

## READING BOROUGH COUNCIL

### REPORT BY DIRECTOR OF CHILDREN, EDUCATION AND EARLY HELP SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	11 JULY 2018	AGENDA ITEM:	12
TITLE:	POST 16 EDUCATION TRANSPORT POLICY/SCHOOL TRANSPORT POLICY		
LEAD COUNCILLOR:	PEARCE	PORTFOLIO:	EDUCATION
SERVICE:	EDUCATION	WARDS:	BOROUGHWIDE
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JOB TITLE:	SPECIAL EDUCATIONAL NEEDS AND DISABILITY	E-MAIL:	<a href="mailto:Paul.Wagstaff@reading.gov.uk">Paul.Wagstaff@reading.gov.uk</a>

#### 1. PURPOSE OF REPORT

- 1.1 In accordance with the statutory provisions of the Education Act 1996, as amended by subsequent enactment, Reading Borough Council is required to have a policy for Post 16 school transport. Any policy must have due regard to the Equality Act 2010. A full Equality Impact Assessment will need to be undertaken.
- 1.2 The Post 16 Education Transport Policy is a DfE requirement. The Policy and Appeals process is included in Appendix One.
- 1.3 The provision of free Post 16 education transport is discretionary to young people with an Education, Health and Care Plan. Although, where a young person is over 16 years old and attending school or college, the law requires a local authority to have home to school/college transport arrangements in place to enable them to attend education or training. For children who are looked after (LAC), the local authority is the corporate parent and therefore responsible for meeting their educational needs, including transport.
- 1.4 The Draft Policy and appeals process is included in Appendix One attached. The criteria for charging is included within the Post 16 Education Transport policy taking account of families on low incomes is included in Section 4. A consultation timeline is included in this paper to plan for the charging of transport for Post 16 to be implemented in September 2019.

- 1.5 There have been minor amendments to the main School Transport Policy, included in Appendix Two, to take account of the introduction of the Post 16 Transport Policy.

## **2. RECOMMENDED ACTION**

- 2.1 That progression with the consultation on the Post 16 Education Transport Policy and Appeals Process At set out in Appendix One be agreed;
- 2.2 That progression with the consultation on amendments to the School Transport Policy to incorporate changes for Post 16 be agreed

## **3. KEY ISSUES**

- 3.1 This is the first specific Post 16 Education Transport Policy for the Borough. This policy takes into the statutory requirement to have a policy that takes into account:
- National guidance in arrangements for home to school transport;
  - Changes in legislation raising the age of participation and 0-25 Special Educational Needs Reforms
  - The Council's direction on including a charging policy as part of provision for Post 16 Education Transport.
- 3.2 There are increasing demands on the School Transport Budget. This is being compounded by an increasing number of young people staying in education post 16 and the extension of Education, Health and Care Plans to cover young people up to 25 years old. Based on pupil numbers by year groups this will be an increasing pressure in future years.
- 3.3 Local authorities have amended their policies in line with national guidance, and introduced an element seeking contributions from Parents/carers. Reading is seeking to follow this lead. There are currently 38 young people receiving free transport to their Special School or College over 16 who would be impacted by the introduction of this policy.
- 3.4 At present Reading Buses have an annual charge of £350 for young people using buses to schools within Reading and £495 outside Reading. Transport to some colleges is arranged by individual colleges accessible from central Reading, for instance Berkshire College of Agriculture and Henley College. Both charge young people for using the coaches.

## **4. CHARGING**

- 4.1 The Policy outlines the school transport eligibility criteria and the financial contributions for young people in post 16 education.

- 4.2 The policy proposes introducing charges to young people from the academic year after they turn 16 years of age. This would normally be for children in school year groups 12 and upwards and would mean children attending a mainstream or Special Schools will be required to pay a contribution towards the cost of their transport to education, even where they are in excess of 3 miles from the nearest suitable school. The provision of school transport is limited to young people attending mainstream or special schools up to the end of the academic year the young person turns 19 years of age.
- 4.3 A proposed charge or contribution of £720 per annum or £540 per annum if on a low income is suggested. This is in line with other Local Authorities in the South East.
- 4.4 For young people aged 16 years to 25 years old attending a College of Further Education or equivalent reduced public transport passes are available. Support with transport costs to College can also be sought through alternative sources such as College Bursary funding or personal budgets within adult social care.

## 5. CONSULTATION

- 5.1 Prior to the introduction of the Policy, a consultation with families who are or will be impacted will need to be undertaken. The Policy will be discussed with the Reading Families Forum, Reading Special School Head Teachers and an online consultation undertaken. Consultation with schools and other stakeholders will also need to be undertaken. The proposed timeline is outlined in Section 7 of this report.

## 6. FINANCIAL

- 6.1 The introduction of charging is likely to save costs through some parent carers taking their children to school and/ or generating an income. Based on 2017/18 figures this would generate in the region of £20,000 to £25,000 income to the Council. However, this may be reduced through the need to put in place systems to collect this money.

## 7. LEGAL

- 7.1 The Policy and Appeals Process has been passed to Reading Borough Council's Legal Team to check for with statutory requirements.

## 8. CONSULTATION TIMELINE

The proposed timeline for consultation and implementation is as follows:

### Post 16 Transport Policy Consultation Timeline

#### Pre- Consultation

11/07/18 - 18/07/18

Initial Policy consultation with Families Forum, Special School Heads and Reading College to identify initial views and minor adaptations to the Policy made where appropriate.

18/07/18 - 22/07/18 Policy amended and Consultation documents completed  
22/07/18 - 29/07/18 Lead Member consulted with any changes

**Consultation**

02/08/18 - 24/10/18 12 week consultation period

**Post Consultation**

24/10/18 - 08/11/18 Policy amended as required  
Equalities Impact Assessment completed  
Report written  
15/11/18 - 19/11/18 DMT Education, Early Help and Children's Services  
22/11/18 - 05/12/18 Lead Member consulted

Either/ Or  
11/12/18 Policy considered by ACE  
Policy announced

September 2019 Policy implemented

# **Post 16 Education Transport Policy**

**THIS POLICY SUPERCEDES ALL PREVIOUS POLICIES AND APPLIES FROM THE  
ACADEMIC YEAR 2019/20**

This document outlines the Council's Policy for providing assistance with education transport who are attending education in the academic year after they have turned 16 years old (normally school year 12 and above), and have an Education, Health and Care Plan, and are resident in Reading.

It should be noted that there is no assistance provided for young people over the age of 16 who do not have an Education, Health and Care Plan. For those families who are experiencing financial difficulties, they should contact the further education establishment to access support via their bursary scheme.

This policy is not a definitive statement of the law but takes into account legislation, relevant guidance, regulations, recommended practice and the Council's own experience. Transport to and from school is provided in accordance with various statutory provisions such as the Education Act 1996, as amended by subsequent enactment and the Equality Duty pursuant to the Equality Act 2010.

**Whilst the Local Authority is committed to supporting Post 16 education, the Council does not have a statutory duty, only a discretionary power, to provide transport for a student Post 16.**

Whilst some children and young people under 16 years old are eligible by legislation for free assistance with transport, for young people educated in the academic year after their 16<sup>th</sup> birthday, assistance with transport is subject to a financial contribution. Decisions are made based on the young person's individual circumstances.

Decisions will be taken in accordance with this Policy and those decisions will come into effect when this Policy is in force.

This Policy on occasion may be amended in the light of changes in legislation and other such circumstances. In considering the date of implementation of any future change, the Council will consider the effect on students whose school or college attendance, or travel arrangements were made in good faith in the light of this or previous policies. However, the Council reserves the right to implement any change of policy before the end of the school or college career of any particular child or young person.

Throughout this Policy we use the term *parent* to mean one or both parents and to include the young person's main carer(s). We use the term 'assistance' in this Policy as, in some cases, Reading may meet only a part of the cost, or because we need to make it easier for a young person to attend a school or college. It still remains the responsibility of parents in all circumstances to ensure their young person attends school or college.

## 1. Key Contact Numbers

### School Transport Service

Civic Centre

Bridge Street

Reading RG1 2LU

0118 937 2542

[School.Transport@reading.gov.uk](mailto:School.Transport@reading.gov.uk)

## 2. The Council's Approach

The Council seeks to support all Post 16 students to continue with their education and training by negotiating preferential rates of travel with some rail and bus operators such as Reading Buses. We aim to support parents by running this scheme, and providing information about Bursary funding available to support student access through their Post 16 education provider (FE Colleges and school 6th Forms). The Council considers therefore that it meets its statutory duties with regard to the majority of students.

The Council will only consider providing support and assistance with transport costs in exceptional circumstances. Therefore, parents and carers should ensure that they are aware of the cost of transport, and should take this into account when making choices regarding Post 16 education.

Council Officers will provide both parents and young people with advice both verbally and in writing about the transport options available to them, along with how further education colleges can assist students with information regarding transport. In addition, the Council provides independent travel training schemes to enable young people (often with learning difficulties and/or disabilities) to travel on public transport independently and safely. Information on this can be accessed through the school, or through the School Transport Service. Assistance is normally only provided for education between the hours of 9am and 4pm which will generally be considered the standard school or college day. Transport will only be provided to one site or educational establishment destination.

## 3. General Entitlements

There is no automatic entitlement to assisted transport once a student is over the age of 16. However, cases will be decided on an individual basis and the local authority will consider any supporting evidence provided as part of a request together with a completed transport application form.

If eligible, transport will only be provided to the nearest appropriate education and /or training provider for learners, and this funding will be subject to the published eligibility criteria outlined in Section 4.

Assistance with transport will not be provided if it is deemed that suitable provision is available at a closer learning provider as measured from the home address.

The nearest suitable learning provider is the closest school or college to the home address able to meet the young person's educational needs. If parents choose to send their young person, or the young person chooses to attend a school or college which is not the nearest suitable provider, assistance with transport will not be provided by the Council. These distances are measured by the nearest available walking route, verified by the Council, or its agents, by appropriate means which might include the use of computer generated mapping systems. The Council views these distances as an exact measure and they cannot be considered as marginal. The measurements are taken from the entrance to the home to the main entrance of the learning provider.

## 4 Eligibility Criteria

### 4.1 Eligibility for School Transport

To qualify for consideration for school transport young people must be:

- Resident within Reading
- Aged 16 to 19 (i.e. generally within Year groups 12 to 14)
- Attending a school (including Special Schools and Academies)
- Have an Education, Health and Care Plan

A financial contribution is required and outlined within section 6. Young people are expected to make use of public transport wherever possible, and travel training is available.

For those families on low income a reduced contribution is made.

Low Income is defined as a family or young person that is either entitled to free school meals, or whose families are receiving the maximum level of Working Tax Credit or Universal Credit.

Applicants will be required to provide relevant documents to prove their eligibility to assistance with transport. Other documents may be required, and details should be obtained from the School Transport Service before applying.

Once eligibility on income grounds has been confirmed, the young person will be considered eligible (on these grounds) for the school year for which the assessment has been made. However, if circumstances change, for example the young person moves house, then eligibility will be re-assessed. It is parent's responsibility to inform the School Transport Service of any change of circumstances. Income assessments will be carried out on an annual basis.



## 4.2 Reduced Cost Public Transport

There are reduced cost passes available for young people aged 16 to 25 if they are attending one of the following:

- A further education institution.
- A local authority maintained or assisted institution providing higher of further education.
- An establishment funded directly by the YPLS (e.g. Independent Specialist Providers) for learners with learning difficulties and/or disabilities.
- A learning provider that is funded by the local authority which leads to a positive outcome (this could include colleges, charities and private learning providers).

Details of the relevant passes can be found on the respective public transport websites and from the School Transport Service.

## 5. Choosing a School

For young people meeting the eligibility criteria, the Council will only provide assistance with transport costs to the nearest school considered by the local authority to be able to meet the student's identified needs. This may not be their preferred school or college.

Assistance with transport will not be provided if it is deemed that suitable provision is available at a closer school as measured from the home address.

In cases where a parent wishes to choose a different school, discounted or discretionary fares with some public transport providers may be available through the School Transport Service or direct to public transport providers.

If a College of Further Education or equivalent is chosen, an application can be made directly to the education provider's Bursary Fund which is available for low income families (details of which can be obtained from the provider).

## 6. Contributions to Travel Costs

If a learner meets the Council's eligibility criteria and travel assistance is agreed, a specified contribution toward the travel costs will be required for all learners before transport arrangements are put in to place by the School Transport Service

Payments can be received by the Council termly via monthly direct debit or payment in full, and consent given upon application for transport support.

The table below sets the necessary payments required for all Post 16 SEN Learners meeting the eligibility criteria for the academic year 2019/20.

## REQUIRED CONTRIBUTION TOWARDS THE COST OF ASSISTED TRANSPORT

	Annual	Termly	Monthly
Post 16 learners with SEN/LLDD meeting the government eligibility criteria for Free School Meals	£540.00	£180.00	9 instalments of £60.00 (September - May)
Post 16 learners with SEN/LLDD not entitled to Free School Meals	£720.00	£240.00	9 Instalments of £80.00 (September - May)

### 7. Transport Requests

All transport requests must be made by completing the online application form which is available on Reading Borough Council's website. Paper copies are available from the School Transport Service.

Applications must be made annually and will be reviewed to assess whether or not assistance with transport is still required. In cases where the appropriate criteria are not met, an appeal can be made through the published appeals process.

If the need for assistance with transport is agreed then the School Transport Service will arrange transport to the appropriate educational establishment subject to payment of the appropriate contribution.

There is no guarantee that the transport provided will be the same as that provided when the learner attended school in Year 11. Every encouragement will be made towards independent travel by public transport. However, should there be a need for additional support for the student due to a particular disability, then this will be taken in to consideration.

### 8. Bus Passes and College Transport

The Council has arrangements with some local bus and train operators for the purchase of annual season tickets at preferential rates e.g. Reading Buses. The parent/young person should contact the relevant transport provider to purchase tickets.

Certain Colleges such as Berkshire College of Agriculture (BCA) and Henley College, provide buses from Reading to the College. There is a charge. For further information please contact the respective college.

## **9. No School Transport Provision**

**Transport will not normally be provided in the following circumstances:**

- If the student does not fulfil the criteria
- If there is a change of address following issue of a final Education, Health and Care Plan
- If the parent/carer request a place that is not the nearest appropriate establishment at which a place is available
- For young people with an Education, Health and Care Plan where the parents have agreed to make provision for transport
- For after school clubs or school trips
- To work experience placements or other extra-curricular activities
- To dental or hospital appointments
- To clinical, medical or non-educational appointments
- In the event of detention and/or exclusions
- To attend meetings following exclusion
- To attend open days and 'taster sessions' at a setting
- Following continued inappropriate behaviour occurring on transport
- In the event that a young person is unwell

It is the parents' responsibility to provide transport on these occasions.

## **10. Individual Requirements**

### **10.1 Pupil's Home Address**

Transport to and from school will normally be determined from a single permanent residence. This is normally the address where the young person spends most time with the parent/carer and has been used for admission purposes. The Council must be notified in writing of all changes of home address.

### **10.2 Change of Address**

If there is a change of address for a student then parents must inform the School Transport Service immediately. If necessary the School Transport Service will reassess the pupil's entitlement to transport. Proof of residency will be required to ensure the correct entitlement for the pupil.

A change of address does not mean an entitlement to transport although, in exceptional cases, the Council may consider that continuing attendance at the current setting would be in the young person's best interest. In such cases transport will be considered to ensure attendance. Consideration will also be given as to whether the change of address was entirely outside any parental control. This decision is at the discretion of the Council.

Where the change of address affects the designation of the nearest suitable

school or college named in Section I in an Education, Health and Care Plan and parents choose to continue the current placement, parents will be responsible for making suitable transport arrangements and the Plan will be amended accordingly in Section I.

### **10.3 Moving Into Reading Borough**

Families moving into Reading Borough will be subject to the criteria as outlined in Section 9.2.

### **10.4 Siblings**

Siblings of young people with an Education, Health and Care Plan do not have an entitlement to school transport as a result. If the Policy has changed since any older sibling received assistance with transport (e.g. if there has been a change to the designated area), then the younger sibling will be subject to the Policy in force at the time of the latter's application and anticipated start date.

### **10.5 Medical Conditions**

If a young person has a temporary or enduring medical condition making it impossible to walk to school, then assistance may be provided. Applications for assistance on this basis will need to be supported by appropriate evidence from the medical profession. Evidence required by the Council may include, but may not be restricted to, a letter from the young person's General Practitioner or Consultant or both and must be supplied at no cost to the Council.

If you feel the young person may be eligible you need to contact and discuss this with the SEN Team.

The Council reserves the right to require the young person to be examined by its own medical adviser and may choose to seek comment from the educational institution or school attended by the child or young person. In an exceptional case the Council may choose to substitute the advice from its own adviser for that submitted by a parent.

Provision of the assistance will be reviewed from time to time as appropriate.

As with other post 16 pupils a contribution as outlined above will be required if school transport is provided.

### **10.6 Parents' Disabilities**

Assistance is not normally provided for a young person in respect of the disability of either or both of his or her parents. However, each application will be considered on its own merits at the discretion of the Council and in compliance with the Equality Act 2010.

## **11. General Requirements for Parents / Carers and Young People Using Transport**

### **11.1 Behaviour on Transport**

Parents, schools, students, transport contractors and the Council, working in partnership, all share responsibility for ensuring that acceptable behaviour is maintained to ensure safe and stress free transport for all.

The provision of transport maybe withdrawn either for a period of time or permanently should a student misbehave whilst being transported to or from school. Normally a warning letter will be sent to parents/carers prior to transport being withdrawn. However, in the event that any incident is considered serious enough, following an investigation by the School Transport Service, the withdrawal of transport may be immediate. In this instance the responsibility for ensuring attendance at school will remain with the parent/carer of the student.

### **11.2 Emergency Contact Details**

Parents/carers need to provide contact telephone numbers, including alternative numbers in the event of the operator or Council being unable to contact the parent/carer before transport can be provided.

## **12. Decisions, Reviewing of Decisions, Complaints and Appeals**

### **12.1 Decisions**

Decisions as to the eligibility for transport, the mode of transport, and other practical matters of transport for students with Education, Health and Care Plans will be taken by the Council's SEN Officers with particular authorisation to do so.

### **12.2 Appeals Process**

#### **Informal**

If a parent is unhappy with a decision that has been made, we recommend in the first instance that this is raised with the SEN Officer that has made the decision.

#### **Formal Process**

No appeals will usually be considered regarding the contribution required or the mode of transport provided. The method of transport is provided by the Council's Transport Officer based on the best available, taking into account the young person's needs and the requirement to offer best value.

Parent/carers do have the ability to challenge the decision made by Officers on the grounds of:

- The transport arrangements offered
- Their young person's eligibility
- The distance measured

- The safety of the route

Only one appeal will be given for each transport application unless there has been a significant change in circumstances.

### Stage One

A parent/carer/young person has 20 working days from receipt of the Local Authority's school transport decision to make a written request asking for a review of the decision. A form to request a review can be found on Reading Borough Council Website.

The written request should detail why they believe the decision should be reviewed and give details of any personal and/or family circumstances they believes should be considered when the decision is reviewed. If the request is based on medical reasons relating to the child or young person, then professional supporting evidence must be provided at this stage for it to be considered as part of the appeal.

This written request should be made to THE SEN MANAGER, Reading Borough Council, Civic Centre, Bridge Street, Reading RG1 2LU and clearly marked SEN TRANSPORT APPEAL, or online on Reading Borough Council website

[SEN@reading.gov.uk](mailto:SEN@reading.gov.uk)

Within 20 working days of receipt of the written request the SEN Manager reviews the original decision and sends the parent/carer a detailed written outcome setting out:

- the nature of the decision reached
- how the review was conducted
- Information about other departments and/or agencies that were consulted as part of the process
- what factors were considered
- the rationale for the decision reached
- information about escalation to Stage Two (if appropriate)

### Stage Two

A parent/carer/ young person have 20 working days from receipt of the Local Authority's Stage One decision to make a written request to escalate the matter to Stage Two.

This written request should be made to School Transport Service at [School.Transport@reading.gov.uk](mailto:School.Transport@reading.gov.uk)

Parent/carers/young people should be aware that no appeal at Stage Two will be considered until such time as Stage One has been completed.

Within 40 working days an independent appeal panel considers written and verbal representations from the parent/carer and Officers and gives a detailed written outcome within 5 working days of their meeting setting out:

- the nature of the decision reached
- how the review was conducted
- information about other departments and/or agencies that were consulted as part of the process
- what factors were considered
- the rationale for the decision reached
- information about escalation to the Local Government Ombudsman

The independent appeal panel members are independent of the process to date and suitably experienced, ensuring that a balance is achieved between meeting the needs of parent/carers and the Local Authority.

### **Local Government Ombudsman**

A parent/carer who remains dissatisfied after following this procedure may further complain to the Local Government Ombudsman, but only if complainants consider that there was a failure to comply with procedural rules or if there are any other irregularities in the way the appeal was handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may apply to judicial review. The Ombudsman can be contacted at:

PO Box 4771, Coventry CV4 0EH (tel. 0845 602 1983)

Further information is available on the Ombudsman's website: [www.lgo.org.uk](http://www.lgo.org.uk)

### **12.3 Special Educational Needs and Disability Tribunal**

Where the student in question holds an Education, Health and Care Plan, it may be that a disagreement about transport is part of a wider question of school provision and placement. As mentioned elsewhere in this Policy, in such an instance, it may be necessary for the matter to be considered by the Special Educational Needs and Disability Tribunal.

Please note that this body does not hear appeals specifically about transport, although it may consider it as part of a wider appeal regarding placement. Officers of the Special Educational Needs Team will discuss the appropriate means of appeal in each case as necessary.

### **Special Educational Needs & Disability Tribunal**

1st Floor, Darlington Magistrates' Court  
Parkgate, Darlington  
DL1 1RU  
Telephone: 01325 289350

Fax: 0870 739 4017  
sendistqueries@hmcts.gsi.gov.uk

## 12.4 Corporate Complaints Policy

Parents can also follow the council's Complaints Procedure by contacting:

Customer Relations Team

Reading Borough Council

Floor 1 North Front

Civic Offices

Bridge Street

Reading

RG1 2LU

Tel: 0118 937 2905

E-mail: [customer.relations@reading.gov.uk](mailto:customer.relations@reading.gov.uk)

Website: <http://www.reading.gov.uk/complaintorcomment>

### USEFUL CONTACTS

#### **Adviza (formerly Connexions)**

Adviza is a charity inspiring people to make better decisions that help them to progress in learning and work

Tel: 0845 408 5001

Email: [info@adviza.org.uk](mailto:info@adviza.org.uk)

#### **Berkshire College of Agriculture**

The college operates their own bus service to the college and students can purchase passes directly from the college. For more information

Tel: 01628 827482

Email: [enquiries@bca.ac.uk](mailto:enquiries@bca.ac.uk)

#### **Bracknell and Wokingham College**

Further Education College offering a range of full and part time courses.

Tel: 0845 330 3343

Email: [study@bracknell.ac.uk](mailto:study@bracknell.ac.uk)

#### **Newbury College**

Monks Lane

Newbury

RG14 7TD

01635 845312

[Info@newbury-college.ac.uk](mailto:Info@newbury-college.ac.uk)

#### **Henley College**

Further Education College offering a range of full and part time courses.

Tel: 01491 579988

Email: [info@henleycol.ac.uk](mailto:info@henleycol.ac.uk)



### **Reading College**

Further Education College offering a range of full and part time courses.

0800 371434

<http://www.reading-college.ac.uk/>

### **Reading Buses**

Reading Transport Ltd.

Great Knolly's Street

Reading RG1 7HH

Tel: 0118 959 4000

Email: [info@reading-buses.co.uk](mailto:info@reading-buses.co.uk)

Web: [www.reading-buses.co.uk](http://www.reading-buses.co.uk)

### **Horseman's Coaches**

2 Acre Road

Reading RG2 0SU

Tel: 0118 975 3811

Email: [Buspasses@horsemancoaches.co.uk](mailto:Buspasses@horsemancoaches.co.uk)

Web: [www.horsemancoaches.co.uk](http://www.horsemancoaches.co.uk)

### **Rail**

#### **16-25 Railcard**

Tel: 08448 714036

Web: [www.16-25railcard.co.uk](http://www.16-25railcard.co.uk)

### **National Rail Enquiries**

Tel: 0845 748 4950

Web: [www.nationalrail.co.uk](http://www.nationalrail.co.uk)

SCHOOL TRANSPORT  
POLICY

FEBRUARY 2018



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## Introduction

- 1.1 The legal responsibility for ensuring a child's attendance at school rests with the child's parent. Generally, parents are expected to make their own arrangements for ensuring that their child travels to and from school.
- 1.2 A Local Authority is only under a statutory duty to provide transport if the nearest suitable school is not within statutory walking distance of the child's home by the nearest available route (section 444(5) of the Education Act 1996 refers). Otherwise the provision of transport is at the Local Authority's discretion (section 509 of the Education Act 1996)

### **The relevant legislation is as follows:-**

Sections 508A, 508B, 508C, 508D, 508F, 508G and 509AD and Schedule 35B of the Education Act 1996 (The Act), which were inserted by Part 6 of the Education and Inspections Act 2006 (EIA 2006).

Regulation 5 and Part 2 of Schedule 2 to The School Information (England) Regulations 2002, as amended

The summary of these sections are as follows:

Section **508A** of the Act places a duty on local authorities in England to assess the school travel needs of all children and persons of sixth form age in their area and to assess and promote the use of sustainable modes of travel.

Section **508B** of the Act sets out the general duties placed on local authorities to make such school travel arrangements as they consider necessary for 'eligible children' within their area, to facilitate their attendance at the relevant educational establishment. Such arrangements must be provided free of charge.

Section **508C** of the Act provides local authorities with discretionary powers to make school travel arrangements for other children not covered by Section 508B but the transport does not have to be free.

Section **509AD** of the Act places a duty on the LA, when exercising its travel functions, to have regard, amongst other things, any wish of a parent for their child to be educated at a particular school on the grounds of the parents' religion or belief. Religion or belief in this instance means any religious or philosophical belief.

This duty is in addition to the duty on the LA to make travel arrangements for children from 'low income families' who attend the nearest school preferred on grounds of religion or belief, where they live between two and 15 miles from home.

This duty is complemented by Section 9 of the Education Act 1996, which provides that in exercising all duties and powers under the Education Acts, the Secretary of State and local authority shall have regard to the general principle that pupils are to be educated in accordance with their parents' wishes, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable expenditure. However, there is no general statutory duty requiring the local authority to provide free transport to a faith school.

Section **508F** of the Act places a duty on local authorities to make any transport or other arrangements that they consider necessary, or that the Secretary of State directs, for the purpose of facilitating the attendance of learners who are aged 19 or over at certain educational establishments. The transport must be provided free of charge.

- 1.3 School Transport is to assist “the attendance of persons of compulsory school age receiving education”.
- 1.4 Only where students meet the relevant criteria in this policy will they be entitled to transport between home and school free of charge.
- 1.5 In addition to the duty to provide free school transport, there are some other circumstances in which Reading Borough Council will consider whether free transport may be necessary to enable the student to attend school; these are detailed in Section 4.
- 1.6 Reading Borough Council aims to develop a best value School Transport Service that
- is efficient, safe, reliable, and accessible;
  - meets the needs of those who are entitled to a service;
  - is co-ordinated with other Reading Borough Council strategies and policies, including the School Journeys Strategy.
- 1.7 In order to reduce journeys to school by car, Reading Borough Council is working with families, schools, local communities and transport planners to encourage students to walk or cycle to school or, where this is not feasible, to encourage greater use of public transport.

## 2 DEFINITIONS

In this document, the following definitions apply:

### 2.1 Maintained School

Maintained School refers to any Community, Voluntary, Special Agreement, Foundation, Free, Academy, Special, or Special Foundation School.

### 2.2 Parent

“Parent” has the meaning as defined in the Education Acts; it includes anyone with parental responsibility, and anyone with whom the child lives, such as a carer.

### 2.3 Reasonable Journey

Reading Borough Council considers a reasonable journey to be one that allows the child to reach school without undue stress, strain or difficulty such as would prevent him or her benefiting from the education.

To this end, Reading Borough Council operates the following maximum times/distances as being reasonable for School Transport journeys:

- **Primary school students:** in Reading, primary schools tend to have smaller designated areas, with shorter journeys. Reading Borough Council considers a public transport journey normally not exceeding 45 minutes or six miles to be reasonable.
- **Secondary school students:** Secondary schools tend to serve a larger area, with more potential for public transport. Reading Borough Council considers a public transport journey normally not exceeding 75 minutes or twelve miles to be reasonable.
- **Special school students:** In some circumstances, travel to special schools may result in a need for longer travelling times especially when outside the Borough.

## 2.4 Residence

- 2.4.1 Any reference to a child's residence means the dwelling where the child normally resides with his or her parent. This includes a placement made where a child is in public care.
- 2.4.2 Where a child's parents are separated, the address of the parent with whom the child normally resides will be recognised as the child's place of residence.
- 2.4.3 Where a child is in public care, and it is considered desirable for the child to continue his or her education at a particular school, the School Transport Service will meet the costs of transport, provided that the new address is within the borough boundary. If the address is outside the Borough boundary the costs will be met from the Social Services budget.
- 2.4.4. When a child in Year 11 moves house, transport will be provided until he or she has completed his/her examinations provided that the distance criteria is met. This will normally take the form of a bus pass.

## 2.5 Suitable School

In determining whether a school is suitable for a student for school transport purposes, Reading Borough Council will consider:

- the age of the child;
- whether the school is the nearest appropriate school;
- the reasonable time and distance that child will have to travel to that school;
- whether the school meets the child's needs as identified in an Education, Health and Care Plan (EHCP) or Statement of Special Educational Need.

A school that selects pupils by ability, aptitude or gender will not be regarded as fulfilling this requirement unless the school is the nearest school to the child's residence - or one of the three nearest if the application is for a secondary school and is based on Low Income.

## 2.6 Compulsory school age

Education is compulsory for children between the ages of five and sixteen. A pupil becomes of compulsory school age on the first day of the term following their fifth birthday. A pupil ceases to be of compulsory school age at the end of the last Friday in June following the 16<sup>th</sup> birthday.

## 2.7 Walking Distance

As defined in the Education Acts, and means

- 2 miles for students under 8 years of age (or 16 for pupils from low income families)
- 3 miles for students aged 8-16 years of age.

Walking distance is assessed by measuring the shortest available walking route between the front gate of the student's home to the nearest school/college entrance. RBC may make allowances for community safety or road safety reasons. The courts have defined a safe route as one "along which a child, accompanied as necessary can walk and walk with reasonable safety to school".

Routes are not unsafe because of dangers that might arise if the child were unaccompanied. Initial checks on the distance are made using a GIS mapping system. If the distance is close to the 2 or 3 mile limit, a physical check may be made using a calibrated measuring wheel.

## 2.8 Low Income Families

Children entitled to Free School Meals or whose parents receive the **maximum** level of Working Tax Credit.

## 3 SCHOOL TRANSPORT POLICY - MAINSTREAM

3.1 On application by the parent, free school transport will be provided by Reading Borough Council if the following conditions are met:

- The child lives in the Reading Borough and is of compulsory school age or a Rising Five; *and*
- The school at which the child is a registered student is beyond walking distance; *and*
- Reading Borough Council is unable to make arrangements for the child to become a registered student at a suitable school nearer to the student's home because:
  - the nearest suitable school has no space for the child; or
  - the school where the student is registered is the nearest suitable school to the child's home, albeit beyond walking distance; or
  - the child has been excluded from the nearest suitable school.

### 3.2 Parental Preference

If as a result of parental preference, a child attends a school other than the nearest available, free transport is not provided. Parents are responsible for making their own transport arrangements and for all transport costs, for the whole time the child attends the school.

Parents cannot rely on the argument that the Reading Borough Council should provide transport to their preferred school because the nearest school is oversubscribed where a place would have been available at the nearest school had an application been made at the appropriate time.

Where parents have exercised preference and later experience a change of circumstances, which prevent them from meeting their responsibility for transport, Reading Borough Council would expect the child to transfer to the nearest available school. Reading Borough Council will not assume responsibility for transport to the preferred school.

### 3.3 Pupils below the Compulsory School Age

Transport will be provided for Rising Five's where the child is attending the nearest appropriate school and the home address is over 2 miles from the school by the nearest available walking route, at the start and end of the school day only. There is no transport provision for pupils attending on a part-time basis.

### 3.4 Safety of Route

The courts have defined a safe route as one "along which a child, accompanied as necessary, can walk and walk with reasonable safety to school". Routes are not unsafe because of dangers that would arise if the child were unaccompanied. Whilst a parent may make a case that a route is believed to be unsafe, it is the Local Authority that determines if a route is safe. The assessment will be made based on the criteria set down in the guidelines in Appendix One.

It is the responsibility of the parent to decide whether to accompany their child to school or make alternative arrangements. They are also expected to provide protective clothing and footwear as necessary.

#### **4 DISCRETIONARY PROVISION**

In addition to the reasons outlined in section three, Reading Borough Council may or may not provide free transport on the application of a parent in the following circumstances.

##### **4.1 Medical Conditions and Disabilities**

Transport will be provided for a student of compulsory school age or a Rising Five, attending their nearest suitable school but is unable to attend school because of a medical condition or disability.

Application for transport on these grounds must be accompanied by written advice from the appropriate community paediatrician, the child's GP or hospital consultant. The advice must include information on the effect that the disability has on the child's ability to use public transport, and how long the condition could be expected to last, as well as evidence as to why the parent is unable to transport the child.

Discretion is not normally exercised to support pupils attending a school which is not the nearest as transport is a parental responsibility for the whole time a pupil attends a preferred school.

##### **4.2 Denominational Transport**

The Education Act does not require Reading Borough Council to provide free transport to faith schools.

Low income families should refer to Section 5.

##### **4.3 Peripheral Activities**

Transport assistance, where awarded, is only provided for pupils at the beginning and end of the school day. It will not normally be provided for additional activities, e.g. Induction/Open Days, Interview visits, Work Experience, Homework Clubs, Dental/Medical appointments, Respite Care, Breakfast Clubs or Parental/Carer attendance at school.

Where a pupil becomes ill during the day, it is the responsibility of the parent to collect their child or to agree with the school that they will provide adequate care until the end of the school day.

##### **4.4 Other exceptional circumstances**

Parents may make requests for free transport for their children on the grounds of exceptional educational or social need. As such cases are exceptional, it is not possible to specify general criteria which may be applied to judge eligibility. Where an application is turned down an appeal can be submitted on-line (see section 12). An appeal should be supported by appropriate professional advice e.g. GP/Hospital letters, Social Worker/Educational Welfare Officers' reports, etc. Where the need arises as a result of a decision of a court, a copy of the relevant Court order must be submitted.

##### **4.5 Charging**

Where a pupil does not qualify for transport assistance, the Authority may be able to assist with provision for which a contribution may be required. This may include:



- Provision of a concessionary fare paying seat, where a seat is available on an existing contract vehicle for which a termly charge is made
- One off contributions for occasional transport to respite placements/After school clubs etc.
- 16-19 year olds with a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (see Post 16 Education Transport Policy)
- Pre-school aged pupils with a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan

## 5.0 TRANSPORT ENTITLEMENT FOR LOW INCOME FAMILIES

Schedule 35B, added to the 1996 Education Act, includes free school travel for children from low income families. The Act defines low income pupils as those who are entitled to Free School Meals or whose parents are in receipt of the **maximum** level of Working Tax Credit.

Once eligibility has been confirmed, entitlement is until the end of the academic year. A new application must be made prior to the start of each academic year.

### 5.1 Primary school

The two mile walking limit is extended up to the end of primary education for pupils attending their nearest qualifying school.

### 5.2 Secondary School

Transport for secondary school pupils will be provided for pupils attending one of their three nearest qualifying schools, where they live more than two miles but less than 6 miles from that school.

Where a preference has been expressed for a school based on the parents' religion or beliefs, then a secondary school pupil **from a low income family** is entitled to travel assistance where they live more than two miles but not more than 15 miles from that school. A Denominational Certificate signed by the Parish Priest/Minister confirming that the parent is a practising member of their church/congregation will be required. When considering whether a school is preferred on the grounds of religion or belief, the Authority will take into account the nature of other schools that may have been named as a higher preference on the application form. For an application for travel assistance to be agreed under this section, the expectation will be that the faith school that is preferred on the grounds of religion or belief will be named above any non-faith schools that have been named on the application form. The 6 and 15 mile limits are measured along road routes as they are not "walking routes".

## 6.0 SPECIAL EDUCATIONAL NEEDS

### 6.1 General Entitlement

Pupils with special educational needs have the same entitlement to school transport provision as any other pupils within the education system. Reading Borough Council is generally only under a duty to provide free transport to a child's nearest suitable school, provided that it is beyond statutory walking distance of his or her home. The nearest suitable school for a pupil with special educational needs may well be different than for other pupils, and transport maybe provided within the statutory walking distance as a reasonable adjustment to the child's disability.

Whilst nothing in this policy should be construed as limiting the schools for which parents of children with statements may express a preference, if a child is attending a school of parental preference (i.e. not the one that Reading Borough Council considers

being the nearest suitable) the child's parents must meet the transport costs. Home to school transport will not be provided.

In exceptional cases, as part of the Education, Health and Care Plan Assessment, or following an Annual Review, Reading Borough Council may identify a child who has particular travel needs requiring specialist transport assistance. Within Annual Reviews, a pupil's transport should be reviewed and may result in alternative arrangements on the advice of professionals or the school.

It is also necessary, where it is appropriate and safe to do so, to develop students' independence as they mature and approach adult life. Where safety permits, Reading Borough Council will promote travel options that encourage students with special educational needs to become responsible for making their own way to school, to increase their independence.

Wherever possible, a student with special educational needs will also be encouraged to travel on public transport or join the Independence Travel Training scheme, especially when this is considered to be a factor in developing their independence, life and social skills

## **6.2 SEN - Exceptions**

6.2.1 Transport assistance will only be provided to students outside the entitlement when it is demonstrated and professionally evidenced that there is a need.

6.2.2 In all circumstances, the factors will demonstrate that the child cannot make the journey to school safely. Any transport provided will be based on the student's needs, not the parent's circumstances. Transport entitlement will **not** take into account parents' work or other commitments or attendance by siblings at other schools.

6.2.3 Reading Borough Council will consider several factors when determining the mode of transport to use. These include the nature of the child or young person's special educational needs; their age; their medical needs; the viability of using contracted services; public transport or (for a young adult) the person's own transport; the need for specialist transport and/or escorts and the efficient use of resources.

## **6.3 Special Education Needs (SEN) Application**

In most cases for pupils with a Statement of Special Educational Needs or an Education, Health and Care Plan (EHCP), consideration for assisted travel arrangements will form part of the initial assessment, annual review or transition planning process. An application form can be completed and submitted online or telephone the Special Education team on 0118 937 2674 to request a hard copy. The form is also available on the Reading Borough Council website. The eligibility of these applications will be assessed by the SEN Team via the SEN Panel, using the criteria above.

## **6.4 Escort Provision**

Escorts are provided to ensure the safety of passengers travelling to and from school. The provision of escorts is generally restricted to:

a) Special needs pupils under the age of five years

- b) Pupils with complex needs who would be at risk on school transport if travelling unaccompanied e.g. pupils with severe behavioural difficulties, life threatening conditions, mobility problems or pupils unable to communicate effectively.
- c) Vehicles where the number of pupils travelling together necessitates the provision of an escort

Escorts must have an enhanced DBS check and have attended either the Readibus training day or a PATS training day. Attendance at further training sessions maybe required. Unless specifically employed and trained to do so, escorts are not expected to administer medical treatments.

#### 6.5 SEN - Residential Places

Where Reading Borough Council names a residential school or provision at some distance from the parents' home, Reading Borough Council will either provide transport or pay the costs of such students' transport at the beginning and end of each half term, plus any weekend when the school is closed. Payment can include reimbursement of public transport costs, petrol costs or provision of a travel pass. All other transport costs must be met by the child's parents.

The transport is provided for the pupil and does not include transport for the parents to attend Open Days, Annual Reviews etc.

#### 6.6 SEN - pre-school

For children who have a Statement of Educational Needs or an Education, Health and Care Plan (EHCP) and who:

- attend an early years setting, a nursery school, or a nursery class at a primary or infant school, or

However, the Authority may make a charge for this provision.

#### 6.7 SEN - Working towards independent travel

Independence is a key life skill. As students become older a move to more independent method of travel is an important contribution to developing this wherever possible. Although some will require some form of assisted transport throughout their school career, many others should be working towards more independent travel, i.e. no escort followed by a bus pass or walking.

Altering the method of assisted transport for a pupil may well cause concern for both the pupil and the parents. This demonstrates the need for both an appropriate expectation within the school about the importance of independence skills for adult life and careful preparation before the review. While reviews will always take account of the pupil's needs in reaching a decision to recommend a move to more independent travel, it may be wise to raise it as a possibility at least one review before the formal recommendation may be made. Reading Borough Council will take the final decision, with parents being able to appeal to an independent panel where they disagree.

### 7. APPLICATIONS FOR TRANSPORT PROVISION

#### 7.1 Special Education

Applications are made to the Special Education Team and assessed by a Panel to make a decision. Approved requests for transport provision are passed on to the School Transport Service. These give the pupils details, school, start date and any additional information which may be necessary to provide the required level of service. This should include details of equipment required e.g. tail-lift, car seat, harness or medical

conditions that staff may need to be aware of such as Epilepsy, Autism, visual or hearing impairment and physical disabilities.

The School Transport Service requires 5 days notice to allocate provision and notify operators, parents/carers and schools of the arrangements. Occasionally a longer period maybe required if a new contract is required or a pupil has complex needs.

## **7.2 Mainstream Provision**

Applications can be made online or direct to the School Transport Team. On receipt of an application form, checks will be made with school and other records to confirm eligibility for free transport. A Supplementary form needs to be completed if application is being made based on low income.

Season tickets are issued for the start of term or within two weeks of the receipt of application. Contract vehicles are only provided where there is no suitable public transport.

In special circumstances where this is not appropriate, an alternative form of transport will be provided e.g. for pupils with medical conditions.

## **7.3 Concessionary Fare payers**

Where spare seats are available on school transport contract vehicles, pupils not entitled to free transport maybe allowed to travel on the pre-payment of a fee determined by Reading Borough Council.

This concession can be withdrawn at any time for the following reasons:

- a) the seat is required for a pupil entitled to assistance
- b) the vehicle ceases to operate
- c) non-payment of account
- d) operational requirements egg route re-organisation, provision of a smaller vehicle
- e) misbehaviour by the pupil

## **7.4 General**

To monitor the use and effectiveness of its system, The School Transport Service will keep accurate student records, along with details of service providers, season ticket details, and other statistical information. All information about individuals and their particular requirements will be handled with sensitivity and confidentiality, and in accordance with the Data Protection Act.

## **8.0 TRANSPORT RESPONSIBILTIES**

### **8.1 Reading Borough Council Responsibilities**

Reading Borough Council's School Transport Service is responsible for;

- Determining service provision in accordance with pupil needs;
- Awarding contracts in accordance with the Council's tendering procedures;
- Providing escort training;
- Endeavouring to ensure that pupils travelling time is kept to a minimum;
- Monitoring service provision and taking action to rectify problems.

The Council reserves the right to withdraw transport for any pupil who presents a safety risk to other passengers.

Transport arrangements are subject to change when pupils leave or join a route. The transport provider may also change as the Authority reviews provision to ensure the most cost effective transport.

The Authority will not fund additional journeys or routes which are put in place by anyone other than officers within the SEN or School Transport sections, without prior approval of the relevant budget holder.

## 8.2 Escort Responsibilities

- Escorts should have undergone an enhanced DBS check attended a Readibus or PATS Training day, and be wearing an identity badge issued by a Local Authority during working hours.
- Escorts should be aware of the Code of Practice and any contingency plans laid down by the contractor regarding breakdowns, accidents or other emergencies. Staff should ensure they have emergency contact numbers for the parents of pupils travelling on their routes.
- Escorts should ensure that pupils board and alight safely by keeping doors closed while vehicle is moving, not allowing children to open or closing doors and ensuring that pupils are well clear of the vehicle before driver moves off. Parents are responsible for bringing pupils to the vehicle and collecting them in the afternoon - the escort should not leave pupils on the vehicle unsupervised at any time.
- The escort should ensure all luggage is stowed safely and that pupils have seat belts or other harnesses and seats secured.
- The escort should, as far as possible, sit where the pupils can be watched. Clear guidelines should be set as to what is acceptable behaviour. Severe or persistent misbehaviour should be notified to the school.
- The escort should exercise reasonable control and ensure pupils do not hinder the driver. Escorts should not engage in confrontational situations with parents but report the incident to the employer or the School Transport Team.
- Under no circumstances should an escort strike a pupil. Where pupils are involved in a fight or confrontation, minimum, appropriate, physical restraint may be used (Where there are concerns, training will be given).
- Escorts should never use foul language or abusive gestures but should maintain a courteous, professionally detached relationship with the pupils, parents, school staff and the driver. Inappropriate conversation topics will be avoided. Staff should not tease, play or 'fool around' with passengers and should not interfere with their belongings. All passengers should be treated with care, respect and dignity.
- Physical contact with pupils will be kept to a minimum. Staff are not permitted to lift children on/off vehicles.
- In the event of an accident or breakdown, the escort will remain with the children.
- The escort will co-operate with Authority staff, teachers and parents to resolve problems, reporting any issues felt to be relevant to the child's well being. Incidents, conversations or behaviour changes can indicate a pupil has a problem.
- Escorts should be aware that some of the information about the pupils is confidential. Any written notes should be kept in a safe place which cannot be accessed by others.
- If no-one is available to receive a pupil at the end of the day, escorts should be prepared to take the child for the remainder of the journey before returning to the pupil's house. It is helpful for staff to ensure they have contact numbers for the parents in case of an emergency.

- Escorts should ensure that pupils do not eat on the vehicles to reduce the risk of choking and to avoid medical conditions and allergies being aggravated.
- No smoking is permitted during working hours.
- Escorts should not be in possession of alcohol, drugs or offensive weapons.
- The Escort should be trained to use any equipment provided e.g. , harnesses, car seats etc.

### 8.3 Driver Responsibilities

- Drivers should not drive a vehicle they consider to be unroadworthy. The vehicle should be plated and the driver should display his Identity Badge at all times.
- The schedule should be followed using only designated pick up points.
- The driver should be aware that the schedules contain information relating to pupils which is confidential and they should not be left in places where they can be accessed by others.
- Always park so that pupils alight on the pavement and not in the carriageway and make sure all pupils are clear of the vehicle before moving off.
- Drivers should not allow any unauthorised passengers to travel.
- A courteous, professionally detached relationship should be maintained with pupils, parents, school staff and escort.
- The driver should exercise reasonable control, assisting escorts when one has been provided. Drivers should not engage in confrontational situations with parents but report the incident to the employer or the School Transport Team
- Under no circumstances should a driver strike a pupil. Where pupils are involved in a fight or confrontation, minimum, appropriate, physical restraint may be used (Where there are concerns, training will be given).
- Drivers should never evict a pupil from the vehicle, but should report misbehaviour to staff.
- Drivers should never use foul language or abusive gestures. Inappropriate conversation topics will be avoided. Staff should not tease, play or 'fool around' with passengers and should not interfere with their belongings. All passengers should be treated with care, respect and dignity.
- Inappropriate conversation topics and language must be avoided. Physical contact with pupils should be kept to a minimum.
- The driver should ensure that school transport signs and route numbers are displayed correctly.
- Children should not open and close doors - childproof locks should be used where available. Before moving away, drivers should ensure that all passengers are seated and that appropriate seat belts/restraints are secured.
- The driver should never leave pupils unattended. When returning pupils home the driver should wait until the child is received by a responsible adult.
- The driver should be trained to use any equipment provided e.g. ramps, lifts, harnesses, fire extinguishers, strap cutters etc.
- Most schools have arrangements for parking, picking up and setting down within the grounds and drivers are expected to co-operate with their procedures-  
Drivers should adhere to speed limits, not use mobile phones unless parked and are not permitted to smoke. Where practicable, drivers should switch off vehicle engines to reduce smoke emissions, noise and other pollutants. Vehicles should not be left unattended. If a driver leaves the vehicles it must be secured locked and parked in a safe and appropriate place.

- The driver should be aware of procedures in the event of a breakdown, accident or other hazard such as fire. All incidents should be reported as soon as is possible.
- The driver should not be in possession of alcohol, drugs or offensive weapons.
- The driver should be aware and compliant with regulations relating to Drivers' hours.
- The driver should advise their employer, and, if necessary, the DVLA, Swansea of any change in their medical condition which may affect their fitness to work.

#### **8.4 Operator Responsibilities**

- The operators should have read the Code of Practice for School Transport Operations which forms part of the contract between the Operator and the Authority. This covers reliability of operation, procedures for breakdowns and emergencies, customer care, vehicle provision and maintenance, contact details, and service monitoring.
- The operator should ensure that all legislation relating to the transport provision is adhered to including, licensing, badged staff, vehicle maintenance, provision and displaying of school transport signs, wheelchair floor tracking, harnessing and tail lift testing and maintenance, record keeping etc. All records should be available for inspection by the staff from the Council as required.
- The operator is responsible for ensuring that staff are aware of procedures for breakdowns, accidents or other incidents

#### **8.5 School Responsibilities**

- Staff should be available to transfer pupils between the vehicle and the classroom. Escorts and driver should not leave pupils unattended while accompanying other pupils from classrooms.
- The school should ensure that loading areas are as safe as possible, minimising the movement of pupils round moving vehicles.
- Changes which affect the transport provision e.g. early closures, school trips, pupils leaving etc should be notified as soon as possible. Minor changes can be notified direct to the operator. Changes which may affect the cost to the Authority should be notified to the School Transport Service.
- The Operators will present a Con 1 form at the end of each month. These should be signed by authorised signatories at the school to confirm the number of days transport has been provided.
- Monitoring forms are available for schools to survey the transport and advise of any concerns they may have.
- Advice maybe sought from school staff regarding problems that may arise with individual pupils.

### **9 CHANGE OF CIRCUMSTANCES, LOSS, ERRORS, FRAUD**

- 9.1** If a child aged less than eight years receives free transport, but would lose this entitlement on turning eight due to the different walking distances involved, free transport will be maintained to the end of the term in which the child's eighth birthday falls.

- 9.2 If a child moves out of Reading Borough, the student must surrender any travel pass with immediate effect. Responsibility for travel will rest with the Local Authority in whose area the student then resides.
- 8.3 Where a child is awarded a season ticket for public transport, he or she must carry the ticket for all home to school journeys, and show them when asked. If a child is unable to attend school because the season ticket has been lost or stolen, the parent is responsible for transporting the child until a replacement ticket is issued.
- 9.4 Where a pupil has been assessed as eligible for transport assistance in error, or as a result of defective information or fraud investigation, the provision will be withdrawn at the end of the term in which the matter is brought to the attention of the parent. Any passes issued to the child must be returned at the end of that period. In the case of a fraudulent application, assistance will be withdrawn at the end of the week in which clear evidence of such fraud is presented.
- 9.5 Reading Borough Council reserves the right to take legal action against any parent who makes a fraudulent application for free school transport.

## 10 QUALITY AND STANDARDS

### 10.1 Service Standards and Codes of Practice

In addressing service quality, RBC will set service standards that promote journey quality and effectively address bullying or poor behaviour.

### 10.2 Parents and Children

Although Reading Borough Council may provide transport assistance, the parent is still responsible for ensuring that their child attends school.

### 10.3 Contracted Services

RBC issues a Code of Practice for Operators. Where transport is provided through contracted services, as part of the conditions of the contract, RBC requires its contractors, their employees and any sub contractors, to adhere to this Code.

If a contractor, its employees, or any sub-contractor, fails to comply with the Code of Practice for Contractors, RBC may deem the Operator to be in breach of contract.

### 10.4 Emergency Closures

#### 10.4.1 Severe Weather Conditions

After consideration of the forecasts, Headteachers may decide that the health and safety of pupils necessitate closing the school. Announcements on school closures are made on local radio stations when weather is severe.

If the weather deteriorates once pupils have arrived at school, Headteachers will advise the Authority if they deem it necessary to close and arrangements will be made for vehicles to collect pupils as soon as is practicable. Parents will be contacted to ensure that care is available on their return.

#### 10.4.2 Loss of Essential Services

In the event of heating breakdown or disruption of other essential services (such as water supply), especially during cold weather, the Headteacher may arrange for pupils to be returned home. Parents would be notified accordingly.

### 10.5 Behaviour on School Transport

For reasons of health and safety your child must always wear an appropriate seatbelt. In addition, pupils should not:



Eat or drink on the vehicle  
Stand up in the vehicle whilst it is moving  
Distract the driver in any way  
Play radios, personal music players (CDs, MP3s, ipods, mobile phones etc) unless using personal headphones  
Drop litter inside the vehicle  
Smoke on school transport  
Parents will be responsible for any damage caused to the vehicle by their children and will have to pay the operator for any repairs that maybe necessary, including cleaning costs where appropriate.

If a child persistently misbehaves, RBC reserves the right to withdraw transport provision - either on a temporary or permanent basis. If it is necessary to take this course of action, the parent is then responsible for ensuring their child's continued attendance at school.

The Education Act 2006 makes it clear that head teachers have the right to address unacceptable behaviour, even when this takes place outside the school premises and this includes behaviour on school transport.

## **11 COMMENTS AND COMPLAINTS**

- 11.1** Reading Borough Council welcomes feedback and constructive comments from its service users. The School Transport Service will pick up all comments about services, whether written or verbal, made face-to-face or over the telephone - including those which are not formal complaints.
- 11.2** If things go wrong, the School Transport Service will endeavour to rectify the situation swiftly, to the satisfaction of all parties, as long as the solution is not outside the boundaries of this policy.
- 11.3** However, the School Transport Service can only deal with complaints about the services that are contracted by the School Transport Service. Complaints about contracted services will be dealt with in accordance with Reading Borough Council's published complaints procedure. Complaints about services provided by train operating companies, or bus companies, must be directed to the company in question.

## **12 APPEALS**

- 12.1 Stage One.** If a parent has had an application for free school transport turned down by the School Transport Service, an appeal against this decision can be made. The Parent(s) will be asked to submit an on-line form, within 20 working days from receipt of the Authority's written decision. The statement should include any personal circumstances you feel should be considered, accompanied by any additional supporting evidence from professionals.

The decision will then be reviewed by a Reviewing Officer within 20 working days of receipt of the request and parent(s) will be notified.

If assistance is granted, it will normally take the form of a bus pass or the most economical option possible. If other provision is being sought, the request should form part of your submission.

**12.2 Stage Two.** If you wish to challenge the Stage One Reviewing Officer's decision you have 20 working days from receipt of the Stage One decision to submit your intention to progress your case to Stage Two where your case will be reviewed by an Officer Panel headed by a Manager. You will have the opportunity to submit additional information. Your appeal date will be within 40 working days of receipt of your request and supporting information. Prior to your case being heard, a full copy of all correspondence will be sent to you. The Panel will meet approximately once a month (dependent on demand) and consider each case on its individual merits. A letter will then be sent outlining the Panel's decision.

**12.3 Grounds for Appeal**

You can appeal on one of the following grounds:

- That the policy has not been properly applied
- That the policy has been properly applied but there are exceptional circumstances (Please note - A parent being unable to take their child to school due to work commitments will not be considered as exceptional circumstances)

**12.4** Pending a review, it remains the parent/carers responsibility to ensure their child attends school.

**12.5** If the appeal is unsuccessful, an appeal can be made to the Local Government Ombudsman. The Ombudsman can be contacted at:  
PO Box 4771, Coventry, CV4 0EH (Tel 0845 602 1983)  
or through the website: [www.lgo.org.uk](http://www.lgo.org.uk).

## APPENDIX 1 - SAFETY OF ROUTE GUIDELINES

### From the 2002 Guidelines: Identification of hazards and the assessment of risk of walked routes to school - Local Authority Road Safety Officers' Association (LARSOA)

1. In assessing the safety of a particular journey, consideration is given only to danger relevant to traffic/highway conditions.
2. It is essential that each case be considered on its merits.
3. The pupil may be assumed to be accompanied as deemed necessary by a normal caring parent or other responsible adult.
4. Judgements should be made fair in regard to both urban and rural routes. The task of a pedestrian in urban areas, even where there are footways, can be difficult when regard is had, for example, to the need to cross main traffic routes.
5. Consideration should be given to the overall nature of the route. It is not unreasonable to expect special care to be taken on short difficult sections.
6. Where difficult sections exist on a road, their locations within the overall journey is relevant since applications for free transport would not normally be entertained in respect of very short journeys.
7. Where a footway, public footpath or bridleway exists such can normally be assumed to provide a safe route for that part of the journey.
8. Where a verge exists along which it is possible for the child and accompanying person to walk, the verge can normally be assumed to provide a safe route for that part of the journey.
9. Where, on lightly trafficked roads, a verge exists which is not easy to walk on but which can be stepped onto by the child and accompanying adults when vehicles are passing, it can normally be assumed to provide a safe route for that part of the journey.
10. Many rural routes may lie along roads having neither footway nor verge. On such roads consideration should be given to the width of the carriageway, traffic flow and composition (such as frequent heavy goods vehicles) and to visibility (i.e. sharp bends with high hedgerows or banks).
11. Where there is evidence that a route is used by children (either accompanied or not) outside school hours this should be taken into account in judging whether it is available for journeys to school
12. Consideration should be given to the relevant accident record of the route with particular regard to the effect on pedestrian movements.
13. Where road crossings are necessary, the availability of justified crossing facilities (zebra, pelican, school crossing patrol) using the laid down criteria should be taken into consideration.