

## **DURHAM COUNTY COUNCIL**

### **CHILDREN AND ADULTS SERVICES**

#### **HOME TO SCHOOL/COLLEGE TRANSPORT POLICY EFFECTIVE FROM 1 SEPTEMBER 2012**

##### **Introduction**

1. This publication is designed to provide information and guidance on the home to school/college travel policy of Durham County Council for pupils and students of different ages. Its purpose is to provide parents, pupils, and students with a clear indication of whether they or their child will qualify for free home to school/college travel. However, it is important to note that all applications for free transport will be assessed by the County Council and parents and students should not assume it will be made available until notification has been received in writing from the County Council.
2. This policy could be subject to change if new legislation is introduced by the Government. From time-to-time it could also be amended by the County Council, following consultation.
3. The County Council wishes to work in partnership with those for whom it provides services. If you wish to comment on the policy or this publication please write to the Corporate Director, Children and Adults Services (marked Admissions, Appeals and Transport Entitlement Team), Children and Adults Services, County Hall, Durham, DH1 5UJ.

##### **General Principles Applying to Free Travel**

4. To qualify for free travel pupils and students of compulsory school age are required to attend the nearest suitable school. Free travel will only be made available in exceptional circumstances to other than the nearest suitable school. You are advised to take this into consideration when applying for a school place. "Suitable school" throughout this policy is defined and in accordance with paragraphs 32 and 33.
5. The County Council will provide free travel for pupils of compulsory school age, who live beyond a reasonable walking distance from the nearest suitable school, provided that they attend that school. For pupils aged under 8 years the maximum walking distance has been determined by legislation to be two miles and for pupils aged 8 to 16 years as three miles.
6. The County Council does not have a similar duty to provide free travel for children attending nursery units/schools or for post compulsory school age students.

7. In assessing the home to school distance, the County Council measures by the shortest walking route. Routes are measured from the centre point of the pupil's house, or in the case of a flat from the centre point of the building, to the nearest school entrance. A geographic information system (GIS) is used to identify and measure the shortest walking route. The GIS identifies routes on the Ordnance Survey Integrated Transport Network and Urban Paths Network, which are national recognised datasets. The routes include all man-made paths, i.e. those that are metalled or surfaced. Where a school operates on two sites, the site the pupil will attend for the majority of the academic year for which transport is applied will be the one used for the purpose of measurement of home to school distance. The County Council may have a duty to provide free travel where the home to school distance is less than the maximum walking distance and where the home to school walking route has been assessed as unsafe. The courts have held that a route is available if a child, accompanied as necessary, can walk along it with reasonable safety. The County Council has an agreed policy on the criteria to be used when assessing whether a route is unsafe and will apply this policy in all circumstances.
8. The County Council is required to provide reasonably safe home to school travel. Occasionally some pupils exhibit poor behaviour on school buses and public service operations. This behaviour may put that pupil and other pupils travelling on the same vehicle at risk. Where this happens the County Council endeavours to take all reasonable measures to overcome this problem. Occasionally, however, it may be necessary to restrict home to school transport arrangements for pupils where this difficulty cannot easily be resolved and the behaviour of that pupil puts themselves and/or others at risk of harm.
9. The County Council endeavours to ensure reasonable pupil behaviour on vehicles used for home to school travel. Where pupils cause wilful damage to those vehicles, however, the County Council reserves the right to restrict home to school travel provision and, where appropriate, hold parents responsible for any damage their children cause to vehicles and other property.
10. The County Council provides free travel on the basis of information made available by parents and students. The County Council reserves the right to request reasonable written evidence to verify information supplied to it before an award of free travel is made.
11. Should any information made available to the County Council be deemed to be inaccurate the County Council reserves the right to remove the provision of free travel and to seek reasonable compensation for the cost of any travel that has been provided.
12. Parents have a right to express a preference for the school they wish their child to attend and the relevant admission authority is required to offer a place in accordance with that preference if a place is available. Local authorities are

not required to provide free travel if the parent makes a choice to send their child to a school that is not the nearest suitable school.

13. Free travel may be made available by the County Council outside the scope of the general policy in individual and exceptional circumstances. If you feel that there are exceptional and individual reasons why you or your child should be provided with free travel, you should write to the Team Manager, Admissions, Appeals and Transport Entitlement Team, Children and Adults Services, County Hall, Durham, DH1 5UJ and explain what these circumstances are and provide as much written evidence to support your request as is possible.
14. In determining whether a child should receive free or supported school travel, and how this is provided, the County Council will consider the issues of cost and value for money for the County Council in coming to any decision. Such consideration can not, of course, remove any legal duty on the Council.

### **Free Travel for Pupils Attending Primary Schools**

15. In law free travel is generally made available to enable pupils to attend the nearest suitable primary school where the home to school distance is over two miles for children up to the age of 8 years; and where the distance is over three miles for pupils of 8 years and over. Durham County Council has agreed that the 3 mile limit will not apply on the child's 8<sup>th</sup> birthday but will be from the start of the academic year after the child reaches the age of 8 years (i.e. usually from the commencement of Year 4).
16. For children aged 8 but under age 11, who are eligible for free school meals, or whose parents receive their maximum level of Working Tax Credit, free transport will be provided to their nearest suitable school, if that school is more than two miles from the child's home.

### **Free Travel for Pupils Attending Secondary Schools Aged 11 to 16 Years**

17. Free travel is generally made available to enable pupils to attend the nearest suitable school where the home to school distance is over three miles.
18. For children transferring to secondary school who are eligible for free school meals, or whose parents receive their maximum level of Working Tax Credit, free transport will be provided to:
  - One of their three nearest qualifying secondary schools, if that school is more than two but less than six miles from the child's home; or
  - The nearest secondary school preferred because of your \*religion or belief for pupils whose parent(s) adhere to that particular faith, where that school is more than two but less than 15 miles from the child's home.

\*For this purpose, parental adherence to the Roman Catholic faith has been defined as where at least one parent and the pupil are baptised Roman Catholic; and to the Anglican faith where at least one parent is a confirmed Anglican and the pupil is a baptised Anglican.

The six mile upper limit to a choice of schools and the 15 mile upper limit to a school preferred on the grounds of religion or belief are not walking routes therefore these routes will be measured along road routes.

19. In addition, free travel may be made available to allow Year 10 and 11 pupils to remain at the same school to complete their GCSE studies following a house move by their parents.

### **Free Travel for Pupils and Students Attending Special Schools and Others Subject to a Statement of Special Educational Needs**

20. Free travel is generally made available to enable pupils who are subject to a Statement of Special Educational Needs to attend the nearest suitable primary or secondary school and where the home to school distance is over two miles for pupils aged under 8 (but Durham County Council will provide this up until the start of the academic year after their 8<sup>th</sup> birthday), or more than three miles for pupils aged 8 to 16 years.
21. Where the Local Authority has identified in a Statement of Special Educational Needs the need for a pupil to attend a Special School, free travel will be made available to the nearest suitable Special School, identified by the Authority, where that school is more than two miles from the parental home for pupils up to the start of the academic year after their 8<sup>th</sup> birthday, or more than three miles for pupils aged 8 and over.

### **Travel Assistance for Students Attending Post Compulsory Education Aged Over 16 Years**

22. Travel assistance is not made available for part-time students (i.e. those studying less than 15 guided learning hours per week over a 30 week period) and students who commence a programme of learning after their nineteenth birthday. Students attending independent fee paying establishments are not entitled to travel assistance.
23. Post 16 students have the option to apply for a concessionary seat on a school vehicle operating into a school with sixth form provision (see paragraph 29(a) ).
24. Post 16 students who, in the view of the Local Authority, are unable to travel independently, e.g. are unable to access a viable public transport system or by reason of a medical condition, will receive assistance with transport.

## Free Travel in Other Circumstances

25. Free travel may be made available for pupils of statutory school age who attend the nearest suitable school when they live under the maximum walking distance from that school in the following circumstances:

(a) ***Based on an Assessment of whether the Walking Route is Safe***

Free travel may be made available for pupils if the walking route from home to the nearest suitable school is assessed by the County Council to be unsafe. If a walking route is assessed as unsafe it is not deemed to be available for use by pupils. Such walking routes are, therefore, not taken into account in assessing the home to school travel distance. You should note that the Courts have held that a route is available if a child, accompanied as necessary, can walk it with reasonable safety to school. The County Council has an agreed policy on the criteria to be used when assessing whether a route is unsafe and will apply this policy in all circumstances.

(b) ***Exceptional and Individual Circumstances***

Free travel may be made available outside the scope of the normal home to school/college travel policy in exceptional and individual circumstances. If you feel that there are exceptional and individual reasons why you or your child should be provided with free travel you should write to the Team Manager, Admissions, Appeals and Transport Entitlement Team, Children and Adults Services, County Hall, Durham, DH1 5UJ and explain what these circumstances are and provide as much written evidence to support your request as is possible. The Team Manager's decision will be confirmed in writing.

## Types of Free Travel

26. Free travel may be made available through a seat on a school contract vehicle (bus or taxi) or by the provision of a bus pass for use on a public service bus, at the discretion of the County Council. Escorts on vehicles are only provided for those pupils who have a Statement of Special Educational Needs and only where the Statement identifies the need for escort provision.
27. Other arrangements, including the payment of daily fares, may be made at the discretion of the County Council.
28. The type of free travel provided may, at the discretion of the County Council, change from time-to-time during the period of schooling of any child.

## **Assistance with Home to School Travel Costs**

29. Where free travel is not normally made available by the County Council assistance with home to school/college travel may be available in the following circumstances:

(a) ***Concessionary Travel***

Where places surplus to the requirements of the County Council are available on school busses they may be made available for use by any pupil or student. This type of support with travel is referred to as “concessionary” travel within County Durham. The County Council is not under any obligation to make concessionary travel places available and may charge for such places. The charge for concessionary travel is £1.50 per day, which may be paid in instalments. The charge is subject to review and may be increased prior to the start of the academic year. For further information on concessionary travel please contact Sustainable Transport, telephone 0191 3725386 or email [sustainabletransport@durham.gov.uk](mailto:sustainabletransport@durham.gov.uk)

(b) ***Students attending Specialist Residential Colleges***

Transport will be provided at the beginning and end of each term in the academic year, i.e. a total of 12 single journeys will be funded.

(c) ***Other Situations***

The County Council will not normally provide assistance with travelling expenses in other situations. However, for those who are not entitled to free transport or assistance under this policy, further public transport options may be available to help a pupil or student attend school or college. For further information please contact Sustainable Transport, email [sustainabletransport@durham.gov.uk](mailto:sustainabletransport@durham.gov.uk), telephone 0191 372 5386.

## **Review of Decision**

30. Where the County Council refuses free home to school transport, parents can appeal against the decision in writing to the Team Manager, Admissions, Appeals and Transport Entitlement Team, Children and Adults Services, County Hall, Durham, DH1 5UJ, including any supporting evidence to be considered.

31. Where the transport appeal has been refused parents/carers can have the decision reviewed by a second Senior Officer. You should write to the Admissions, Appeals and Transport Entitlement Manager, Children and Adults Services, County Hall, Durham, DH1 5UJ, outlining your concerns and requesting a review of the decision. The outcome of this review is final.

## **The Definition of Suitable School**

32. A suitable school is the maintained school or academy which, in the view of the County Council, offers an efficient full-time education suited to the age, ability, aptitude and any special educational needs of the pupil and at which there is a place available for the pupil. For pupils whose nearest suitable school is in a neighbouring authority, the County Council will, if the parent would prefer a school place in County Durham for their child, also provide free transport to the nearest suitable school within County Durham, providing that other eligibility criteria (eg distance) are met.
33. If the nearest suitable school is a Voluntary Aided maintained school, transport will be provided over the distance limit (see paragraph 5) to this and to the nearest suitable non Voluntary Aided maintained school.