

March 2012 edition

**Home to School
Travel Support Policy**

EDUCATION TRANSPORT

**Wiltshire Council
County Hall, Bythesea Road, Trowbridge BA14 8JN**

Please read this document carefully and retain it for future reference

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Education transport – general

Definitions:

- The 'council' means Wiltshire Council as the Local Authority (LA) for Wiltshire (and includes the committees and panels authorised to deal with education transport matters)
- The 'designated school' means the school designated by the council for pupils living within a certain area.

NB the designated area for transport entitlement may differ from the catchment area for admissions purposes. This is because the transport entitlement is allied to the pattern of provision relating to when the school was within LA control (if it has since become responsible for its own admissions and has chosen to change its admissions catchment area).

- The 'preferred school' means a school which the parents of a pupil/student have expressed a preference that the pupil/student attends, rather than the designated school.
- For measurement of distances, and for determining which is the catchment area school for transport entitlement purposes, the council will consider the place of the pupil's/student's home as being the place where the pupil/student is normally resident with his or her parent(s) or legal guardian (i.e the person named as the recipient of child benefit for that child).
- The statutory walking distance (for pupils under eight years of age) is up to two miles from home to school. For pupils of statutory school age who are aged eight years or more, the statutory walking distance is up to three miles measured by the nearest available route.

However, the extended provisions of the Education and Inspections Act 2006 apply for families in receipt of either:

1. Free School Meals (FSM) within Section 512ZB(4) of the Education Act 1996
or
2. Working Tax Credit (WTC), **and** who are receiving the maximum award for their case.

For pupils who have reached the age of eight, but not the age of 11 and who qualify under (1) or (2) above, the statutory walking distance will be two miles (where the pupil/student is registered at a qualifying school and no suitable arrangements have been made by the council enabling him/her to become a registered pupil/student at a qualifying school nearer his/her home).

For pupils/students of secondary school age, the extended provisions allow free transport for pupils from lower income families as defined above to one of three nearest qualifying schools between 2 and 6 miles from their home.

Also, for pupils/students attending a secondary school who qualify for transport assistance on grounds of their parents' religion or belief (subject to the church attendance criteria being met) the extended provisions will enable lower income families as defined above to receive free transport if they live 2-15 miles from their designated denominational school.

NB These extended provisions will apply for the whole of the academic year in which the family is receiving either FSM or maximum WTC, but will cease after that time.

- Distances are normally measured from the gate of a pupil's or student's home to the nearest school or college gate. Distances will be measured by the method which the council considers most appropriate for that case (walked available routes are measured by 'Trumeter' (walking

wheel) and driven routes are measured using a vehicle which has an integral measuring device).

- The council reserves the right to decide on the type of transport provided and strives to do so in the most economic and effective way, having regard also to environmental considerations. Paying an allowance towards the cost of fuel for the parent to take the pupil/student to school will therefore only be considered where it is economically and ecologically effective to do so.

In considering any application on behalf of a pupil or student in relation to transport to and from a school or college, the council will:

- (1) consider each application from Wiltshire residents fairly and equitably on its own merits, according to the provisions of the policy, to see if the applicant is eligible for help with transport to school/college
- (2) make a judgement as to whether there is a duty to provide free transport to facilitate attendance. In doing so, the council shall have regard (amongst other things) to:
 - (a) the age of the pupil or student
 - (b) the nature of the route or alternative routes which he or she could reasonably be expected to take
 - (c) any wish of the parent for the pupil or student to be provided with education at a school or institution in which the religious education provided is that of the religion or denomination to which the parent adheres.

Subject to these clauses, the council will have regard to this statement of general policy:

Continuity of education

1. Where a pupil/student registered at the school designated for transport entitlement purposes moves out of the area of that school, the council may provide free transport to the current school providing it considers that a change of school is undesirable for educational/vocational reasons (if the journey involved is a reasonable one, and the circumstances justify the cost). Normally this will only be considered where a pupil/student is already undertaking a particular examination course e.g. GCSE or 'A' level (i.e. Years 10 or 11, 12 or 13). This is transport on 'continuity' grounds. A maximum cost of £1500 per year is applied to transport provided in this way. In cases where this cost is exceeded significantly, transport may have to be refused.

Denominational transport

2. From September 2007 to July 2012, pupils who were starting Year 0 or Year 7 at school at that time and who are attending Voluntary Aided R.C. or C. of E. schools can apply for subsidised transport to their transport catchment area denominational school, providing confirmation is received (through the Attendance Review Panels) that the parent(s) are adherents to and practising members of the religious denomination of the school. The panels, which were comprised of the relevant head teachers and Ministers of Religion for the area, reviewed attendance at church to ensure that the required levels of attendance were being maintained consistently.

NB Attendance at Mass at least weekly is the level of attendance which the Diocese expects of its regular worshippers.

Subject to these criteria being met, and providing the distance and church attendance criteria are fulfilled, subsidised transport will be offered in the following category:

Families which are on the lower income levels specified in the Education and Inspections Act 2006 will be able to receive free transport to their nearest secondary school preferred on grounds of religion or belief, where that school is between two and fifteen miles from their home. This extended provision will apply for the remainder of the academic year in which the family is receiving either FSM or maximum WTC for their case, and this will be reviewed before the start of each new academic year.

NB For details of how distances are measured, please refer to 'Definitions' at the beginning of this policy.

For pupils/students who started at their denominational school prior to September 2007, the provisions of the Fourth Edition of the Council's Policy (September 2002) shall apply. However, it should be noted that the stated level of church attendance must still be met.

From September 2012:

Existing applicants

Only pupils/students who received denominational transport assistance during the 2011/12 academic year will continue to do so from September 2012. No new requests for transport assistance will be considered by the council, other than for those in receipt of Free School Meals or maximum Working Tax Credit. To ensure continuing assistance is provided for existing pupils, the council will transfer an agreed amount of funding to each denominational school. The school will be responsible for making transport arrangements and charging parents where this is considered appropriate.

New applicants

Applications for transport based on grounds of religion or belief, received on grounds of low income, will continue to be considered by the council, as required by the 2006 Education and Inspections Act. In addition to the council's policy of offering assistance for students attending Roman Catholic or Church of England aided schools, the law requires councils to consider applications for transport to schools of all faiths, religions and non-religions.

Federation of small schools

3. When small schools federate, pupils will receive free transport to the new school for the first three years after the closure of the old school if they have to travel further (providing they are living within the transport catchment area of the new school). After this transition period, the usual transport entitlement rules shall apply.

Fuel allowances

4. Allowances for the cost of motor fuel will be considered in cases when parents are willing to provide transport and it is cost effective for the Local Authority to do so. When this is agreed for an applicant above statutory school age, a deduction will be made from the first few terms' reimbursements to the parent to cover the equivalent of their contribution to the Post-16 Transport scheme.

Medical Conditions

5. If a pupil/student, attending his/her transport catchment area school (or 'qualifying' school – i.e. relevant educational establishment) which is within statutory walking distance, has a temporary disability, for example a broken leg, which prevents him/her from being able to walk to school or use a bus, the council may provide door to door transport. Enquiries will be made through the GP or consultant to confirm the necessity for special transport provision before arrangements are made. In addition, pupils who suffer from a longer term medical condition may receive help with transport to enable them to attend school.

Post-16 Transport

6. The council will normally provide assistance with transport for young people over statutory school age attending full-time courses at schools or FE colleges providing they attend, and live three miles or more from, their designated school or college. Post-16 Transport can also be provided for sixth form study at a preferred school when the cost is the same or less (for the LA) than to the designated FE College.

Transport assistance will be in the form of an offer of a reduced rate pass, for which the applicant will be able to pay a discounted financial contribution. The charge for this is published in the council's Schedule of Charges, which is available on request. Students in families whose annual household income is below £20,819, as determined by a current Tax Credit Award Notice (TCAN) can apply for a pass priced at an even greater discounted rate. Payment by eight monthly instalments will be available for any applicants who submit an instalment mandate by 30 June.

Where the designated school/college is unable to offer the course necessary for the student's career aim or for entry in to Higher Education, the council may provide transport to a different establishment, providing the student proves the necessity for this. **The application form gives details of how this proof can be obtained.**

The Apprenticeships, Skills, Children and Learning Act 2009 places a duty upon LAs to publish a policy statement which gives details of travel options available to students in further education. This includes details of any support with travel costs provided by the LA, colleges and other bodies. The Statement for Wiltshire can be found at <http://www.wiltshire.gov.uk/pub-trans-annex-a.pdf>. Alternatively, please call 0300 456 0100 for a hard copy version.

Preferred school transport

7. The council will provide free transport to and from a preferred school, where this is the pupil/student's registered school, if it is closer to the home address than the transport catchment area school, providing the criteria of either distance or route safety are also met. The council will not normally provide free transport to a preferred school which is further from the pupil's/student's home.

Route safety

8. The council will provide free transport under the statutory walking distances (having regard, amongst other things, to the age of the pupil/student and the nature of the route or alternative routes which he or she could reasonably be expected to take) where the council considers this necessary for the purpose of facilitating his or her attendance at school. Please refer to **Appendices 1-3** of this policy for further details.

NB Where the parent has a disability which prevents him/her from accompanying the pupil/student to school, the council can consider this in deciding whether free transport on route safety grounds should be provided. Please supply full details of this when applying for transport.

Shared sites

9. In certain specific instances, where a school shares the same site/campus as another and if it also shares the same transport, free transport can be given if the other school is the one designated for the pupil's/student's address for transport entitlement purposes. This situation occurs where the following schools share sites:

- (i) Chippenham: Sheldon/Hardenhuish Schools
- (ii) Salisbury (Laverstock): Wyvern College/St. Edmunds C.E. Girls/St. Joseph's R.C. Schools
- (iii) Trowbridge: Clarendon/John of Gaunt/St. Augustine's R.C. College.

This assistance is subject to the following caveats:

- (a) Roman Catholic pupils/students who live outside the Trowbridge or East Salisbury Secondary area cannot receive assistance with transport to John of Gaunt / Clarendon College or Wyvern College / St Edmund's School.
- (b) If a pupil/student receives transport to a school which is not designated to their address for transport entitlement purposes under this 'Shared Site' agreement and the designated school is closed for the day, it is the parent's responsibility to make and pay for the arrangements for transporting the pupil/student to school.

Spare seats scheme

10. Where spare seats are available on vehicles contracted to the council, they may be allocated to pupils/students who are not entitled to free transport. The charge for this varies, it is published in the council's Schedule of Charges, but spare seat places must always be paid for in advance. Any offer of a spare seat place is made on the understanding that any seat allocated will have to be relinquished if, at a later date:

- (a) the seat is required for a pupil/student who is entitled to free transport or one with a higher priority, e.g. older children or siblings of children already travelling
- (b) the service is withdrawn when the transport requirements in the area are reviewed; sometimes it has been possible to convert contract school buses into public services and so pupils/students who are not entitled to free transport can travel as fare-paying passengers.

NB: Spare seat places cannot be offered on vehicles where fares can be paid.

The full terms and conditions of this scheme are available on request and are published on the Wiltshire Council website.

Special Educational Needs (SEN)

Pupils of compulsory school age (5-16)

11. Children and young people with statements of SEN have the same entitlement to transport under legislation or policies agreed by Wiltshire Council as any other Wiltshire pupil.

Children and young people with statements of SEN who are of compulsory school age are eligible for free travel assistance if:

- they are attending the nearest appropriate school to their home as named in Part four of their statement

and

- the distance between their home and school, measured by the shortest walking route, is more than two miles (for pupils up to the end of the school year in which they have their eighth birthday), or more than three miles (for pupils from the beginning of the school year in which they have their ninth birthday)

or

- if they live within 'statutory walking distance' but because of their SEN they could not be reasonably expected to walk to school. These will be considered on a case by case basis and factors such as receipt of Higher Level Disability Living Allowance (DLA) can be used to assess the level of need. When considering these cases relevant professional evidence will be required.

All school travel assistance is subject to regular review. For children and young people with a Statement of SEN, it should be included as part of their Annual Review.

If parents/carers choose to send their child to a school other than the nearest appropriate school (or maintain a school place after moving to a new home where there is a new nearest appropriate school), they must take full responsibility for their child's travel arrangements.

Post 16 pupils (16-19)

12. For students with special educational needs(SEN)/learning difficulties and disabilities (LDD) continuing in full time education beyond the age of 16 either in school or college who are able to travel independently please refer to Section 6 of this document.

For students with SEN/LDD who continue in full time education either in school or college beyond the age of 16 and who are unable to travel independently, a subsidised travel scheme is also available. There is no free travel available, and the level of contribution required is linked to the household income.

Wiltshire Council will normally provide assistance through this scheme for students who:

- live three miles or more from their school/college
- attend a full-time course at their designated school or college, or attend a specialist college where funding has been approved by the LA/YPLA
- are aged over 16 but under 19 at the start of the course.

Consideration may also be given to those students who do not meet the criteria outlined above, but whose Special Educational Needs make travel assistance necessary. Every case will be considered individually and factors such as receipt of higher level DLA can be used to assess the level of need. When considering these cases, relevant professional advice will be required.

Consideration will also be given to the provision of travel assistance to the preferred establishment when the cost of the transport to the council is no more than to the nearest appropriate establishment.

Students who have a statement of SEN, or who may have had one whilst at school, do not automatically qualify for assistance under this scheme and must apply to ensure that they meet the eligibility criteria.

Wiltshire Council encourages students to be able to travel independently wherever possible. Wiltshire Independent Travel Support (WITS) currently provides travel support to individual students to enable them to access public transport.

The nature of travel assistance provided will vary according to the changing needs of the individual student and will be provided in the most inclusive, sustainable and cost effective way.

19 to 24 year old students

13. Transport assistance for students aged between 19 and 24 at the start of their course is not considered under this policy.

For students who remain in full time college placements and who are aged 19 – 24, the responsibility for funding and eligibility for travel provision rests with the Department of Community Services (DCS) and should be identified during the transitions process. Further details can be found in the Adults Transport Policy.

Appeals procedure

14. In some instances where none of the criteria stated in this policy are met, a parent or guardian may wish to appeal against a refusal of free or assisted transport. A written application for transport must have been refused even after additional information has been submitted.

Appeals are heard by a panel of three councillors. The preparation for the appeal can take up to six weeks. Appellants are asked to submit an appeal form to start the appeal process. Appeal forms are available from the Democratic Services team. Parents or representatives can present their own case. The panel's decision is final unless subsequent information warrants a further appeal.

ASSESSMENT OF SAFE WALKING ROUTES TO SCHOOL

1. The initial assessment is carried out by two Officers from the Education Transport Team of the Passenger Transport Unit.
2. The general policy for assessing an available route is attached at **Appendix 2**.

An available route is a route:

- along which it is reasonably practicable for a pupil/student to walk; and
- along which a pupil/student, accompanied as necessary, can walk with reasonable safety.

In assessing the safety of a particular route, consideration is given primarily to dangers related to traffic and highway conditions. The potential for molestation and other dangers must also be considered in the assessment. The availability of a pavement or footpath will normally be taken to provide a safe route for that part of the journey.

The availability of an accessible verge onto which the pupil/student (and accompanying adult as necessary) can step, when vehicles are passing, will normally be taken to provide a safe route for that part of the journey. On routes where there is neither pavement, footpath nor verge, consideration should be given to:-

- (a) width of carriageway
- (b) traffic speed
- (c) composition of traffic
- (d) visibility (e.g. sharp bends with high hedgerows or banks).

Consideration should be given to the accident data for the route, with particular regard to the effect on pedestrian movements. Where the road has to be crossed, the availability of facilities to assist such crossings should be considered. In assessing the safety of a particular route, regard should be given to the age of the pupil/student and any other relevant circumstances.

3. The Local Authorities Road Safety Officers' Association (now known as Road Safety GB) guidelines, at **Appendix 3**, are used in the assessment procedure.
4. As a result of the inspection, the two officers make a recommendation as to whether transport is to be provided.

In making their decision, there are two main considerations:-

- (a) Could the pupil/student walk to school unaccompanied, with reasonable safety?

If the answer is "yes", then there would normally be no case for the provision of free transport.

If the answer is "no", then (b) below should be considered;

- (b) Could the pupil/student walk to school accompanied by an adult, with reasonable safety?

If the answer is “yes”, then there would normally be no case for the provision of free transport;

If the answer is “no”, provision of free transport should be considered but the matter should be referred first to the Area Highways Engineer to investigate whether any cost-effective road improvements could be made as an alternative to the provision of free school transport.

5. If, after the inspection, the officers are unable to make a recommendation, a Road Safety Officer will be asked to assess the safety of the route using the same guidelines for assessment. A decision is made then as to whether free transport should be provided. If it is decided that free transport should be provided, the Director responsible for Passenger Transport will notify the parents and make the necessary arrangements (if the Area Highways Engineer is not able to carry out cost-effective road improvements as in 4(b) above).
6. The Road Safety Officer will be asked to assess the safety of the route, using the same guidelines, if the parent is dissatisfied with the outcome of the Officers' initial assessment. If the Road Safety Officer upholds the recommendation of the Officers' initial assessment, then the parent is informed of their right of appeal to the relevant panel or committee.
7. If the parent appeals against this decision (citing the reasons for doing so), the route can be walked by councillors and an assessment made using the guidelines. As a result of this assessment councillors will consider, at their next meeting, whether free transport should be provided on grounds of route safety.

**SCHOOL TRANSPORT
GENERAL POLICY FOR ASSESSING AN AVAILABLE ROUTE**

1. In deciding the way it should provide free transport to enable pupils/students to attend school, the Council has to determine the distance to school by the nearest available route.
 2. There are two stages.
 3. The first stage is to decide what is an available route.
 4. In *Rogers v Essex County Council* (1986) the House of Lords held that for a route to be available it must be a route which:-
 - 4.1 it is reasonably practicable for a pupil/student to walk along; and
 - 4.2 a pupil/student, accompanied as necessary, can walk along with reasonable safety.
- This involves taking any dangers or hazards into account: the Council has to make a judgement. However, the presence of public transport cannot be considered at this stage.
5. The second stage is to measure the nearest available route from home to school.
 6. If the nearest available route is below two or three miles, as appropriate, there is no absolute obligation to provide free transport but the Council has to consider whether or not there is a duty to provide free transport having regard to its policy.
 7. If the nearest available route is more than two or three miles, as appropriate, the Council has a duty to provide free transport.
 8. The Director responsible for Passenger Transport will decide whether a route is available under the terms of paragraph 4 above. In cases of dispute he may refer the matter to the relevant panel or committee.
 9. The Director responsible for Passenger Transport, in deciding whether a route is available, will refer to guidelines in the Council's Policy on Education Transport.
 10. Where the Council decides a route is available under the terms of paragraph 4 which is less than two or three miles, and a parent requests free transport on grounds that it is dangerous for an unaccompanied pupil/student but it is not practicable for the parent to accompany the pupil/student to school, the Council may point to the existence of a public bus service to make the journey to and from school safely alone.

LOCAL AUTHORITIES ROAD SAFETY OFFICERS' ASSOCIATION GUIDELINES

The Local Authorities' Road Safety Officers' Association (now known as Road Safety GB) guidelines are used to assess the safety of routes in the light of such factors as traffic and highway conditions, on the assumption that a pupil/student is accompanied by a responsible adult.

The following procedure is taken from the guidelines:

THE ROUTE ASSESSMENT PROCEDURE

- 1 In assessing the safety of an 'available route' consideration is given only to the potential risk created by traffic, highway and topographical conditions, not personal safety.
- 2 It is essential that each case be considered objectively on its merits.
- 3 It is assumed that the child is accompanied as necessary by a responsible parent or carer.
- 4 Where there is a footway or roadside strip of reasonable width and condition, public footpath or a bridleway, this will normally be assumed to provide an available route for that part of the journey.
- 5 Where a verge exists, on a lightly trafficked or narrow road, which can be stepped on to by the child and accompanying person when vehicles are passing, it can normally be assumed to provide an available route for that part of the journey. This is what is referred to in these guidelines as a 'step-off'.
- 6 These guidelines assume that the walker will cross the road to utilise the footway or roadside strip.
- 7 Many available routes may lie along roads that have neither footway or verge. On such roads, consideration must be given to the width of the carriageway, traffic speed and composition (such as frequent long/heavy goods vehicles) and to visibility (i.e. sharp bends with high hedgerows or other obstructions to visibility).
- 8 Where road crossings are necessary, the availability of any facility (e.g. central refuges, pedestrian crossings, traffic signals etc) to assist such crossing 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 the traffic speed and flows, sight lines etc.) should be made. A separate assessment is required for each crossing point. (Refer to appropriate form on page 8 of guidelines).
- 9 A plan showing the length of route should be attached to each assessment.

ROUTE ASSESSMENT SUMMARY

Assessment of Walked Routes

For a route to be classified as NON-HAZARDOUS there needs to be:

Both

- A A continuous adequate Footway on roads which carry normal to heavy traffic.

or Step-offs on roads which are lightly trafficked but have adequate sight lines to provide sufficient advance warning.

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

and B If there is a need to cross roads there must be:

- Crossing facilities (Zebra, Pelican, Puffin* or Toucan* crossings)
- Pedestrian phases at traffic signals (including necessary refuges)
- School Crossing Patrols
- Traffic calming (sufficient to enable safe road crossing)
- Pedestrian refuges

or Sufficient gaps in the traffic flow and sight lines to allow enough opportunities to cross safely.

If a crossing manoeuvre is required on the route, the available visibility at the location should allow for a vehicle to stop given the 85 percentile speed of the flow of traffic and the stopping distances required for vehicles as stated in the Highway Code. (see *Typical Stopping Distances pages 28-29*)

The following definitions are also used in the guidelines:

Footway An adequate footway is defined as one “that is of adequate usable walking width for the circumstances”.

Step Off The term “Step Off” refers to the facility for pedestrians to be able to step clear of the roadway onto a reasonably even and firm surface.

Such a “Step Off” must be capable of being accessed quickly and easily by pedestrians who may be in charge of small children or prams/pushchairs.

Visibility The term “Visibility” means the horizontal distance of unobstructed vision when measured from the eye point of a driver (usually taken as being 1.05 metres from the road surface).

Further, this distance must be equal to, or greater than the appropriate minimum overall stopping distance as shown in the table in the Highway Code given the known 85 percentile speed of traffic on the road.

**Puffins and Toucans not specifically named in LARSOA guidelines*