

# HOME TO SCHOOL TRANSPORT

## POLICY Effective from – 1 September 2013

## **1. POLICY STATEMENT**

This document sets out the policy of Birmingham City Council (“the Council”) in relation to the provision of free school transport for children of compulsory school age. Annex 1 sets out other related documents (including the Council’s guidance on this policy), and all are available on the Council’s website at [www.birmingham.gov.uk/school-travel](http://www.birmingham.gov.uk/school-travel).

The Education Act 1996 sets out the categories of children and young persons of compulsory school age (5-16) who are eligible for free school transport. The Council’s policy is to provide free school transport (referred to in the Act and in this document as “travel assistance”) to these categories of eligible children in accordance with its legal obligations, but not otherwise unless there are exceptional circumstances.

The Act and this policy refer to “travel assistance” rather than free school transport because in practice the form of assistance or transport provided may vary. This is explained further in section 8 below. The travel assistance provided will be whatever the Council considers is necessary and suitable for the purpose of facilitating the child’s or young person’s attendance at school.

Where this policy refers to a “qualifying school” this means a school (or nursery) maintained by the Council (“state schools”), a pupil referral unit, a non-maintained special school or an Academy. Admissions and travel assistance are separate matters and acceptance at a particular school does not necessarily entitle the child or young person to travel assistance.

This policy summarises the categories of eligible children set out in the Act who are entitled to free school transport. It also sets out how parents or carers must apply for travel assistance, how decisions are made and how parents and carers may appeal against decisions that they are unhappy with.

The policy is intended to provide clarity for parents or carers facing a wide range of circumstances, and to ensure that children and young people with particular and significant needs according to the eligibility criteria are appropriately supported. However, it is the legal responsibility of parents or carers of each child or young person to ensure they attend school regularly.

## **2. PARENTS / CARERS, CHILDREN AND YOUNG PEOPLE COVERED BY THIS POLICY**

This policy applies to children and young people of compulsory school age and their parents or carers who are resident within the City of Birmingham and to children and young people in the care of the local authority.

### **3. ENTITLEMENT TO TRAVEL ASSISTANCE – ALL CHILDREN AND YOUNG PEOPLE**

Travel assistance will be provided for children and young people who attend their nearest qualifying school and the distance between their home address and school is over the statutory walking distance.

The statutory walking distances are:

2 miles for children under 8 years of age

3 miles for children or young people aged 8 or over.

Below these distances the responsibility for the journey to school rests with the parents or carers. The statutory walking distance is measured along a route that a child or young person might reasonably be expected to walk to school accompanied where necessary by their parents or carers.

Where a parent or carer chooses a school for the child or young person but there is a qualifying school nearer to home which he or she could attend then travel assistance is not available under this heading.

### **4. ENTITLEMENT TO TRAVEL ASSISTANCE - LOW INCOME FAMILIES**

“Low income family” means one where the child or young person is entitled to free school meals or where one or both parents are in receipt of the maximum level of working tax credit. Children or young people in such families who do not qualify for travel assistance under the criteria in section 3 above are nonetheless entitled to travel assistance if they satisfy the following criteria:

#### **Primary Aged Children:**

Children aged between 8 and 11 years of age from low income families are entitled to free travel assistance where they are attending their nearest qualifying school and that school is more than 2 miles from their home.

#### **Secondary Aged Children and Young People:**

Children and young people aged 11-16 (in year groups 7 to 11) from low income families are entitled to free travel assistance if they are attending a school more than 2 miles but not more than 6 miles from the home address and it is one of the three nearest suitable qualifying schools from their home. This distance is extended to 15 miles if the parents or carers have selected the nearest qualifying school based on their religion or belief and, having regard to the religion or belief in question, there is no suitable qualifying school nearer to home.

### **5. ENTITLEMENT TO TRAVEL ASSISTANCE – CHILDREN & YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS**

Children and young people who do not qualify for travel assistance under section 3 or 4 above are nonetheless entitled to travel assistance if they are attending the nearest

qualifying school to their home which is suitable for their needs but have special educational needs, a disability or mobility problem and for this reason cannot reasonably be expected to walk to that school.

Travel assistance will not normally be given where the parents or carers have requested that a school be named in the child's or young person's statement of special educational needs (SEN) which is not the nearest available school able to meet the individual's needs.

Where a child has a statement of special educational needs or significant special educational needs but is below compulsory school age, applications for travel assistance will be considered under this heading as a matter of discretion.

Decisions will be based upon information regarding the child or young person in relation to clear medical/specialist advice, evidence of need and parental circumstances.

## **6. APPLYING FOR TRAVEL ASSISTANCE**

The parents or carers must make a formal application for travel assistance before any assistance is considered. Applications should:

- (1) state the basis upon which it is believed the child or young person is entitled to travel assistance and how the eligibility criteria is met;
- (2) give the name of the school the child or young person is attending or if the application is in relation to a future school, the name of that school and whether or not the child or young person has a place there yet;
- (3) give any particular reason for the choice of that school;
- (4) state what form of travel assistance (bus pass, taxi etc.) is sought;
- (5) provide details of any social security benefits which are or may be relevant to the application
- (6) provide full details of any exceptional circumstances which are relied upon;
- (7) include any evidence in support of the application which the parents or carers wish the Council to take into account;

Each application will be processed as quickly as possible but during the application process it remains the legal responsibility of the parents or carers to ensure the child or young person attends school regularly.

## **7. HOW ENTITLEMENT TO TRAVEL ASSISTANCE WILL BE DECIDED**

It is the responsibility of the Council to decide the travel assistance necessary in the case of each child or young person.

Consideration will be given to everything said in applications and all evidence provided in support as well as all matters to which the Council is required by law to have regard, in order to determine whether there is a legal obligation to provide travel assistance and if so, what form that assistance should take. Where there is no obligation to provide travel

assistance then this will only be provided as a matter of discretion in exceptional circumstances and a charge may be made or a contribution required

## 8. TRAVEL ASSISTANCE

Where travel assistance is provided it will be whatever the Council considers is necessary and suitable for the purpose of facilitating the child's or young person's attendance at school for the normal school day. It will be provided in a safe and cost effective manner, where appropriate taking account of the child's or young person's specific needs and with regard to the best use of the Council's resources from the range of options below.

- a. **Access to Independent Travel Training** – Support will still be offered alongside a planned programme to enable the child or young person to travel independently over a period of time. It will be the parents or carers and child's or young person's choice if they wish to use this option.
- b. **Travel pass** – This is a free pass for the use on public transport and is the most common form of travel assistance provided.
- c. **Personal Transport Budget** – This will be paid on a monthly basis to the parent or carer who assumes full responsibility for the travel arrangements and getting the child or young person to school on time and achieve good attendance. It is anticipated that the use of personal transport budgets can meet most individual and family's needs.
- d. **Escorted Public Transport** – Where it is possible for a child or young person to travel on public transport if they have some assistance and parents or carers are unable to accompany the child or young person, the LA may provide a Pupil Escort.
- e. **Transport vehicles** – The provision of a vehicle to transport a child or young person to and from school. Vehicles and drivers are provided by a suitably qualified, registered, commercial provider working to contractual standards set by the Council.

Whenever possible, children and young people will travel together in mini-buses. These will be specially adapted to meet the needs of those children or young people travelling on them. Each route will be planned on the basis of school start and finish times and the shortest possible route for all children or young people travelling on a particular vehicle.

Children and young people will be picked up and dropped off at a convenient location, within a reasonable distance from their home, in many cases from recognised bus stops. A home pick up and drop off will only be made where it is deemed essential due to the child's or young person's significant needs.

- f. **Provision of Pupil Guides** – A pupil guide may be provided to accompany a child or young person to school whether using public transport or on LA provided transport. Pupil Guides will only be provided where they are necessary for the safe operation of vehicles and/or the care of children and young people.

## 9. TRAVEL ASSISTANCE REVIEWS

Where travel assistance has been granted, the need for this will be reviewed on a continuing basis and at least once per year. Where the child or young person has a statement of SEN then wherever possible this review will be undertaken following the annual review of the statement.

Any changes to travel assistance following a review will be implemented from the beginning of the next school term, or sooner by mutual agreement.

A review may also be undertaken where there is a significant change in circumstances, which may affect the entitlement to travel assistance, such as a change in school or home address, or a change in parental circumstances, or a change in the child's or young person's needs.

The parents or carers of children and young people who receive travel assistance must tell the Council immediately of any change in circumstances which may affect their entitlement to travel assistance.

## 10. APPEALS PROCESS

If an application for travel assistance is not approved by the Council, or the parents or carers disagrees with the type of assistance offered, there is a right of appeal. Appeals should be made within 15 working days of the decision being received by the parents or carers.

The appeal should be made in writing on the appropriate form which can be obtained from the:

Birmingham Education Transport Service  
Telephone: 0121 303 2450 /303 4425/ 303 4955  
Email: [Educationtransport@birmingham.gov.uk](mailto:Educationtransport@birmingham.gov.uk)  
Website: [www.birmingham.gov.uk/transport-travel](http://www.birmingham.gov.uk/transport-travel)

The appeal will need to set out the exact nature and grounds of the appeal.

The appeals process has two stages:

**Stage 1** – A Children's Services Manager will consider the appeal within 5 working days of the receipt of the appeal form, the parents or carers will receive confirmation that the appeal is under review. Further evidence may be requested to support the appeal and consultation with caseworkers and professional bodies may be required.

A decision and notification will be made within 10 working days from receipt of the appeals form.

If the parent or carer remains dissatisfied with the outcome, they should notify the Council in writing within 15 working days of receiving the appeal decision.

**Stage 2** – If the parent or carer is dissatisfied with the outcome of the appeal at Stage 1 the appeal moves to Stage 2. The appeal will be reviewed by the Education Awards (Review) Sub-Committee (which is made up of Members of the Council).

A stage two review will consider all the information provided by the parents or carers including family income details. A decision will be made within 30 working days of receiving the Stage 2 request.

During the appeal stages, travel assistance will not be provided or a change to existing travel assistance will not be made.

Finally, the Education Act 1996 enables complaints about these matters to be made to the Secretary of State for Education.

## **Appendix 1**

### **Please find listed below other documents that refer or relate to the Home to School Transport Policy**

#### **Home to School Transport Policy- Guidance for Parents and Carers.**

This guidance is published by the Council. It is intended to help parents and carers understand what type of transport assistance can be provided by the Council and also where parents and carers can find details on bus and train services to help children travel to school. It is updated on an annual basis.

#### **Home to School Travel and Transport Guidance.**

This guidance is published by the Department for Education (DFE). It describes the Local Authority's duties and powers relating to school travel arrangements for children and young people. A copy can be found on the Department for Education (DFE) website at:

[www.education.gov.uk/publications/standard/publicationdetail/page1/DFES-00373-2007](http://www.education.gov.uk/publications/standard/publicationdetail/page1/DFES-00373-2007)

#### **Better Ways to School Birmingham's Sustainable Modes of Travel Strategy.**

This guidance is published by the Council and sets out the Council's strategy for promoting the use of sustainable travel and transport to travel to school.

#### **Home to School Transport – Code of Good Practice.**

This code of practice is published by the Council. It provides day to day guidance for parents, carers and school based staff on the standard of specialised transport services they should expect to receive and the individual responsibilities of all parties including parents, carers, school based staff, pupils, pupil guides, transport contractors and drivers.

#### **Generic and Individual Risk Assessment process.**

This guidance is published by the Council and describes the generic and individual risk assessment process that is in place for those pupils who are transported on specialised transport services.

#### **Opportunities for your child in Birmingham – Primary Education and Secondary Education.**

These information booklets are published by the Council and are provided to all parents when they are making their primary/secondary school choices. They include examples of what transport assistance the Council may pay for and what the parent or carer may have to pay for dependant on their school choices.

These above documents can be found on the following web-page:

[www.birmingham.gov.uk/school-travel](http://www.birmingham.gov.uk/school-travel).