

# OXFORDSHIRE COUNTY COUNCIL

## Home to School Transport Policy 2018/19

### Introduction

1. The County Council is keen to encourage young people to walk or cycle to school or college or to make use of public transport, but it also provides free transport and some assisted transport as set out in the Home to School Transport Policy set out in this document.
2. The legal basis for the provision of home to school transport is set out in sections 508A, 508B, 508C, 508D and 509AD and Schedule 35B of the Education Act 1996 (as amended by Part 6 of the Education and Inspections Act 2006) and where appropriate the Equality Act and English and European case law. In addition local authorities are under a statutory duty to have regard to the Home to School Travel and Transport Guidance issued by the DfE in July 2014 and the Post16 Transport to Education and Training guidance issued in February 2014.
3. The Home to School Transport Policy applies to young people who live in the County of Oxfordshire. Those who are not resident in Oxfordshire are advised to contact their own home local authority for details of any policy that their home authority may have regarding home to school/college transport.
4. Parents of those aged from 4 (Rising Fives) to 16 need to complete and submit a Transport Application Form if they wish to apply for free or subsidised home to school transport. If they wish to apply for subsidised travel an 'Application for Concessionary Travel on a School Bus' needs to be completed.
5. When, under the Home to School Transport Policy, children and young people are entitled to free transport, it is provided by the most cost effective means. This will usually be by the provision of a free bus pass. However, where numbers are small, children sometimes have to be transported by taxi. Where parents wish to take their children to school and it is therefore possible to avoid the provision of a taxi, the Local Authority may agree to the payment of a mileage allowance. The mileage allowance is provided for the child's journey to school and the return to the child's home. Parents are not provided with a mileage allowance for their own return to home in the morning or their journey to the school in the afternoon, i.e. the LA pays a mileage allowance for two journeys per day rather than four. The mileage allowance is 40p per mile. If through a change in circumstance<sup>1</sup> the payment of the mileage allowance proves no longer to be the cheapest way of transporting the child to school, the alternative means of travel will be offered and the parent will be given up to 6 weeks to consider the new arrangement. At the end of that period or when the alternative means of transport is taken up, whichever is the sooner, the mileage allowance will be withdrawn.

---

<sup>1</sup> For example if a taxi contract is awarded to transport another nearby child to the same school and there is a spare seat in the vehicle.

6. Where free or concessionary travel has been agreed it is provided for attendance at the beginning and end of the school day and not for extracurricular activities.
7. The responsibility for determining entitlement issues rests with the School Admissions Team since transport decisions relate to the school attended. The responsibility for organising transport rests with the Customer Service Centre and the Environment and Economy Department.
8. Any information regarding Oxfordshire's Home to School Transport Policy obtained from any source other than the Admissions Team of Oxfordshire County Council or the Oxfordshire public website should be disregarded.
9. Buses and coaches used for home to school transport are public service vehicles and are subject to specific safety legislation. This is enforced by an initial inspection and certification of the vehicle followed by subsequent annual checks. Vehicles are also subject to random roadside checks undertaken by the 'Vehicle and Operator Service Agency' (VOSA). VOSA are able to prohibit any vehicle that is non-compliant, i.e. is in a dangerous condition, not roadworthy and/or the driver's hours are irregular. Any Service Provider using sub-standard vehicles may lose their operator's licence.

### **Statutory Walking Distance**

10. In understanding home to school transport and what can and cannot be provided free of charge, it is important to understand what is referred to as "the statutory walking distance". This is 2 miles for children who are under 8 years of age, and 3 miles for those of statutory school age who are 8 and over. It is measured along the shortest route along which a child, accompanied by a responsible adult, may walk with reasonable safety. The route may include footpaths, bridleways, and other pathways, as well as recognised roads. All such routes need to be open to the public. When there are issues raised over the possible safety of a walking route the Admissions Team will arrange for an initial assessment and, if necessary, a full risk assessment by Road Safety.

### **Distance Measurement for Free Transport for Children of Low Income Families**

11. The 2 mile limit is measured in the same way as the "statutory walking distance". However, the 6 mile and 15 mile upper limits are not walking routes. They are measured along routes that are passable using a road route suitable for motorised vehicles.

### **Home**

12. A child's home is considered to be the child's main place of residence during the normal school week. Free transport can only be provided from that one address.

### **Travel to a Friend's Home**

13. No seat can be provided on an ad hoc basis to children wishing to travel to the homes of children who are entitled to free transport.

### **Escorts**

14. Escorts are normally only provided when it has been established through the assessment or review process that a child with an Education, Health and Care (EHC) Plan or Statement of Special Educational Needs has a specific need to be accompanied.
15. Escorts will not normally be provided in any other circumstances.

### **Parents accompanying children in OCC transport**

16. Parents will not normally be able to travel in OCC provided transport.

### **Assessment of Eligibility for Free Transport on Admission to Primary or Secondary School**

17. An assessment of eligibility for free transport is made as part of the normal admissions process for entry to school. Parents are normally notified of the decision in the letter offering a school place.
18. If a child ceases to be eligible during the course of the school term, for example due to moving address, the provision should cease at the end of that term.

### **The Children and Families Act 2014**

19. The Children and Families Act received the Royal Assent in March 2014 and involves the replacement of Statements of Special Educational Need with Education, Health and Care Plans.
20. Parents of children with Education, Health and Care Plans may in certain circumstances have the option of a personal budget to meet some or all of the provision detailed in the plan and special transport will be an element of the personal budget.

### **Free transport for those of school age (Reception to Year 11)**

21. Children within the following categories are eligible for free transport:
  - a. Children attending the nearest available school or educational placement to their address, if the distance from home to school is over the "statutory walking distance" of 3 miles if aged 8 or over or 2 miles if less than aged 8 and of school age. This applies whether or not the school was listed on the Common Admissions Form (CAF).
  - b. Children attending the nearest school in Oxfordshire, if the distance from home to school is over the "statutory walking distance" of 3 miles if aged 8 or over or 2 miles if less than aged 8 and of school

age. This applies whether or not the school was listed on the Common Admissions Form (CAF).

- c. Where at least 20% of addresses are nearest to the catchment school and the rest are nearest to another school free transport will be provided to the catchment school for all addresses if the distance is beyond the “statutory walking distance” or there is no safe route. This is referred to as the ‘split village’ entitlement (please see Appendix 1).
- d. Children who are aged 8 or over and are under 11 years old who are eligible for free school meals or whose parents are in receipt of the maximum level of Working Tax Credit and attend the nearest school if it is over 2 miles from their home.
- e. Children aged 11 to 16 who are eligible for free school meals or whose parents are in receipt of the maximum level of Working Tax Credit and who attend one of their three nearest suitable schools (or places other than school at which they might receive education under section 19(1) of the Education Act 1996), where they live more than 2 but not more than 6 miles from that school. The 2 mile distance is measured by “walking route” and the 6 mile distance is measured by road route.
- f. Children attending the nearest available school to their address even if it is less than the statutory walking distance, if it would not be safe for a child accompanied by an adult to walk from the home to the school. This applies whether or not the school was listed on the CAF. If the route is subsequently determined to be safe the free transport will be withdrawn after the parent has been given up to 6 weeks to consider the new arrangement. At the end of that period or when the alternative means of transport is taken up, whichever is the sooner, the mileage allowance will be withdrawn.
- g. Children aged 11 to 16 who are eligible for free school meals or whose parents are in receipt of the maximum level of Working Tax Credit and want their child to be educated in accordance with their religion or belief and they attend the nearest suitable school preferred on grounds of religion or belief that is over 2 miles but no more than 15 miles from their home. The 2 mile distance is measured by “walking route” and the 15 mile distance is measured by road route.
- h. Children entitled to free transport, that move house during Year 11 and continue to attend their original school, subject to the following limits:
  - i. Transport can be provided other than by taxi
  - ii. The distance travelled is no more than 15 miles

NB Taxis will only be used in exceptional circumstances.

- i. Children with a disability who do not have a Statement of Special Educational Need or Education, Health and Care (EHC) Plan who by reason of their disability are unable to walk even relatively short distances to school and children with a mobility problem caused by a temporary medical condition, for example a broken leg. This assistance is subject to confirmation of the medical reasons for the provision by a GP or consultant.
- j. Children with a Statement of Special Educational Need or Education, Health and Care (EHC) Plan if one of the following applies:
  - (i) The school attended is the nearest suitable school or educational placement to their home address that has an available place, if the distance from home to school is over the “statutory walking distance” of 3 miles if aged 8 or over or 2 miles if less than aged 8 and of school age.
  - (ii) The school attended is the nearest suitable school or educational placement to their address that has an available place and the distance from home to school is less than the distances set out in j (i) but it would not be safe for a child accompanied by an adult to walk from the child’s home to the school.
  - (iii) The children concerned are unable to walk to school by reason of their special educational need or, if disabled, their disability or because of a temporary or long term medical condition. Evidence is required from a GP or consultant.
- k. Children who live at RAF Benson and attend Icknield Community College (annually reviewable)

**Free Travel to Out County Residential Schools for those with an Education, Health and Care (EHC) Plan or Statement of Special Educational Need**

Out County Weekly Boarding

- 22. The beginning and end of each term of each school week to a total of 76 single journeys per year.

Termly Boarding (3 terms per year)

- 23. Children of 11 or over are entitled to free travel at the beginning and end of each term and half term up to a maximum of 16 single journeys per year.
- 24. Children aged up to 11 are entitled to free travel at the beginning and end of each term and half term, plus 4 discretionary journeys home per year, up to a maximum of 24 single journeys per year.

Termly Boarding (4 terms per year)

- 25. Children of 11 or over are entitled to free travel at the beginning and end of each term and half term up to a maximum of 16 single journeys per year.

26. Children aged up to 11 are entitled to free travel at the beginning and end of each term and half term, plus 4 discretionary journeys home per year, up to a maximum of 24 single journeys per year.

Out County 52 Week Boarding (joint placement with other agency)

27. All boarders (or parents) are entitled to 12 single trips home per year (broadly relating to term times). Any additional trips will be the responsibility of the other agency.

Payment of parental journeys for those with children at out county residential special schools

28. Payment will be made if one of the following applies:
- a. Attendance at their child's annual review
  - b. Attendance at any meeting called by the LA at the pupil's school
  - c. Journeys necessitated by a child's sickness or emergency medical appointments
  - d. An agreed journey to visit a new school placement
  - e. To attend up to three additional meetings per year at the school (called by the school or requested by the parents) if sanctioned by the LA in advance.

Overnight Accommodation

29. The LA will not normally reimburse the cost of overnight accommodation for parents/carers.

**Applications for Transport Assistance on Grounds of Religion and Belief**

30. In making decisions on assistance with transport the LA will respect parents' religious and philosophical convictions as to the education to be provided for their children in so far as this is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure (as per para.134 of the Home to School Travel and Transport Guidance issued by the then DfES in 2007).
31. However, a parent will need to satisfy the LA of the genuine nature of the religious and/or philosophical belief and that the application is made in good faith. The burden of proof lies with the child's parent/parents.
32. Examples of acceptable evidence are:
- a. The provision of a baptismal certificate.
  - b. A statement of atheism.
  - c. A statement of adherence to a particular faith.
  - d. A letter of support from a priest or rabbi stating that the child belongs to a

particular congregation.

Normally two pieces of evidence will be required.

33. It is important to note that the LA will take into account the financial consequences of any applications for assistance and that setting up new coach services or taxi routes or specifically continuing them when they could be discontinued in order to accommodate new travellers would normally fall within the definition of “unreasonable public expenditure”. However, where there are spare seats on already existing home to school transport routes, or scheduled public transport services, the LA will be able to consider applications for places under the concessionary travel arrangements.
34. The LA will not take into account academic grounds for preferring a particular school when making a decision on whether to provide assisted transport on grounds of faith or belief.
35. Decisions on applications for transport assistance on grounds of faith or belief will normally be taken by a panel of three. The chairman will normally be the Service Manager for Admissions.

## **16-19 Home to School/College Transport**

### Annual 16 to19 Transport Policy Statement

36. Oxfordshire’s Post 16 Transport Policy Statement is published by 31 May of each year and contains details of travel provision for this age group. This is intended to ensure that young people can make informed choices regarding Post 16 education. The Transport Policy Statement can be amended in year in response to complaints or a direction from the Secretary of State. Complaints can be heard by the Stage 2 Appeal Panel.

### Free Travel

37. Students with learning difficulties and/or disabilities who are beyond statutory school age and who are aged 16 to 19, will receive free travel to that placement when they attend the nearest suitable school or educational placement to their home address that has an available place and one of the following applies:
  - a. It is over 3 miles from their home to the educational placement.
  - b. It is less than 3 miles from their home to the educational placement but it would not be safe for the young person, even if accompanied by an adult, to walk from home to that placement.
  - c. The young person is unable to walk to the school or educational placement due to their learning difficulty and/or disability, or because of a temporary or long term medical condition. Evidence is required from a GP or consultant.

## Subsidised Travel (16-19 age group)

38. Students who do not have learning difficulties and/or disabilities, who are beyond statutory school age, are aged 16 to 19, and who attend either a college or a school may use the Concessionary Travel Scheme where it is necessary to enable them to access the designated school or college. The Concessionary Travel Scheme makes places available on transport provided for those who are eligible for free home to school transport.
39. Oxfordshire residents aged 16-19 living within the catchment area of Henley College will continue to be eligible for subsidised travel to that college if the college is over 3 miles or if there is no safe walking route (lower concessionary charge payable). The latter charge will be reviewed on an annual basis. These arrangements regarding Oxfordshire residents attending Henley College are due to be reviewed.
40. In exceptional circumstances, and only where places on relevant home to school transport routes are unavailable, season tickets on public transport may be provided for travel to the designated college or school from the student's home address at the relevant concessionary charge rate. This is meant to apply where a home to school transport route is full and it would be possible to use public transport and so avoid the unnecessary additional public expense of contracting for additional capacity on that route.

## **Travel Arrangements for Learners with Learning Difficulties Assessments (aged 19-24)**

41. An annual Learning Difficulties and Disabilities Transport Policy Statement will be issued by the LA either with the 16-19 Transport Policy Statement or separately. This document will specify any transport or other arrangements, any payment of travel expenses and concessionary schemes which the LA plans to make available to this group of learners in the following academic year to publication. The Policy Statement will also set out the arrangements for facilitating boarding provision outside both the further education and higher education sectors. Complaints can be heard by the Stage 2 Appeal Panel.

## **The Concessionary Travel Scheme**

42. Concessionary seats are spare seats on home to school transport routes. These are routes that are operated for the benefit of those who are entitled to free transport to and from school. The key points regarding this scheme are set out below:
  - a. The Council cannot guarantee that a young person will keep the seat for longer than one full term (based on a three term academic year)
  - b. Fare prices are reviewed annually
  - c. The parent, or in the case of Years 12 and 13, the student, must complete an application form for concessionary travel

- d. Parents are required to pay for one full term's travel in advance
- e. The price charged covers a return journey for every school day of the relevant period
- f. There will be no rebates for those deciding to travel for less than the maximum number of possible journeys per term, for example there is no rebate if a young person decides to use his/her bus pass for morning travel and returns by some other private means in the afternoon
- g. If a seat is available a bus pass will only be issued on receipt of a completed application form, and correct payment
- h. No guarantee can be given that the bus will continue to run throughout a young person's time at a school, or that the place on the bus will not be withdrawn at some future date if the place is required for a young person who is entitled to free travel
- i. The concessionary charge will be waived for those eligible for free school meals or for those whose parents are in receipt of the maximum level of Working Tax Credit.
- j. When there are more requests to pay for seats on a particular route than there are seats available, they will be allocated in the descending order of priority shown in the table "Priority for Concessionary Places".

**Table 1**  
**Priority for Concessionary Places**

Priority	Category
1.	Those with a Statement of Special Educational Needs naming the school
2.	Looked After Children
3.	Years 12 and 13 (if there is no available service bus route)
4.	Children in receipt of Free School Meals or whose parent /parents are in receipt of the maximum of Working Tax Credit
5.	Those who travelled on the route the previous term
6.	By year group, in ascending order of priority from Reception to Year 11 (or to Year 13 if there is an available service bus route)
7.	Those living closest using the shortest designated public route on the County Council's Geographic Information System

43. The current charges payable under the concessionary fares scheme are shown in Table 2.

**Table 2**

<b>Charges 2017/18</b>	
Reception to Year 13 Less than 3 miles	£336.18 per annum
Reception to Year 13 Over 3 miles	£626.51 per annum

44. The charges for 2018/19 and 2019/20 are set out in Table 3.

**Table 3**

<b>Charges 2018/19</b>	
Reception to Year 13 Less than 3 miles	£352.99 per annum
Reception to Year 13 Over 3 miles	£657.83 per annum
<b>Charges 2019/20</b>	
Reception to Year 13 Less than 3 miles	£370.64 per annum
Reception to Year 13 Over 3 miles	£690.72 per annum

## **Transport Appeals**

### **Stage one: Review by the Admissions and Transport Services Manager**

45. A parent has 20 working days from receipt of the Local Authority's home to school transport decision to make a written request asking for a review of the decision.

46. The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
47. Within 20 working days of receipt of the parent's written request the Admissions and Transport Services Manager will review the original decision and send the parent a detailed written notification of the outcome of the review, setting out:
  - a. the nature of the decision reached;
  - b. how the review was conducted (including the standard followed, for example route safety assessments that have followed Road Safety GB guidance);
  - c. information about other departments and/or agencies that were consulted as part of the process;
  - d. what factors were considered;
  - e. the rationale for the decision reached; and
  - f. information about how the parent can escalate their case to stage two (if appropriate).
48. Complex Stage 1 cases may take longer than the timescale given in paragraph 47.

### **Stage two: Review by an independent appeal panel**

49. A parent has 20 working days from receipt of the Local Authority's stage one written decision notification to make a written request to escalate the matter to stage two.
50. Within 40 working days of receipt of the parents request an independent appeal panel will consider written and verbal representations from both the parent and officers involved in the case and give a detailed written notification of the outcome (within 5 working days), setting out:
  - a. the nature of the decision reached;
  - b. how the review was conducted (including the standard followed e.g. Road Safety GB);
  - c. information about other departments and/or agencies that were consulted as part of the process;
  - d. what factors were considered;
  - e. the rationale for the decision reached; and
  - f. information about the parent's right to put the matter to the Local Government Ombudsman (see below).

51. Stage 2 appeals will be heard by a panel of three comprising of one officer, one county councillor and one independent person. The Audit & Governance Committee have governance oversight of the process.
52. The Clerk to the Stage 2 Appeal Panel will not be a member of the Admissions Team, the School & Social Care Transport Team or the Environment & Economy Department.
53. A representative of the Admissions Team will present the LA's reasons for not providing transport and appellants can present a case in writing and /or in person (if the parent wishes, accompanied by a friend). The format of the appeal is set out below:
  - a. Presentation of the LA's case by the LA representative
  - b. Committee members and the parent are able to ask questions of the LA representative
  - c. Presentation of the parent's case
  - d. Committee members and the LA representative are able to ask questions of the parent.
  - e. Summing up by the LA representative
  - f. Summing up of the parent's case
  - g. Both the LA representative and the parent's friend leave the hearing together
  - h. Consideration of the case by the Panel
  - i. The Panel makes a decision as to whether to uphold or refuse the appeal
54. The decision of the Stage 2 Appeal Panel will be considered binding by the LA and there is no further right of appeal.
55. The LA will not consider requests for a further transport appeal within the school year unless there has been a significant change of circumstance.
56. Complex Stage 2 cases may take longer than the timescale given in paragraph 50.

## Appendix 1

Transport will be provided to the designated area school from all addresses in the contiguous built-up area of the village because more than 20% of the addresses are closest to the designated area school. Transport will also be provided from individual addresses to the relevant nearest school (if different) where appropriate.

<b>Village *</b>	<b>Nearest Schools</b>	<b>Designated Area School</b>
Adderbury/Twyford	Blessed George Napier Catholic School The Warriner School	The Warriner School
Ascott-under-Wychwood	Burford School Chipping Norton School	Burford School
Dry Sandford	Fitzharrys School Larkmead School	Fitzharrys School
Duns Tew	Dr Radcliffe's CE Primary School Middle Barton School	Dr Radcliffe's CE Primary School
Freeland	Bartholomew School Wood Green School	Bartholomew School
Great Haseley	Lord Williams's School Wheatley Park School	Wheatley Park School
Kirtlington	Gosford Hill School Heyford Park Free School The Marlborough CE School	The Marlborough CE School
Long Hanborough	Bartholomew School The Marlborough CE School Wood Green School	Bartholomew School
Old Boars Hill	Fitzharrys School Matthew Arnold School	Fitzharrys School
Tadmarton	Bloxham CE Primary School Sibford Gower Endowed Primary School	Sibford Gower Endowed Primary School
Twyford/Adderbury	Blessed George Napier Catholic School The Warriner School	The Warriner School
Yatscombe Copse	Fitzharrys School St Gregory the Great Catholic School	Fitzharrys School

\* Oxfordshire County Council considers the 'village' to be the contiguous built-up area.

An address within the Civil Parish but outside the contiguous built-up area of the village does not qualify for free travel under the 'split-village' rule.

Similarly, where the village name forms part of the postal address, but the property is outside the contiguous built-up area of the village, free transport will not be provided under the 'split-village' rule.