from the start of the next school term or sooner if mutually agreeable.

Costs incurred by parents will not be reimbursed unless an application has been rejected in error.

In the case of adverse weather, if the school is open, the Operator may still decide that road conditions are too treacherous to be able to run the service. Unfortunately, in such circumstances Warwickshire County Council is unable to give any refunds / reimbursement.

On occasions, it may be necessary to transfer pupils to an alternative service. While as much notice as possible will be given, the safety of passengers may necessitate changes at short-notice.

Pupils will be expected to make their own way, accompanied as necessary, to a pick up point which is within one mile of the home address, except where for reasons related mobility or special educational needs this is not practical.

As a general rule, no pupil should be on a vehicle for longer than 75 minutes one way, if aged 11 or over, or 45 minutes if under the age of 11. This will not however be possible in all circumstances, and the local authority reserves the right to offer transport assistance with longer journey times if this is unavoidable.

Passenger assistants will not be provided on vehicles transporting pupils to schools unless there is a need related to a pupil's special educational needs or disability, or in other very exceptional circumstances.

Where it is necessary for a passenger assistant to be provided for a particular contract, the operator will ensure the presence of an assistant who is familiar with the operation of any equipment e.g. safety belts and harnesses, and will ensure their proper use.

The Local Authority's policy is that all vehicles transporting pupils to primary school should be fitted with seatbelts. All transport assistance provided under arrangements made by the Local Authority will be in accordance with legal requirements. Provided that the additional cost is not excessive, when letting contracts to transport pupils to secondary school, preference will be given to tenders that will provide transport fitted with seat belts.

If parents make any changes to transport arrangements, e.g. by contacting an operator directly, no additional costs will be met by the local authority, unless by prior agreement with Education Transport.

In addition, any cancellations to transport provision must be made at least 24 hours in advance (except in unavoidable situations such as illness). Persistent cancellations which do not meet this timescale may result in transport being withdrawn and a direct travel payment offered in its place (see 5.2).

5.2 Direct Travel Payments

Where transport does not currently operate, in the first instance, parents will be given the opportunity to convey the pupil themselves or to make their own arrangements and to receive a direct travel payment (DTP). DTPs will not be provided unless agreed by the pupil's parents.

DTPs will be calculated based on two return journeys from home to school per day and are paid half-termly in advance. The amount paid per mile is reviewed annually. Parents will be informed of the current rate at the time of application. Enhanced travel payments may be agreed in exceptional circumstances.

Direct travel payments will only be given when financially viable and when no existing transport is in place. Should a more cost effective method of transport become available, the Local Authority reserves the

right to withdraw the DTP. Should a parent decide they can no longer accept a DTP, they must give at least 14 days' notice.

DTP payments are subject to audit, and the Local Authority reserves the right in all cases to demand to see evidence that payments made have been spent solely on transporting the pupil to and from school. Should evidence exist that payments have been used for other purposes then the Local Authority would immediately terminate the arrangements and begin proceedings to recover the amounts in question.

If, due to periods of absence or otherwise, not all of the amounts paid to a parent have been necessary for the purposes of funding home-to-school transport, the Local Authority reserves the right to reduce future payments or to demand repayment of unused amounts. The Local Authority also reserves the right to gain access to a child's attendance register record in order to check levels of attendance, and to speak with school staff and others in order to gain information about a child's home-to-school travel arrangements.

Full terms and conditions can be found on our website:

<http://www.warwickshire.gov.uk/direct-travel-payments>

5.3 Independent Travel Training (for pupils with SEN)

Where appropriate, the local authority will identify pupils suitable for travel training to encourage independent travel. Upon completion of training, it will generally be expected that pupils will use more sustainable modes of transport to get to/from school (such as school/public buses or walk) in place of specialist transport. The local authority will make arrangements accordingly, taking into account an assessment of the pupil's abilities and on-going needs. For more information about travel training, please contact Education Transport using the contact details in Section 12.

5.4 Ad-hoc/Emergency Travel Provision (for pupils with SEN)

When a request for an emergency change to transport is made, supporting information may be requested from third parties (such as contract operators or schools) before a decision can be reached.

These arrangements will normally be time-limited; the end date will be communicated to parents at the time of agreement.

Requests will be taken to Moderation (a meeting of SEN Officers to discuss complex cases and transport requests) by officers from Education Transport for consideration. Transport may be arranged for up to 5 working days in the interim period.

6 HOW TO APPLY FOR TRANSPORT FOR THOSE OF COMPULSORY SCHOOL AGE.

6.1 The Application Process.

Parents / Carers should complete the 'Application for Transport Assistance for Pupils of Statutory School Age (Up to 16 years)' form. This can be found online at <http://www.warwickshire.gov.uk/transporthehelpunder16> or by contacting the Education Transport department directly (see section 12).

For pupils with a statement or EHC Plan the 'Application for Home to School Travel Assistance for Pupils with Special Educational Needs & Disabilities (SEND)' should be completed. This can be found online at <http://www.warwickshire.gov.uk/travelhelpunder16> or by contacting SENDAR (see section 12).

Submission of the application form is taken as agreement to the conditions of travel.

If the form is not fully completed, it will not be possible to process the application, and the form will be returned.

If the application is based on the grounds of religion or belief (in accordance with Section 3.3), or to a school which is not the nearest qualifying establishment, parents should supply as much information as possible. The Local Authority will require written evidence to support applications for transport made on religious grounds. Further information may be requested by the Education Transport department if considered necessary to correctly assess the application.

All applications will be processed as quickly as possible. However, no travel costs incurred whilst waiting for a decision on Home to School Transport will be reimbursed.

Completed Application Forms should be sent to the Education Transport Department or to SENDAR for those with a statement or EHC Plan. Contact Details can be found in section 12.

6.2 Replacement Passes.

If a pass has been lost, stolen, damaged or confiscated, it needs to be replaced. Pupils who attempt to board a service without a valid bus pass may be refused access to transport, or may be required to pay a daily fare. Any costs incurred whilst waiting for a replacement pass are non-refundable.

A new pass will be issued upon payment of the appropriate administration fee. Passes are issued as quickly as possible, after payment has been received.

The replacement pass fee is payable in all cases where a pass is to be reprinted. (This includes requests to change services, change of name etc.)

Payment, along with a completed Replacement Pass Application Form, should be sent to the Education Transport Office at the address shown in section 12. Alternatively passes may be ordered and paid for over the phone.

For replacement commercial passes (such as Stagecoach), a higher administration fee will normally be charged. These prices are set by the individual company.

6.3 Temporary Passes.

Some schools operate a temporary pass scheme which may be available if a pupil loses a pass during the school day. These passes allow the pupil to travel home from school and from home to school the following day. Along with the temporary pass, pupils will be issued with a replacement pass form. This needs to be returned to the school the following day along with the appropriate payment. The school will then issue pupils with a further temporary pass, valid for a fixed period, and will send the replacement pass form to the Education Transport section. A new pass will then be issued.

Not all schools operate a temporary pass scheme and pupils / parents should contact schools directly for further details.

7 APPEALS.

7.1 Introduction.

A parent who applies for free home to school transport under this policy, and who is refused any such assistance, has the right of appeal. The Strategic Director for the Communities Group or officers nominated by him/her have via the appeals process the power to authorise the provision of free or assisted transport and / or waive any charges in whole or in part in exceptional circumstances.

Parents are able to appeal to challenge the local authority's decision about the following:

- The transport arrangements offered;
- Their child's eligibility;
- The distance measurement in relation to statutory walking distances; and
- The safety of the route

For any other issues not set out above, please follow the local authority's complaints procedure which can be found on the website by visiting <http://www.warwickshire.gov.uk/councilcomplaints>

7.2 How to Appeal.

Stage one: Review by a senior officer

Parents must submit their request for a review of the decision to refuse transport assistance by completing the 'Appeal Request Form' (available online or through Education Transport - see section 12). This should be sent to the Lead Officer for Education Transport (either by email or post) within 20 working days from receipt of the decision. Please note that the decision will be deemed served 2 working days from the date of posting, if sent by first class post, or on the day if sent via email. Appeal requests received outside of this timeframe will be rejected.

The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances that the parent believes should be considered when the decision is reviewed, as well as providing any relevant evidence

Consideration will be given to the views of the parent, the student and those of Headteachers and other professionals/agencies as provided by the parent or consulted as part of this process (where relevant).

Within 20 working days of receipt of the parent's written request the Lead Officer for Education Transport (or another senior officer in their absence) will review the original decision and send the parent a detailed written notification of the outcome of the review.

Please note stage one appeals for students with a statement or EHCP will be considered by a moderation panel and the outcome conveyed to parents in accordance with the timescales above.

Stage two: Review by an independent appeal panel

Parents have 20 working days from receipt of the local authority's stage one written decision to make a written request to escalate the matter to stage two. As stated above, the decision will be deemed served 2 working days from the date of posting if sent by first class post, or on the day of sending if sent via email. Appeal requests received outside of this timeframe will be rejected.

Within 40 working days of receipt of the request, an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case (including all past correspondence in relation to the stage 1 appeal) and gives detailed written notification of the outcome including the information considered and the rationale behind the decision (within 5 working days of the review meeting)

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

Once the date of the meeting is set, parents will be given a deadline for the submission of any supporting evidence. Late evidence submitted may mean that the meeting has to be adjourned to enable the panel to consider it.

Successful Appeals

If an appeal for transport is successful at either stage, and a decision is taken to provide transport as an exception to the home to school transport policy, the decision will only apply to the student in question. Transport applications for siblings, or any existing transport arrangements for siblings will be assessed in line with the relevant sections of this policy.

For the avoidance of doubt, any transport costs incurred by the family between the initial decision and the outcome of the appeal will not be reimbursed.

Unsuccessful Stage Two Appeals

Where a parent believes the local authority has failed to comply with the procedural rules or if there are any other irregularities in the way the appeal was handled they have the right to complain to the Local Government Ombudsman. If a parent considers the decision of the independent panel to be flawed on public law grounds namely illegality, irrationality and procedural impropriety, they may apply for judicial review.

Parents of students with special educational needs who require support for this process are advised to contact SENDIAS (Special Educational Needs & Disability Information, Advice and Support) for assistance. Contact details can be found in section 12.

8 TRAVEL ARRANGEMENTS FOR NON-ELIGIBLE CHILDREN OF COMPULSORY SCHOOL AGE & STUDENTS AGED 16-19

8.1 Introduction

The local authority has discretion to make travel arrangements for pupils of compulsory school age who do not meet the criteria for free transport and for young people over the age of 16 continuing in education or training.

If, after entitled pupils have been accommodated, spare places still exist on contracted vehicles, these may be offered to pupils in exchange for a contribution towards transport costs, subject to the eligibility criteria in section 8.2. Students will normally be provided with a bus pass. This is valid for one return journey per day, at the times shown on the timetable included with the pass.

Where there is no suitable transport, Warwickshire parents/students may be entitled to claim direct travel payments (16-19 students only – see section 8.5).

Applications should be made as early as possible. Full reimbursement of payments can be made should plans change prior to the start of the autumn term. Applications received after the deadline are not guaranteed to be processed in time for the start of term.

8.2 Paid Transport

Spare seats will be allocated to pupils based on the categories below. The categories are listed in order of priority (highest first):

- 1) Pupils who have travelled on the bus service they are applying for in the previous academic term.
- 2) Warwickshire residents who have not previously travelled under the scheme, or who are applying for a different service
- 3) Non-Warwickshire residents who have not previously travelled under the scheme, or who are applying for a different service

Seats will be allocated subject to the following conditions:

- 1) A pass will be withdrawn if;
 - The place is required for an entitled traveller,
 - the service is withdrawn, or
 - the route is altered

One term's notice will be given, except for pupils travelling by taxi, where a minimum of one week's notice will be given.

2) Where a pass is withdrawn after payment has been made, a refund will be made based on the number of days travelled.

3) Passes are not available on public transport services.

4) Seats can only be allocated once all entitled travellers have been accommodated. Parents should therefore make alternative arrangements until they have received confirmation that a seat is available.

5) A parental contribution is required for the scheme. If the contribution is not received, pupils will not be able to travel.

6) Passes can only be used at the start and end of a school day at normal school hours. Timetables are normally supplied with bus passes but are also available on our website; <http://www.warwickshire.gov.uk/schoolbustimetables>.

7) You must wait for the pass to arrive before attempting to use the bus. If the bus pass cannot be presented to the driver when requested, travel will be refused.

8) Vehicles will not be re-routed to accommodate pupils under the scheme, nor will extra/larger vehicles be provided to increase the availability of seats.

8.3 Replacement Passes

If a pass is lost or stolen a charge will be made for a replacement. Any costs incurred whilst waiting for a replacement pass will not be reimbursed. (See 6.2)

8.4 Refunds

Where a parental contribution is received and transport assistance is no longer required, a refund may be issued once the pass has been returned, strictly at the County Council's discretion. Any refund will be made on a pro-rata basis and no refunds will be available if the pass is not returned.

8.5 Direct Travel Payments – Post 16 Students Only

Direct travel payments are only offered to Warwickshire residents when there is no suitable Warwickshire County Council or commercial transport available between home and school/college. If this is the case you will receive a letter advising you of this.

To qualify, students should be:

- (a) Studying at the nearest suitable school, college or local authority funded training provider offering the qualification of choice* for the young person;
- (b) Studying a full time course (at least 540 guided learning hours per year).
- (c) Travelling more than 2 miles to the nearest pick up point

*When considering whether a qualification is “the qualification of choice for the young person”, we take into account the end qualification awarded (not the individual units taken, or the name of the course), the training provider having a place available to offer on that course, and that the students meet the entry requirements demanded by the training provider;

Parents / students may use their own vehicle or public transport to get to school/college. Applicants entitled to a direct travel payment will be sent three claims forms (one for each term) to claim back £110 per year (or £220 if in receipt of a qualifying benefit*). Students who receive a direct travel payment can then also apply to travel on a Warwickshire County Council service (normal terms and conditions then apply).

Those in receipt of direct travel payments under the 16-19 scheme will have to show receipts which illustrate that at least the amount being claimed back has been spent by the family on transporting the student to

and from college before payments will be made. Additional evidence may be demanded by the County Council.

*A qualifying benefit can be one of the following; Income Support, Income Based Job Seekers Allowance (or equal based Income based & Contribution based JSA), The Guarantee Element of State Pension Credit, Income related Employment & Support Allowance (or equal based Income based & Contribution based ESA), The Maximum Level of Working Tax Credit, Child Tax Credit (with an income not exceeding £16,190), Support under Part VI of the Immigration and Asylum Act 1999 or Universal Credit (with an annual income of £7,400 or less).

8.6 **How to Apply.**

Parents / Carers should complete the 'Application for Paid Transport' form, and return it to the Education Transport office. Address details can be found in section 12, and on the application form. The application form is also available online; <http://www.warwickshire.gov.uk/schooltravel>

Full details of the terms and conditions of the scheme are included as an appendix to the application form, including details of the cost for the current academic year.

Warwickshire County Council's Cabinet agreed in October 2015 that the charges associated with the scheme will increase each year based on the Council's annual income inflation rate.

As seats can only be issued once all entitled travellers have been accommodated, it is often not possible to confirm the availability of a seat until after the start of the academic year. Parents will be therefore responsible for arranging interim transport to and from school and for any costs incurred. These will not be reimbursed.

Please note: The fee payable will depend on the distance from home to school not the distance from the bus stop.

9 **RESPITE/FAMILY LINK TRANSPORT.**

The Local Authority may also provide transport assistance to pupils with a statement of SEN or an EHCP accessing respite care, to travel between school and the respite setting. This support will only be available to pupils who are either "Eligible Pupils" within section 3.5 above or who are accessing post-16 provision at a special school under section 11 of this policy.

Applications should be made using the 'Application for Transport Assistance for Students Accessing Respite Care' form.

For further details of the assistance available and to obtain the application form, please contact the Education Transport Office. Contact details can be found in section 12.

10 TRANSPORT FOR STUDENTS AGED 16-25 WITH A STATEMENT OF SPECIAL EDUCATIONAL NEEDS, EHCP, LEARNING DIFFICULTIES AND / OR DISABILITIES

10.1 Limited Free Post-19 Transport Assistance Availability

For learners with an EHCP or learning difficulties and/or disabilities, free transport assistance will be provided for those beginning new courses after their 19th birthday. This will only be provided if it is considered necessary by the Local Authority for the young person to attend the course, and also necessary for the Local Authority to facilitate attendance at the place of education or training.

In deciding whether it is necessary for the Local Authority to provide free transport assistance in these circumstances, the authority would generally require young people to meet all of the following criteria, in that they should be:

- Resident in Warwickshire;
- Aged 19 or over but under 25 at the start of the academic year in which the course begins*;
- Holding an EHCP or have provided proof of a learning difficulty and/or disability;
- Starting a new course of study for a higher level qualification than has previously been studied for**;
- Attending a full-time course of at least 540 guided learning hours per academic year;
- Unable to travel to the place of education without transport assistance, and with no support available from members of the household in which they reside, other family members, or from personal assistants.***;
- Studying at the nearest suitable school, college or Local Authority funded training provider offering the qualification of choice for the young person. When considering whether a qualification is “the qualification of choice for the young person”, we take into account the end qualification awarded (not the individual units taken, or the name of the course), the training provider having a place available to offer on that course and that the students meet the entry requirements demanded by the training provider;
- Travelling further than the statutory walking distance of 3 miles by the shortest available route or, due to the young person’s special educational needs, disability and/or mobility problems, they cannot reasonably be expected to walk to the place of education, accompanied as necessary; and
- Attending during the normal school/college day and during term time only

*This provision will not be available for anyone beginning a new course of study before their 19th birthday, and will not be available for anyone after the end of the academic year which includes their 25th birthday.

**For the purposes of deciding whether to provide free transport the Local Authority would not consider it necessary, other than in exceptional circumstances, for a young adult learner to attend an additional Further Education course at the same level or equivalent where the learner had previously attended and completed a course at an establishment within the Further Education sector.

*** If the young person is in receipt of the higher rate mobility component of the Personal Independence Payment or Disability Living Allowance, the purpose of which is to assist those who have mobility problems, with severe difficulty walking or who need help getting around outside, it would normally be expected that this benefit will be fully utilised before assistance under this section is sought. Similarly, if the young person has access to a 'Motability' vehicle, of which the student may or may not be the driver, then we would normally expect the carer/student to make their own appropriate transport arrangements.

Transport will only be provided to the main campus of the young person's registered educational placement. Transport to any other address or setting will be the responsibility of the educational establishment, the young person's parents or the young person themselves.

Transport assistance may also be provided in exceptional cases where the above criteria are not all met. In those circumstances the Local Authority would have regard, non-exclusively, to:

- 1) the young person's age, ability and aptitude;
- 2) any learning difficulties the young person may have;
- 3) the locations and times at which the education or training is provided;
- 4) the nature of the route, or alternative routes, which the learner could reasonably be expected to take;
- 5) the ability of other members of the young person's household to transport the learner to and from the educational placement; and
- 6) the ability of the young person to travel independently.

The type of transport assistance offered will be determined by the Local Authority and will be one of the following:

- Direct travel payments made to the parent/carer;
- Independent travel training for the young person;
- A bus or train pass;
- A specialist vehicle (as a last resort, only when absolutely necessary)

If the Local Authority deems that the student does not qualify for free transport assistance, transport would remain the responsibility of the young person or their Parent/Carer. There is no option to pay for transport provision under these circumstances.

10.2 Contributory Transport for Learners Aged 16-19

In addition to transport offered under section 11.1, support with transport may be considered for students who meet the following criteria:

- resident in Warwickshire on the 1st September prior to the beginning of the course;
- agrees (or family agree) to pay a flat rate charge as a contribution towards the cost of transport;
- has a current statement / EHCP or has provided proof of learning difficulties and/or disabilities;
- is aged over compulsory school age and under 19 years on the 31st August before the course starts;
- is attending a full-time course (over 540 guided learning hours per year);
- is attending the nearest qualifying special school*, sixth form or the nearest college offering the qualification of choice** for the young person; and
- has a journey from home to school or college which is more than three miles measured by the shortest available route to the place of study or, following consideration of the student's special educational needs and/or disabilities, the Local Authority has concluded that they would be unable to get to the establishment unless transport assistance was provided.

*(A student's nearest qualifying school is the nearest establishment that can provide education appropriate to their age, ability, and aptitude, whilst taking into account any special educational needs that they have. The nearest qualifying school will be calculated with reference to section 2.3 of this policy)

**When considering whether a qualification is "the qualification of choice for the young person", we take into account the end qualification awarded (not the individual units taken, or the name of the course), the training provider having a place available to offer on that course, and that the students meet the entry requirements demanded by the training provider.

The Local Authority encourages young people to travel independently. Direct travel payments are available when no existing Local Authority transport is operating. For more information, please contact us using the details found in section 12 of this document.

Transport is procured for the start/end of the school day although reasonable adjustments will be made to provide transport which accommodates student's individual timetables. However, when considered necessary and reasonable, students may be required to wait at college at the beginning or end of the day.

The Local Authority will seek advice from relevant professionals if there is any dispute over the nature of transport requested / required.

A bus pass for travel during off-peak hours may be available through the England National Concessionary Travel Scheme which the Local Authority

operates on behalf of central Government. Please contact the Concessionary Travel Team via www.warwickshire.gov.uk/freebustravelfordisabledpeople or call 01926 359180 for further details.

10.3 How to Apply

Parents / Carers should complete the relevant application form, and return it to the Education Transport office. Address details can be found in section 12, and on the application form. The application form can be found online <http://www.warwickshire.gov.uk/travelhelpover16> or by contacting the Education Transport department directly.

Full details of the terms and conditions of Transport Assistance for Students Aged 16-25 are included on the application form, including details of the parental contribution for the current academic year.

Warwickshire's Cabinet agreed in October 2015 that the charges associated with Post 16 transport will increase each year based on the Local Authority's annual income inflation rate.

11 CONTACT DETAILS

11.1 Education Transport (For all questions about eligibility, policy, refunds, replacement passes and the application process).

Post: Education Transport
Communities Group
Saltisford Office Park
Ansell Way
Warwick, CV34 4UL

Telephone: 01926 412929 (Option 1, Option 1)
(Mon – Thu 8.30 – 5.00, Fri 8.30 – 4.30).

Email: educationtransport@warwickshire.gov.uk

11.2 Transport Operations (For all questions about routes, timetables and any service queries).

Post: Transport Operations
Communities Group
PO Box 43
Shire Hall
Warwick, CV34 4SX

Telephone: 01926 412929 (Option 1, Option 2)
(Mon – Thu 8.30 – 5.30, Fri 8.30 – 5.00).

Email: busservices@warwickshire.gov.uk

11.3 SENDAR (For questions about transport for children with Statements of Special Educational Needs or EHC Plans attending schools).

Post: SENDAR
Communities Group
Saltisford Office Park
Ansell Way
Warwick, CV34 4UL

Telephone: 01926 742160
(Mon – Thu 9.00 – 5.00, Fri 9.00 – 4.30).

Email: Sendtravelapplications@warwickshire.gov.uk

11.4 School Admissions (For all questions about admission to primary school, secondary school and questions on priority areas).

Post: School Admissions
Communities Group
Saltisford Office Park
Ansell Way
Warwick, CV34 4UL

Telephone: 01926 414143
(Mon – Thu 8.30 – 5.00, Fri 8.30 – 4.30).

Email: admissions@warwickshire.gov.uk

11.5 SENDIAS (SEND Information, Advice & Support Service)

Post: SENDIAS
Canterbury House
Exhall Grange Campus
Easter Way
Ash Green
Coventry
CV7 9HP

Telephone: 02476 366054
(Mon - Fri 9.15 - 2.30)

Email: dawn.rowley@family-action.org.uk

Appendix A

Walking Route Assessment Process

Please note that the current process of assessment is under review and is subject to change.

Background

Where a child lives within the “statutory walking distance” of their nearest qualifying school, transport assistance will be provided if the Local Authority considers the route to school is such that a child accompanied by an adult could not walk it in reasonable safety.

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, as well as recognised roads.

National guidance on the identification of hazards and the assessment of risk of walked routes to school published by Road Safety Great Britain (RSGB) recommends that a route be designated “**unacceptable**” if a child, accompanied as necessary, cannot walk the route in reasonable safety. Whether this is the case in any particular circumstances will be determined by a detailed assessment carried out by Warwickshire County Council staff or their representatives in accordance with national guidance and this policy.

Where parents believe the walk from home to school is unacceptable they can request that the route is assessed. This request should be made by using the form which can be obtained directly from the Education Transport department.

The Local Authority will also periodically review routes currently considered unacceptable ensuring they are assessed against the relevant process.

Principles of Assessment

1. Consideration is given only to relevant highway and traffic conditions and not for personal safety, security or behavioural reasons (which are the responsibility of the parent/carer).
2. It is assumed that children will be accompanied as necessary by a responsible parent or other responsible person appointed by a person with parental responsibility
3. Each route will be considered objectively and on its own merits.
4. The route will be assessed in both directions in the morning and afternoon school run times, and sections considered unacceptable by parents will be walked in both directions. .
5. Where a footway or roadside strip of reasonable width and condition exists or a suitable/adequate public footpath or bridleway is available, this will be considered an acceptable route for that part of the journey.

6. Where a suitable verge exists on a lightly or very lightly trafficked road, which can be stepped onto by the child and accompanying person when vehicles are passing, it will be considered an acceptable route for that part of the journey.
7. Many routes lie along roads having neither footway nor verge. On such roads consideration should be given to the width of the carriageway, traffic speed and composition (such as frequent HGV's) and to visibility (ie. sharp bends with high hedgerows or banks or other obstructions to visibility).
8. Consideration should be given to the relevant injury collision record of the route for the latest 3 year period.
9. Where road crossings are necessary, the availability of facilities to assist such crossings should be taken into consideration. Where no crossing facilities exist an assessment of the risks which may be generated by crossing the road (bearing in mind traffic speeds and flows, sight lines etc) will be made using current guidance laid down in the approved published Road Safety GB Guidelines. Any updated or superseding publication will be considered and adopted where appropriate.
10. It will be assumed that any crossing facilities (zebra, toucan, pelican crossing or other) will be used where they are provided. If such facilities are not provided and the pedestrian is required to cross the road, the "gap time" of passing vehicles will be assessed to determine a safe crossing point.
11. An accurate plan showing the length of the route will be attached to the assessment and retained on file. Acceptable lengths and crossing points will be marked in green and unacceptable lengths and crossing points marked in red.
12. In reaching a decision the officers concerned will make a critical judgement based on whether the route affords sufficient opportunity for pedestrians and vehicle drivers to avoid dangerous conflict while progressing normally along it.
13. The assessment will be carried out by appropriately trained staff either employed by Warwickshire County Council or commissioned to carry out the assessment.
14. Once the assessment is complete a panel of officers will meet to consider the recommendation. The panel will consist of a Head of Service from Communities Group and two other officers. A majority decision is required. A representative from the Traffic and Road Safety Group will attend to provide advice and support to the panel.
15. If the route is considered acceptable then staff within Education Transport will notify the parent / carer.
16. If the route is considered unacceptable then staff within Education Transport will notify the parent / carer and Transport Operations.
17. There is no right of appeal.
18. Routes will only be reassessed upon request if three years have passed since a previous assessment, or if evidence is presented to suggest a significant change in the safety of the route. The nature of the reassessment will depend on whether or not there have been any significant changes to the route or developments in the vicinity.

Route Assessment Summary

For a route to be classified as “acceptable” there needs to be both:

- A continuous adequate footway on roads which have high or medium traffic flow;

or

- Step-offs on roads which have a light volume of traffic but have adequate sight lines to provide sufficient advance warning;

or

- on roads with a very light traffic flow, no step-offs but sufficiently good sight lines to provide adequate advance warning.

AND

- if there is a need to cross roads there must be sufficient gaps in the traffic flow and sight lines to allow enough opportunities to cross safely, or one or more of the following must be provided:
 - Crossing facilities (zebra, pelican or puffin crossings)
 - Pedestrian phases at traffic signals (including necessary refuges)
 - School Crossing Patrols
 - Traffic calming (sufficient to enable safe road crossing)
 - Pedestrian refuges

Frequently Asked Questions

National guidance - what is it?

National guidance is provided by RSGB* for those tasked with assessing the safety of 'walked routes to and from schools' to determine the provision of free school transport for persons under the Education Act 1996 (as amended).

*RSGB (Road Safety Great Britain) - A national road safety organisation that represents local government road safety teams across the UK

Guidelines - What are the scope of the guidelines?

The scope of the guidelines is limited to the risks resulting from the interaction between pedestrians and traffic and does not consider personal security.

Child accompaniment - Does the assessment assume a child is accompanied as necessary?

Yes, and case law makes clear that the decision as to whether an individual child needs to be accompanied, as well as provision of a person to do so, is the responsibility of the child's parents. It also considers that the child and parent will be wearing fluorescent and reflective jackets, particularly on roads with no street lighting, and will be carrying torches.

Street lighting - Does the assessment consider the absence of street lighting?

The presence or absence of street lighting on a route is not considered to be a factor, and torches are expected to be taken if considered by the child's parents to be necessary.

Footway - If part or the entire route has no footway, how is this assessed?

If there is no provision of a footway then an assessment is first made of the traffic flow. A road with heavy or medium traffic flow must have continuous adequate footway provision. Roads with light traffic flow must have adequate step-offs with good sightlines. Roads with very light traffic flow do not require step-offs, but should have sufficiently good sightlines.

Step-offs - What are they?

The term step-off refers to the facility for pedestrians to easily be able to step off the roadway onto reasonably even and firm surface.

Traffic flow - What constitutes a high traffic flow?

Roads that have a traffic flow in excess of 840 vehicles in a one hour period.

Traffic flow - What constitutes a medium traffic flow?

Roads that have a traffic flow of 400 to 840 vehicles in a one hour period.

Traffic flow - What constitutes a light traffic flow?

Roads that have a traffic flow between 100 and 400 vehicles in a one hour period.

Traffic flow – What constitutes a very light traffic flow?

Roads that have a traffic flow below 100 vehicles in a one hour period.

Crossing the road - Does the assessment consider difficulty in crossing roads?

Yes, the difficulty in crossing the road is assessed by applying a gap analysis.

Gap analysis - What is it?

A gap analysis records the number of gaps in traffic flow in a 5 minute period, which is greater than the road crossing time. Four such gaps in a 5 minute period are considered acceptable. Where there is a formal way of crossing the road (zebra, pelican or puffin crossing) this will negate the need for a gap analysis.

How is the road crossing time calculated?

This is calculated using a crossing speed of three feet per second.

Collision history - Does the assessment consider this for the route?

Yes, a three year collision history is provided for the complete route and forms part of the overall assessment.

Vehicle speed - Does the assessment consider this?

If the initial assessment of the route and collision history indicates there is a possible speeding issue and assuming there is sufficient vehicle flow in order to assess traffic speeds, then a traffic speed survey will be undertaken.

School run times – When are they?

For the purposes of this document school run times are considered to be 08.00 to 09.00 and 15.00 to 16.30.

Appendix B

Accompaniment

Below is set out advice about the accompaniment of a child/young person from paragraphs 17-19 of the DfE Home to School Travel and Transport Guidance, July 2014.

17. In determining whether a child cannot reasonably be expected to walk for the purposes of 'special educational needs, a disability or mobility problems eligibility' or 'unsafe route eligibility', the LA will need to consider whether the child could reasonably be expected to walk if accompanied and, if so, whether the child's parent can reasonably be expected to accompany the child. When considering whether a child's parent can reasonably be expected to accompany the child on the journey to school a range of factors may need to be taken into account, such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied.

18. The general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so.

19. LAs should, however, promote and ensure equality of opportunity for disabled parents. For example, if a parent's disability prevents them from accompanying their child along a walking route which would otherwise be considered unsafe without adult supervision, a reasonable adjustment might be to provide free home to school transport for the child in question.

Appendix C

Special Educational Needs Provision

Generic Special Schools

The following schools cater for a range of special educational needs but all have consistent focus on pupils who are significantly below expected levels in cognition and learning and whose progress is significantly delayed compared to others with the same starting point.

Name	Address	Area of County
Brooke School	Overslade Lane, Rugby CV22 6DY	Eastern
Welcombe Hills School	Blue Cap Road, Stratford Upon Avon CV37 6TQ	Southern
Ridgeway School	Deansway, Warwick CV34 5DF	Central
Round Oak School	Brittain Lane, Warwick CV34 6DX	Central
Oak Wood Primary	Morris Drive, Nuneaton CV11 4QH	Nuneaton/Bedworth
Oak Wood Secondary	Morris Drive, Nuneaton CV11 4QH	Nuneaton/Bedworth
Woodlands School	Packington Lane, Coleshill B46 3JE	Northern

Specialist Special Schools

The following schools cater for children and young people who are able to access the mainstream curriculum with the appropriate specialist support.

Name	Address
Exhall Grange Specialist School & Science College	Easter Way, Ash Green, Coventry CV7 9HP
Discovery Academy	MacIntyre Academies, Vernons Lane, Beaumont Road, Nuneaton CV11 5SS

Satellite Provision

These bases are operated by Special Schools off-site and provide for a range of different needs.

Name	Address
Rokeby Brooke Partnership & Harris Brooke Partnership	Brooke School, Overslade Lane, Rugby CV22 6DY
Exhall Grange Learning Pod	Exhall Grange Specialist School & Science College, Easter Way, Ash Green, Coventry CV7 9HP

Resourced Provision within Mainstream Schools

These specialist bases are integrated within mainstream schools and provide for a range of communication and interaction needs.

Name	Address
Maple Class – Lillington Primary School	Cubbington Road, Leamington Spa CV32 7AG
Peter's Place – Trinity Catholic School	Guy's Cliffe Avenue, Leamington Spa CV32 6NB
Evergreen – Water Orton Primary School	Attleborough Lane, Water Orton, Coleshill, Birmingham B46 1SB

Appendix D

Exceptions & Assessment Criteria (Section 3.5)

- The pupil is non ambulant (not capable of walking independently) and/or
- The pupil's main area of need is stated as Profound Multiple Learning Difficulties (PMLD) or Severe Learning Difficulties (SLD) and/or
- Pupils unable to walk in safety to school because of the nature of the route (see section 3.6)
- Other than those covered above, if free transport is considered to be necessary because a pupil's special needs or health equipment/medical requirements make it impossible for them to travel safely to school by any other means and prevents them from walking safely to school, even when accompanied by a responsible adult, further information is required;

A report from an appropriate specialist (e.g. a Paediatrician or an Educational Psychologist. A GP letter in isolation would not be considered sufficient) giving details of the complexity of need, the pupil's vulnerability, any physical disability or sensory impairment and how this affects the pupil's journey to school.

(This information can be included in reports submitted as part of the EHC Needs Assessment or EHCP annual review).

The report should provide evidence stating that the pupil's disability prevents him/her from walking the statutory distance to school, even if accompanied by a responsible adult or travelling to school independently. (Advice re 'Accompaniment' included as Appendix B.)

EQUALITY IMPACT ASSESSMENT (EIA)

Education Services

Proposed Change to Home to School Transport Policy

Before completing this document please refer to our Guide to Equality Impact Assessments.

Service / policy / strategy / practice / plan being assessed	Home to School Transport Policy
Business Unit / Service Area	Education Services/Communities
Is this a new or existing service / policy / strategy / practice / plan? <i>If an existing service / policy / strategy / practice / plan please state date of last assessment</i>	Existing policy Last review January 2018
EIA Review team – list of members	
Do any other Business Units / Service Areas need to be included?	
Date of assessment	19/05/2020
Are any of the outcomes from this assessment likely to result in complaints from existing services users, members of the public and / or employees? <i>If yes please let your Assistant Director and the Customer Relations Team know as soon as possible</i>	No

Details of service / policy / strategy / practice / plan

Scoping and Defining	
<p>(1) What are the aims, objectives and outcomes of the service / policy / strategy / practice / plan?</p>	<p>Local Authorities have a legal duty to provide free transport to school to children considered 'eligible' under the Education Act 1996 (as amended). Children are considered 'eligible' if they fall under one of a number of broad categories. These include:</p> <ul style="list-style-type: none"> • children attending the nearest qualifying school to home where the distance from home to school is over the relevant statutory walking distance; • children unable to walk to school in safety due to the nature of the route; • children unable to walk to school by reason of their SEN, disability, or mobility problem (including temporary medical conditions). <p>A child's 'nearest qualifying school' is the school closest to the child's main home address with spaces available at the time of application for school transport and which provides an education which is suitable for the child's age, ability and aptitude.</p> <p>Warwickshire meets and exceeds all of the statutory requirements regarding eligible children and none of the proposals will interfere with statutory rights to home-to-school transport.</p> <p>The following change is proposed to the Home to School Transport Policy: Definition of Nearest Qualifying School: Currently, pupils attending just their nearest school receive free transport to school provided they are resident in Warwickshire and are travelling over the statutory walking distance.</p> <p>The Council proposes that students receive free transport to their nearest suitable school with places available, or their priority area school..</p>
<p>(2) Who are the customers?</p>	<p>This would affect all students starting a new school, or moving house/school, in or after September 2021, who live more than statutory walking distance from their home.</p>

<p>(3) How has equality been considered in the development or review so far?</p>	<p>Decision to progress to consult on the proposed change as a result of considering transport application appeals, complaints and representations from local communities</p>
<p>(4) What is the reason for the change/development?</p>	<p>A number of changes were endorsed by Cabinet in January 2018 including a revision of the definition of ‘the nearest qualifying school’. From 1st September 2019 the definition of “nearest qualifying school” was altered to include only the school closest to the pupil’s home by the shortest route with a pupil place available, in line with statutory requirements. However, it may not be the school in whose priority area the pupil resides (their ‘catchment school’) if there is another school closer to home by the nearest available walking route. Previous criteria encompassed the priority school or the nearest school with places available.</p> <p>Following a review of this change in the definition of nearest qualifying school, it is proposed to change the definition to reintroduce the priority area school. A number of factors contributed to the decision to review and propose a change to the definition of nearest qualifying school:</p> <ul style="list-style-type: none"> • The implementation of the 2018 definition of ‘the nearest qualifying school’ has created a large number of appeals, complaints and representations from local residents. • There are a number of schools that have very wide rural priority areas, and therefore certain localities and villages have a divide in terms of their nearest school • The unalignment from catchment areas has created confusion and can prove complex to understand for parents when making a school place application with one catchment school and multiple nearer schools.

<p>(5) How does it fit with Warwickshire County Council's wider objectives?</p>	<p>The authority is committed to ensuring that any changes made to services are undertaken in a way that is cost effective and prioritises need and enables the LA to continue to meet its statutory duty.</p>
<p>(6) Why might it be important to consider equality and the protected characteristics?</p>	<p>The change proposed is designed to ensure that the local authority continues to be in a position to meet its statutory duties in relation to free transport in relation to relevant children and young people, including those with disabilities.</p>
<p>Information Gathering</p>	
<p>(7) What sources of data have you used?</p> <p><i>You must keep a record of any data you have currently used as supporting evidence</i></p>	<p>Information and representations relating to the those families affected by the January 2018 decision to change in the definition of the nearest qualifying school.</p>
<p>(8) What does the data you have tell you about your customers and about protected equality groups?</p>	<p>Information has limited details relating to protected equality groups</p>
<p>(9) What do you need to know more about?</p>	<p>Further information relating to views from stakeholders with respect to the change to be collected through consultation</p>

(10) How could you find this out and who could help you?	Consultation period
Engagement and Consultation	
(11) Who have you consulted with from protected equality groups?	Public Consultation on proposed change to be carried out over 28 working day period
(12) Who else could you consult with?	Parents, young people schools, Members, and any other interested stakeholders and parties will be able to comment.
(13) Who can help you to do this?	Warwickshire consultation platform and social media presence
Monitor and Evaluate	
(14) How will you monitor and evaluate the service / policy / strategy / practice / plan?	Consideration would then be given to the consultation responses before the authority considers whether the proposals should be amended and then what, if any, proposals should be implemented.

Please note: Further information and advice about the corporate consultation process can be found [here](#).

(15) Analysis of impact and potential actions:				
Protected characteristics from the Equality Act 2010	What do you know? Summary of data about/feedback from your service-users and/or staff	What does this mean?		What can you do? All potential actions to: <ul style="list-style-type: none"> ● Eliminate discrimination/mitigate negative impact ● Advance equality of opportunity ● Foster good relations
		Positive impacts identified (actual and potential)	Negative impacts identified (actual and potential)	
Age	None identified – subject to public consultation			
Disability	None identified – subject to public consultation			
Sex	None identified – subject to public consultation			

Race	None identified – subject to public consultation			
Religion or belief	None identified – subject to public consultation			
Gender Reassignment	None identified – subject to public consultation			
Pregnancy and Maternity	None identified – subject to public consultation			
Sexual orientation	None identified – subject to public consultation			
Marriage and Civil Partnership (Note: only in relation to due regard to	None identified – subject to public consultation			

eliminating unlawful discrimination)				
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(16) Outcomes of Equality Impact Assessment		
Action	Timescale	Responsibility
Public consultation – assess feedback before progression to Cabinet approval	June/July	

Date of Next Review	August/September - If proposed change progressed to Cabinet September 2020
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Name and signature of Officer completing the EIA	Emma Basden-Smith
Name and signature of Assistant Director	Ian Budd
Name and signature of Directorate EDI Representative	Barnaby Briggs

If you would like any support or advice on completing this document, please contact the Equality, Diversity and Inclusion Team on 01926 412370 or equalities@warwickshire.gov.uk

NEXT STEP ONCE COMPLETED:

Once signed off, ensure the completed EIA is saved in a secure place alongside all supporting documentation.

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