

## **RECOMMENDED TO CABINET**

# **Education Travel Policy**

**for the academic year 2020-21**

This applies to:

- All state-funded schools in Devon.
- The Transport Co-ordination Service of Devon County Council.
- All parents and carers of Devon-resident children of statutory school age or Rising 5s seeking transport assistance to and from an education setting.

Policy updated:	October 2018
Review date:	October 2019 for 2021-22 and then annually unless a need to review earlier is identified

### **Description of Policy**

This policy describes how eligibility for transport to and from education settings will be determined and how transport will be provided.

### **Linked Policies**

[In-Year, Normal Round Co-ordinated Admissions Schemes](#)

# Education Travel Policy

for the academic year 2020-21

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2020 Education Travel Policy – updated 31 January 2019

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## General Information and Contacts

Date Determined	8 February 2019
Review date	Annual
Approval	by Cabinet Members of Devon County Council
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Useful links	<a href="#">Department for Education</a>

## Summary

Devon County Council has a statutory duty to make arrangements to provide free home to school transport for some children of compulsory school age and discretion whether to provide transport for others. These children are “eligible children”.

### Eligible Children:

1. Children who attend schools beyond the statutory walking distance and the local authority has made no "suitable arrangements" for boarding accommodation or attendance at a nearer school.
2. Children who because of their special educational needs, disability or mobility problems cannot reasonably be expected to walk to their school and no suitable arrangements have been made by the local authority to enable them to attend a nearer school.
3. Children whose route to the nearest suitable school is unsafe.
4. Children from low income families (see paragraphs 8.17, 8.18 and 8.18a).

This document sets out Devon’s Education Travel Policy and describes how the Council fulfils its duties and exercises its discretionary powers as required under the Education Act 1996 and subsequent legislation. Devon will also make decisions with reference to its commitment to the Armed Forces Covenant which seeks to redress disadvantage of opportunity with the armed forces community.

There is no universal entitlement to free travel for every child or student to and from any school. Parents and students aged 16<sup>i</sup> or over are strongly advised to consider whether there is an entitlement to transport assistance before admission to an education establishment, what would happen if circumstances within the family changed or if the arrangements were no longer available.

Support from the LA for travel to and from education will not necessarily be in the form of a vehicle to transport a child. It may be by enabling the child to walk to and from education through Independent Travel Training where the child may otherwise not have been capable of doing so. This does not affect any statutory right to free transport.

Where there is no entitlement to support from the LA, parents and students can seek assistance from academies and Further Education Colleges which are able to use some of their own funds to support transport where they feel this is appropriate. Where support from Devon is not free, it may not be the cheapest option for an individual.

Parents have a legal duty and a responsibility to make necessary arrangements to ensure that their statutory aged children attend school regularly. The County Council is required to provide transport to children resident within the administrative area of Devon County Council who are eligible under the law and this policy.

Transport policy will often influence a parent’s decision on admission to school but the two policies are not linked. While most school catchment areas are recognised by Devon for entitlement to free transport, the two policy areas are not automatically linked.

The LA is responsible for making suitable arrangements for all eligible children to travel to school in reasonable safety and comfort so that they arrive without undue stress or difficulty and can

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<sup>i</sup> Young people aged 16 may submit applications and appeal for travel support in their own name if they wish. This may be the case for young people whose education has been delayed and will be in Year 11 in the academic year after they reach 16. References to parents making applications in this document also include applications by young people aged 16. . There is a separate policy for post-16 students in sixth form and at Further Education Colleges.

benefit from their education. This is done by making sure that children and young people do not have unnecessarily long journey times and that they are not expected to walk an unreasonably long distance to catch their vehicle. Drivers and escorts are trained and have an enhanced Disclosure and Barring Service check. The vehicles used meet the necessary safety standards and seatbelts are provided wherever possible.

Key points:

- No transport is provided automatically. Parents must apply for transport or confirm their wish for it to be provided.
- The LA will endeavour to contact most primary starters and year 7 secondary transfer pupils. Nevertheless it remains the parent or young person's responsibility to seek advice and complete a transport application form by 1 June for a September start.
- The LA operates clear criteria to decide whether transport will be provided.
- The LA seeks to provide transport support in as cost-effective and efficient manner as possible so that children who are entitled to transport arrive at school and are able to benefit from education there at the same time as the financial cost to the LA is minimised.
- There is an appeals process for individual circumstances to be considered for provision beyond the general entitlement detailed in the policy.

The layout of this policy document is aimed to help parents and carers find their way through it if they think they are entitled to free transport to school. It is also intended to support officers in making fair, transparent and consistent decisions regarding entitlement and provision of travel support. This means that there is some repetition of some clauses but it does mean that, for example, all the policy statements for children with Special Education Needs (SEN) can be found in one section rather than by cross referencing across the document.

## POLICY

### 1 Equality Statement

- 1.1 Devon County Council will only commit to policies and practices which will eradicate discrimination and promote equality for all, regardless of age, gender, disability, religion and belief, race and ethnicity and sexual orientation.
- 1.2 This policy will be subject to an [Equality Impact and Needs Assessment](#). This assessment will be integral to all future policy and guidance reviews.

### 2 Safeguarding Statement

- 2.1 Devon County Council and its partners recognise that safeguarding is everybody's responsibility. Whether their interest is in all young people 'staying safe' in all aspects of our services, or whether they are working in specific areas of vulnerability, all staff will have appropriate training and induction so that they understand their roles and responsibilities and are confident in carrying them out. Schools, settings, children, young people and their parents or carers, or any member of the community should feel secure that they could raise any issues or concerns about the safety or welfare of children and know that they will be listened to and taken seriously. This will be achieved by maintaining an ethos of commitment to safeguarding and promoting the welfare of children and young people. This is supported by a clear child protection policy, appropriate induction and training, briefings on and discussion of relevant factors and refreshed learning in line with current legislation and guidelines.
- 2.2 Devon County Council acts as a Corporate Parent for Children in Care. This means that the LA has a legal and moral duty to provide the kind of support that any good parents would provide their own children. This policy has been written to comply with this principle.

### 3 Introduction

- 3.1 This policy is made by Devon County Council (DCC), the Local Authority (LA) for the County of Devon, acting under the provisions of the Sections 508 and 509 of the Education Act 1996. It supersedes any previous agreement or policy. The policy applies to the academic year **2020-21** and will be reviewed annually. There should be no assumption that any discretionary elements of the policy will continue in future policies although Devon's approach has so far been not to remove provision from children who were receiving support at the point when a change to policy was made.

It was determined by the Cabinet of Devon County Council on 9 February 2018 following a public consultation hosted at [www.devon.gov.uk/admissionarrangements](http://www.devon.gov.uk/admissionarrangements)

- 3.2 This policy contains sections that apply to:
- A. Children below statutory school age.
  - B. Children of statutory school age at a primary school.
  - C. Children of statutory school age at a secondary school.
  - D. Children and young people with special educational needs (SEN).
- In addition it contains a further sections:
- E. Further information.
  - F. Transport provision.

## Section A

### 4 Children below Statutory School Age

- 4.1 Children are of statutory school age from the beginning of the term following their fifth birthday (or from the fifth birthday if it falls on 1 January, 1 April or 1 September) until the last Friday in the June of the academic year when he or she reaches 16 years of age. This does not mean they must attend a state-funded school or, indeed, any school. During this period, however, a child must receive full-time education.
- 4.2 There is no legal entitlement to transport support to and from a school for children below statutory school age. Transport is not available under this policy to nurseries or other Early Years settings for children who are below statutory school age. There is no right of appeal where a parent believes this policy should be set aside. Transport support may be available from other areas of the LA.
- 4.3 Devon will exercise its discretion by considering children who are attending a Reception class in a state-funded primary or infant school as “rising 5s”. That means there will be transport support for children from the beginning of the September after the child’s fourth birthday (or from the fourth birthday if it falls on 1 September) as if he or she were of statutory school age. For further information, please see Section B: Children of Statutory School Age at a Mainstream Primary School
- 4.4 Parents of 3 year old children who attend a particular Early Years setting because it is necessary to meet their special educational needs should discuss transport provision with a member of the 0-25 SEN Team.

## Section B

### 5 Children of Statutory School Age at a Primary School

5.1 Children are of statutory school age from the beginning of the term following their fifth birthday (or from the fifth birthday if it falls on 1 January, 1 April or 1 September) until the last Friday in the June of the academic year when he or she reaches 16 years of age. This does not mean they must attend a state-funded school or, indeed, any school. During this period, however, a child must receive full-time education.

5.2 There is an entitlement to free school transport where a Devon-resident child:

- attends the nearest appropriate school<sup>ii</sup> from his or her home and where the school is further than a walking distance of 2 miles;<sup>iii</sup> or
- attends the nearest appropriate Devon school<sup>iv</sup> from his or her home and where the school is further than a walking distance 2 miles; or
- attends a school designated<sup>v</sup> for his or her home and where the school is further than a walking distance of 2 miles; or
- is a Child in Care and attends the nearest available school with a Good or Outstanding rating by Ofsted and where the school is further than a walking distance of 2 miles; or
- has been placed in an alternative education setting by the LA which is thereby considered to be the nearest appropriate school setting (see paragraph 8.34); either:
  - having been Permanently Excluded; or
  - being at risk of Permanent Exclusion, with an Annex G having been issued; or
  - is unable to attend the designated school due to exceptional circumstances, with appropriate supporting evidence having been provided; or
  - is dual-registered and meets distance eligibility criteria.
- has been placed at a boarding school by the LA which is thereby considered to be the nearest appropriate school setting (see paragraph 8.30).

No additional transport is provided to primary schools chosen on the grounds of religion or belief. There are no selective primary schools.

5.3 There is no entitlement to free school transport from the LA where a Devon-resident child:

- attends a school as part of a foreign exchange programme,
- attends an induction or taster day at another establishment,
- attends school trips

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<sup>ii</sup> A school is considered to be appropriate where it provides education suitable for a child's age and gender. A school's perceived strengths or specialism or its Ofsted rating will not be considered with regard to entitlement to transport support with the exception of Children in Care

<sup>iii</sup> The statutory walking distance for children aged 8 and over is 3 miles. Devon has exercised its discretion to reduce this to 2 miles for children aged 8-11 so that the maximum walking distance for all children in a primary school is the same. The statutory walking distance for children aged below 8 is 2 miles.

<sup>iv</sup> In some cases, the nearest available school will be across the county boundary. In the interests of supporting Devon primary schools and enabling children to attend a school linked to a Devon secondary school, the LA will also provide transport to the nearest primary school within the Devon county administrative boundary.

<sup>v</sup> Designated schools are also known as catchment schools. Children living in the designated area for a school enjoy admissions priority there. Some addresses in Devon have more than one designated or catchment school. This happens where schools that are their own admissions authority set a designated area that overlaps with a neighbouring school. Devon will only recognise a single designated primary school for transport purposes for each address.

- accompanies a friend home,
- attends a boarding school or college being beyond daily travelling distance, where this is as a result of parental preference and not at the request of Devon.

There is no entitlement to free school transport from the LA where a child:

- lives outside the county administrative boundary or moves from Devon.

There is no entitlement to a variation to the way transport is provided for a child to:

- attend school on a part-time basis
- attend late school sessions
- attend appointments and activities for medical or sports reasons,
- attend breakfast or after-school clubs

5.4 If parents do not request transport, transport officers may not know the child has a medical condition, disability or medical condition that may prevent them walking to school. Parents can request transport support where:

- they believe the walking route to school is unavailable (see paragraph 8.23);
- they are unable to get the child to and from school because of their own or the child's medical condition (see paragraphs 8.35 and 8.36);
- the child will attend a new school following a Permanent Exclusion or a Managed Move (see paragraph 8.34 and 8.39);
- the child is temporarily absent from the home (see paragraph 8.42);
- the child is temporarily rehoused (see paragraph 8.43).

This list is not meant to be exhaustive.

5.5 Parents are encouraged to familiarise themselves with the policy concerning their own responsibilities, including No Pass, No Travel, pick up and drop off points and what to do when transport does not run for any reason (see paragraphs 8.1, 9.37, 9.21 and 9.26).

5.6 Parents of children who are not entitled to free transport can request access to a concessionary seat where one is available on a vehicle in return for a contribution to the costs of that transport (see paragraph 9.29).

5.7 Children and parents are expected to agree to abide by the Code of Conduct for passengers (see paragraph 9.36).

5.8 Children are expected to carry a pass where one is issued and show this to the driver or officer of the LA when requested to do so (see paragraph 9.37).

5.9 Parents can request that an escort is provided on a vehicle where they believe this is necessary for the child's safety or welfare (see paragraph 9.9).

5.10 The LA has not exercised discretion to provide transport support:

- on the grounds of educational continuity at a primary school, including for children in Year 6 (see paragraph 8.37).
- where a child transfers to a new school as an expression of parental preference (see paragraph 8.25)
- where new school provision is made available closer to home (see paragraph 8.44)
- where a parent chooses to admit the child to an independent school (see paragraph 8.45).

## Section C

### 6 Children of Statutory School Age at a Secondary School

6.1 Children are of statutory school age from the beginning of the term following their fifth birthday (or from the fifth birthday if it falls on 1 January, 1 April or 1 September) until the last Friday in the June of the academic year when he or she reaches 16 years of age.

Young people over statutory school age who are taught in Year 11 at a secondary school will be considered as if they were still of statutory school age.

This does not mean they must attend a state-funded school or, indeed, any school. During this period, however, a child must receive full-time education.

6.2 There is an entitlement to free school transport where a Devon-resident child:

- attends the nearest appropriate school<sup>vi</sup> from his or her home and where the school is further than a walking distance of 3 miles;<sup>vii</sup>
- attends a school designated<sup>viii</sup> for his or her home and where the school is further than a walking distance of 3 miles;
- who is a Child in Care and attends the nearest available school with a Good or Outstanding rating by Ofsted, where it is further than a walking distance of 3 miles;
- from a low-income household attends one of the three nearest schools to the home address, where the school attended is between 2 and 6 miles from the home address (see paragraph 8.17);
- from a low-income household attends the nearest school available according to the parent's religion or belief, where the school attended is between 2 and 15 miles from the home address (see paragraph 8.18);
- who because of their special educational needs, disability or mobility problems cannot reasonably be expected to walk to their school and no suitable arrangements have been made by the local authority to enable them to attend a nearer school;
- has been placed in an alternative education setting by the LA which is thereby considered to be the nearest appropriate school setting (see paragraph 8.27); either:
  - having been Permanently Excluded; or
  - being at risk of Permanent Exclusion, with an Annex G having been issued; or
  - is unable to attend the designated school due to exceptional circumstances, with appropriate supporting evidence having been provided; or
  - is dual-registered and meets distance eligibility criteria.

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<sup>vi</sup> A school is considered to be appropriate where it provides education suitable for a child's age and gender. A school's perceived strengths or specialism or its Ofsted rating will not be considered with regard to entitlement to transport support with the exception of Children in Care. A child must have met the entry criteria for a selective school for it to be deemed an appropriate school. A non-selective secondary school is considered to be appropriate whether or not the child has met the entry criteria for a selective school.

<sup>vii</sup> The statutory walking distance for children aged 8 and over is 3 miles.

<sup>viii</sup> Designated schools are also known as catchment schools. Children living in the designated area for a school enjoy admissions priority there. Some addresses in Devon have more than one designated or catchment school. This happens where schools that are their own admissions authority set a designated area that overlaps with a neighbouring school. Devon will only recognise a single designated secondary school for transport purposes for each address.

- has been placed at a boarding school by the LA which is thereby considered to be the nearest appropriate school setting (see paragraph 8.30).

6.3 There is no entitlement to free school transport from the LA where a Devon-resident child:

- attends a location for work experience,
- attends a school as part of a foreign exchange programme,
- attends an induction or taster day at another establishment,
- attends school trips,
- accompanies a friend home,
- attends a school or college beyond daily travelling distance, where he or she seeks weekly or termly travel.

There is no entitlement to free school transport from the LA where a child:

- lives outside the county administrative boundary or moves from Devon.

There is no entitlement to a variation to the way transport is provided for a child to:

- attend school on a part-time basis
- attend late school sessions
- attend appointments and activities for medical or sports reasons,
- attend breakfast or after-school clubs

6.4 If parents do not request transport, transport officers may not know the child has a medical condition, disability or medical condition that may prevent them walking to school. Parents can request transport support where:

- they believe the walking route to school is unavailable (see paragraph 8.23);
- they are unable to get the child to and from school because of their own or the child's medical condition (see paragraphs 8.35 and 8.36);
- the child will attend a new school following a Permanent Exclusion or a Managed Move (see paragraphs 8.34 and 8.39);
- the child is temporarily absent from the home (see paragraph 8.42);
- the child is temporarily rehoused (see paragraph 8.43).
- the child is seeking educational continuity during a course of study towards external examinations in Key Stage 4 (see paragraph 8.37).

This list is not meant to be exhaustive.

6.5 Parents are encouraged to familiarise themselves with the policy concerning their own responsibilities, including No Pass, No Travel, pick up and drop off points and what to do when transport does not run for any reason (see paragraphs 8.1, 9.37, 9.21 and 9.26).

6.6 Parents of children who are not entitled to free transport can request access to a concessionary seat on a vehicle where one is available in return for a contribution to the costs of that transport (see paragraph 9.29).

6.7 Children and parents are expected to agree to abide by the Code of Conduct for passengers (see paragraph 9.36).

6.8 Children are expected to carry a pass where one is issued and show this to the driver or officer of the LA when requested to do so (see paragraph 9.37).

- 6.9 Parents can request that an escort is provided on a vehicle where they believe this is necessary for the child's safety or welfare (see paragraph 9.9).
- 6.10 The LA has not exercised discretion to provide transport support:
- where a child transfers to a new school as an expression of parental preference (see paragraph 8.25)
  - where new school provision is made available closer to home (see paragraph 8.44)
  - where a parent chooses to admit the child to an independent school (see paragraph 8.45).
- 6.11 Parents can request transport support where their child is also a parent and wishes to take their own child with them to school (see paragraph 8.48).

## Section D

### 7 Children with an Education, Health and Care Plan

7.1 Parents of children and young people with an Education, Health and Care Plan (EHCP)<sup>ix</sup> who would like support with transport must complete an application form. Transport needs will be reviewed no less frequently than annually.

7.2 When an EHCP is issued or amended, consideration will be made of the child's transport needs.

Children with SEN may have specific needs that require the use of specialist transport provision that is not widely available. Even where a specialist vehicle is not required, it may be necessary to use more expensive transport provision, such as taxi transport, in order to meet the specific needs of children. The Devon Transport Co-ordination Service (TCS) arrange transport at the lowest possible cost commensurate with the needs of the children being met.

TCS Special Needs transport officers will assess the needs of each child attending an educational setting, consulting the 0-25 SEN Team as necessary.

Once eligibility has been determined, the TCS will determine how the needs of an individual child can be best met, including consideration for Independent Travel Training where appropriate. Entitlement and provision should be reviewed at least annually.

7.3 Where a Special School or a special unit within a mainstream setting is named by the LA on an EHCP, that school will be deemed to be the child's nearest appropriate school for transport purposes. This will not apply where the school is named as a result of parental preference, with a closer appropriate school available.

7.4 There is no automatic entitlement to free transport following the issue of an EHCP. The usual distance criteria will also be applied. Parents of children with SEN are strongly advised not to rely upon presenting a case that a school is named in their child's EHCP in cases where the school has been named as a result of parental preference.

A child whose EHCP indicates that his or her needs may be met at a mainstream school must meet the same eligibility criteria for free transport that apply to all children attending mainstream schools, unless they are unable (by reason of disability or medical condition) to walk the specified walking distance for their age, accompanied as necessary.

A child's EHCP considers his or her additional needs, mobility and medical concerns.

7.5 Payment of any required contribution to transport costs applies equally to young people above statutory school age who have an EHCP.

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<sup>ix</sup> EHCPs are replacing Statements of Special Educational Need. Any reference to EHCP should be taken as also meaning Statement where an individual child's Statement has not been replaced by an EHCP.

## Section E

### 8

#### Further information

##### 8.1 Roles and Responsibilities of the Parent

Parents have a number of responsibilities with regard to getting children to and from school. It is the responsibility of the parent to

- ensure that a child of statutory school age receives appropriate full-time education;
- make necessary arrangements for attendance at an appropriate school or other setting, including submitting applications as necessary for admission and for education transport to the LA;
- make a timely application<sup>x</sup> to be admitted to school;<sup>xi</sup>
- accompany a child as necessary when walking to and from school or to and from a pick up point and to wait with the child until the vehicle arrives;
- ensure that a child has their travel pass (where issued) with them before they leave home;
- ensure the child knows what to do in the event they have lost their travel pass and are refused travel, or if for any reason the vehicle does not arrive: for example, this could be returning home, going to a neighbour or telephoning the parent for assistance (paragraph 9.26);
- apply for transport support for any child except where Devon contacts them to advise that there is eligibility to free school transport. In these cases, the parent must confirm that transport is required.
- provide evidence of personal circumstances in support of any application or appeal for transport;
- submit an appeal to the Transport Eligibility Officer Panel or Members' Panel (paragraph 8.49) against a refusal to provide transport;
- inform the LA of any change of address or school and to return any pass that was issued for the previous address;<sup>xii</sup>
- inform the LA of any change in financial circumstances that may affect entitlement under low income legislation.

##### 8.2 Applications for Transport Assistance

###### Children below Statutory School Age

Where parents seek places in a school Reception class for a child who is 4 years old, Devon will consider the child to be of statutory school age for transport purposes.

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<sup>x</sup> Parents may apply at any time for a school place after the Year Group for the child has begun. Where a place is required at the normal point of entry, parents are required to submit an application by published dates as a part of Devon's Normal Round Co-ordinated Admissions Scheme. Applications submitted after these dates may be considered late and at a disadvantage compared with timely applications.

<sup>xi</sup> Where an application is considered to be late and a place is allocated at a school further away as a result, there will be no automatic entitlement to transport to the allocated school on nearest or designated school grounds (paragraph 8.15). There may be an entitlement under low-income or faith school grounds (paragraphs 8.18 and 8.19).

<sup>xii</sup> Where a pass is not returned, the parent or student will be liable to pay all costs of the pass from the date it became invalid. Where a contribution was required towards the cost of a pass, no refund will be paid by Devon for the period when it was no longer required until the pass is returned.

### **Children of Statutory School Age**

Except where the LA contacts the parent of a child who will be admitted at the normal round intake to a school to advise the child is entitled to transport assistance, it is the responsibility of the parent to obtain and submit an application form.

Parents requesting transport for students with an EHCP must complete a transport application form as more detailed information is required to ensure the most appropriate form of transport is provided.

Parents wishing to apply for transport assistance for their child on Low Income Grounds (whether or not for faith schools) must request a Secondary Transport Application Form by telephoning 0345 155 1019 and submit it by 1 April for the normal round transfer to Year 7 or as soon as possible at other times.

### **Children over Statutory School Age**

Some children will remain in a school in the academic year after they reach 16 years of age to complete Year 11. Where this is the case, Devon will consider them to be of statutory school age for transport purposes.

## **8.3 Roles and Responsibilities of the LA**

Devon County Council is required by law to provide free transport to and from a child's education setting where the child:

- is of statutory school age; and
  - lives within the Devon LA area; and
  - lives further from the school than the statutory walking distance for the child's age (paragraph 8.21); and
  - attends the nearest state-funded school<sup>xiii</sup> appropriate for the child's age and gender
- OR
- qualifies on low income grounds (paragraph 9.13) or
  - who because of their special educational needs, disability or mobility problems cannot reasonably be expected to walk to their school and no suitable arrangements have been made by the local authority to enable them to attend a nearer school.

There is no requirement to provide any transport or travel support beyond this although the LA has discretion to provide support in other circumstances as it sees fit. Much of this policy concerns the provision Devon has made according to that discretion.

## **8.4 The LA has legal duties, under the Education and Inspections Act 2006, to promote sustainable travel for children and young people of sixth form age at school. These duties include:**

- Assessment of travel and transport needs
- Audit of sustainable travel and transport infrastructure that may be used when travelling to or from school
- Strategy to develop sustainable travel and transport infrastructure
- Promotion of sustainable travel

For further information, see [www.devon.gov.uk/stpsstssummary2008.pdf](http://www.devon.gov.uk/stpsstssummary2008.pdf)

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<sup>xiii</sup> State-funded schools include all community, voluntary controlled, voluntary aided, foundation, academy, free and studio schools and university technical colleges.

- 8.5 The LA will operate a procedure for the consideration of requests for assistance with education transport that do not meet eligibility criteria (paragraph 8.49).
- 8.6 The LA's Transport Co-ordination Service will:
- administer this and any other policies which are determined by Devon and which govern eligibility for transport assistance;
  - determine eligibility to travel support;
  - be responsible for management of the budget for education transport.
  - manage all operating arrangements including planning, provision and management of transport in the most appropriate and cost-effective manner;
  - determine the most appropriate form of transport provision;
  - plan and manage education transport on a day-to-day basis;
  - make arrangements for transport within 15 working days;<sup>xiv</sup>
  - establish effective and appropriate operating standards;
  - manage contract compliance with transport providers;
  - integrate transport needs of clients and public passenger transport networks.
- 8.7 Devon will exercise its discretion to provide free transport to and from a child's education setting for children living within the Devon LA area in a number of circumstances. This summarises discretionary entitlement:
- by reducing the walking distance expected of primary-phase children aged 8 to 11 from 3 miles to 2 miles (paragraph 8.21)
  - by providing transport to the nearest available primary school in Devon where otherwise the nearest available school lies in the area of another LA (paragraph 8.13)
  - by providing transport to a single school designated for the home address where this is not the nearest school to the home address (paragraph 8.14)
  - by extending eligibility for those children placed by a Reintegration Panel at a school following a Permanent Exclusion (paragraph 8.34)
  - by extending eligibility for those children placed by a Reintegration Panel as part of a managed move (paragraph 8.39)
  - by considering *rising five*<sup>xv</sup> children attending a Reception class in school as if they were of statutory school age (section A)
  - by considering young people above statutory school age attending Year 11 of a secondary school as if they were of statutory school age (paragraph 6.1)
  - for children considered to have an exceptional medical reason for transport (paragraph 8.35)
  - for children of parents considered to have an exceptional medical reason for transport (paragraph 8.36)
  - for children considered to require transport on the grounds of educational continuity (paragraph 8.37)
  - for children considered to require transport during the period of a temporary absence from home (paragraph 8.42)
  - for children considered to require transport when temporarily rehoused (paragraph 8.43)
  - for children remaining on roll at a school when a closer school has been opened or reorganised (paragraph 8.44)
  - for children of passengers who are eligible for free transport (paragraph 9.48)

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<sup>xiv</sup> In many cases, arrangements will be in place more quickly. In other cases, the process may be delayed, particularly where additional transport is required, in more rural and remote areas and where transport operators and providers are scarce. The LA is required to follow tendering procedures for new routes.

<sup>xv</sup> A child is a Rising 5 where he or she is below statutory school age, has reached the age of 4 and attends a Reception class in a school.

- 8.8 Additionally, the LA has exercised its discretion to provide transport at a cost to and from a child's education setting for:
- non-entitled statutory aged children who may purchase concessionary seats on existing transport (paragraph 9.29)
  - children of concessionary passengers (paragraph 8.48). Where the child of a concessionary passenger requires an additional seat, this will also be chargeable.

- 8.9 Additionally, the LA has exercised its discretion to provide escorts for children carried on education transport in limited circumstances (paragraph 9.9).

8.10 **Residence Eligibility**

Devon is not required to provide transport support to children or young people who live outside of the county's administrative boundary. To be entitled to free transport or assisted transport, the normal place of residence must be within Devon administrative boundary. This comprises those addresses within Devon but not within the Plymouth City Council or Torbay Council areas.

Children who move outside the Devon LA area must apply to their new home LA for assistance. Assistance from Devon will cease where the child no longer lives within the Devon LA area.

- 8.11 Education transport will be provided only to and from one residential address. Where children have more than one ordinary residence, for example, where parents are separated and care jointly for them, the circumstances may be considered by the Transport Eligibility Officer Panel.<sup>xvi</sup>
- 8.12 Where a Child in Care with an EHCP is accommodated within Devon by another LA, Devon will make arrangements for the child's education transport according to this policy. The costs of that transport will be recovered from the home LA.

8.13 **Distance Eligibility**

In all instances, children must live beyond the walking distance for his or her age from that school (paragraph 8.21)

- unless the route is deemed by the LA to be unavailable (paragraph 8.23) or
- unless the child cannot reasonably be expected to walk that distance to school, accompanied as necessary (see paragraph 8.1).

Where the home address is close to the county boundary, the next nearest primary school with a vacancy may be in another LA area. If so, free transport will be supported to that school OR to the nearest available Devon primary school.

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<sup>xvi</sup> The terms of a child arrangements or specific issues order may establish a single home address for the child. In the absence of an order, the home address for the child will be with the parent with a majority day to day care and control of the child, normally evidenced by receipt of Child Benefit allowance for the child at that address. In determining the home address for admission or transport purposes, evidence such as receipt of Child Benefit or the child's registration with a GP may be taken into consideration.

### Catchment School Eligibility

This policy is based on the assumption that each address has one catchment or designated primary school and one catchment secondary school.

Eligibility to transport on catchment school grounds will be available to:

- one catchment primary school; and to
- one catchment secondary school.

This seeks to ensure consistency and parity for all Devon residents. It does not confer a discretionary entitlement to other schools without an admissions catchment area unless explicit provision is made.

Where an address has more than one catchment school for admissions purposes, discretionary transport on catchment school grounds will not be extended to cover more than one school.

This may arise where a new school is opened or where a school amends its designated area to overlap or coincide with that of another school of the same phase.<sup>xvii</sup> In these circumstances, the LA will recognise one designated school for the address for transport purposes. To do this it will generally either accept the admissions catchment area in place at the end of the academic year before the catchment area was amended or recognise the closer of the catchment establishments. The LA will reach a decision in each case and detail the arrangements in this policy, at Appendix 5.

Where an address has more than one catchment school for admissions purposes as a consequence of an inaccuracy in the online maps of catchment areas at [www.devon.gov.uk/schoolareamaps](http://www.devon.gov.uk/schoolareamaps), that inaccuracy will be corrected at the earliest opportunity. This includes instances where the boundary runs through property.

8.15 Where the designated school is unable to admit a child, free transport will be available to the nearest school able to offer a place. Evidence must be provided by the parent that the school was unable to admit the child. This may require confirmation by the School Admissions Service.<sup>xviii</sup>

8.16 Details of areas with more than one catchment school can be found at Appendix 5.

### 8.17 Low-income Eligibility

The statutory right to free transport for secondary education is extended to cover all children aged 11-16 from low-income families to any of the three nearest appropriate schools to the home address.

A family is considered to be of a low income for school admissions and education transport purposes if it is in receipt of the maximum level of Working Tax Credit or is eligible for Free School Meals or has eligibility through the Universal Credit.

<sup>xvii</sup> Examples include university technical colleges and studio schools.

<sup>xviii</sup> There will be instances where a place was available when the parent could first have applied, for example, at secondary transfer or when the family moved to an area. If the school were to be filled subsequently, there would be no entitlement to transport to an establishment further away. The parent would be deemed to have expressed his or her parental preference to seek education elsewhere and to have accepted the responsibility for providing transport for the remainder of the child's education away from the designated or nearest establishment.

The school attended must be:

- one of the three nearest schools to the home address offering an appropriate education for the child's age and gender; and
- between 2 and 6 miles from the home address.

In considering appropriate schools, comprehensive and faith schools will be included as will selective schools where the child is qualified to attend and could do so if a place were offered.

Low income eligibility will be re-assessed annually.

#### 8.18 **Low-income Eligibility - Religion or Faith Schools**

The statutory right to free transport for secondary education is extended to cover all children aged 11-16 from low-income families to the nearest school preferred by reason of a parent's religion or belief. The school attended must be:

- the nearest school available according to the parent's religion or belief offering an appropriate education for the child's age and gender; and
- between two and 15 miles from the home address.

Attendance at a faith school will not create an automatic eligibility under the terms of this paragraph; the place must have been requested by the parent on faith or belief grounds. Confirmation will be sought from the admission authority for the school.

Low income eligibility will be re-assessed annually.

#### 8.19 **Faith-based Schools**

The LA has a duty<sup>xix</sup> to have regard to the preference of a parent to have a child attend a school or institution on the grounds of the parent's religion or belief. This is in addition to the duty to provide free transport for secondary phase children from families on low income as at paragraph 8.17 above.

The duty to have regard is not a requirement on the LA to provide transport assistance. The LA will not provide transport to a faith-based school where there is no eligibility otherwise, such as on nearest or designated school grounds or where there is a low income entitlement.<sup>xx</sup>

Low income eligibility will be re-assessed annually.

#### 8.20 **Schools with Multiple Sites**

Where a school operates with more than one site, transport entitlement will be based on the distance to the site where the child is actually educated for all or most of the time.

Details of schools with more than one site can be found at Appendix 6.

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<sup>xix</sup> Education and Inspection Act 2006.

<sup>xx</sup> A family is considered to be of a low income for School Admissions and Education transport purposes if in receipt of the maximum level of Working Tax Credit or is eligible for Free School Meals.

### Statutory Walking Distance

- The maximum statutory distance a child under eight years of age is expected to walk to and from a school, accompanied by a parent or other adult<sup>xxi</sup> as necessary, is two miles.
- The maximum statutory distance a child of or above eight years of age is expected to walk to and from a school, accompanied by a parent or other adult as necessary, is three miles.
  - Devon has exercised its discretion to lower the walking distance expected of primary children aged up to 11 years to two miles. The maximum walking distance for all Devon children attending a primary school<sup>xxii</sup> is therefore two miles.
- The maximum distance a child of secondary school age is expected to walk to and from a school, accompanied by a parent or other adult as necessary, is three miles.

See also paragraphs 8.17 and 8.18 for exceptions where a child is from a family on a low income.

### Measuring Distances

In all cases, distances up to the maximum walking distance are measured by the shortest available walking route. This may include metalled roads, recognised footpaths and bridleways.

Distances above the maximum walking distance are measured by the shortest available road route for the entirety of the distance. An exception is made where the child qualifies under low income criteria. Here, distances above two miles will be measured by the shortest available road route for the entirety of the distance.

Measurements of distance for transport purposes are made between the nearest entrance to the child's property (for example, a front door) and the nearest official entrance to the school grounds. Private driveways to homes are not included in measurements; transport is not provided on private property. Eligibility is determined by measurements using Devon's electronic Geographic Information System which is available at [www.devon.gov.uk/schoolareamaps](http://www.devon.gov.uk/schoolareamaps). Parents can confirm eligibility by contacting the My Devon Customer Service Centre and asking to speak with a transport entitlement officer.

Distances for School Admissions purposes are measured in a straight line while distances for Education Transport purposes are measured along available walking routes or road route. This means that the nearest school for admissions purposes may not be the nearest school for transport purposes. It cannot be assumed that there will be free school transport to the nearest available school as measured for admissions purposes. Parents should always consider whether there would be an entitlement to transport support to a new school.

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<sup>xxi</sup> It is not the responsibility of the LA to provide an adult to accompany a child when walking to school. The LA will expect the parent to show that no other adult is in a position to do so. This will include family members, friends and parents of other children at the school living close by. Schools will generally assist parents in making it known to other parents that assistance is sought and the parent will be expected to have asked for assistance.

<sup>xxii</sup> A primary school includes infant and junior schools and, where there is an entitlement beyond the Devon county boundary, to a first or middle school.

8.23

### **Unavailable Routes**

The LA recognises that not all roads are safe for a child to walk to and from school or college. A route is considered by the LA to be unavailable when a child could not be expected to walk to school, accompanied as necessary by an appropriate adult, in reasonable safety. Queries regarding available routes should be directed to the LA.

Where a child attends the designated or nearest available school, and the walking route is unavailable and cannot be sufficiently improved, transport will be provided unless there is an alternative walking route under the walking distance.

The LA will work with schools and transport planners to reduce the number of unavailable routes. Where a route is no longer unsafe as a result of remedial safety works, any transport previously provided but no longer required will be withdrawn.

8.24

### **Selective schools**

There is no additional entitlement to transport on the grounds that the school attended is selective. The LA is not obliged to have regard to a parent's preference for the child to attend a selective school when arranging transport.

The LA will not provide transport to a selective school where there is no other eligibility, such as nearest school grounds.

8.25

### **Parental Preference**

A child will not be entitled to transport where he or she attends a school which is not designated for the home address or the nearest available to the home address where:

- this is a result of parental preference; or
- a timely application was not received for a place at the normal round of admissions and a school place could have been allocated at a closer school had the application been timely; and
- there is no eligibility on low-income grounds (paragraphs 8.17, 8.18).

Confirmation will be sought by a transport eligibility officer from the Devon School Admissions Service whether a vacancy was available at a nearer school at the time of admission and whether a timely application was made for a school place.

8.26

When expressing a preference for a school other than the designated or nearest school, parents are strongly advised to consider their commitment to providing transport for the whole duration of a child's attendance at that school and to consider whether their ability to provide or pay for that transport is likely to continue over that period of time.

Particular care should be taken when using a concessionary seat on education transport (paragraph 9.29). These seats are subject to removal with a minimum of one week's notice if required for new passengers who have eligibility for a seat. The withdrawal of a concessionary seat alone will not be considered as grounds for an appeal for assistance from the LA. Parents should consider whether they are likely to be able to make their own arrangements should this occur before taking up a school place or moving house.

Where a child is withdrawn by a parent from one school and placed in another school, free transport will not be provided unless the child is eligible from the home address to the new school. Such a transfer of school will be regarded as an expression of

parental preference. Parents are strongly advised to seek to resolve difficulties locally wherever possible without withdrawing the child from school. Where a parent arranges a school transfer because of “bullying”, the LA will expect to see evidence of the bullying in the form of confirmation from the school.

#### 8.27 **Education Other Than at School**

Some children will be educated in alternative provision. Where this is arranged by the LA, transport will be provided as if the child were being educated in school, subject to consideration of reasonableness. The TCS will take into account the cost of the transport, the distance to be travelled and the availability of other alternatives.

Where a parent has decided to educate the child other than at school, no assistance for transport will be available from the LA.

8.28 Where a child remains on roll at a mainstream school or college and that school out-sources all or part of the education provision, the school will be responsible for all transport arrangements for the child’s off-site education provision.

Where a child is required to attend more than one site, transport will be provided to all settings only where the cost is equal to or less than the cost of transport to the main establishment site. Where additional costs are incurred, no transport will be provided to alternative sites unless the establishment funds the additional cost.

#### 8.29 **Exceptional Need**

In very limited circumstances, the LA may consider that a child or young person requires transport support to a school or setting to which there would not otherwise be an entitlement to support from the LA or other source.

The LA reserves the right to provide support where it considers this to be essential to meet the needs of the individual. In doing so, social, medical and educational needs of the child or young person will have been considered. A decision should not be seen as a precedent for other children whose circumstances may appear to be similar.

This provision will apply solely on the authority of the Head of Education and Learning.

#### 8.30 **Boarding Schools or Colleges**

Where the LA arranges for a child or young person to board at a school or college, transport will be provided in accordance with the boarding arrangements where the usual distance criteria are also met:

- weekly boarders will be provided with journeys from school on Friday afternoons and to school on Monday mornings
- termly boarders will be provided with journeys from school at the end of each term and half-term and to school at the beginning of each term and half-term
- termly boarders will be provided with transport for exeat weekends only when the school’s residential facility is closed<sup>xxiii</sup>
- unused journeys will not be carried forward

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<sup>xxiii</sup> Where there is doubt, the 0-25 Special Education Team will confirm whether the child is required to return home for the weekend. An exeat weekend means that boarding students are expected to leave the school after lessons have finished on the Friday afternoon to spend the weekend away from school with their family or guardian.

Where a parent has decided to educate the child at a boarding school, no assistance for transport will be available from the LA except where there is eligibility otherwise.

### 8.31 **Work Experience and other Reasons**

The LA does not extend entitlement or vary provision to transport for a child or young person to:

- attend work experience,
- attend a school as part of a foreign exchange programme,
- attend an induction or taster day at another establishment,
- attend appointments and activities for medical or sports reasons,
- attend breakfast or after-school clubs,
- attend school trips,
- attend late school,
- attend school on a part-time basis,
- accompany a friend home.

### 8.32 **Extended and Late Schools**

The LA will provide transport to and from the school for the official start and finish times of the school day.

### 8.33 **Equal Cost Grounds**

There may be instances where transport is requested to an alternative school or setting on the grounds that there would be no additional cost than would be incurred should, for example, transport be provided to the designated school for the home address. This may be the case where two schools are located close by.

- No assistance to transport will be provided in these circumstances to an alternative school.
- No additional costs will be incurred by the LA,
- No liability to additional costs will be accepted by the LA<sup>xxiv</sup>.

To provide assistance may lead to additional cost to the LA either immediately or subsequently where a vehicle is no longer required for an entitled passenger.

### 8.34 **Exclusion from School**

Where a child is subject to a **fixed term exclusion** of more than 5 days, alternative education provision must be in place from the 6th day. Transport to and from the alternative provision will be the responsibility of the excluding school. Where there is no additional cost to the LA, the excluding school may request that the child travels on existing LA transport. A contribution towards the LA's costs may be required.

Where a child is subject to a **permanent exclusion**, alternative education provision must be in place from the 6th day. Transport to and from the alternative provision will be the responsibility of the LA. Where transport is required, normal eligibility criteria will apply. Where there is no entitlement to transport on designated or nearest school grounds or on low income grounds, applications to the LA for transport will be refused

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<sup>xxiv</sup> This may be where an alternative route is currently of equal cost but is subject to change which would require, for instance, a larger vehicle.

unless the Transport Manager (Appeals and Policy) or Transport Eligibility Officer Panel consider that transport to another establishment is reasonable, taking into account cost and the child's individual circumstances.

The LA may provide free transport to support a child placed at a school following a Permanent Exclusion where the placement has been arranged through a Reintegration Panel. Transport arrangements must be agreed by the Transport Manager (Appeals and Policy) before the placement is finalised, taking into account the cost of the transport, the distance to be travelled and the availability of closer alternatives. This will ensure that transport and the availability of an alternative school place are managed appropriately.

### 8.35 **Exceptional Medical Reasons – Children and Young People**

The LA will provide transport assistance where a parent has shown that a child is unable to walk to the nearest appropriate school or the school designated to serve the home address.

The LA will exercise its discretion to provide transport assistance where a child is unable to walk to school that is neither the nearest appropriate school nor the school designated to serve the home address because of a temporary medical condition or disability and the parent can demonstrate that they would otherwise be unable to get the child to and from school. This would normally be for no more than 12 calendar weeks, for example, where the child is unable to walk the route due to a broken leg.

This provision is based on an assumption that it would be unreasonable for a child to transfer schools for 12 weeks.

It is the responsibility of the parent to produce evidence of the medical condition in all cases. This is normally endorsed by the family doctor or consultant. The LA may ask the parent to provide explicit further medical evidence. If provided, the requirement for transport will be reviewed no less than termly, or in the case of long term medical conditions and where the child is attending the designated or nearest school to home, annually. Any charges incurred by the parent in providing this evidence will not be paid by the LA.

In all cases, the LA will consider the availability of help from immediate and extended family members and from neighbours. The availability of help through a School Travel Plan will be considered as will the use of any disability benefits to help secure attendance. It is expected that the parent will have made every reasonable effort to secure other help. The LA may seek confirmation of this from the parent, school or other agencies.

[An upper cost limit will apply.](#)

### 8.36 **Exceptional Medical Reasons for Transport - Parents**

The LA will exercise its discretion to provide free transport where a child lives within walking distance to a school relevant to age and circumstances and is attending the designated or nearest school available but where parents are unable to accompany him or her on the walk to school because of a medical condition or disability and the parent can demonstrate that they would otherwise be unable to get the child to and from school.

Similarly, where a child attending an alternative school as an expression of parental preference is unable to travel to school because of a temporary medical condition, alternative transport may be provided by the LA. An upper cost limit may be imposed. See Appendix 3. The Transport Eligibility Officer Panel may consider requests of this nature. An upper cost limit may be imposed. See paragraph 8.48.

Assistance with transport on the grounds of a parent's medical reasons will not be provided where the child does not require his or her parent to accompany him or her to school.

It is the responsibility of the parent to produce evidence of the medical condition. This is normally endorsed by the family doctor or consultant. The LA may ask the parent to provide explicit further medical evidence. If provided, the requirement for transport will be reviewed no less than termly or, in the case of long term medical conditions, annually. Any charges incurred by the parent in providing this evidence will not be paid by the LA.

In all cases, the LA will consider the availability of help from immediate and extended family members and from neighbours. The availability of help through a School Travel Plan will be considered as will the use of any disability benefits to help secure attendance. It is expected that the parent will have made every reasonable effort to secure other help. The LA may seek confirmation of this from the parent, school or other agencies.

This provision is based on an assumption that it would be unreasonable for a child to transfer schools for 12 weeks.

8.37

### **Educational Continuity**

The LA may exercise its discretion to provide transport support where the child has already undertaken half a term of study leading to public examinations to continue to attend a school to which there is no transport eligibility. This will be where a child has moved address after the October half-term in Year 10<sup>xxv</sup> or during Year 11.

The LA will not exercise its discretion to provide free transport on educational continuity grounds for children in primary school.

An upper cost limit for LA funding may be applied (see Appendix 3). The following will be taken into account:

- whether the child was attending the designated or nearest school prior to the move;
- the existing transport network and the reasonableness of transport costs;
- the ease of transferring to a new school;
- whether the house move has been voluntary or involuntary;
- parental ability to provide or fund transport.

8.38

Not used.

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<sup>xxv</sup> Where the alternative school provides its GCSE courses from the beginning of Year 9, educational continuity may be considered where the child has moved address after the October half-term in Year 9.

## 8.39 **Transfers Between Schools – Managed Moves**

A Managed Move is a transfer from one school to another for a child identified as being at risk from a Permanent Exclusion from school, arranged through a Reintegration Panel. A Managed Move is for a fixed period of time after which a decision will be taken by the schools concerned and the parent whether the child should remain at the new school or return to the original school.<sup>xxvi</sup>

8.40 The costs of transport to a school to which there is no eligibility to transport support from the LA will fall to the child's original school during the Managed Move.

If the Managed Move is deemed to be successful and the child is removed from the roll of the original school, the LA may exercise its discretion to provide transport support for the remainder of the child's time at the new school while residing at the same address, taking into account the cost of the transport, the distance to be travelled and the availability of closer alternatives. A view should be sought by both schools and the LA Inclusions Officer when the Managed Move is proposed.

## 8.41 **Transfers between schools - No Change of Address**

Transport will not be provided to facilitate a transfer from one school to another school which has been arranged by a parent as an expression of parental preference unless there is eligibility for transport from the new address to the school. Parents are advised to seek to resolve any difficulties at a school wherever possible and to contact the School Admissions Service before seeking to transfer schools.

## 8.42 **Temporary Absence from the Home Address (intention to return)**

The LA will exercise its discretion to provide free transport to attend school where a child is absent from the home address due to circumstances beyond the control of the parent and the parent can demonstrate that they would otherwise be unable to get the child to and from school. The temporary move must have been involuntary, for example following fire, flooding or where essential repairs are required to the home. The parent must be able to establish that the child will be able to return to the same address. The parent must provide supporting evidence to the LA. This may include a letter from a landlord confirming that the family can return to the property.

## 8.43 **Temporarily Rehoused (not returning to the former home address)**

The LA will exercise its discretion to provide transport support for up to 12 calendar weeks where a child is temporarily rehoused due to circumstances beyond the control of the parent and where the parent can demonstrate that they would otherwise be unable to get the child to and from school.

Rehousing must have been involuntary, for example, a move to bed and breakfast or hostel accommodation following eviction, awaiting a new permanent address. The parent must provide supporting evidence to the LA which may include letters from other relevant teams in the LA, a Housing Association or landlord to confirm the child can't return to the former home address and the new address is not considered to be a permanent address.

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<sup>xxvi</sup> For further information on Managed Moves, parents should contact the School Admissions Service, the school or see the Fair Access Protocol.

This provision is based on an assumption that it would be unreasonable for a child to transfer schools for 12 calendar weeks.

An upper cost limit for LA funding may be applied (Appendix 3).

The LA will not assume that the family will be rehoused in the same area as the former home unless there is a clear view from a Housing Association or landlord that this will be the case.

Where Children in Care are rehoused and will not return to the former home address, they will not be considered to be normally resident there and the responsibility for home to school transport will lie with social care unless there is an eligibility otherwise to education transport under this policy.

Where a Child in Care is placed outside the Devon LA area, it will be the responsibility of the receiving LA to make appropriate education transport arrangements. Devon will be liable to meet reasonable costs only where the child is the subject of an EHCP.

#### 8.44 **Where a School is Closed, Opened or Reorganised**

Transport is one of a number of factors considered carefully in any discussions that might result in the closure or reorganisation of a school or schools.

The LA will provide transport only for affected children living beyond walking distance from the alternative school. Transport will be provided for the duration of their education at that alternative school. There will be no ongoing eligibility for children not directly affected at the time of the closure or reorganisation of the school. Eligibility for transport is limited to children who attend the new designated school or the nearest school to their home address.

Where a new school is established or another school is reorganised and may now admit a child, children living in the new or reorganised school's designated area may remain at their current school to complete their education. The normal transport eligibility criteria will apply to those children. There will be no eligibility for children not directly affected at the time of the opening or reorganisation of the school.

#### 8.45 **Independent, Fee-Paying Schools<sup>xxvii</sup>**

Where the LA arranges for a child to receive education at an independent school as part of an EHCP, that school will be deemed to be the child's designated school for the purposes of a request for transport provision except where the school named is the result of parental preference, where a closer school could meet the child's needs.

Where a parent has decided to educate the child at an independent school, no assistance for transport will be available from the LA.

#### 8.46 **Transport provided in Error or following a Change in Assessment**

If transport has been provided as a consequence of an error of the LA or if an improvement in the accuracy of methods for assessing eligibility identifies that

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<sup>xxvii</sup> This does not include academies, free schools, studio schools or university technical colleges. Although independent of the LA, they are state-funded establishments. Here independent schools are those which charge fees to parents.

transport has been provided for a non-eligible child,<sup>xxviii</sup> provision will not be withdrawn with less than 12 calendar weeks' notice.

Where an improvement to a walking route is made and results in the route becoming available for a child to walk, accompanied as necessary by an adult, provision will be withdrawn with notice of no less than 12 calendar weeks.

#### 8.47 **Transport provided in Error as a Result of False Information**

If transport has been provided as a consequence of information provided by the parent which was false or misleading and where correct and accurate information would have resulted in a refusal for transport, provision may be withdrawn immediately and will normally be withdrawn with no more than four calendar weeks' notice. The costs of providing the transport may be sought from the parent.

#### 8.48 **Children of Passengers**

Where a child is carried on education transport and is, him or herself the parent of a child, the LA will seek to support the parent-child's education and any wish to be accompanied by the child. The following will be taken into account:

- the safety of the parent and child and others on the vehicle;
- suitability of the vehicle;
- costs which carrying the child would incur.

The Transport Eligibility Officer Panel may consider requests of this nature.

Where the parent-child is a concessionary passenger and the Transport Eligibility Officer Panel agrees that the child may also be carried, both parent and child will be concessionary passengers although no charge will be payable for the child of the parent-child unless an additional seat is required.

#### 8.49 **Appeals, Comments and Complaints**

When a request for transport assistance is refused, the LA provides for parents to pursue their request for assistance to:

- the TCS;
- a Transport Eligibility Officer Panel;
- a Panel consisting of elected Members.

Where a parent wishes to appeal on the grounds that the walking route to school is unsafe the LA provides for parents to pursue their request for assistance to:

:

- the TCS;
- a Panel consisting of elected Members.

8.50 Comments about the service provided under this policy or general queries can be made by telephoning the My Devon Customer Service Centre or by emailing or writing to the TCS.

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<sup>xxviii</sup> This may occur where the distance from home to school is remeasured and found to be under the relevant walking distance. In this case, the child will have benefited from free transport and would be expected to be able to walk to school and not be obliged to transfer to another school

- If the issue is a complaint about the transport service or policy, the complaint can be registered online at [www.devon.gov.uk](http://www.devon.gov.uk) under “Have Your Say”, or by telephoning the Customer Service Centre on 0345 155 1018.
- If the issue is about the decision not to award school transport, complete the Transport request Form APP2, stating the exceptional reasons to be considered by the Transport Eligibility Officer Panel.

8.51 The Transport Eligibility Officer Panel will consider requests for children to receive free transport where he or she is not eligible. It will not consider appeals on the grounds that walking route safety (see paragraph 8.49).

The Panel will sit weekly as necessary to consider evidence provided by the parent that there are exceptional circumstances.

8.52 The Transport Eligibility Officer Panel will usually consist as a minimum of four officers from the:

- transport eligibility team
- Special Needs transport eligibility team
- 0-25 Special Educational Needs Team
- TCS provision team

and may also include:

- the Policy and Strategy Officer (Education)
- a representative from the School Admissions Service.

If identified as urgent by a Transport Officer, the issue raised on the Transport Request Form APP2 will be considered by any two of:

- Transport Manager (Policy and Appeals)
- Policy and Strategy Officer (Education)
- Education Transport Manager (General)

and one other member of the Transport Eligibility Officer Panel. If this does not resolve the issue, it will be referred to the Panel.

8.53 Where there is a house move or change of schools, this will be considered to be a fresh application.

Additional material related to the application that was refused, such as further medical information, will initially be considered by the Passenger Services Manager and may be referred to the Transport Eligibility Officer Panel if it is considered that it could lead to the original decision being changed. Otherwise, the parent will be directed to the Council’s complaints process or to the Local Government Ombudsman.

8.54 The Panel will be authorised to approve transport under exceptional circumstances where the costs do not exceed limits detailed at Appendix 3. Where the Panel is minded to approve transport on exceptional circumstances which would exceed those limits, the case will be referred to the County Councillor who is the Portfolio Holder for education transport. See paragraph 8.48.

Where a parent or post 16 student is dissatisfied by a decision of the Transport Eligibility Officer Panel or the Portfolio Holder, he or she may submit further information for consideration and refer the issue to a Panel consisting of LA Members.

Where transport assistance is refused and an appeal has been dismissed, there will be no recourse to a further appeal unless there is a significant and material change in circumstances likely to affect the appeal decision.

8.55 Where a parent feels that an appeal has not been conducted in a fair manner, he or she may pursue a complaint with the Local Government Ombudsman.

8.56 **Fees and Charges**

Fees and charges for education transport services will be set by the LA annually and are subject to change at any time. Current charges are detailed at Appendix 3.

<b>Policy History</b>				
<b>Date</b>	<b>Summary of change</b>	<b>Contact</b>	<b>Implementation date</b>	<b>Review date</b>
10/2017	2018-19 Policy updated to 2019-20	Policy and Strategy Officer	9/2018	10/2018
9 Feb 2018	Policy determined by the Cabinet of Devon County Council	As above	9/2018	10/2018
10/2018	2019-20 Policy updated to 2020-21	As above	9/2019	10/2019

## 9

**Transport Provision**9.1 **Efficiency**

In all cases, transport assistance is provided for one inward and one outward journey to and from the educational establishment at the beginning and end of the official day.

Where transport is provided, there is an expectation that all children and young people will travel by public transport unless either no public transport is available or it would not be appropriate for the child or young person's individual needs. This will be a decision of a transport officer, basing the decision on any information provided by the parent, the school or college and on his or her previous transport history.

The parent, young person, school, college or other education setting may be required to provide medical or other supporting evidence where there is a request for provision other than by public transport.

## 9.2 The LA will use the following forms of transport provision, supported by Independent Travel Training where appropriate:

1. Public service vehicles including buses, trains and ferries
2. Contracted coaches and minibuses
3. Petrol allowances
4. Contracted taxis

The TCS arranges safe and efficient transport provision at the lowest possible cost commensurate with existing legislation and related Devon policies, where possible using existing public service provision. As far as possible, taxis will only be used in order to provide a link between a pick-up point and home. Where there is no reasonable alternative available, the TCS may exceptionally authorise the use of taxis for the whole of a journey.

Where it is not possible to use or to establish public service provision, or where the use of such provision would require a significant increase in costs, the TCS uses existing contract coach or minibus services. Where no such services exist, the TCS establishes and manages the necessary transport contracts.

Even where a specialist vehicle is not required, it may be necessary to use more expensive transport provision, such as taxi transport, in order to meet the specific needs of children. The TCS arrange transport at the lowest possible cost commensurate with the needs of the children being met. All provision is subject to review.

## 9.3 Transport is not necessarily provided from door to door. The assumption is that children will be required to walk to and from the nearest pick-up point for public or contract transport, accompanied by an appropriate adult as necessary (paragraph 9.21).

## 9.4 Children who are not entitled to transport assistance are not included in the planning of transport networks. No additional expenditure will be incurred in order to accommodate non-entitled passengers. This may mean that, for example, a smaller vehicle may be used on a route. The size of vehicle will be sufficient to carry entitled passengers but may not include space for concessionary passengers.

9.5 **Personal Transport Cost Allowance (PA)**

Where an entitlement to transport exists and there are difficulties in negotiating a suitable transport contract, parents who are able to convey their children to school may, in exceptional circumstances, receive a PA instead of transport being provided.<sup>29</sup>

The PA is based upon a standard rate for mileage to and from the school twice a day for parents. The requirements of the journey will be taken into account in determining the actual rate to be paid. Parking, subsistence and other costs will not be met. See Appendix 3.

No arrangements are in place to pay an allowance in lieu of transport where a child uses a bicycle as transport to and from education.

## 9.6 Network Planning and Route Reviews

The TCS regularly reviews transport networks and individual transport routes. A review may result in a change of arrangements to be provided. Where possible notice will be given to parents of any changes to transport provision. It is for the LA to review routes in an efficient and timely manner, without raising parental expectations that preference for a particular form of provision will override the cost-effectiveness or efficiency. Consultation with parents will not normally take place as part of a route review unless a child's special educational needs indicate that he or she is particularly sensitive to change.

9.7 The anticipated impact of any change of provision will be taken into account particularly with regard to children with Education, Health and Care Plans (EHCPs) who may have a greater sensitivity to change. The impact of any proposed change will be considered. This may involve discussion with the school or the parent and the school.<sup>30</sup>

9.8 Parents may receive notification at any time that the type of transport provision for their children's school transport is to be changed as a result of a review. Changes may involve:

- new pick-up and set-down points (paragraph 9.21);
- changes to timings;
- changes to the contractor employed;
- withdrawal of a PA where a vacancy arises on a vehicle.

Notice will be given of changes wherever possible, but some may need to be made at very short notice, for example as a result of sickness, road closures or the termination of a contract with a vehicle operator.

## 9.9 Passenger Escorts

There is no specific legal duty on the LA to provide escorts for children carried on education transport. However, fulfilling a duty of care to passengers and others may involve the provision of a passenger escort.

A passenger escort may be provided to accompany a child with significant needs arising from a medical condition or a disability and where there is an exceptional need for care or supervision.

<sup>29</sup> Claims for a PA will require the completion of a Petrol Allowance Form CT7. A copy is at Appendix 8.

<sup>30</sup> This may not be possible where, for instance, alternative arrangements have to be made during a school holiday.

The decision on whether to provide an escort will be made by the Passenger Services Manager.

9.10 In reaching a decision on whether a passenger escort is to be provided, the Passenger Services Manager will decide whether an escort is required for a child following an assessment of need in the light of evidence received. In making that decision he or she will take a number of factors into account. Such evidence may include information relating, but not limited to:

- medical issues
- health and safety related issues, including risk to self or others
- the child's mobility
- any challenging behaviour arising from the child's SEN
- where a passenger has severe learning or physical difficulties, the need for continual care and supervision
- capability
- length of journey
- the vehicle type and size
- the need to administer emergency medication; and
- the recommendation of SEN professionals.

The Passenger Services Manager will consider these as contributory factors in deciding whether a passenger escort is required. They will not be viewed as determining factors and are not meant to be an exhaustive list

Passenger escort provision will be reviewed annually.

9.11 The LA will seek to:-

- set out clear rules for providing transport and escort services
- ensure the safety of staff and each service user or group of service users who meet the criteria for the provision of transport
- incorporate existing best practice in its provision of transport and escorts using its resources in the most efficient and effective way
- provide transport services tailored to the needs of individual service users
- ensure that information on assessed needs is easily accessible and available to all those involved with the provision of the transport service, including any changes to needs identified
- ensure that all parties understand their roles and responsibilities
- promote, encourage and actively support service users to travel independently where appropriate.

9.12 Where 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.
- may assist with entry to and exit from the vehicle,
- will ensure as far as reasonably practicable, a safe journey for the child and other passengers,
- will provide a caring environment whilst on the vehicle
- will act as an extended communication channel between home, the school and the LA where appropriate.

- 9.13 A passenger escort may supervise more than one child on a journey, consistent with providing the appropriate level of service for each individual while they are on the vehicle.
- 9.14 First aid may only be given by an escort trained to do so. Some children may be at risk of anaphylactic shock. Risks will be minimised by not allowing anyone to eat on vehicles, except diabetics controlling their blood sugar levels. The escort will not generally administer any form of medication to service users. The escort will only administer any form of medication in an emergency, and only to a child who has a known medical condition and who has the appropriate medication or specific care plan with them; and then only when the escort has been trained to administer the medication or specific care plan.
- 9.15 Parents must provide details of all relevant up-to-date information regarding the child's needs. Once transport with an escort has been arranged, it will remain a parental responsibility to provide full, up to date 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.
- 9.16 Parents must be ready at the arranged pick up and drop off times to ensure the child's safe handover with any medication to and from the escort.
- 9.17 Escorts are not assigned for the specific purpose of managing behaviour. An acceptable standard of behaviour is expected of all young people using DCC transport, as detailed in the Code of Conduct for behaviour.
- 9.18 Escorts are not assigned to assist or supervise young people to meet other vehicles or to escort them to their homes. It is a parental responsibility to get a child to the pick-up and from the drop-off point for education transport.
- 9.19 Escorts are not assigned to assist or supervise children between their vehicles and the school buildings at the beginning and end of journeys. It is the responsibility of the Headteacher or Principal to ensure adequate supervision for this transfer.
- 9.20 In exceptional circumstances, arrangements may be made for a parent to act as an escort for his or her own child. This will be where it is not possible to provide an escort and where there is no other child on the vehicle. Such an arrangement will be reviewed with a presumption that the agreement to act as an escort will be withdrawn at such time that an escort can be provided or the child will no longer be the sole child on the vehicle.

9.21 **Pick up and Set down Points**

A child will be expected to walk a reasonable distance to and from home to meet their transport. The distance to a pick up/set down point will not normally exceed:

- 0.75 miles for a primary phase child.
- 1.50 miles for a secondary phase child.

- 9.22 Parents are responsible for their children's safety in getting to and from the pick-up/set-down point. They are also responsible for their children while they are waiting for transport and when they leave the transport at the end of the day. Parents are advised not to leave their children unattended while waiting for a vehicle; they should remain with the child until the vehicle arrives.

Where parents choose not to accompany their children to the pick-up point it is a parental responsibility to ensure that the child has their travel pass with them before they leave home and that they know what to do in the event the vehicle does not arrive e.g. this could be returning home, going to a neighbour, or phoning the parent for assistance.

The LA is unable to provide a service to alert parents of delays on routes. Parents may seek information from the My Devon Customer Service Centre on 0345 155 1019 or from [www.devonschoolclosures.info](http://www.devonschoolclosures.info) where delays have been reported to the LA.

9.23 Where a parent feels a pick-up/set down point is at an unsafe location, he or she should report those concerns to the LA. The safety of the pick-up/set down point will be reviewed by the LA.

9.24 Parents will be advised of the arrangements for the transport provided. The time given is the departure time at any given bus stop, station or pick-up point. Passengers should arrive at least five minutes before the scheduled departure time to ensure that they do not miss their transport.

Vehicle drivers will not wait for passengers and will seek to operate according to their published timetable except where a contract feeder vehicle links with another vehicle.

9.25 **Waiting Times**

Waiting time on school premises before and after school will not normally exceed 10 minutes. Where the school is on a split site, the normal 10 minutes arrival or waiting times will be varied, as time will be required to enable the transport to serve each site.

Although every effort is made to operate to timetables, where long or complicated journeys are undertaken, it is possible that there may be waiting time between connecting transport provision. Road and traffic conditions may cause these times to vary.

9.26 **When Education Transport does not run**

**Travel to School** There will be occasions when a vehicle does not arrive to pick up a child who is entitled to a journey as an eligible passenger or as a concessionary passenger. This may be because of bad weather including flooding or icy conditions where it is not possible for the vehicle to travel safely. In these circumstances, a parent may decide to make alternative transport arrangements to school. This will be entirely at the parent's discretion and own cost.

The parent would also be responsible for the return journey should conditions not have improved sufficiently for education transport to be provided safely.

For information on school closures due to bad weather, see <https://new.devon.gov.uk/schools/>

**Travel to Home** In all circumstances, arrangements will be made to return children to home or a place of safety where they have been taken to school by education transport.

9.27 **Journey Times**

The LA will not normally provide transport which requires a journey time greater than:

- 45 minutes for primary phase children.

- 75 minutes for secondary phase children.

Journey times may exceed these limits for exceptions such as:

- exceptional traffic or weather conditions;
- attendance at a special school;
- attendance at a remote boarding school;
- attendance at a remote school or institution in order to avoid exclusion;
- attendance at a remote school following a move in order to maintain educational continuity; or
- attendance at an alternative school following an exclusion or managed move.

9.28

### **Feeder Routes**

In order to design efficient and cost-effective networks, the journey to and from school may involve a change of vehicle at a specified point along the route. Contractors are instructed not to depart from a change-over point until the connecting vehicle has arrived and the driver is certain that all the children have been transferred safely. This will not affect public service vehicles which will not wait for connecting public service vehicles – see paragraph 9.24.

9.29

### **Concessionary Seats**

Where spare seats are available on existing education transport vehicles and where no public transport services exist, children who are not entitled to assistance may be allowed to travel on a concessionary basis. The LA will charge a fee in advance for the use of concessionary seats. The rate of charge will be reviewed annually. See Appendix 3.

Further information is available at

<https://new.devon.gov.uk/educationandfamilies/school-information/school-and-college-transport/concessionary-seats>

9.30

Concessionary seats are not guaranteed and will be withdrawn where the seats are needed for entitled children. This may happen, for instance, when:

- the transport route or network is reorganised, resulting in the provision of a vehicle with fewer seats;
- children move into the area who are entitled to transport; or
- a registered public service becomes available.

A minimum of one week's notice will be given to a parent when a concessionary seat is to be withdrawn. Where a concessionary seat is withdrawn, the LA will make an appropriate refund.

9.31

Waiting lists are maintained and seats may be offered when available. They will not be held on a first-come, first-served basis. The order of priority will be according to the following criteria:

1. previous entitlement to transport to the establishment
2. the presence of an entitled sibling on the vehicle
3. the presence of a concessionary sibling on the vehicle
4. attendance at the designated school (where the school is under the statutory walking distance and there is no entitlement to transport)

The siblings of entitled passengers will be the first to be offered. In determining priority within each category, those with the longest (by time) overall journey from home will be offered first. In the event that this tie-breaker is insufficient, a random number generator will be used to determine priority.

9.32 The TCS will offer concessionary seats as vacancies arise, subject to the following considerations:

- No concessionary seats will be available until the October half term each year. This is in recognition of the number of entitled passengers added to the transport network at the beginning of each autumn term.
- Where there is a reasonable expectation based on a particular route's operational history that a newly vacant seat will imminently be required for another entitled child, a concessionary seat may not be offered.
- If a route review is scheduled within the next term, a concessionary place may not be offered to avoid potentially offering a concessionary seat and removing it within a short period.

9.33 Where a concessionary seat is withdrawn, this will not be on a last-in, first-out basis. The order of priority will be according to the following criteria:

1. the presence of an entitled sibling on the vehicle
2. the presence of a concessionary sibling on the vehicle
3. attendance at the designated school (where the school is under the statutory walking distance and there is no entitlement to transport)

The siblings of entitled passengers will be the last to be removed. In determining priority within each category, those with the shortest overall journey from home (by time) will be withdrawn first. In the event that this tie-breaker is insufficient, a random number generator will be used to determine priority.

9.34 When a concessionary seat is abandoned by a parent, no refund for previously unused journeys will be given. If the Pass issued is returned a pro-rata refund will be given from the date received. Refunds may be subject to an administration charge.

9.35 Parents and children must sign to agree to a Code of Conduct in the same way as entitled passengers before a place is allocated. Concessionary seats are not available by right and if behaviour is not of an acceptable standard, the seat will be withdrawn (paragraph 9.35).

9.36 **Code of Conduct**

The LA has formulated Codes of Conduct to detail the standards of behaviour required of passengers on education transport. This is in the interests of the health and safety of all passengers, drivers and other road users. A child who persistently misbehaves on education transport will be deemed not to be abiding to the Code of Conduct. A potential consequence of this is a ban from travelling, either for a temporary or indefinite period.

**Transport will not be provided for eligible children, young people or concessionary passengers until an application has been approved by the LA (or the LA has contacted the parent to advise that the child is eligible), a photograph and payment provided as necessary and the Code of Conduct agreed to by the child or young person and/or the parent.**

The provision of a photograph and the acceptance of a travel pass will also be acceptance of the terms of the Code of Conduct.

The parent of a child of statutory school age will also be required to agree to the terms of the Code of Conduct. Parents of young people above statutory school age are encouraged to be aware of the Code of Conduct and support students in meeting its terms.

A child unable to sign his or her name due to age or SEN will not be required to sign to agree to a Code of Conduct. In signing on his or her behalf, a parent will be confirming that the Code of Conduct has been discussed with the child as fully as is possible and the parent is aware of the potential sanctions for inappropriate behaviour.

9.37 **No Pass, No Travel: Requirement to Carry a Pass**

All passengers are required to carry a pass if issued.

9.38 A child unable to present a pass when requested to do so by the vehicle driver or officer of the LA will not be carried on the vehicle.

An exception is detailed at paragraph 9.40.

Drivers will be given guidance and training on how to report these instances. A child who has been issued with a pass and persistently travels without it will be deemed not to be abiding by the Code of Conduct. A potential consequence is being banned from travel.

9.39 Devon operates a No Pass, No Travel Policy for the safety of its passengers and to restrict access to vehicles to entitled passengers. By limiting access to vehicles to entitled passengers, the LA seeks to avoid situations where entitled passengers cannot board because their seats are occupied by non-entitled passengers. A full vehicle cannot safely carry additional passengers.

Children and young people cannot 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.

9.40 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 to school. A driver meeting a feeder vehicle will not refuse access to a passenger coming from a feeder vehicle.

If a child loses the pass during the school day, he or she can approach the school to arrange for a temporary pass in order to get home. No entitled child will be refused access for the return journey.

9.41 It is a parental responsibility to ensure that the child is accepted onto a vehicle. The LA does not assume responsibility for the child's safety until he or she is accepted onto the vehicle.

Parents are advised not to leave children at vehicle pick up points before the vehicle has arrived and the child is on the vehicle.

**Education Travel Policy 2018**

### Schedule of Fees and Charges

**This Schedule is subject to change following the allocation of resources.**

Contribution for concessionary passengers	£600 per year
Discount on contributions if paid in full in advance	£30
Upper limit for transport provided on temporary absence from home address grounds	£35 per day
Upper limit for transport provided where a child is temporarily rehoused	£35 per day
Upper limit for transport provided on temporary medical grounds	£35 per day
Upper limit for transport provided on educational continuity grounds	£25 per day
Upper limit for transport provided for children subject to a Managed Move from one establishment to another <sup>31</sup>	£25 per day
Petrol Allowance	25p per mile

<sup>31</sup>Agreement to support transport will normally only be for a public service bus pass or a seat on existing transport.

## Education Travel Policy 2018

### Independent Travel Training

There are circumstances in which the LA will assist children with learning or physical disabilities to attend their education setting by providing individual travel training (ITT):

1. where there is a statutory entitlement to that assistance;
2. where there is no statutory entitlement to assistance but the LA has chosen to exercise its discretion to provide transport assistance; and
3. where specialised transport has been requested and the LA believes that the child could benefit from training to enable him or her to travel with a greater degree of independence.

ITT provides tailored, practical support for students to travel to education on foot or by public transport. Once developed, the skills to do this can be used when travelling to work, key support services or generally for leisure.

ITT is delivered through discussion and planning with the student and accompanied journeys. It is aimed at people less inclined to travel independently, including people with reduced mobility, learning difficulties, young inexperienced travellers and those who may be older but have lost confidence.

There are three broad aims:

- Increase the individual's independence;
- Improve the individual's quality of life
- Improve the efficiency of the LA's transport network by using the most cost-effective provision appropriate to the individual's needs.

With regard to ITT, the LA has the following aims:

- To enable the student to develop skills and confidence to travel as independently as possible and to be able to transfer those skills and confidence to other aspects of day to day life
- To reduce financial costs for the provision of transport assistance as much as possible, safely and appropriately
- To promote sustainable travel with the environmental benefit of a reduction in CO2 emissions
- To reduce the amount of time family, friends and professionals need to support the student
- To open new learning opportunities for students
- To enable students to be more engaged, motivated and requiring less support

The LA recognises longer-term benefits of ITT for the wider community:

- Reduced reliance on welfare benefits due to increase in independence and access to education and employment
- Reduced social care requirement
- Reduced costs to the health service due to health benefits associated with greater independence
- More people available for work
- Promotion of sustainable travel
- Increased use of public transport
- Greater access to community services and social integration

#### Assessing Potential to Travel Independently

Where a student's travel arrangements are amended from the most cost-effective provision because of his or her disability or where such a request is made for new travel arrangements, the TCS will assess the student to identify whether there is a potential for the student to travel independently.

The LA considers that Independent Travel Training has the following immediate benefits for the student:

- Enables the student to be more independent
  - Improves self-confidence
  - Increases the student's use of his or her own initiative
  - Reduces the student's reliance on family, friends and professionals
  - Improves social skills
  - Can have physical benefits where the student walks all or part of the way
- The TCS officers will identify candidates for ITT where a more independent journey to education is available but not used. Teaching staff and ITT trainers will jointly assess candidates and will reach a decision whether ITT should be offered. This will be where the student is believed to have the potential to benefit from ITT and to be able to travel independently.

The assessment will be undertaken by the Independent Travel Trainer. The form ITT1 will be used to record the referral, assessment and its conclusion.

A student or his or her parents cannot refuse the offer of ITT and continue on existing transport. It is for the LA to determine how the transport assistance will be provided. Nevertheless, any concerns of the family will be considered and ITT trainers will work with students and parents to overcome those concerns as fully as possible. Students and parents will have recourse to the Transport Officers Eligibility Panel and to the Transport Appeal process if they wish to overturn a decision to offer ITT.

### **ITT Delivery**

ITT will include at least one of the following:

- One-to-one advice and information (or small group work)
- Accompanied journeys with the student
- More general training sessions concerning all aspects of undertaking a journey

ITT develops key skills:

- Personal safety awareness – including stranger danger
- Road safety awareness – such as road crossing, getting on and off vehicles
- Journey planning – telling the time, reading timetables
- Preparation – what to take, making allowances for weather or coping with changes
- Technology – using phones, smartcards and tickets
- Communication – with drivers and other passengers, including responding to unwelcome behaviour
- Using money if necessary

ITT will be delivered by trained officers who have undergone appropriate checks by the Disclosure and Barring Service (DBS).

ITT is delivered flexibly considering the needs of the individual. The aim will be to reduce support as confidence and competence increase until the point when the student can successfully travel independently.

Existing transport provision, including the use of taxis, will continue during the period of ITT or for a temporary period until an ITT trainer becomes available.

ITT is a dynamic learning process. During this process of learning the trainer will constantly assess and review the progress of the student. If, at any stage, the trainer does not feel independent travel is suitable he or she will recommend that training is halted temporarily or permanently.

## Education Travel Policy 2020-21

### Areas in Devon with more than one Designated School<sup>32</sup>

#### 1) Newton Abbot College and Coombeshead Academy

The College and Academy share a designated area for admissions purposes. Assisted transport on designated school grounds is not available to both schools from any one address as Devon provides school transport on designated school grounds to one school only.

Assisted transport on designated school grounds will be available to the establishment which was the designated school in the 2010-11 academic year (before the two areas overlapped) which is shown at [www.devon.gov.uk/schoolareamaps](http://www.devon.gov.uk/schoolareamaps). This approach has been adopted as recognising the closer of the two schools would have disallowed designated school transport from a large number of addresses around Ipplepen. By recognising the designated areas at the end of 2010-11, the LA has ensured that transport provision became no less favourable for any resident.

This does not affect free transport which is available to the nearest school to an address or free transport on low income grounds to one of the three nearest schools which lie between 2 and 6 miles from an address.

In all cases, the establishment must be further than the walking distance of 3 miles (or 2 miles for low-income eligibility).

#### 2) Lady Modiford's Church of England Primary School and Meavy Church of England Primary School

The admissions designated areas for the two primary schools overlap at Dousland. This shared area lies within walking distance of two miles to both schools; therefore there is no entitlement to assisted education transport to either school on designated school grounds.

#### 3) St Michael's Church of England Primary Academy, Exeter

The designated area for St Michael's consists of the parish of Heavitree, covering the designated areas or parts of the designated areas of a number of schools in the city. Where any address lies in the designated area of St Michael's and another primary phase school and further than a walking distance of two miles, transport on designated school grounds will only be available to the nearer of the two schools, not to both.

This does not affect free transport which is available to the nearest school to an address. In all cases, the establishment must be further than the walking distance of 2 miles.

#### 4) St Helen's Church of England Primary School, Abbotsham

The designated area for St Helen's consists of the local parishes which extend beyond the designated area historically recognised for transport purposes. Where any address lies in the designated area of St Helen's and another primary phase school and further than a walking distance of two miles, transport on designated school grounds will not be available to St Helen's.

This does not affect free transport which is available to the nearest school to an address. In all cases, the establishment must be further than the walking distance of 2 miles.

#### 5) Atrium Studio School

The admissions designated area for the School coincides with the areas for a number of secondary schools in south Devon. The LA does not recognise the designated area for the School for transport purposes.

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<sup>32</sup> This section may be amended following the determination of admission arrangements by own admission authority schools.

This does not affect free transport which is available to the nearest school to an address or free transport on low income grounds to one of the three nearest schools which lie between 2 and 6 miles from an address.

In all cases, the establishment must be further than the walking distance of 3 miles (or 2 miles for low-income eligibility).

#### **6) Pilton Bluecoat Church of England Academy**

The admissions designated area for the School was extended by the academy trust in 2014-15 to include the western part of the village of Ashford. This area is also designated to Southmead School in Braunton. The LA does not recognise this part of the designated area for the junior school for transport purposes.

This does not affect free transport which is available to the nearest school to an address. In all cases, the establishment must be further than the walking distance of 2 miles.

#### **7) Cranbrook Education Campus and Clyst Vale Community College**

The new town of Cranbrook is served by new or relocated schools. At secondary level, the town is served principally by Cranbrook Education Campus, the designated area for which comprises the new town development area. While Clyst Vale Community College also offers admissions priority for this area, it is no longer recognised for designated area transport eligibility purposes.

However, there will be a transition period during which Cranbrook Education Campus will gradually expand to the point where it operates five secondary Year Groups from Year 7 to Year 11. During this period, designated area transport eligibility to Clyst Vale will apply for any Year Group that is not in operation at Cranbrook. For example, where Year 9 is not operating at the Cranbrook, addresses in its area will still have transport eligibility to Clyst Vale (minimum distance eligibility will apply).

#### **8) South Molton Community Primary School and South Molton United Church of England Primary School**

From September 2016, the former Infant and Junior Schools will each become primary schools. Their shared designated area will be split with the community school taking the northern part and the Church of England school taking the southern part. There will be a transition period during which each school will gradually expand to the point where they both operate seven primary Year Groups from Reception to Year 6. During this period, the former combined area will apply for both admissions and transport purposes for any Year Group that is not in operation at both schools. For example, where Year 1 is not operating at the Church of England school, addresses in its area will still have admissions priority and transport eligibility to the community school (minimum distance eligibility will apply).

#### **9) Sherford new town**

Sherford Vale School is planned to open in September 2018. Its catchment area covers the new development which lies within the existing catchment for St Mary's Church of England Primary School. There would be no entitlement to transport to Sherford as properties would be within walking distance to the new school. The existing entitlements to St Mary's on designated school grounds is unaffected but will be reviewed in future years.

#### **10) Feniton and Payhembury Church of England primary schools**

The LA reviewed and extended the catchment area for Payhembury Church of England Primary School as it increased its capacity and Published Admissions Number for 2018-19. The increased catchment, taking in Talaton and its environs will be the recognised catchment for transport purposes from 2018-19. This area remains part of the admissions catchment for Feniton Church of England Primary School. Free transport on nearest school grounds to Feniton will remain from eligible addresses.

**11) Tipton St John Church of England Primary School**

This school may relocate to a new site to the west of the town of Ottery St Mary. If and only if it does, the governing body is consulting on a new catchment area that would be based on the current area and extend to the north around the area of the new site. This will overlap with existing catchments for Ottery St Mary Primary School and West Hill Primary School. Their catchments will be unchanged. The walking distances from the potential new catchment to the new site for Tipton St John would be less than 2 miles so there would be no impact on entitlement to free transport on distance grounds.

**Education Travel Policy 2020-21****Schools with multiple sites:****1) Sidmouth Church of England Primary School<sup>33</sup>**

For children attending either former infant school site, transport on designated school grounds will be available to the nearer site, with distances measured by the nearest available walking route. Designated school transport to the former junior school site will continue unaffected for those children attending in Key Stage 2. Normal walking distance criteria will apply for children living in the designated area for Sidmouth Primary School.

**2) Queen Elizabeth's**

Entitlement to education transport support will be based on the distance from home to the site at which the pupil will be educated: Lower School or Upper School.

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<sup>33</sup> Sidmouth Primary School was formerly St Nicholas' Church of England Junior School, Sidmouth Infants School and All Saints' Church of England Infants Schools.

## Route Safety Appeals

Appeals on the grounds that the walking route to school is unsafe and should be considered to be “unavailable” for a child to walk in reasonable safety accompanied as necessary by an adult.

1. On receipt of completed form a member of the Transport Co-ordination Service (TCS) will reconsider a request for school transport on route safety grounds.
2. A member of TCS will consider the points raised by the parent relating to route safety and, if necessary, make arrangements to physically look at the route and undertake an assessment of the walking route and consider whether it is available for a child to walk in reasonable safety accompanied as necessary by an adult.

Part of this assessment will take into account relevant accident data.

3. Where it is considered necessary, a route assessment will be undertaken either in the morning or afternoon at the time a child would normally be expected to walk to / from school or pick up / set down point.
4. In determining whether a walking route is available officers will have regard to statutory guidance issued by the Department for Education.
5. Officers will also consider guidance contained in the Road Safety GB booklet “**Assessment of Walked Routes to School**”.
6. The parent will be notified of the outcome of the route safety assessment and where necessary will receive a copy of the assessment.
7. Where a parent remains dissatisfied with the outcome decision, he or she require the appeal to go to the second and final stage of the appeal process, to be heard by elected members of the County Council.

7.8. The following would unless not in exceptional circumstances be taken into account:

- Parental finances
- Local weather conditions
- Unusual events - such as, road closures, construction work, flooding
- Lack of street lighting - the majority of roads in Devon do not have streetlights and lighting is not an issue all year round
- Lack of pavements - the lack of a paved footpath is not necessarily a reason to assess a route as unsuitable.
- The presence of uncut hedges
- Difficult terrain and arduousness of the route - steep hills are not a hazard
- Practicality or the time taken to walk the route

### Glossary for School Admissions and Education Transport

Child has the meaning of either child or young person.

Headteacher has the meaning of either Headteacher or Principal.

Parent has the meaning of parent, carer or guardian.

School has the meaning of academy, school or college.

0-25 Special Education Team	Formerly, the County Special Education Team of the People Directorate of Devon County Council. Responsible for assessing additional needs of children and allocating education placements for children with particular needs.
Academy	A school independent of the local authority, funded by the state. This includes free schools, studio schools and university technical colleges.
Behaviour and Attendance Partnership	A partnership between schools and Local Authority Services, and aims to ensure that children and young people benefit from the opportunities open to them through good school attendance and behaviour.
BESD	Behavioural, Emotional and Social Difficulties
Casual admission or in-year admission	Means any application to be admitted to a school in any year group that is received after 31 August. This excludes applications in the normal round of admissions to join a school at the first intake for that school.
Children in Care (CiC)	These children are looked after by or provided with accommodation in the exercise of its functions by Devon LA or any other local authority which has informed Devon LA of its wish to place a child. Also includes those children who were in Care until they were adopted or made the subject of a residence order or of a special guardianship order. These children were looked after until they were adopted (see the Adoption and Children Act 2002 section 46) or made the subject of a residence order (see the Children Act 1989 section 8) or a special guardianship order (Children Act section 14A).
Children formerly in Care	These children were looked after until they were adopted (see the Adoption and Children Act 2002 section 46) or made the subject of a child arrangements order or a special guardianship order (Children Act section 14A). Child arrangements orders are defined in s.8 of the Children Act 1989, as amended by s.12 of the Children and Families Act 2014. They replace residence orders and any residence order in force prior to 22 April 2014 is deemed to be a child arrangements order. This priority applies to all children who were formerly in care, regardless of the date they were adopted.
Code of Conduct	A written agreement between the local authority and the child and or the parent. It acknowledges the standards of behaviour required of passengers on education transport and the potential sanctions should behaviour be unacceptable.
Community School	State schools in England and Wales which are wholly owned and maintained by the Local Authority. The LA is the admissions authority – it has main responsibility for deciding arrangements for admitting pupils.

Compulsory or statutory school age	The age at which children in England must receive full-time education at school, at home or otherwise. This is from the beginning of the term following a child's 5 <sup>th</sup> birthday until the last Friday of June during the academic year when the child reaches 16.
Concessionary seat	A seat on a vehicle provided for education transport purposes to a child who is not eligible for transport. Concessionary seats are provided on a non-guaranteed and chargeable basis.
Contract vehicle	A bus, coach or taxi which has been hired by the Transport Co-ordination Service to serve a particular route to a school.
Designated Area	The geographical area served by a school. While admission is not limited to children living in the designated area, priority is given to residents for admission. Entitlement to free transport is generally, though not always, linked to residency within a designated area. Also known as the catchment.
DfE	The government's Department for Education.
Schools Company	Schools Company Devon Academy formerly the Devon Personalised Learning Service
Education, Health and Care Plan (EHC)	This replaces a Statement of Special Educational Needs as a formal document describing a child's special educational needs (SEN) and how they will be provided for in a school. The Children and Families Act 2014 provided for the phasing out of Statements by EHCPs.
Escort	An adult allocated to some vehicles where there is an identified need for supervision.
EWS	<a href="#">Education Welfare Service</a> which employs Education Welfare Officers. The EWS is provided by the local authority through the Babcock LDP to support children in getting the most out of their education.
Exeat weekend	An exeat weekend means that boarding students are expected to leave the school after lessons have finished on the Friday afternoon to spend the weekend away from school with their family or guardian.
Extended Schooling	Provision for children to be on site at a school before or after the normal school day.
Feeder route	A journey part way between home and school. A feeder route will take passengers to meet the vehicle which arrives at the school
GIS	Geographical Information System. Also known as Mapscape. Measurement will be based on GIS. This is an electronic mapping system which makes measurements using computer software. In Devon, this means specifically the mapping system used by the Education Transport Team for measuring purposes.
Home Address	The LA when considering eligibility to transport support will not accept more than one address as the child's home address. The terms of a residency order may clarify the home address.  Where necessary to determine which address to recognise and in the absence of a child arrangements order, the LA will consider the home address to be with the parent with primary day to day care and control of the child. In reaching this decision, evidence may be requested to show the address to which any Child Benefit <sup>34</sup> is paid and

<sup>34</sup> Child Benefit will not be an automatic determining factor. This benefit is not universal and does not necessarily reflect where the child's resides for the majority of the time. Payment of the benefit can take some time to follow the child after a change in living arrangements.

	<p>from which the child is registered with a medical GP. Any other evidence provided by parents will also be considered by the LA in reaching a decision on the home address for transport purposes.</p> <p>This may be necessary for instance where parents do not agree on the child's home address. Parents are urged to reach agreement or seek a Specific Issues Order from a court to decide which parent should or should not pursue an application. Where they do not, the LA will determine the home address. In reaching this decision, the LA will seek the views of those schools for which it is the admission authority.</p> <p>Where the LA asks for evidence of the address from which a child would attend school, this would usually be written confirmation of a house purchase or a formal tenancy agreement. It is recognised that some families may be unable to provide this – for example, where a house move is at very short notice or where a family is escaping domestic violence. Applicants who cannot provide this evidence should contact the LA. There is no intention to penalise families where there is a genuine reason why the usual evidence cannot be provided.</p>
Key Stage One class size legislation	The legal limit of 30 pupils in a class predominantly or wholly of pupils of Reception, Year 1 or Year 2 age where there is one qualified teacher. There are limited legal exceptions to this limit.
LA	The Local Authority – in Devon this is Devon County Council; neighbouring local authorities are Plymouth City Council, Torbay Council, Cornwall Council, Somerset County Council and Dorset County Council.
LA area	the area in respect of which Devon County Council is the Local Authority. This is the administrative county of Devon excluding that area in Plymouth covered by Plymouth City Council and that in Torquay, Paignton and Brixham covered by Torbay Council.
Link Education	Where education is provided by the Local Authority away from a school setting.
Linked Primary School	A school which works with a particular secondary school to develop curriculum links and to ease transition for pupils from primary school to secondary school. Attending a linked primary school does not guarantee a place. May also be known as a contributory or feeder school.
LLDD	Learners with Learning Difficulties and/or Disabilities
Low-income	<p>A family is considered to be in receipt of a low income for school admissions and education transport purposes if it is in receipt of the maximum level of Working Tax Credit or is eligible for Free School Meals.</p> <p>Schools that are their own admission authority are responsible for making decisions regarding admissions, including where it is necessary to reach a decision on where a child lives. The LA will provide assistance where requested.</p>
Mapscape	See GIS
My Devon Customer Service Centre	Helpline for information on services in Devon: 0345 155 1019 and <a href="mailto:mydevon@devon.gov.uk">mydevon@devon.gov.uk</a> . The first point of contact at 0345 155 1019 for enquiries regarding school admissions and education transport. Queries which cannot be resolved at this stage will be passed on for specialist advice and assistance from the School Admissions Service or the Education Transport Team.

Normal admission round	This is when the majority of children are admitted to a school – into Reception for primary and infant schools; the beginning of Year 3 for junior schools, Year 7 at secondary schools, Year 9 or 10 at a university technical college or studio school and Year 12 for sixth forms.
Outside of the normal round	Any other time for admission than the beginning of the normal years of intake, see the normal admission round. Also called In-Year or Casual Admissions.
Parental preference	This describes the choice expressed by a parent for a child to attend a particular education setting which is not either the designated school or the nearest school with an available vacancy. In expressing parental preference to a more distant school, a parent disqualifies a child from any entitlement to free transport (unless there is eligibility on low income grounds).
Parents/family members	A parent is any person who has parental responsibility or care of the child. Where admission arrangements refer to 'parent's attendance at church' it is sufficient for just one parent to attend. 'Family members' include only parents and siblings. While applications and expressions of preference may come signed by two parents, only one parental signature is required. A parent is person with parental responsibility or officer of a LA exercising parental responsibility for a Child in its Care
Pick-up point	The place where an education transport vehicle will stop to collect a child entitled to travel.
Primary education	The meaning as in Education Act 1996 section 2 (1)
Primary school	The meaning as in Education Act 1996 section 5 (1)
PRU	Pupil Referral Unit
Reintegration Panel	A Panel consisting of representatives from schools which sits to determine the admission of children with challenging circumstances – following a permanent exclusion from a school or where he or she is at risk of a permanent exclusion.
Rising five	A child aged four who will reach five during the academic year and eligible for admission to a state-funded school Reception class.
Route review	An exercise by the Transport Co-ordination Service to consider whether the transport provided in an area is as efficient as possible.
School	A community, foundation, trust, voluntary aided or voluntary controlled school maintained by the LA or a state-funded academy, free school, university technical college or studio school.
School Admissions Service	A part of the People Directorate of Devon County Council. Responsible for managing applications for admission to state-funded schools.
Selective school	A school which admits all or some of its children following a test of the children's ability.
SEN	Special Educational Needs; recognition that a child requires additional support to appropriately access education.
SENCO	Special Educational Needs co-ordinator at a school
SENDISP	Special Educational Needs Disability Panel. This Panel is responsible for resolving appeals for school places where a child has a Statement of Special Educational Need.

Set-down point	The place where an education transport vehicle will stop to enable a child to disembark.
SLD	Severe Learning Difficulties
Statement of SEN	A document that sets out all of a child's special educational needs and how and where special educational provision will be made. Statements will be phased out from September 2014 as they have been replaced by Education, Health and Care Plans under a provision of the Children and Families Act 2014.
Statutory walking distance	The maximum distance which the law expects a child to walk to and from an education setting each day, accompanied as necessary by a parent or carer. For children aged below 8, this is two miles each way. For children aged 8 and over, this is three miles. In Devon, all children at primary school are deemed to have a statutory walking distance of two miles.
Studio School	A school offering education at Key Stage 4 and above.
Supported Placement Panel	A Panel including the Headteachers and Principals of local secondary schools to assist in identifying the most suitable school for a pupil's reintegration to school following, for example, a permanent exclusion.
Transport Co-ordination Service or TCS	The Transport Co-ordination Service, the team responsible for assessing eligibility and organising the education transport network. TCS will: <ul style="list-style-type: none"> <li>• administer this and any other policies which are determined by Devon and which govern eligibility for transport assistance;</li> <li>• determine eligibility to travel support;</li> <li>• be responsible for management of the budget for education transport.</li> <li>• manage all operating arrangements including planning, provision and management of transport in the most appropriate and cost-effective manner;</li> <li>• determine the most appropriate form of transport provision;</li> <li>• plan and manage education transport on a day-to-day basis;</li> <li>• make arrangements for transport within 20 working days;<sup>35</sup></li> <li>• establish effective and appropriate operating standards;</li> <li>• manage contract compliance with transport providers;</li> <li>• integrate transport needs of clients and public passenger transport networks.</li> </ul>
Transport eligibility team	A part of the Transport Co-ordination Service. Responsible for determining eligibility for education transport.
Transport Eligibility Officer Panel	A Panel consisting of LA officers. Responsible for hearing appeals against decisions of the Education Transport Team to refuse transport. A further appeal exists to elected Members of Devon County Council.

<sup>35</sup> In many cases, arrangements will be in place more quickly. In other cases, the process may be delayed, particularly where additional transport is required, in more rural and remote areas and where transport operators and providers are scarce. The LA is required to follow tendering procedures for new routes.

Unavailable route	A road or other path which has been assessed by the local authority as unsafe for a child to walk along to and from school, accompanied as necessary by a parent or carer.
UTC	University Technical College – a school offering education at Key Stage 4 and above.

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