

Medway Council

Home To School Transport Policy (Mainstream)

For children of compulsory school age (5-16)

(This policy does not relate to the provision of
Special Educational Needs Transport)

**This Policy is for Medway Resident
Pupils Only**

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Introduction

All Local Authorities have a statutory duty to have in place arrangements for the provision of home to school transport for children and young people who meet the published eligibility criteria.

The mainstream transport policy is developed within a national legal framework that sets out what local authorities must do to facilitate travel to school and sets out some eligibility criteria for granting that support.

Within the Education Act (Sections 7 of the Education Act 1996), it is the responsibility of parents and carers to ensure that children attend school and it is their responsibility to make the necessary travel arrangements. The Local Authority's duties and powers to provide home to school transport are covered in other sections of the Act and its amendments. The provision of transport support incorporates consideration for children from low-income families.

Sections 508B and 508C of the Education Act 1996 (as amended) make provision for local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. These provisions apply to home to school travel arrangements and vice versa. They do not relate to travel between educational institutions during the school day.

This policy has been written having regard to the Department for Education 'Home to school travel and transport guidance' published in July 2014 (<https://www.gov.uk/government/consultations/home-to-school-travel-and-transport-guidance>) and the Equality Act 2010.

Section One - Eligibility

1.1 Standard eligibility criteria

The standard (basic) eligibility criteria for entitlement to receive home to school transport assistance in Medway is that:

- (i) The child must live more than the minimum eligible statutory walking distance for the child's age from the school being attended, as detailed below

For children of compulsory school age and under eight years old – the school attended must be more than two miles from the home address.

For children aged eight and over - the school attended must be more than three miles from the home address.

And

- (ii) The school attended must be deemed the nearest qualifying school* to the home address

And

- (iii) The child must be resident in Medway. Families should apply through their home local authority.

***The definition of the nearest qualifying school is:**

- The geographically nearest school to the pupil's home address that is suitable to the pupil's age. For secondary school age pupils, Medway Council also take into account whether a child is selective (grammar) ability or non-selective (non-grammar) ability.
- Only one school can be deemed as the nearest qualifying school and this can include non-Medway schools.
- A Medway grammar school will be considered as the nearest qualifying school for a child who has been deemed to be of selective ability under the Medway Test assessment procedures (i.e. The Medway Test and the Medway review process). This also includes The Howard School due to its Bi-lateral status.
- A parent's preference for a single sex, mixed or particular type of school or a preference for a school because of its specialism or because it teaches certain subjects cannot be taken into account.

Expression of school preferences:

For a child to be considered for home to school transport assistance when the school attended is not deemed the nearest qualifying school, parent/carers need to ensure that the nearest qualifying school has been named on the school application as a higher preference than the school being attended.

- If the nearest qualifying school has not been applied for the child will not be eligible to the school attended even if it is over the minimum eligible distance.
- If the nearest qualifying school has been applied for as the highest preference, but has not been offered, then home to school transport can be considered to the next nearest qualifying school if it has been listed as the next highest preference on the school application. This principle and the minimum eligible distance applies for further preferences.

1.2 Low income eligibility criteria

A low-income family is defined as those where a child is entitled to free school meals and/or if the parent is in receipt of the maximum level of Working Tax Credit.

* **Please note:** This definition is prescribed by Central Government and may be subject to change.

If the applicant meets the above definition of a low income family then a child will qualify for home to school transport assistance **if they live more than two miles, but not more than six miles**, from one of their three nearest qualifying schools. This distance is extended if the child is attending a faith school on the grounds of their faith (see paragraph 1.3).

In order for the relevant assessment to be made for low income home to school transport assistance, applicants must provide an up to date full copy of their proof of benefit with the application or, if applying on the grounds that the child is in receipt of free school meals, applicants must complete the relevant details on the application form so that the claim can be verified.

1.3 Denominational transport

An application for home to school transport can be considered to certain faith schools where a child is attending the school and it was chosen because of its religious/faith status and the families religion/faith is the same as that of the school.

The Council will count the school as the nearest qualifying to the home address where:

- It is over the minimum eligible distance*
- It is the geographically nearest school of the relevant faith to the home address in Medway
- The pupil is of the same faith/denomination as the school concerned. **

*If the applicant is determined to fall under the low income criteria, then the school being attended on denominational grounds must be one of the three nearest schools of the relevant faith **between two and fifteen miles** from the home address. This may include schools outside of Medway.

**Proof of faith/denomination will be required and the home to school transport application form must be countersigned/verified by the appropriate church authority. This verification is to determine that the pupil is a regularly practising member of a church of the same faith/denomination as the school concerned. If such verification is not provided, then the application cannot be considered on denominational grounds.

The Medway secondary schools that can be considered for denominational transport are:

- St John Fisher Catholic School – for children of the Catholic faith
- Bishop of Rochester Academy – for children of the Church of England faith.

1.4 Consideration of medical needs

In exceptional circumstances, special consideration may be given to a home to school transport application made on the basis of medical grounds if supported by medical evidence.

- This evidence must be supplied at the time of application.
- It must be up to date (i.e. dated in the last three months).
- It must be from a GP, Consultant or medical practitioner.
- The evidence supplied must detail the child's medical needs, why the school being attended is the most appropriate to meet those needs and that the child is unable to access the school without transport assistance because of their medical needs or condition.

1.5 Accompaniment

The general expectation is that a child will be accompanied on their journey to school as necessary by a parent/carer.

Medway Council wishes to ensure equality of opportunity for children whose parents/carers have a disability which prevents them from accompanying their child along a walking route and will consider relevant information when assessing a home to school transport application, as long it is provided at the time of application and is from a GP, Consultant or medical practitioner.

1.6 Expectations of behaviour

All children who are granted home to school transport assistance are expected to adhere to the behaviour terms and conditions of both Medway Council and the relevant transport company.

- Any ticket issued is subject to the conditions of travel set out by the relevant transport provider. By signing the application form and accepting the ticket, the parent/carer and the child are agreeing to abide by such condition of travel.
- If the child misbehaves their ticket may be withdrawn either temporarily or permanently, depending on the circumstances of the individual case. The parent/carer will then be responsible for their child's daily travel arrangements. The relevant transport provider will advise Medway Council if a child is banned from using the service. In these cases Medway Council will no longer accept responsibility for the child's travel arrangements.
- Only the child named on the ticket is entitled to use an allocated ticket. If it is found that the ticket has been given to and used by another child, then the relevant transport provider may pursue a prosecution of the eligible child and the child using the ticket.
- A headteacher may also make a decision on whether a child's behaviour on home to school transport determines that transport assistance should be withdrawn. Such decision should only be made based on sufficient evidence and in discussion with Medway Council.

Section Two – Application process

2.1 Application and initial assessment

- When an application is submitted it will be considered against the relevant eligibility criteria detailed in section one.
- If the outcome of the initial assessment is that the child is **eligible** to receive home to school transport assistance, then the applicant will be advised by letter and the relevant travel pass will be issued, along with details of the relevant transport company.
- If the outcome of the initial assessment is that the child is **not eligible** to receive home to school transport we will write to the applicant to explain why the application has not been successful. This letter may also ask for further evidence to be provided.
- The estimated timescale for the processing of applications is up to four weeks from the date of receipt of the application by Medway Council's Student Services Team. This timescale includes the application assessment, notification of decision and receipt of the travel pass (if applicable).

2.2 Stage One: Review by a senior officer

If a child is assessed as not eligible for home to school travel assistance, applicants may wish to ask for the decision to be reviewed by a senior officer.

- Requests for a stage one review must be received, in writing, by Medway Council's Student Services Team within 20 working days from the date of initial decision letter.
- The written request should detail why the parent/carer believes the decision should be reviewed and give details of any personal and/or family circumstances the parent/carer believes should be considered when the decision is reviewed.
- A senior officer will undertake the review and provide written notification of the review decision to the parent/carer within 20 working days of receipt of the request by Medway Council's Student Services Team.
- If the review decision is to uphold the initial assessment decision not to grant home to school transport assistance, then full details and information regarding how to appeal and an appeal form will be provided.

2.3 Stage Two: Review by an independent appeal panel

If the outcome of the stage one review upholds the decision not to grant home to school transport assistance, the applicant will be advised that they may pursue a formal appeal if they wish.

- Requests for a stage two appeal must be received, in writing, by Medway Council's Student Services Team within 20 working days from the date of review decision letter.
- The Medway Council Democratic Services team administers all the appeals and, once the appeal request is received, it will be lodged and the details forwarded to the Clerk for the School Transport and Curriculum Appeals Committee for processing.
- The School Transport and Curriculum Appeals Committee, which consists of a panel of five Councillors, will hear the appeal within 40 working days of receipt of the written request.
- Parent/carers will have the opportunity to attend the hearing. They can be accompanied by a friend, colleague or Ward Councillor and may choose to have a representative to help present their case. An officer from the Student Services Team will be present to provide the details of the case and the reasons why transport assistance has not been granted.
- Following the appeal hearing, the committee will make their decisions in private and both parties will be notified of the decision in writing, within five working days.

Section Three – Other transport assistance

Where a child is **not eligible** to receive free home to school transport assistance, the following schemes are also available.

3.1 Medway Youth Pass

- The cost of a Medway Youth Pass, as at November 2014, is £5.90. This covers the issuance of a photo-card that lasts for three academic years or until the young person becomes sixteen years old (whichever is sooner).
- This scheme entitles all young people who live in Medway to pay half the adult fare at all times when travelling on any local bus services, up to the end of the academic year after their eighteenth birthday.
- To qualify, the journey must start in Medway and can be to any destination in Medway or Kent, as long as any changes of bus take place in Medway.
- Once purchased, the pass expires after three academic years or when the young person becomes sixteen years old (whichever is sooner). A new pass is required for sixteen to eighteen year olds and expires at the end of the academic year after the young persons eighteenth birthday.
- Medway Youth Passes are not valid on the subsidised yellow buses run by Medway Council or companies who already offer a child fare.
- Parent/carers will need to ensure that this pass can be used on the journey required or against the relevant ticket purchases (i.e. monthly season ticket) before applying.

3.2 Yellow Bus Scheme

- Medway Council provides a Yellow Bus Scheme, which supplies school buses for pupils living in certain parts of Medway to travel to certain Medway secondary schools at a cheaper cost than public transport.
- Details of this scheme are available at www.yellowbusmedway.co.uk.

3.3 Vacant Seat Payment Scheme (VSPS)

- Children who do not qualify for free home to school transport assistance may apply for a vacant seat on a hired school vehicle, if one operates on the route required, at a cost.
- It is important to understand that should a vacant seat be granted it might be withdrawn at any time if it is subsequently required by a child who is eligible to

receive free home to school transport, or if the transport being used is withdrawn from service.

- Further details of this scheme can be obtained from the Medway Norse Transport on 01634 283210.

3.4 Definition of terms used in this policy

The following provides the definition of some terms used within this policy.

Home address

- The address that must be used for the assessment of eligibility for home to school transport is child's **main** place of residence.
- If the child is from a separated family and may live part time with each parent at two addresses, only the child's main place of residence can be considered for home to school transport purposes (e.g. where the child is registered as living for child benefit, GP's, etc) and where the child spends the majority of the school nights).
- Medway Council can only grant assistance for one return journey from the child's home address (main place of residence) to school each day.

Walking route/distance

- The distance calculated for home to school transport purposes will be measured from the pupil's home address to the school address using the shortest available walking route.
- Distances are calculated using the Medway geographical information software and may take account of footpaths, public rights of ways, etc.
- The shortest available walking route is one along which a child can walk to school, **accompanied as necessary**, with reasonable safety.
- The safety of a route is considered and the relevant route safety assessment focuses primarily on identifying the road safety risks observed along the route. Such assessments are handled in accordance with the national 'Assessment of Walked Routes to School' guidelines produced by Road Safety Great Britain (RSGB) in 2012 which state "Case law has found that assessments must look at the relationship between pedestrians and traffic only. Personal safety issues of children traveling alone are not considered. Local authorities are not legally obliged to provide free transport just because parents perceive the route to be unsafe on the grounds of personal safety and security."
- The same method of measurement calculation is used for **all** applications to ensure that the nearest qualifying school can be identified. If the route calculated is determined to be unavailable (unsafe), then the distance and route is used for measurement purposes only and there is no expectation for the child to walk the route determined.

3.5 Further points to note

3.5.1 Children with a Statement of Special Educational Needs or Education health and Care Plan

- Parents/carers must apply under the Special Educational Needs Transport Policy (<http://www.medway.gov.uk/childrenandyoungpeople/specialeducationalneeds/senpolicy.aspx>) and contact the SEN Team on 01634 331123.

3.5.2 Transport assistance for children who move house during a critical stage

- Where a family move home during a critical stage of their child's education (during Year 6, 10 or 11) home to school transport assistance may be granted to the current school being attended to allow completion of their course provided the home to school distance is over three miles, or two miles if qualified on low-income grounds.
- On a case-by-case basis, decisions will be made about the ease of access from the new home address to the school attended to assess the suitability of offering transport assistance.

3.5.3 Modes of transport

- The route an eligible child will travel and the mode of transport to be used is determined by the Council when transport assistance is granted to ensure the best value for money.
- On the application form, applicants have the opportunity to express a preference for mode of travel. These are:
 - Bus
 - Rail
 - Fuel allowance
- The fuel allowance is currently calculated at 12 pence per mile (or part thereof) for one return journey each school day. The maximum allowance that may be granted is £360 per family per academic year. Any allowance granted will be issued three times a year (September, January and April).
- The use of a taxi is not a normal mode of transport and will only be considered in exceptional circumstances, which may require supporting documentation (i.e. medical evidence). Decisions on the provision of a taxi are made on a case-by-case basis.

3.5.4 Transport to independent and/or out of area (non-Medway) schools.

- Medway Council **do not** offer home to school transport assistance for any Medway resident child attending an independent, private or fee-paying school.
- In exceptional circumstances home to school transport assistance may be considered for a Medway resident child attending a non-Medway school if said school is deemed the nearest qualifying school or the child has moved house during a critical stage, or if qualified on low-income or denominational grounds.