

**Home to School Travel and Transport Policy  
2019/20 onwards for Reception to Year 11**

# 1. Introduction

- 1.1 Parents have a legal duty to make necessary arrangements to ensure that their statutory aged children attend school regularly. The council is only required to provide free school travel to children resident within the administrative area of Oxfordshire County Council who are eligible under the law and this policy. If children move to an address outside the administrative area of Oxfordshire County Council, the responsibility for determining and, where appropriate, providing free or assisted travel passes to the child's new home authority.
- 1.2 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 Department for Education (DfE) in July 2014 and the statutory Post 16 Transport to Education and Training guidance issued in October 2016.
- 1.3 Oxfordshire County Council is keen to encourage young people to walk or cycle to the school or college they attend, or to make use of public transport.
- 1.4 Those who are not resident in Oxfordshire are advised to contact their own home local authority for details of any policy that their local authority may have regarding home to school/college transport.
- 1.5 Free and subsidised transport **is not provided to children of pre-school age** who attend nurseries or other Early Years settings, irrespective of whether they have an Education, Health and Care Plan (EHCP). Travel to nursery/early years settings is wholly the responsibility of a child's parent. This is the case both for children who have an EHCP and those who do not have a such a plan.
- 1.6 There is no legal right of appeal should a parent believe the policy regarding free travel to nursery/early years settings should be set aside in the case of their child or any other child.
- 1.7 Normally eligibility for free travel will be determined at the time that a school place is allocated through:
  - Oxfordshire County Council's Coordinated Admissions Scheme for entry at the normal points of admission; and/or,
  - the issuing of an Education, Health and Care Plan; and/or,
  - the operation of the Fair Access Protocol; and/or,
  - the In-Year Coordinated Admissions Scheme.In addition, the School Admissions Team determines whether free transport should be provided for a temporary or permanent placement funded by the council at an alternative education centre, such as Meadowbrook College.
- 1.8 Parents applying for places in-year at schools that are not part of the in-year coordinated admissions scheme for Oxfordshire need to check the Home to School Travel and Transport Policy to see whether their children may be eligible for free transport. At that point, if they believe their children are eligible, they need to apply directly to the School Admissions Team using the online form. The School

Admissions Team will then determine whether free travel should be provided. The schools that are not part of the In-Year Coordinated Admissions Scheme are listed online at [www.oxfordshire.gov.uk/schooltransfer](http://www.oxfordshire.gov.uk/schooltransfer)

- 1.9 Having an Education, Health and Care Plan does not give an automatic entitlement to travel assistance, free or subsidised. **Therefore, if a school has been named in an Education, Health and Care Plan in accordance with parental preference and it is not the nearest suitable school**, and there is no other basis in the Home to School Travel and Transport Policy for agreeing free travel, **there is no obligation on Oxfordshire County Council to provide free or subsidised travel. In these circumstances transport to school is wholly a parent's responsibility.**
- 1.10 When, under the Home to School Travel and Transport Policy, children and young people are entitled to free travel 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 may sometimes have to be transported by taxi. If parents wish to take their children to school and it is therefore possible to avoid the provision of a taxi, the Council 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 council pays a mileage allowance for two journeys per day rather than four. The mileage allowance is at the Government all car rate (£0.40 per mile). If, through a change in circumstance, the payment of the mileage allowance proves no longer to be the cheapest means 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.
- 1.11 Where free travel is provided or a seat is purchased through the Spare Seat Scheme, travel is provided for attendance at the beginning and end of the school day only and not for extracurricular activities. This applies both to children who have an Education, Health and Care Plan and those who do not have such a plan.
- 1.12 Free or subsidised travel is not provided for children attending induction, taster or transitional days or sessions before joining the school/establishment.
- 1.13 If free or subsidised travel is provided to an educational establishment **there is no free or subsidised travel between sites at that educational establishment or from that educational establishment to any other educational provider/providers.**
- 1.14 The responsibility for determining entitlement to free travel rests with the School Admissions Team since transport decisions relate to the school attended. The responsibility for organising transport rests with the Supported Transport Team.
- 1.15 Any information regarding Oxfordshire County Council's Home to School Travel and Transport Policy obtained from any source other than the School Admissions Team of Oxfordshire County Council or the Oxfordshire public website should be disregarded.

- 1.16 Buses and coaches used on contracted home to school transport routes 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 may prohibit the use of 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.
- 1.17 No free transport is provided to address poor attendance or non-attendance unless this is attributable to permanent or temporary medical/disability/mobility issues that mean a child cannot walk to the nearest available school. This applies both to children who do not have an Education, Health and Care Plan and those do have such a plan.
- 1.18 If free travel is agreed, children and young people will normally be expected to use public transport (ordinary scheduled bus or train services) or, if this is unavailable, contracted transport such as a coach or minibus. Up until the end of Year 5 children of primary school age who receive free travel to school by public transport will normally be expected to travel with a parent and the parent as well as the child will be eligible for a free bus pass. However, in normal circumstances, once a child is of Year 6 age and above only the child will receive free travel. Parents will not normally be able to accompany their children on contracted home to school transport routes.
- 1.19 Taxis will only be used where there:
- is no public transport; or,
  - it would be too onerous to use public transport due to multiple changes of bus; or,
  - it can be demonstrated that a young person is unable to travel on public transport or a contracted coach/minibus because of specific permanent or temporary disabilities/special needs; or,
  - the journey would take longer than 1 hour 15 minutes for secondary school age pupils, or 45 minutes for primary school age pupils, and it would be a significantly shorter journey time by taxi.
- 1.20 There are circumstances in which a young person will travel alone in a taxi. However, this is normally when there are no other travellers to be carried rather than because there is an actual requirement for the child to travel alone.
- 1.21 Specialised tail-lift vehicles will only be agreed after an assessment by the Supported Transport Service or following a successful Stage 1 or Stage 2 appeal.
- 1.22 Lone taxi travel will also only be agreed after an assessment by the Supported Transport Team or following a successful Stage 1 or Stage 2 appeal. Assessments will be made by specialist officers within the Supported Transport Team.

## **2. Roles and Responsibilities of the Parent**

- 2.1 Parents should ensure that a child of statutory school age receives appropriate full-time education. In all, except a small number of cases, this involves attending a school.
- 2.2 Parents are responsible for making any necessary arrangements for attendance at an appropriate school or other setting, including submitting timely applications for admission.
- 2.3 Regarding travel to school, parents are expected to:
- accompany their child as necessary when walking to and from school; and/or,
  - accompany their child as necessary when walking to and from a pick-up point for transport to school and waiting with their child until the vehicle arrives; and/or,
  - ensure that their child has any travel pass that has been issued before their child leaves home; and/or,
  - ensure that their child knows what to do if they lose their travel pass and are refused travel, or if for any reason the vehicle does not arrive, for example, this could be return home, go to a neighbour or telephone the parent for assistance; and/or,
  - provide evidence of personal circumstances in support of any appeal for free transport; and/or,
  - submit any Stage 1 or Stage 2 appeal; and/or,
  - inform the School Admissions Team of any change of address or school and return any pass issued because of living at a previous address; and/or,
  - inform the Council of any change in financial circumstances that may affect entitlement under the extended rights arrangements set out in the Home to School Travel and Transport Policy.
- 2.4 Parents have a right to express a preference for their child's admission to a specific school or schools. However, this right is solely concerned with admission to school and there is no eligibility for free transport based upon parental preference of school. Therefore, if a child is not eligible for free travel, the parent concerned is wholly responsible for getting their child to that school.
- 2.5 Similarly, parents who transfer their child to an alternative school for any reason will not be able to claim eligibility for free travel unless the child concerned meets the eligibility criteria shown in this document, for example free transport will not be provided on the basis that a parent believes a child to be unhappy at their original school.

## **3. Statutory Walking Distance**

- 3.1 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 aged 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. Even where the distance is calculated to have been longer than the statutory walking distance it will still be measured using this method. If issues are raised over the possible safety of a walking route the School Admissions Team will arrange for an initial assessment and, if necessary, a full road safety assessment by a member of the Traffic and Road Safety Team.

## **4. Walking Routes to School**

- 4.1 The council expects that, where necessary, a child will be accompanied to school by a responsible person, such as a parent or other adult. This is a well-established legal point regarding the responsibilities of a parent and means that any assessment of route safety assumes that a child will be accompanied as necessary by a parent or other adult.
- 4.2 It is also well-established in law that the shortest publicly accessible route may include:
- footpaths;
  - shared footpath/cycle tracks;
  - bridleways and other pathways;
  - recognised roads
  - paths along trunk roads;
  - footpaths along which there is a permissive right of way.

It is important to note that there is no requirement for a route to be maintained by Oxfordshire County Council or by another public body. It simply needs to be available for public use.

- 4.3 If a parent is concerned that a child needs to be accompanied for safety reasons but the route has been judged by the Council to be safe, it is the responsibility of that parent to ensure that the child is accompanied on the route to and from school. Parental perception of risk is not sufficient cause for the provision of free or subsidised travel.
- 4.4 Route Assessments are carried out by a member of the Traffic and Road Safety Team, in accordance with Oxfordshire County Council's Home to School Travel and Transport Policy, the guidance issued by the Department for Education (DfE) in 2014 and the Road Safety manual 'Assessment of Walked Routes to School' which is issued by Road Safety GB.
- 4.5 In accordance with the law, all routes are assessed with the assumption that pupils are accompanied as necessary by a responsible person (see paragraphs 2.3 and 4.1 above). Routes are not classed as unavailable solely due to any or all of the following factors:
- lonely routes; and/or,
  - routes that pass close to canals, rivers, ditches, lakes or ponds; and/or,
  - routes that require railway crossings if a suitable authorised crossing is present; and/or,
  - the absence of street lighting.

- 4.6 It is clear from relevant case law that assessments must look at the relationship between pedestrians and traffic only and that personal safety/security issues of children travelling alone should not to be considered. Therefore, routes are assessed in terms of road safety rather than personal safety/security in any other sense.
- 4.7 The assessment carried out is a road safety assessment. This assessment does not include the weight of the bags carried by an individual, the local weather conditions, temporary surface conditions such as mud or puddles, the presence of uncut hedges, difficult terrain and the arduousness of the route or whether the accompanying responsible adult will also have a younger child or pram with them.
- 4.8 If a footway is over ½ metre in width the footway is classed as an available route.
- 4.9 If a footway is less than ½ metre in width then traffic volumes and speeds are included in the assessment to determine whether the footway is an available route.
- 4.10 Even if there is not a footway, the walking route will still be assessed as available if it is safe to walk, accompanied, as necessary, by a responsible adult. The assessment will take account of traffic flows and whether drivers have enough time to slow down or pedestrians have time to step-off the road or verge. It is the responsibility of a parent to ensure that a child is accompanied as necessary on the walking journey to school.
- 4.11 No walking route can be absolutely safe. The term used in the Road Safety GB guidance to describe the accepted standard is “reasonable safety”.
- 4.12 Assessments will usually take place in the morning during the times children will be travelling to school and assessments may also be undertaken when returning home in the afternoon. Visits will be timed, where possible, so that crossing assessments of main roads take place at the times when the number of children travelling to school is highest.

## **5. Children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs or disability (SEND)**

- 5.1 Children who cannot walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs or disability (SEND), will not automatically be refused free travel on the basis that they live within the statutory walking distance of the school attended, if that school is the nearest that they could attend.
- 5.2 Parents who believe their child is unable to walk to the nearest school that they could attend because of mobility problems or associated health and safety issues **will be expected to provide supporting evidence from a GP or consultant**. In the case of a child with an EHCP, the Plan may provide all the information required.

- 5.3 **Free transport will not be agreed to *any* school irrespective of distance, journey time or number of other suitable schools that are closer to the family home. Free travel will only be provided to the nearest suitable school.**
- 5.4 The Supported Transport Team may need to assess the mobility problems, or associated health and safety issues, related to a student's special educational needs or disability (SEND) to determine the type of free travel that can be made available to that student.

## **6. Children with an Education, Health & Care Plan (EHCP)**

- 6.1 The Children and Families Act received the Royal Assent in March 2014 and this resulted in the gradual replacement of Statements of Special Educational Need with Education, Health and Care Plans.
- 6.2 Having an Education, Health and Care Plan (EHCP) does not give automatic eligibility for free or subsidised travel. Therefore, **if a school has been named in a Plan in accordance with parental preference, and there is a nearer suitable and available school**, and there is no other basis in the Home to School Travel and Transport Policy for agreeing free travel, **transport to the named school will be wholly the responsibility of that child's parent.**
- 6.3 Some children with EHCPs may have specific needs that require the use of specialist transport that is not widely available. If a specialist vehicle is not required, it may still be necessary to use more expensive transport provision, such as taxi transport, to meet the specific needs of the children concerned. However, in all cases, the Council will provide the most cost-effective means of travel that will meet a child's need.
- 6.4 Parents of children with EHCPs may, in certain circumstances, be given 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.
- 6.5 Whether there is a requirement to assist in meeting a child's travel needs will be considered when an EHCP is issued or amended. Liaison will take place between the School Admissions and Special Educational Needs and Disability (SEND) Services to ensure the needs of the child are fully understood, as they relate to travel arrangements.

## **7. Assessments regarding travel arrangements**

- 7.1 If free travel is agreed, an assessment regarding a child's mode of travel will be made by the Supported Transport Team. This will normally only be necessary for children with significant disabilities/special needs. In most cases the child will have an EHCP. Options will include:



- direct travel payments; or,
- independent travel; or,
- directly procured travel assistance.

7.2 A parent will be formally notified, in writing, of the travel arrangements that the Council believes to be appropriate. At that point the parent may appeal against the mode of transport decided upon through the normal transport appeal process set out in this document. The first stage of this process is to request a review from the Admissions and Transport Services Manager. Prior to any appeal the Council will only make available the transport decided upon in the assessment. The result of any transport appeal is binding on the Council.

## 8. Children in Public Care (Looked After Children)

- 8.1 Children in Public Care (Looked After Children) and children who were looked after, but ceased to be so because they were adopted (or became subject to a Child Arrangements Order or a Special Guardianship Order) will be assessed against the Home to School Travel and Transport Policy. If a child is not entitled to free travel, it is the carer's responsibility to ensure that he/she will be able to get the child to and from school.
- 8.2 If the professionals working with the child believe that there are extenuating circumstances that should be considered, the child's Social Worker may refer the issue to the Admissions and Transport Services Manager for a Stage 1 review.

## 9. Split site schools

- 9.1 In the case of split site schools, as with all other schools, when assessing whether a child should receive free travel because of the walking distance to that school, the distance will be measured to the site they initially attend. **This decision will not be reviewed because a child subsequently moves to a different site of the same school.**
- 9.2 The following Oxfordshire secondary schools currently have split sites:
- The Cherwell School;
  - King Alfred's;
  - Lord Williams's School.
- 9.3 Those currently attending split site schools will be affected by this change from September 2018.

## **10. Distance measurement for Free Transport for children of Low Income Families**

- 10.1 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. The 6 mile and 15 mile limits are measured along routes that are passable using a road route suitable for motorised vehicles.

## **11. Home**

- 11.1 In this policy document a child’s home is defined as the child’s main place of residence during the normal school week. Free travel can only be provided to and from that one address.
- 11.2 There is no use of notional addresses based on the midpoint between a mother’s address and a father’s address or addresses of convenience such as the address of a grandparent, cousin, family friend or legal representative.
- 11.3 Where children spend time with parents at more than one address then the address considered as the main address will be the one that they live at (i.e. sleep at) for most of term-time school nights (Sunday night to Thursday night). If children spend time equally at different addresses, then the address used for admissions purposes and to determine transport will be the one registered for child benefit. We will request proof of the registered address, which must pre-date the application.
- 11.4 Free travel is not provided to and from the address of other family members with whom the child is not normally/mainly resident, for example the address of a grandparent.

## **12. Travel to a friend’s home, Induction/Taster Day, Breakfast/After School Clubs, Work Experience and Foreign Exchange Programmes**

- 12.1 No free travel can be provided on an ad hoc basis to children wishing to travel to the homes of children who are entitled to free transport. In addition, no free transport will be provided to:
- attend work experience; or,
  - attend an induction or taster day at another school/college; or,
  - attend a school as part of a foreign exchange programme; or,
  - attend appointments and activities for medical or sports reasons; or,
  - attend breakfast or after-school clubs; or,
  - attend extracurricular activities/clubs; or,
  - attend school trips.

12.2 Paragraph 12.1 applies both to children who do not have an EHCP and those who do have such a plan.

### **13. Escorts**

13.1 Escorts are normally only provided when it has been established through the “Mode of Travel Assessment” or appeals process that a child with an EHCP has a specific need to be accompanied. Escorts are subject to Disclosure and Barring Service (DBS) checks and undertake Safeguarding training. Escorts will not normally be provided in any other circumstances.

13.2 Examples of factors that may be considered when determining whether to provide an escort are shown below:

- medical issues; and/or,
- health and safety related issues, including risk to self or others; and/or
- the child’s mobility; and/or
- severe learning or physical difficulties that necessitate continual care and supervision.

13.3 If a passenger escort is provided, he or she will:

- travel with the child from an agreed pick-up point to an agreed drop-off point; and,
- assist with entry to, and exit from, the vehicle; and,
- ensure, as far as reasonably practicable, a safe journey for the child and other passengers; and,
- provide a caring environment whilst on the vehicle.

13.4 Once transport with an escort has been arranged, parents must provide full details of any changes in the child’s needs and circumstances, including any information specific to the journey or which should be passed on to others at the destination.

13.5 A passenger escort may supervise more than one child on a journey, consistent with providing the appropriate level of service for each individual child while they are on the vehicle.

13.6 It is a parental responsibility to get a child to the pick-up and from the drop-off point for education transport. Therefore, parents must be ready at the arranged pick up and drop off times to ensure the child’s safe handover.

13.7 Escorts are not assigned for the specific purpose of managing behaviour. An acceptable standard of behaviour is expected of all children using transport contracted by the Council.

13.8 The need for an escort is reviewed on an annual basis.

### **14. Drivers**

14.1 Drivers used on contracted transport for home to school travel are subject to Disclosure and Barring Service (DBS) checks and they undertake Safeguarding training.

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

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

## **16. Change of address**

16.1 If a child is in receipt of free travel and the family changes address the child's parent needs inform the School Admissions Team. The child's eligibility for free travel will then be reassessed against the Home to School Travel and Transport Policy. The parent will then be notified in writing if the child is still eligible for free travel.

## **17. "No Pass, No Travel"**

17.1 All passengers are required to carry a pass if one has been issued to them. This establishes whether they may be carried on the vehicle, either under a statutory entitlement, a discretionary entitlement or under the Spare Seat Scheme.

17.2 Oxfordshire County Council operates a "No Pass, No Travel" Policy for the safety of its passengers and to restrict access to vehicles to passengers who are not eligible. By limiting access to vehicles, the Council seeks to avoid situations where eligible passengers cannot board because their seats are occupied by non-eligible passengers. A full vehicle cannot safely carry additional passengers.

17.3 Children may not board a public service vehicle without a pass or the means to pay for the journey. "No Pass, No Travel" takes the same approach with contracted vehicles.

17.4 A child who is unable to present a pass when requested to do so by the vehicle driver or council officer will not normally be carried on the vehicle.

17.5 It is a parent's responsibility to ensure that their children have a pass each morning to get on the vehicle to school or college. If not, the parent may have to return home with the child or make other arrangements to get them to school.

17.6 If a child loses the pass during the school day, he or she can approach the school to arrange for a temporary pass to get home. No child eligible for free travel will be refused access for the return journey. A child who has been issued with a pass and persistently travels without it may be banned from travelling on the vehicle.

## **18. Offer of free transport made in error**

- 18.1 If free transport is offered in error, because of a mistake made by the Council, the free travel will be withdrawn after a notice period of not less than 6 weeks.
- 18.2 If free transport is offered in error because of false or inaccurate information provided by the parent the transport may be withdrawn immediately.

## **19. Assessment of eligibility for free transport on admission to mainstream school, special school and alternative education providers**

- 19.1 An assessment of eligibility for free travel is made by the School Admissions Team as part of the normal admissions process for entry to mainstream schools. Parents are normally notified of the decision in the letter offering a school place.
- 19.2 If a child ceases to be eligible during the school term, for example due to moving address, the provision will be discontinued at the end of that term.
- 19.3 In the case of children who do not have an EHCP, and whose parents make in-year applications to mainstream schools that are not part of the Oxfordshire In-Year Scheme, eligibility will be assessed when the parents concerned contacts the School Admissions Team to request an assessment. Appendix 1 lists the mainstream schools in Oxfordshire that are currently not part of the In-Year Scheme. This list may change in the future since currently admission authorities do not have to be part of the In-Year Scheme. An up-to-date list will be available online at [www.oxfordshire.gov.uk/schooltransfer](http://www.oxfordshire.gov.uk/schooltransfer)
- 19.4 The School Admissions Team also determines eligibility for free travel to alternative education providers and eligibility for free travel for those with an EHCP.

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

- 20.1 Children within the following categories are eligible for free travel:
  - 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 the school was listed on the Common Admissions Form (CAF) or not and whether the child concerned does or does not have an Education, Health and Care Plan.
  - 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) and whether the child concerned does or does not have an Education, Health and Care Plan.

- c. 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 a child does or does not have an Education, Health and Care Plan. If the route is subsequently determined to be safe to walk the parent will be given up to 6 weeks' notice of the withdrawal of free transport. At the end of that period, free transport will be discontinued.
- d. Where at least 20% of addresses are nearest to the catchment/designated area 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 walking route. This is referred to as the 'split village' entitlement. This additional entitlement applies to all children of the relevant age for the schools concerned and applies whether a child does or does not have an Education, Health and Care Plan. The villages affected are listed in Appendix 2.
- e. 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. This entitlement applies to all children of the relevant age for the schools concerned and applies whether a child does or does not have an Education, Health and Care Plan.
- f. 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. This entitlement applies to all children of the relevant age for the schools concerned and applies whether a child does or does not have an Education, Health and Care Plan.
- 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. This entitlement applies to all children of the relevant age for the schools concerned and applies whether a child does or does not have an Education, Health and Care Plan.
- h. Children entitled to free transport, who move house during Year 11 and continue to attend their original school, subject to the following limits:
- transport can be provided other than by taxi; and
  - the distance travelled is no more than 15 miles.
- This applies whether a child does or does not have an Education, Health and Care Plan.

- i. Children who cannot walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEND) or disability, if the school they attend is the nearest suitable and available school that they could attend. In the case of a child with an Education Health and Care Plan, the Plan may provide all the information required.
- j. Children who attend their nearest suitable and available school and are temporarily unable to walk to school because of a short-term illness or medical condition. Evidence of the medical condition and its effects is required from a GP or consultant. This applies whether a child does or does not have an Education, Health and Care Plan.
- k. Children who live at RAF Benson and attend Icknield Community College (annually reviewable). This applies whether a child does or does not have an Education, Health and Care Plan.

## **21. Free Travel to Alternative Education Providers**

- 21.1 The School Admissions Team will determine whether free travel will be provided to children and young people who have been placed at an alternative education provider by the Council. A short-term, full-time placement at an alternative education provider would normally follow a permanent exclusion from a mainstream school and some children may receive a long-term, full-time placement at an alternative provider. In addition, some children attend Council-funded days at an alternative education provider and others attend a mix of Council- and school-funded days at an alternative education provider.
- 21.2 Currently the main provider of alternative education for Oxfordshire County Council is Meadowbrook College which is an academy and independent of local authority control. This determination will be made on the same basis as attendance at a mainstream school and the relevant criteria are shown in 20.1 of this policy (above). No free travel will be provided to school funded days at an alternative education provider.
- 21.3 Therefore, after a permanent exclusion from school, a young person allocated a Council-funded, short-term place at Meadowbrook College (or a similar establishment) will receive free travel if that young person:
  - lives over the statutory walking distance from the institution attended; or,
  - lives under the statutory walking distance from the institution but the route is unsafe to walk, even if accompanied by an adult; or,
  - meets the eligibility criteria related to family income.
- 21.4 Free travel to both short and long-term places will be provided by the most cost-effective means.

- 21.5 If a young person is allocated a mix of Council-funded days and school-funded days at Meadowbrook College (or similar establishment), the criteria for provision of free transport will be applied and, if there is a right to free travel on the Council-funded days, the transport costs for those days will be met by the Council. Any transport costs on school-funded days will be the responsibility of the school/family. Therefore, if a young person has two Council-funded days (and meets the criteria for free transport) and two school-funded days at Meadowbrook College (or similar establishment), 50% of the travel cost will be met by the Local Authority and 50% will be met by the school or family. Travel funded by the Council will be provided by the most cost-effective means.
- 21.6 If a young person allocated a short-term or long-term Council-funded place at Meadowbrook College (or a similar establishment) does not meet any of the criteria for provision of free transport, their parent will have the right of appeal. The transport appeal process is set out in this policy document.
- 21.7 Students attending an alternative education provider should have the same start and finish times and, if free home to school travel is agreed, it will only be provided at the beginning and end of the school day.
- 21.8 No free transport will be provided at Council expense to address poor attendance or non-attendance at the alternative education provider.
- 21.9 If free travel is agreed, the “default” position will be that students will be expected to use public transport (service bus or rail). Taxis will not normally be provided within urban and rural areas served by service bus or rail routes.
- 21.10 Taxis will only be used:
- if there is no public or contracted bus or minibus transport; or,
  - it would be too onerous to use public transport because of multiple changes of bus; or,
  - the journey would take longer than 1 hour 15 minutes for secondary age pupils, or 45 minutes if of primary school age, and it would be a significantly shorter journey time by taxi.
- 21.11 Most students within Oxford will not be eligible for free travel to Meadowbrook College given the relatively short distances that are likely to be travelled.
- 21.12 Students living in Bicester and Bloxham who attend a Council-funded place at Meadowbrook College at West Bar in Banbury will normally be expected to use public transport.
- 21.13 Most students who live in Banbury will not be eligible for free travel to Meadowbrook College at West Bar in Banbury since no student of secondary school age will live far enough away to meet the distance criterion.
- 21.14 As with students who attend mainstream or special schools, any necessary assessments regarding the mode of travel/travel arrangements for young people attending an alternative education provider will be made by the Supported Transport Team. The same appeal arrangements will apply as for all other children of statutory school age.



## **22. Naming a school in an Education, Health and Care Plan when there is a nearer suitable and available school**

22.1 If the parent of a child with an Education, Health and Care Plan requests a particular school and that school is named in the Plan, no free or subsidised transport will be provided to that school if there is a nearer suitable school that has been identified by the SEND Team that can meet that child's assessed needs.

## **23. Free Travel to Out County Residential Schools for those with an Education, Health and Care Plan or Statement of Special Educational Need aged 11 to 16**

### 23.1 Out County Weekly Boarding

A child is eligible for free travel at the beginning and end of each term and at the beginning and end of each school week to a total of 76 single journeys per year.

### 23.2 Termly Boarding (3 terms per year)

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.

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.

### 23.3 Termly Boarding (4 terms per year)

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.

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.

### 23.4 Out County 52 Week Boarding (joint placement with another agency)

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.

### 23.5 Payment of parental journeys for those with children at Out County residential special schools

Payment will be made if one of the following applies:

- attendance at their child's annual review; or,
- attendance at any meeting called by the Council at the child's school; or,
- journeys necessitated by a child's sickness or emergency medical appointments; or,
- an agreed journey to visit a new school placement; or,
- 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 Council in advance; or,
- to travel with the child on train or service bus journeys if the child needs an adult escort.

### 23.6 Overnight accommodation

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

## **24. Application for Transport Assistance on grounds of Religion or Belief**

24.1 In making decisions on assistance with transport the Council 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.

24.2 However, a parent will need to satisfy the council 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.

24.3 Examples of acceptable evidence are:

- the provision of a Baptismal Certificate; and/or,
- a statement of atheism; and/or,
- a statement of adherence to a particular faith; and/or
- a letter of support from a priest, rabbi or imam stating that the child belongs to a particular congregation.

Normally, two pieces of evidence will be required.

24.4 It is important to note that the Council will consider 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 Council will be able to consider applications for places under the Spare Seat Scheme arrangements.

- 24.5 The Council will not consider academic grounds expressed for preferring a particular school when making a decision on whether to provide assisted transport on grounds of faith or belief.
- 24.6 Decisions on applications for transport assistance on grounds of faith or belief will normally be taken by a panel of three.

## **25. The “Spare Seat” Scheme**

- 25.1 The “Spare Seat” Scheme operates on contracted 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:
- The Council cannot guarantee that a child will keep the seat for longer than one full term (based on a three-term academic year); and,
  - Fare prices are reviewed annually; and,
  - The parent, or in the case of Years 12 and 13, the student, must complete an application form; and,
  - Parents are required to pay in advance for one full term’s travel; and,
  - The price charged covers a return journey for every school day of the relevant period; and,
  - 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 child or young person decides to use his/her bus pass for morning travel and returns by some other private means in the afternoon; and,
  - If a seat is available, a bus pass will only be issued on receipt of a completed application form, and correct payment; and,
  - There is no guarantee that the bus will continue to run throughout a child’s or 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 child or young person who is entitled to free travel; and,
  - The “Spare Seat” charge will be waived for those of statutory school age who are eligible for free school meals, or, in the case of those aged 5, 6 or 7, would be eligible for free school meals on income grounds, or whose parent is in receipt of the maximum level of Working Tax Credit; and,
  - If there are more applicants than places, a parent will be able to add a child’s name to a waiting list. Any waiting list for a specific route will operate for no longer than one academic year; and,
  - If there is an available home to school transport route operated on behalf of Oxfordshire County Council, children who are not of statutory school age and who are aged 16 to 18, may use the “Spare Seat” Scheme to purchase a seat on that route to enable access to their school or college; and,
  - When there are more requests to pay for seats on a specific route than there are seats available, they will be allocated in the descending order of priority shown in the table “Priority for Spare Seats”.

**Table 1. Priority for “Spare Seat” Scheme**

| Priority | Category   |
|----------|--|
| 1        | Those with an Education, Health and Care (EHC) Plan 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 level 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) |

\* *Where there are more applicants than places in any of the above categories, priority will be given to those living closest to the destination school (measured using the shortest designated route on Oxfordshire County Council’s Geographic Information System)*

25.2 The charges for 2019/20 are set out in Table 2. These fares were set in 2014.

**Table 2. Charges for 2019/20**

|   |         |
|---|---------|
| Less than 3 miles from home to school/college | £370.64 |
| More than 3 miles from home to school/college | £690.72 |

25.3 The fares for the “Spare Seat” Scheme for 2020/21, 2021/22 and 2022/23 are shown in Table 3. The fares include an annual 2% inflation increase and rounding to the nearest whole number. The use of the 2% figure reflects the target inflation figure set for the Bank of England. If this target changes or transport inflation rises beyond 2%, the Council reserves the right to consult on the use of a different inflation figure and the amendment of “Spare Seat” Fares.

**Table 3. Charges for 2020/21, 2021/22, 2022/23**

|               | 2020/21        | 2021/22        | 2022/23        |
|---------------|----------------|----------------|----------------|
| Under 3 miles | £378 per annum | £386 per annum | £394 per annum |
| Over 3 miles  | £705 per annum | £719 per annum | £733 per annum |

## **26. Code of Conduct**

- 26.1 The Code of Conduct for those travelling on Home to School Transport is shown at Appendix 3.
- 26.2 Free travel or “Spare Seat” travel may be suspended if a child who is aware of the Code of Conduct breaches it in a significant way. The child’s school may also potentially impose a disciplinary sanction. The Code of Conduct applies to all travellers although the special needs of a child with an EHCP will be taken into account when considering a response to breaching the Code.
- 26.3 If free travel is suspended, the child’s parent has a right of appeal against the decision. The appeal process is the two-stage process set out below. Stage 1 reviews are conducted by the Admissions and Transport Services Manager and Stage 2 reviews are carried out by an independent panel.

## **27. Home to School Transport Appeals**

- 27.1 The appeals process set out below applies to:
- children and young people who live in Oxfordshire, are of statutory school age and attend a mainstream school; or,
  - children and young people who live in Oxfordshire, have an Education, Health and Care Plan (EHCP) and attend either a mainstream school or a special school; or
  - children and young people who live in Oxfordshire, are of statutory school age and are not on the roll of a mainstream or special school but attend alternative education provided at Oxfordshire County Council expense, for example at Meadowbrook College.

### **27.2 Two stage process**

The Council annually publishes the appeals process on its website (with paper copies available on request). This sets out the two-stage process for parents who wish to challenge a decision about:

- the transport arrangements offered;
- their young person’s eligibility;
- the distance measurement in relation to statutory walking distances; and
- the safety of the route.

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

- 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.
- 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.

- 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:
  - the nature of the decision reached; and
  - how the review was conducted (including the standard followed, for example route safety assessments that have followed Road Safety GB guidance); and
  - information about other departments and/or agencies that were consulted as part of the process; and
  - what factors were considered; and
  - the rationale for the decision reached; and
  - information about how the parent can escalate their case to stage two (if appropriate).
- Complex Stage 1 cases may take longer than the timescale given above.

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

- A parent has 20 working days from receipt of the written stage one response from the Admissions & Transport Services Manager to make a written request to escalate the matter to stage two.
- Within 40 working days of receipt of the parent's 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:
  - the nature of the decision reached; and
  - how the review was conducted (including the standard followed e.g. Road Safety GB); and
  - information about other departments and/or agencies that were consulted as part of the process; and
  - what factors were considered; and
  - the rationale for the decision reached; and
  - information about the parent's right to put the matter to the Local Government Ombudsman (see below).
- Stage 2 appeals will be heard by a panel of three comprising of one officer, one county councillor and one independent person. All panel members receive specific training prior to undertaking their role. The training includes information to ensure an understanding of the specific needs of children with SEND and EHCPs. The Audit & Governance Committee have governance oversight of the process. The county councillor will not be the councillor for the division within which the child resides. No officer will have been involved in the previous decision making. The independent person will be drawn from the volunteers for hearing admission appeals.
- The Clerk to the Appeals & Tribunals Sub-Committee will be from the Law & Governance Department and will not work for the Admissions Team or the Supported Transport Service.

- 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:
  1. presentation of the LA's case by the LA representative;
  2. committee members and the parent are able to ask questions of the LA representative;
  3. presentation of the parent's case;
  4. committee members and the LA representative are able to ask questions of the appellant (if present);
  5. summing up by the LA representative;
  6. summing up of the appellant's case;
  7. both the LA representative and the appellant(s) leave the hearing together;
  8. consideration of the case by the Appeals & Tribunals Sub-Committee in private when the independent panel members will make a decision whether to uphold or refuse the appeal.
- The decision of the Appeals & Tribunals Sub-Committee will be considered binding on the Council and appellant and there is no further right of appeal.
- The Council will not consider requests for a further transport appeal within the same school academic year unless there has been a significant change of circumstance.
- Complex Stage 2 cases may take longer than the timescale given above.