



Changes to Education Transport Policy and Procedure

RECOMMENDATION

1. To agree the revised transport policy and appeals process (Appendix 2).

REASONS FOR RECOMMENDATION

- 2.1 Members and officers have raised concerns about the current process, particularly the potential inequality for parents because of the need to argue a case against uncertain assessment criteria, the increasingly high cost of decisions to provide home to school transport beyond the strict policy, and the large amount of time spent by officers and members on appeals and reviews. The last point is made more pressing by new licensing arrangements, which will place additional meeting demands on members who serve on the appeal panel. In light of these issues, a working party was formed, incorporating existing cross-party members of the members appeal panel, which subsequently changed its name to Taxi Licensing and Appeals committee. This working party reviewed the current appeal procedures and formulated a new proposed policy.
- 2.2 An appeal is a formal hearing before a panel of 'judges', which can be off putting and daunting for most parents. A review is a reassessment of an application after the submission of additional information from parents, and therefore parents need not appear before a panel.

SUPPORTING INFORMATION

- 3.1 Education Transport policy was formulated into one document in September 2002. The current policy allows an appeal to the Taxi Licensing and Appeals committee for all refusals. In the academic year 2003/2004 a total of 220 appeals were lodged. In the large majority of cases the appeals were not based on an assertion that the policy has not been followed. Most appeals are, therefore, full re-hearings of the initial case, where members are being asked to use their discretion to reach a different decision. When appeals are successful, transport is often allowed for a set period of time, with a date for a review. This process ties the members into a continuing cycle of review meetings.

- 3.2 The proposed policy addresses the key issues by replacing a meeting with the Taxi Licensing and Appeals committee with an officer review. This type of review would provide a quick response, with a consistent decision. Requests for an officer review would be governed by set criteria. Procedures have been incorporated into the proposed process to allow an Assistant Director to give further consideration to an officer refused application, and to assess whether due process has been followed. Parents would have the right to use the Council's complaints system if they were dissatisfied with the process by which an officer made a decision, but could not do so if the complaint was about the merits of the decision.
- 3.3 The cases that an Assistant Director, in liaison with the Cabinet Member for Lifelong Learning, deems to exhibit circumstances not adequately covered by the policy could be submitted to the Taxi Licensing and Appeals committee so that a judgement could be made where policy could be affected.
- 3.4 This new policy will address the inequality of the appeal process for parents who are inarticulate as there will be no need for a formal appeal hearing in the majority of cases. The process will allow consistency of decisions for parents, as the same Officer will be reviewing all cases, rather than a variety of Members. Members will have more time to attend Licensing Panel Meetings. The budget for preparing, attending and reviewing appeals should be reduced for both the Education Service and Constitutional Services.
- 3.5 The change in the appeals process will not remove a parent's ultimate right of complaint to the Secretary of State if they are unhappy about a school transport decision. A review of the new process will be undertaken after three full school terms.
- 3.6 The policy will be assessed by the Plain English section to ensure compliance, before it is published to the general public.

OTHER OPTIONS CONSIDERED

- 4.1 To retain the current system of all refused applications being given the right of appeal to the Taxi Licensing and Appeals committee.
- 4.2 This option would result in the Taxi Transport and Appeals committee increasing their workload with the onset of the new licensing arrangements. Parents would continue to have a delay in the hearing of their appeal as meetings only take place one morning a fortnight.
- 4.3 To withdraw the right of appeal for all refused applications.
- 4.4 A blanket refusal on all appeals would result in some applications with exceptional circumstances being denied transport.

For more information contact:	Cathy Ford 717965 Liz Beswick 716943
Background papers:	email cathy.ford@derby.gov.uk liz.beswick@derby.gov.uk
List of appendices:	Appendix 1 – Implications Appendix 2 – Derby City Council Policy on Home to School Transport.

IMPLICATIONS

Financial

1. The reduction in officer time preparing several copies of appeal papers, reduction in Constitutional Services time in issuing papers and clerking appeal hearings should reduce the administrative cost for such cases. Under the definition of Gershon review efficiencies a projected non-cashable saving of £12,328 per annum for the Education Service could be achieved. This is based on a 50% time savings for an SO1 and a Scale 1 / 2 with a 20% increase in a HOS2 workload. The service will shortly be processing Primary Admissions applications and therefore the workload will increase in other areas.

Legal

2. As the previous Members Appeal Panel was not a statutory body, the removal of this aspect of appeals from the Taxi Licensing and Appeals committee has no legal implications.

Personnel

3. None arising from this report.

Equalities impact

4. None arising from this report.

Corporate objectives and priorities for change

- 5.1 The proposal comes under the Council's Objectives of **healthy, safe and independent communities**.
- 5.2 The proposal furthers the priority of **minimising increases in Council Tax and increases the value for money services and improving customer service**.

DERBY CITY COUNCIL POLICY ON HOME TO SCHOOL TRANSPORT.

Derby City Council deems that transport is granted as necessary for a pupil's needs rather than for family circumstances.

1 DEFINITIONS

PRU Pupil Referral Unit
PTU Public Transport Unit

Community Schools – are managed by the Headteacher and governors in partnership with Derby City Council, who arrange admissions to these schools

Voluntary Aided Schools – are jointly supported by the relevant Religious Board and Derby City Council. The governors will normally employ all the staff and manage their admissions. These Schools can be referred to as 'faith' or 'denominational'

Foundation Schools – are maintained by the Council, but the governors are responsible for all admissions. All pupils attending Foundation Schools are treated the same way as pupils attending Community Schools for free transport purposes.

Special Schools—are attended by children with a statement of special educational needs. Special schools provide for pupils whose degree of disability requires a more comprehensive special approach than a mainstream school or enhanced resource school can provide. Some experiences of mainstream schools may be possible. Derby City Council is the admissions authority for all special schools.

Enhanced Resource Schools—are mainstream schools with additional resources for particular children with statements of special educational needs where there is more specialist support and staff. Pupils are not taught separately but are included in the mainstream classes.

Parent - we use the word parent throughout this document. It means anyone who has responsibility for the care of a child in accordance with the terms of the Education Act 1996.

Student – we use the word student for those people who attend a sixth form or college beyond the statutory school age.

Children Looked After – this term refers to children who are in the care of, or accommodated by a Local Authority.

Officer Review – when an officer of Derby City Council reassesses an application for free travel.

Normal Area School - normal area is a defined geographical area, made up of the streets around the school, which the school serves.

Nearest Suitable School - for transport purposes the nearest suitable school may not be the normal area school, in the cases of John Port and Ecclesbourne schools no child living in Derby will be entitled to free transport.

Preferred School - parents have a right to express a preference for a school other than the Normal Area School and this is known as a preferred school. This school will remain as a preferred school throughout the pupil's attendance.

Faith School / Voluntary Aided/Voluntary Controlled - parents may choose to send their children to Voluntary Aided / Voluntary Controlled schools on faith grounds and this is supported by the City Council's free transport policy – see 2.2.

Each Voluntary Aided School has a designated area. The Governing Body of the Voluntary Aided School decides whether the child attends on faith grounds.

Special Transport Needs - some pupils may have special transport needs arising from disability or a special educational need

Pupil Referral Units - these are units that cater for pupils with emotional and behavioural difficulties. Derby City Council controls admission (Further details in section 2.12)

Suitable Walking Distance - the route is defined as the shortest available walking route, between the nearest home boundary and the nearest school gate.

The shortest available route is one which a child can walk safely to and from school when "accompanied by a responsible adult" where deemed necessary by the parent. Because a parent is unable to do this does not mean that the Council has responsibility.

2 ELIGIBILITY FOR FREE TRANSPORT

Walking distance, age and reasonable journey are the main criteria for determining eligibility for free travel to the nearest suitable school.

Derby City Council provides free transport to the nearest suitable school for any full time pupil when there is no school within the statutory walking distance. This distance as defined in the 1996 Education Act is

2 miles for pupils under 8 years of age

(free travel will cease at the end of the academic year in which the pupil is 8 years of age)

3 miles for pupils 8 years of age and over

Arrangements for free travel may take one of the following forms

- (a) A travel pass either for a contracted school service bus or a season ticket for a local bus service
- (b) A refund of travel expenses, paid in arrears, of a "child fare" bus fare, or fuel allowance, with confirmation from school of attendance,

(Arrangements for pupils with Special Educational Needs will be described in 2.5)

Pupils who repeat a year will receive free travel as if they are a year younger. Pupils who are placed in classes a year in advance of their chronological age will receive travel according to their age

A travel pass entitles free travel, on one return journey per day, only between the nearest pick up point to the home address and the nearest suitable school.

Historically a reasonable journey has been viewed as:

- Primary age: a journey not exceeding 45 minutes, door to door.
- Secondary age: a journey not exceeding one hour 15 minutes, door to door.

2.2 Faith Schools

Derby City Council provides free travel to the end of statutory school age for pupils attending a maintained faith school if

- the authority, in consultation with the school governors, considers their attendance at school to be on the basis of religious affiliation
- they live outside the statutory walking distance
- they are attending the faith school appropriate for their residence or another faith school which is nearer

In the case of Catholic Aided Schools, only Catholic baptised pupils are eligible for free transport

2.3 Under 5 years of age

Derby City Council operates a September single point of entry into Foundation Stage 2 classes. Pupils attending full-time education in a Foundation Stage 2 Class will qualify for free travel if they meet the above criteria for eligibility. Parents or responsible adult accompanying the child will need to pay their own fare.

Pupils under 5 years of age who are placed by Derby City Council in an Enhanced Resource School or a Special School because of Special Educational Needs maybe eligible for free travel at the discretion of the Council who will consider evidence provided.

2.4 Home to Bus Stop/Bus stop to School walking distance

For pupils travelling by bus every effort will be made to minimise the distance to and from the bus stop bearing in mind the road safety issues and the length/time of the journey. Pupils are expected to walk up to 1 mile each way. Exceptions to policy may be made on medical grounds (please see 2.5 a and b)

2.5 Walking distance Exceptions

Pupils living within the available walking distance limits and attending the nearest suitable school may be eligible for free travel if:

- a) the pupil has special educational needs. Officers will assess the special educational need, drawing upon medical and other advice as required. A special transport need may arise where a pupil
- is unable to walk the distance required to the bus stop
 - is unable to use public transport safely even with assistance
- b) the pupil has temporary Medical Needs. Free travel may be provided for a pupil attending the normal area school who is temporarily incapacitated and unable to walk to and from school or to use public transport. Parents should obtain from the hospital or their family doctor, a certificate or letter, giving a brief description of the incapacity and stating that the pupil is unable to attend school unless transport arrangements are made. If no medical evidence is provided, then free travel will not be granted.

2.6 Criteria for route availability

- a) In assessing the availability of a particular route, consideration will be given only to the danger relevant to traffic or highway conditions,
- b) The route will be assessed on the grounds that the child will be accompanied by a responsible adult and will be suitably clad
- c) Where the footway or roadside is of a reasonable width and condition or a public footpath exists the route will be assumed to be available.
- d) The absence of street lighting will not be a measure of the availability of the route.
- e) Where a pedestrian is unable to step off the road surface it may become a factor
- f) Consideration will be given to the relevant accident record of the route with particular regard to the effect on pedestrians
- g) Where road crossings are necessary, the availability of facilities to assist such crossings will be taken into consideration.

2.7 Review of available walking routes

A parent has the right to a review of the decision made on distance grounds

For reviews of the distance measurement decision, the request for a remeasurement has to be put in writing to the Transport Officer. The route can be remeasured on foot with a calibrated trundle wheel accompanied by the parent if requested. This remeasurement will only be agreed if the original measurement is within 10% of the statutory walking distance.

2.8 Single Parents

No exceptions from the standard eligibility criteria will be given to pupils with only one parent.

2.9 Families on Income Support/Job Seekers Allowance/ Other Benefits.

No exceptions from the standard assessment criteria will be given to pupils of parents in receipt of welfare payments.

2.10 Moving and Temporary Accommodation

A pupil attending the nearest suitable secondary school who moves either to a new permanent address or to a temporary address in the last two years of compulsory education within Derby may receive free travel if they remain at the same school and the journey can be made by public transport. Assistance will be based on the statutory mileage and age criteria (see section 2.1). The original school must have been the normal area school for the previous address. If this is not the case, the difference between the distance of the parental preference school to the new school and the home address may be calculated to assess partial cost.

Where no public service is available a fuel allowance will be offered. All allowances will be based on a maximum of two return journeys at Public Transport rate. Where there is no transport (i.e. parent has no car) there is no obligation to provide a taxi, only assistance as noted above, as a contribution towards travel costs.

The last year(s) of education will be deemed to begin on the first day of the summer holiday.

Free travel ceases for any pupils moving out of Derby and the responsibility is transferred to the new authority of residence. Pupils moving into Derby from another authority will need to reapply for transport to Derby City Council, which will be assessed using this policy.

2.11 Permanent Exclusion

After a permanent exclusion Derby City Council will identify a suitable school within the statutory walking distance.

If parents express a preference for an alternative school and secure a placement then they will be deemed responsible for the transport.

2.12 Pupil Referral Units

Travel assistance for pupils attending Pupil Referral Units will be granted on the same grounds as pupils attending their nearest suitable school.

2.13 Admission of Under 16 Pupils to College

If a pupil accesses a full-time college course as arranged by the PRU it will be expected that the pupil will use any available free transport provided by the college. Consideration may be given where this college service is not available and the pupil lives outside the statutory walking distance

If the previous school has agreed to the attendance at college and the pupil has remained on the school roll then no assisted transport will be available.

2.14 Pupils on Exchange Visits

Free travel is not available for pupils on exchange visits and parents of the receiving family are responsible for any travel arrangements for the journeys to and from the school/college.

2.15 Poor or Non-Attendance

If it comes to the attention of Derby City Council that a pupil continually has a record of poor or non-attendance at school and is in receipt of free travel then this can be withdrawn. This will be replaced by a refund of "child fare" bus fare or a fuel allowance where parents/carers make their own arrangements to transport their child to school. This allowance will be paid in arrears based on attendance.

2.16 Preferred School

Parents who make a preference for a school other than the nearest suitable school will be responsible for all their child's transport needs throughout the time their child remains at the school

3 TYPES OF FREE TRAVEL

3.1 Free Pass

A free travel pass is from home to school and return on school days only. Eligibility is described in section 2

3.2 Fuel Allowance

For pupils entitled to free travel, fuel assistance may be considered on application where the route of the journey cannot be easily covered by public transport.

The fuel allowance is based on a maximum of two return journeys per attended school day times the distance measured by the shortest route available by car. The allowance is paid in arrears, subject to confirmation from school of attendance. It will be paid at the official rate for council officers.

The fuel assistance is not backdated and will be paid from receipt of the application if the assistance is granted.

The fuel allowance will only be given to one member of the family at any one time, where a sibling is attending the same school or the same site. Where a sibling, who is also entitled to free travel, is attending a different school on a different site and this school is also further than the statutory walking distance the 'round' trip will be calculated and refunded accordingly after confirmation of attendance.

If parents take their children to/from the nearest suitable school (see section 2) using their own car for the individual child's medical needs, on a short-term basis, then fuel allowance may be provided. Parent/carers must provide medical evidence as to the nature of the medical need. (Section 2.5b)

If there is a change in the provision of school or local bus services the grant may be replaced by the issue of a bus pass

4 APPLYING FOR UNDER 16 FREE TRANSPORT

4.1 Application

Application forms can be obtained from Middleton House or from the school if it is a faith school. Applications should be returned to The Transport Officer, Middleton House, 27 St Mary's Gate, Derby DE1 3NN. An application form can also be printed from the website www.derby.gov.uk/learning or requested by telephoning 01332 716938

All applications for free travel should be made on a Form X78.

If assistance is being sought to a voluntary aided school on faith grounds confirmation of this will be obtained from the school or parish priest if applicable to the faith in question. A baptismal certificate or baptismal information will also be required, if applicable to the faith in question.

Parents will be informed by post of the outcome of their application. If free travel is refused parents will be informed of the requirements for an officer review, if applicable.

The travel pass will be issued by the Public Transport Unit and will be sent to the home address.

4.2 Replacement Passes

A request for a replacement of a lost pass together with the appropriate fee should be made to the school. Parents should contact the Public Transport Unit for the how much the parent should pay. Any travel pass with incorrect information should be returned to the Public Transport Unit. This new pass will be issued free of charge.

5 OFFICER REVIEW

5.1 Requirements for an Officer Review.

Derby City Council provides a system that allows certain refused applications to be reviewed by an Officer of the Council. An officer review will be allowed if:

- a) the officer's calculation that the distance between home and school by the nearest available route is alleged to be incorrect. This would only be considered if the original measurement with the mapping wheel was within 10% of the statutory walking distance, i.e. if the child is under eight years of age and the original measurement was at least 1.8 miles or the child is aged eight and over and the original measurement was at least 2.7 miles.
- b) the child is 'looked after' by a local authority.

An officer review will **not** be considered in the following circumstances:

- a) If the request is for transport to a school or college that was obtained by parental preference and the school or college is not the normal area or nearest suitable school.
- b) When parents and/or pupil move house, other than in Years 10 and 11.

- c) When a parent moves house in Years 10 and 11 and the original school was not the normal area school for the previous address.
- d) Where the appeal is solely based on the age of the child.
- e) Where the school is within the statutory walking distance

If officers have failed to follow the agreed procedures, parents can request that the relevant Assistant Director reconsider the application. This will not apply solely because a parent did not agree with the final decision. If parents are unhappy with the Assistant Director's assessment, they may follow the council's complaints procedure.

Short-term emergency transport can be assessed on a fast-track basis by an Assistant Director.

5.2 Grounds for Members Appeal.

An Assistant Director, liaising with the Cabinet Member for Lifelong Learning, may refer individual cases to the Taxi Licensing Appeals committee if the policy needs interpreting and would therefore require a judgement from the committee to interpret the policy in individual cases.

6 DISCIPLINE ON SCHOOL TRANSPORT SERVICES AND MISUSE OF TRAVEL PASSES

6.1 Guidance.

On the issue of a bus pass the booklet "Guidelines for Students" will be provided. This explains the requirement for pupils in relation to behaviour, punctuality and safety.

6.2 Procedure for dealing with misbehaviour by pupils on all transport provided by Derby City Council, whether free or subsidised.

If claims are received by the Council of pupils misbehaving on any transport the following procedures will be applied;

- a. An investigation of the incident(s) will be carried out by the Public Transport Unit
- b. Depending on the outcome of this investigation a number of options will be used. This will range from:
 - A warning to individual pupils
 - Removal of the right to travel
- c. If transport provision is withdrawn parents will be required to pay for any alternative arrangements they make to transport their children to school.

An officer review can be requested for those cases in which a pass has been withdrawn in the above circumstances.

7 POST-16 HOME TO COLLEGE TRAVEL FOR STUDENTS WITH SPECIAL EDUCATIONAL NEEDS.

7.1 Eligibility Criteria

Derby City Council will provide home to college transport up to the end of the term in which the student becomes 25 provided that:

- a doctor or another suitably qualified medical professional provides written evidence that the student is unable to use existing public or contract transport. (Where a student is going on to college directly after leaving school, the Council will already have up-to-date information about transport needs)

and

- the college is either
 - The 'designated' college for the student's home address
 - Nearer to the student's home than the designated college
 - A placement made by the Learning and Skills Council.

and

- the student is attending on a full-time basis, that is at least 16 hours teaching time each week.

The Derby College is the designated college for students living in Derby.

Where the 'designated' College does not offer a particular vocational subject, the Council will consider providing free travel to the nearest college offering that subject if the student meets the other criteria and can submit a letter from Derby College, and any nearer college, if appropriate, stating they cannot offer the course required.

This applies only to the general subject area and not the particular content of the courses. There are no exceptions for GCE A/AS level subjects.

The Learning and Skills Council will only fund college placements if the course followed allows the student to make progression. Where the Derby College does not offer a course which allows a student to progress, the Council will provide free travel to a college outside the city which can provide such a course provided it is within reasonable travelling distance.

Derby City Council will also consider making an exception where the physical environment, lack of specialist facilities, or support, makes attendance at a particular college difficult. The request must be accompanied by a letter from Derby College, and any nearer college, if appropriate, stating they cannot offer the facilities required. An officer review can reconsider the situation.

Derby City Council will not provide transport;

- to and from work experience
- for students on 'taster courses'
- for induction and enrolment

- for transport to and from Social Services Day Care Centres, unless these represent a more economical journey than the existing arrangement from the student's home.

Standard arrival and leaving times will be used at the beginning and end of the college day.

A fresh application must be made each year.

7.2 Requirements for an Officer Review

Derby City Council provides a system that allows certain refused applications to be reviewed by an officer of the Council. An officer review will be allowed if:

- a) Derby College, or another nearer college, can offer a place but individual circumstances apply whereby another suitable college is requested.
- b) the student is 'looked after' by a local authority.

An officer review will **not** be considered in the following circumstances:

- a) That the student has reached the age of 25
- b) When the timetable does not coincide with the transport arrangements.

If officers have failed to follow the agreed procedures, parents can request that the relevant Assistant Director reconsider the application. This will not apply solely because a parent did not agree with the final decision. If parents are unhappy with the Assistant Director's assessment, they may follow the council's complaints procedure.

Short-term emergency transport can be assessed on a fast-track basis by an Assistant Director.

7.3 Grounds for Members Appeal.

An Assistant Director, liaising with the Cabinet Member for Lifelong Learning, may refer individual cases to the Taxi Licensing and Appeals committee if the policy needs interpreting and would therefore require a judgement from the committee to interpret the policy in individual cases.

Revised: October 2003, September 2004, March 2005

