

EDUCATION TRANSPORT

A GUIDE TO
POLICY & LAW

SEPTEMBER 2008 EDITION

Wiltshire
COUNTY COUNCIL

EDUCATION TRANSPORT – GENERAL POLICY

Definitions:

- The 'County Council' means Wiltshire County Council as the Local Education Authority for Wiltshire (and includes the Committees and Panels authorised to deal with education transport matters);
- The 'designated school' means the school designated by the County 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 LEA 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 County 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.
- 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 8 years or more, the statutory walking distance is up to three miles measured by the nearest available route.

However, from September 2007, the extended provisions of the Education & Inspections Act 2006 shall apply for families in receipt of either:

- (i) Free School Meals within Section 512ZB(4) of the Education Act 1996; or
- (ii) Working Tax Credit, and who are receiving the maximum award for their case.

For pupils who have reached the age of 8 but not the age of 11 and who qualify under (i) and (ii) 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 County Council enabling him/her to become a registered pupil/student at a qualifying school nearer his/her home).

From September 2008, 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 2-6 miles from their home.

Also from September 2008, for pupils/students attending a Voluntary Aided R.C. or C. of E. secondary school who qualify for transport assistance on denominational grounds (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 County 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 County 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 petrol and oil 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 County 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 County 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 County 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 County Council may provide free transport to the new 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.

Denominational Transport

2. From September 2007, new starters in Years 0 and 7 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 parents are adherents to and practising members of the religious denomination of the school. The Panels (which will be comprised of the relevant Headteachers and Ministers of Religion for the area) will review attendance at church to ensure that the required levels of attendance are consistently being maintained.

Subject to these criteria being met, and fulfilling the distance and church attendance criteria, subsidised transport will be offered in these categories, each with termly charges which are published in the County Council's Schedule of Charges (available on request):

- (i) Primary pupils;
- (ii) Secondary pupils/students living 3 to 5.99 miles from the school;
- (iii) Secondary pupils/students living 6 to 9.99 miles from the school;
- (iv) Secondary pupils/students living 10 miles or more from the school;
- (v) Families who are on the lower income levels specified in the Education & Inspections Act 2006 will be able to receive free transport to their nearest school preferred on grounds of religion or belief, where that school is between 2 and 15 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, but will cease after that time.

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

For pupils/students who commenced at their denominational school prior to September 2007, the provisions of the Fourth Edition of the Council's Policy (September 2002) shall apply.

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.

Medical Transport

4. 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 (e.g. broken leg) which prevents him/her from being able to walk to school, the County Council will make enquiries through the GP or Consultant to confirm the necessity for special transport provision before arrangements are made.

'Opted' Transport

5. Where a pupil/student is registered at a preferred school rather than the one designated to their address for transport entitlement purposes, the County Council will provide free transport to and from the preferred school if it is closer to the home address than the transport catchment area school is providing the criteria of either distance or route safety are also met. The County Council will not normally provide free transport to a preferred school which is further from the pupil's/student's home.

Part-Time Attendance

6. Free transport for part time attendance at school will be available additionally at lunchtime during the first Autumn Term only for Summer-born (April to August) 'rising fives' who qualify for transport on grounds of distance or safety.

Petrol and Oil Allowances

7. Petrol and oil allowances are only authorised in the most exceptional circumstances where alternative transport arrangements cannot be made at reasonable cost. Where this occurs with an applicant above statutory school age, a deduction will be made from the first two terms' reimbursements to the student to cover the equivalent of the student's contributions to the Post-16 Transport Scheme.

Post-16 Transport

8. The County 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 where the cost is the same or less (for the Authority) 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 County Council's Schedule of Charges, which is available on request. For the Academic Year 2008/9, students who receive the full rate of Education Maintenance Allowance (EMA) will be able to apply for a pass priced at half the discounted rate. Payment by 8 Standing Order instalments will be available for any applicants who apply by 30th 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 County Council may provide transport to a different establishment, providing the student proves the necessity for this.

NB The application form gives details of how this proof can be obtained.

Route Safety

9. The County 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 County Council considers this necessary for the purpose of facilitating his or her attendance at school. Please refer also 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 will consider this in reviewing the decision as to whether free transport on route safety grounds should be provided.

Shared Sites

10. 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. Boys 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 Secondary area can receive assistance with transport to St. Augustine's R.C. College only; and
- (b) Roman Catholic pupils/students who live outside the East Salisbury Secondary area can receive assistance with transport to St. Joseph's R.C. School only;
- (c) 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' (previously 'Privileged' Passengers)

11. Where spare seats are available on vehicles contracted to the County Council, they may be allocated to pupils/students who are not entitled to free transport (Spare Seaters). The charge for this varies (it is published in the County 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 an entitled pupil/student or one with a higher priority, e.g. a younger child or one living further from school, or
 - (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, 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.

Special Educational Needs

12. Free transport is provided by the County Council (through the Department for Children & Education) for special educational needs (having regard to their particular disabilities) to the nearest school or college appropriate to their needs. Where parents prefer not to send their child to the school designated by the County Council to meet his or her special needs, the cost and provision of transport is their responsibility. Passenger Assistants are normally only provided for those children who require continual care and supervision, such as those with severe mental or physical difficulties and, occasionally, those with behavioural problems. For further details, please contact the Special Needs Section of the Department for Children and Education.