



EDUCATION SERVICES

HOME to SCHOOL TRANSPORT POLICY

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CONWY C.B.C. HOME/SCHOOL TRANSPORT POLICY.

1. Background

1.1 The Law

1.1.1 The Education Act 1996 (as amended) sets out the law in Wales and England for the attendance of pupils at school and the Learner Travel (Wales) Measure 2008 (as amended) (the 'Measure') sets out the legal framework specifically related to travel and transport provisions for learners travelling from home to school in Wales.

1.1.2 "Learner Travel: Statutory Provision and Operational Guidance" (June 2014) ("the Guidance") is published by Welsh Ministers under section 15 of the Learner Travel (Wales) Measure 2008.

<http://wales.gov.uk/docs/det/publications/140616-ltogg-en.pdf>

1.1.3 The Local Education Authority is required to determine whether the provision of transport for pupils of statutory school age is necessary in order to facilitate the attendance of a pupil at a designated school. If such transport is deemed necessary, then the transport must be provided free of charge.

1.1.4 It should be noted that it is the responsibility of parents/guardians to make arrangements for the safe transport of their children to and from school (when they do not qualify for school transport) and to and from bus stops and pick-up points.

1.2 The Main Provisions of the Measure

1.2.1 The Measure sets out specific requirements for home to school transport in Wales. Its main provisions are:

1.2.2 Legal Duties of the Welsh Ministers; The Welsh Ministers must :-

- Make an All-Wales Travel Behavior Code
- Promote access to Welsh Medium education and training
- Promote sustainable modes of travel

1.2.3 Legal Duties of the Local Education Authority: Local authorities must :-

- Assess the travel needs of learners in their authority area
- Provide free home to school transport for learners of compulsory school age attending primary school who live 2 miles or further from their nearest suitable school
- Provide free home to school transport for learners of compulsory school age

attending secondary school who live 3 miles or further from their nearest suitable school

- Assess and meet the needs of “looked after “ children in their authority area
- Promote sustainable modes of travel

Where learners are not entitled to free transport, local authorities have the power to provide transport on a discretionary basis. (Section 3 below provides information as to how Conwy CBC has decided to exercise its discretion.)

1.2.4 Legal Duties of Head-teachers: they must :

- Ensure compliance with the travel Code

Head-teachers should also:

- Promote knowledge and awareness of the Travel Code
- Incorporate the Travel Code into the school’s overarching school behavior policy.

1.3 Interpretation

- *“Nearest suitable school” – means the catchment school or nearest school where the “education or training provided is suitable having regard for the age, ability and aptitudes of the learner and any learning difficulties he or she may have”.*
- *“Catchment area” - means the assigned geographical catchment area for each school that has been fixed by agreement between the Council and the relevant school’s Governing Body. These are published on the Conwy website.*
- *“Suitable transport arrangements” means suitable arrangements which facilitate the attendance of the learner each day at their nearest suitable school.*
- *“Statutory distance criteria” means two or more miles (3.21 kilometers) in relation to learners of compulsory school age attending primary school and three or more miles (4.82 kilometers) in relation to learners of compulsory school age attending secondary school.*

2. Mandatory Provision

- 2.1 In line with legislative requirements, a learner of compulsory school age attending a primary school who resides two or more miles (3.21 kilometers) from the nearest suitable school, will be eligible for free home to school transport to the catchment school or the nearest school. (Paragraph 1.1.4 applies in relation to ‘bus stops and pick-up points)
- 2.2 In line with legislative requirements, a learner of compulsory school age attending a secondary school who resides three or more miles (4.8 kilometers) from the nearest suitable school, will be eligible for free home to school transport to the catchment school or the nearest school. (Paragraph 1.1.4 applies in relation to ‘bus stops and pick up points)

- 2.3 The home to school route will be measured using the Local Authority's preferred software solution that may from time to time be revised as technological advances are made.
- 2.4 The route shall be measured from the intersection of the nearest access point to the home premises with an adopted road to the nearest school access point

3. Discretionary Provision

- 3.1 The Council may provide home to school transport on a discretionary basis where learners meet the criteria outlined in paragraphs 3.2 to 3.9 below.

3.2 Welsh Medium

The Council will provide free home to school transport for learners of compulsory school age who meet the statutory distance criteria (see paragraph 1.3 above) to the nearest suitable Welsh Medium School (i.e. schools in category 1 or 2. (See current School Information Document)

(Paragraph 1.1.4 applies in relation to 'bus stops and pick up points)

3.3 School Closure

The Council will provide free home to school transport for learners of compulsory school age where the closure of a school results in a learner being transferred to another school. Learners on the register of the closed school will be provided with free transport to the new catchment school or the nearest school, subject to meeting to the statutory distance criteria, until the learner finishes education in that school.

If the learner of compulsory school age leaves the receiving school to move to another school, primary or secondary, entitlement to this discretionary provision will end; the learner's eligibility for free home to school transport thereafter will be determined in accordance with this Policy.

(Paragraph 1.1.4 applies in relation to 'bus stops and pick up points)

3.4 Route to school is considered not available (unsafe)

The Council will provide free home to school transport for learners for compulsory school age where the walking route to the nearest suitable school has been risk assessed by the Council and found to be **not available** due to the nature of the route in accordance with the Welsh Government Learner Travel Statutory Provision and Operational Guidance or any future amendments. <http://wales.gov.uk/docs/det/publications/140616-ltoug-en.pdf>.

3.5 Medical / Additional Learning Needs (ALN)

- 3.5.1 The Council will consider a learner's medical conditions, disabilities and learning difficulties when assessing the travel needs of learners in the area.
- 3.5.2 If a learner has a Statement of Educational Needs, learner transport shall be provided in accordance with the Statement – this may include children of pre-school age. If the statement is reviewed and the transport element is amended, the provision of transport will reflect the amended Statement.
- 3.5.3 The Council may provide free home to school transport for learners of compulsory school age who do not have a Statement of Educational Needs where the learner requests transport on medical grounds or grounds of disability or learning difficulty. This provision will be considered when a Medical/Disability/Learning Difficulty exemption form completed by a suitably qualified practitioner accompanies an application for transport.
- 3.5.4 The transport for a learner with Medical/ALN will depend on their individual circumstances and the route the learner must travel. The transport arrangements will be reviewed on an annual basis.
- 3.5.5 In general any application for long term provision of transport would need to be certified by a consultant or specialist of similar standing. It is unlikely that applications certified by a GP would suffice for application for long term Medical/Disability/Learning Difficulty exemption.
- 3.5.6 The form is appended as appendix 1.

3.6 Behavioral Criteria

The Council may provide free transport for a learner of compulsory school age from their home to an educational establishment where:

- a) The learner is phobic. This means more than reluctance or refusal to attend school and transport will not normally be provided to prevent a learner truanting.
- b) The learner is vulnerable. This may be because of social/emotional immaturity, the risk of sexual, physical or emotional abuse, odd behaviour which attracts unhealthy attention or the dangers of engaging in aggressive, criminal or substance-related activity, that parents accompanying their child(ren), are unable to control.
- c) There is an established risk of anti-social or dangerous behavior that parents accompanying their child(ren) are unable to control.

These situations will normally need to apply generally and not just on journeys to and from school.

Children who meet these criteria will have been individually assessed by Council staff.

3.7 Learners who change address during their education

3.7.1 Free home to school transport may be provided for pupils attending their catchment or nearest secondary school who move to a new home address within the County Borough of Conwy if the move occurs after the October half term of Year 10 or during Year 11. This is so that pupils can remain at their existing school to finish off their exam course. Free home to school transport may also be provided for pupils who are in Year 12 to continue their examination course provided the move occurs after the October half term of year 12.

3.7.2 Learners who move out of the catchment area at other times will cease to be eligible for free transport to the same school unless it is also their nearest school.

3.8 Transport to Denominational Schools

3.8.1 Subject to the statutory distance criteria being met, the Council will provide free home to school transport for learners of compulsory school age attending a denominational school provided that the learner resides within the catchment area of the denominational school in question.

3.8.2 Transitional provision – Where a child of compulsory school age was already receiving free home to school transport to a denominational school prior to this policy coming into force, this provision shall continue whilst the child continues to attend that school.

3.9 Traveller Children

Transport may be provided for traveller children although they live within the statutory distance criteria from the school. This is in order to develop a pattern of regular attendance.

4. Concessionary Seats

4.1 The Council may provide a concessionary seat on transport for a charge where a learner of compulsory school age is not eligible for free home to school transport under the Mandatory or Discretionary provisions set out above but can be offered a seat on an existing contract transport route which has empty seats. In these circumstances:

(a) A charge will apply. The charge will be subjected to annual review (check website for current charge).

(b) Seats will be allocated on the basis of availability at the beginning of term and prioritised as follow

- Those that live the furthest from the chosen school
- Those applications that were received earliest

c) There is no guarantee of the continued availability of a concessionary seat. If the number of pupils entitled to free transport increases, it may become necessary to displace pupils who have purchased concessionary seats. In these circumstances, families will be entitled to refunds on a pro rata basis.

5. Looked After Children (LAC)

- 5.1. Under the Measure, the same age and distance criteria apply to Looked After Children as to children who are not looked after but there is no requirement that they attend the nearest suitable school to their home. The Council has a responsibility as a corporate parent for Looked After Children. The Council must make every reasonable effort to provide stability and continuity for Looked After Children in respect of school provision. Free transport **MAY** be provided to maintain attendance at the Looked After Child's current school in cases where the child is placed two or more miles from the primary school or three or more miles from the secondary school
- 5.2. Transport provision will be reviewed during the statutory reviews of the Looked After Child.

6. Dual residency

- 6.1. If a learner has more than one home because the learner's parents are not living together but the learner lives for part of the school week with each parent, then both places of residence will be regarded as places of ordinary residence for the learner.
- 6.2. Only permanent established arrangements will be considered; this would include a learner who stays 2 nights per school week with one parent and 3 nights of every school week with the other parent, or alternative weeks with each parent.
- 6.3. This provision includes any person who has parental responsibility for the learner and with whom the learner lives for part of the school week.
- 6.4. Under these circumstances, free home to school transport would be provided from both residences (subject to the statutory distance criteria being met) to the nearest suitable school to the residence where Child Benefit is paid.
- 6.5. If there are more than two normal places of residence, this will only apply to the two residences nearest their school. The request needs to be in writing.

7. Mode of Transport

- 7.1 In determining the mode of transport required, the following principles will apply:
- (i) The need for specialist transport;
 - (ii) The Special Educational Needs of a pupil as defined in a learner's Statement of ALN/SEN.
- 7.2 Mobility and transport may be lifelong problems for some learners and the parents or carers. Education should be a preparation for life and transportation to and from school is a part of the preparation. For this reason the application of the general criteria and considerations will apply, wherever practically possible, for all learners.
- 7.3 In all cases, the efficient use of resources will dictate the mode of transport (subject to the above conditions). Transport may be provided by means of school contract transport services or existing public transport services which, together with the type of transport (bus, minibus, train, taxi, etc.) will be dictated by cost effectiveness. In some cases, one contract bus may transport different learners to more than one school site.
- 7.4 In particular circumstances, a cash payment in line with the HMRC approved business mileage rate may be available for transporting learners who meet all the criteria if deemed by the Council to be more cost effective.

8. Length of Journey

- 8.1 It is considered that normal journey times should be no more than 45 minutes for primary school travel and 60 minutes for secondary school travel.
- 8.2 There may be some exceptional circumstances when those time limits cannot be adhered to such as delays due to heavier traffic, road works, diversions and breakdowns.
- 8.3 There may be circumstances perhaps in rural areas and in the secondary sector where the nearest suitable school may be further away than such travel times would allow. In other circumstances learners with special needs, additional learning needs or looked after children may need to be transported to establishments some distance away.

9. Collection and Return

9.1 Transport will normally be to and from bus stops or pick-up points for groups of pupils. It will only be provided from door-to-door in exceptional circumstances.

9.2 In particular:

- i. No learner aged 11 years or under will be expected to make his/her own way more than two miles to the nearest pick-up point;
- ii. No learner aged 11 or over will be expected to make his/her own way more than three miles to the nearest pick-up point;
- iii. No learner who is eligible to be transported on a contract route will be eligible for transport provision outside the normal daily timetable of that contract route.
- iv. No transport will be provided by the Council during the school day to different sites
- v. Transport will not be provided to breakfast clubs, after schools clubs, nurseries or addresses other than the learner's ordinary residence.

10. Escorts

10.1 In some cases, pupils with Additional Learning Needs may be provided with an escort if this is stated in their Statement of Educational Needs.

10.2 This provision will be reviewed as part of the periodic statutory reviews of the Child's Educational Needs.

11. Information re Transport for post 16 learners

11.1 The authority will provide free transport for learners aged 16 to 19 years, living in the county of Conwy who are in full time education and who live over 3 miles from the nearest appropriate educational establishments listed below:

| | |
|---------------------|----------------------------|
| Ysgol Aberconwy | Ysgol Blessed Edward Jones |
| Ysgol Bryn Elan | Ysgol Brynhyfryd |
| Ysgol Dyffryn Conwy | Ysgol Denbigh High |
| Ysgol Eirias | Ysgol Friars |
| Ysgol Emrys ap Iwan | Ysgol Glan Clwyd |
| Ysgol John Bright | Ysgol Tryfan |
| Ysgol Y Creuddyn | Ysgol Y Berwyn |

Coleg Cambria sites – Northop, Llysfasi, Deeside, Yale
Grŵp Llandrillo Menai sites – Llandrillo, Abergele, Rhyl, Denbigh,
Bangor (Parc Menai), Caernarfon, Holyhead, Llangefni, Dolgellau,
Glynllifon, Pwllheli.

- 11.2 The authority will assess whether an establishment provides a reasonable range of courses suitable to the abilities, aptitudes and requirements of an individual learner. Transport will only be provided to an educational establishment which is not the nearest if, in the judgement of the authority, there is a considerable variation between the learner's course and the course on offer at the nearer establishment.
- 11.3 The courses should be at a higher level than the previous one; for example GCSE retakes would not normally qualify for assistance.
- 11.4 Learners are expected to make their own travel arrangements to the transport pick-up point when the distance between the home and pick-up point are deemed reasonable.

12. Right to withdraw transport

- 12.1 If it is subsequently found that free transport has been provided in error, e.g. route measured incorrectly, the Council has the right to withdraw the transport subject to reasonable notice (normally to the end of the term in which the error is discovered).
- 12.2 Where circumstances have changed e.g. following a review of transport provision, where new footpaths are provided etc. the Council also has the right to withdraw free transport at the end of that academic year.

13. Travel Behavior Code

- 13.1 The Welsh Assembly Government have published an All Wales Travel Behavior Code, under section 12 of the Measure, which applies to all learners up to the age of 19. The safety of learners is dependent on the standard of behavior on school transport. Cases of minor misbehavior, damage or injury to other passengers will be dealt with by means of Warning letters sent to the families of learners.
- 13.2 If a learner seriously or persistently misbehaves on school transport, the Council reserves the right to withdraw the transport provision. This may be even if a warning letter has not previously been issued.
- 13.3 Where the transport is withdrawn, the procedures and timescales set out in the travel Behavior Code Statutory Guidance will be followed. In particular the guidance given in Section 4 of the Travel Behavior Code relating to pupils with special educational needs will be considered.

Notes (These are for guidance only and do not form part of the policy)

- i. The driver is responsible for the supervision of children in his/her vehicle during the journey to and from school.
- ii. The driver will, in accordance with the agreed procedure, report any incidents of misbehavior to the Head-teacher of the school who is empowered to deal with cases of bad behavior on school transport and who may, if necessary recommend to the LEA that the transport facility provided be withdrawn.

14. Application Process

- 14.1 Transport application forms are available from:
- By post from Conwy CBC Education Services
 - All educational establishments listed in School Information document
 - Downloaded from Conwy CBC Education Services web pages

15. Complaints

- 15.1 All complaints about the service received will be dealt with in accordance with the Council's published Complaints Policy and Procedure

16. Dispute Resolution

- 16.1 Disputes on eligibility grounds (including assessments of available routes) or regarding decisions to withdraw home to school transport.
- 16.2 Where home to school transport has been refused or withdrawn, a family has a right to dispute the decision.
- 16.3 **Stage 1**

The first stage of the dispute resolution process is a review by the relevant Service. In the first instance the parents should put in writing the details of a dispute with any supporting evidence for the dispute. The onus will be on the parents to collate the relevant evidence. The evidence should be focused on showing how the Council may have made an incorrect decision. This request for dispute resolution should be sent by letter to Site Management Division, Social Care and Education Services, Conwy County Borough Council, Government Buildings, Dinerth Road, Rhos on Sea, LL28 4UL or email to education@conwy.gov.uk

A senior officer will review the evidence provided and will report back to you with the results of their review.

Confirmation of receipt will be sent within 5 working days and a formal response will be sent to the parents within 10 working days following the request for dispute resolution.

Stage 2

If the parents are dissatisfied with the response to their stage 1 dispute resolution, they can make a second stage dispute which will be dealt with in accordance with the Council's Published Complaints Policy and Procedure and should be made to:

Corporate Information & Customer Services
Conwy County Borough Council
Bodlondeb
CONWY
LL32 8DU
Email: complaints@conwy.gov.uk

Each case will be judged on its own merits against the Council's home to School Transport Policy and procedures.

17. Contacts

- 17.1 Parents/guardians who wish to apply for Home/School Transport may make an application on the appropriate form which is available on our website or by contacting Education Services on 01492 575595 / 575074 or by contacting the school directly.
- 17.2 The Home to School Transport team within the Environment Road and Facilities Service are responsible for the actual transportation arrangements taking into account, cost effectiveness, existing routes and current transport contractual arrangements. Contact numbers 01492 577899 / 577843 / 577846.