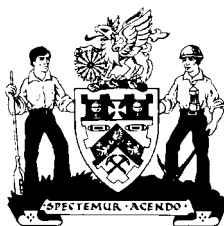


Document type: Policy

**Home to School  
Transport Policy  
2010-2011  
For  
Children, Young  
People and  
Families Service**



**BARNSLEY**  
Metropolitan Borough Council

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## Introduction

This policy only relates to the provision of transport for children of statutory school age : those children attending school between the ages of 5 and 16 years.

Transport arrangements for persons of sixth form age receiving education and training are published separately each academic year in the Post 16 Transport Policy Statement. The requirements specifying those arrangements are under section 509AA of the Education Act 1996.

### Statutory requirement to provide free home to school transport

Section 508B of the Education Act 1996 Act (inserted by the Education & Inspections Act 2006) deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.

Parents are responsible for ensuring that their children attend school regularly. However, section 444 of the 1996 Act outlines the situations in which a parent may have a defence in law against a prosecution by a local authority for their child's non-attendance at school. Section 444(3B) provides a parent with a defence if he or she proves that:

- the qualifying school at which the child is a registered pupil is not within statutory walking distance;
- no suitable arrangements have been made by the local authority for boarding accommodation at or near to the school;
- no suitable arrangements have been made by the local authority for enabling the child to become a registered pupil at a qualifying school nearer to his/her home; and
- the local authority has a duty to make travel arrangements in relation to the child under section 508B and has failed to discharge that duty.

Schedule 35B of the 1996 Act (inserted by the Education and Inspections Act 2006) defines "eligible children" – those categories of children in an authority's area for whom travel arrangements will always be required. A condition of each category is that they are of compulsory school age. Under section 508B, these arrangements must be provided free of charge.

### Discretionary home to school transport

Section 508C of the Act provides local authorities with discretionary powers for those children not entitled to free home to school transport. Local authorities can put in place such arrangements relating to travelling to and from school as they consider necessary.

This policy document is divided into the following parts.

- Part A            Concessionary Travel
- Part B            Statutory Home to School Transport for Children Attending Mainstream Schools
- Part C            Statutory Home to School Transport for Pupils Requiring Special Arrangements
- Part D            Statutory Home to School Transport on the Grounds of Religion or Belief
- Part E            Home to School Transport for Children in the Care of the Local Authority
- Part F            Removal of Free Travel Arrangements
- Part G            Review of Decisions and Independent Appeals

The provisions set out in this policy include places other than schools where a child is receiving education by virtue of arrangements made under section 19(1) of the Education Act 1996 by the Local Authority.

*This policy only applies to children of statutory school age who are resident in the Borough of Barnsley or in the care of the Local Authority.*

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## Notes

- 1 All references in this policy to schools are a reference to a qualifying school the meaning of which is provided in each section of the policy.
- 2 This policy shall be reviewed and revised from time to time in light of any revisions in respect of guidance from the Secretary of State.

## **PART A**

**Concessionary Travel**

**1 Statement of Intent**

The purpose of discretionary transport arrangements is to enable pupils of statutory school age who are not entitled to free home to school transport to be provided with travel assistance in attending school.

**2 MegaTravel Pass**

Children resident in the four Local Authorities in South Yorkshire are allowed to travel on buses at the concessionary fare. The MegaTravel Pass is for proof of age for pupils aged 11 to 16 and can be obtained from the South Yorkshire Passenger Transport Executive free of charge. Children under the age of 11 can travel on buses by paying the concessionary fare without proof of age.

**3 Mi Card**

3.1 Children resident in Barnsley are entitled to the mi card which entitles them to free bus travel in Barnsley as follows:

- (a) from 9 am to 9 pm on weekdays; and
- (b) all day at weekends and Bank Holidays.

The mi card also applies to journeys beginning and ending in Barnsley.

3.2 The mi card incorporates the provision of the MegaTravel Pass for the payment of the concessionary fare outside of the time periods for free travel.

3.3 The application of the mi card for travel to and from school.

	Travelling in or partly within Barnsley area between 9am and 9pm Monday to Friday or at weekends	Travelling wholly outside Barnsley or before 9am or after 9pm Monday to Friday
A school age child up to 16 years old	Use the mi card to get free travel	Use the mi card as a MegaTravel pass and pay 40p
Entitled to statutory free travel to and from school	Use the mi card to get free travel	Use the Statutory Zero Fare Pass to travel to school

## **PART B**

**Statutory Home to School Transport for  
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## **1 Statement of Intent**

The purpose of this policy is to support the attendance at qualifying schools of eligible children who are of statutory school age by the provision of free transport.

## **2 Meanings**

### **2.1 Qualifying schools are:**

- (i) community, foundation or voluntary schools;
- (ii) pupil referral units;
- (iii) city technology colleges, city colleges for the technology of the arts or Academies.

A qualifying school also includes places other than a school at which a pupil might receive education under section 19(1) of the Education Act 1996.

### **2.2 Eligible children are:**

- (i) children who cannot reasonably be expected to walk to school because of the nature of the routes;
- (ii) children under the age of 8 years who live over 2 miles (statutory walking distance) from the primary school nearest their place of residence;
- (iii) children over the age of 8 years who live over 3 miles (statutory walking distance) from the primary school nearest their place of residence;
- (iv) children who live over 3 miles (statutory walking distance) from the secondary school nearest their place of residence;
- (v) children entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit:
  - (a) who are over the age of 8, but under the age of 11 and live more than 2 miles from their nearest school (primary age children);
  - (b) who are aged 11 to 16 and attend one of their three nearest qualifying schools which is above 2 miles but less than 6 miles from their ordinary place of residence.

### **2.3 Distance**

Distance is measured by:

- (a) nearest available route for the statutory walking distances;
- (b) road route for the 2 to 6 mile range for secondary and over 2 miles for primary, under the provisions for children entitled to free school meals or whose parents are in receipt of their maximum level of Working Tax Credit.

2.4 Ordinary place of residence

The child's place of residence will be deemed to be the residence at which the child resides during the normal school week at the closing date for receiving applications for admission to school during the normal admission round.

2.5 Where the child subsequently moves address the eligibility for free home to school transport will be re-determined.

**3 Travel arrangements**

3.1 Travel arrangements are those provisions made by the Local Authority for children to receive free home to school transport.

3.2 The duty to provide free home to school transport will be for the journey at the:

- (a) start of the school day; and
- (b) end of the school day.

3.3 The school day is deemed to be the session times as approved by the governing body of the qualifying school.

3.4 Nothing in the travel arrangements made for any child shall be for any travel between education institutions during the school day. Where a child moves from one establishment to another, in order to receive education, that cost will fall to the school to pay.

3.5 For arrangements to be free of charge, every feature of the arrangements will be free, except the provision of photographs, which cost shall fall to the parent to pay.

3.6 Travel arrangements will be:

- (a) normally a travel pass unless not suitable for the child's needs; or
- (b) refunded travelling expenses according to the cheapest available public transport route; or
- (c) mileage expenses in accordance with the Council's current rate for pupils requiring special arrangements; or
- (d) the provision of free cycle training for the child to benefit from a cycling allowance.

**4 Provision of free travel**

4.1 Children who cannot reasonably be expected to walk to school.

- (a) Where children live within the statutory walking distance of their nearest qualifying school and it is suspected that there is no available walking route to that school the Local Authority will undertake a risk assessment of the route.

- (b) Where the outcome of the risk assessment\* is that the route is not available to the child (accompanied by the parent/carer) free travel will be provided.
  - (c) In the circumstances where the risk assessment shows that the route is available, then the parent has the right to have that decision reviewed in accordance with the Council's procedure.
- 4.2 Children who live above 2 miles (statutory walking distance) from the primary school nearest their ordinary place of residence.
- (a) The Council will provide free home to school transport for pupils who live over 2 miles from the primary school nearest their ordinary place of residence and whose fifth birthday falls between:
    - (i) 1 September and 31 December and will be admitted into primary school at the beginning of the Autumn Term;
    - (ii) 1 January and 31 August and will be admitted into primary school at the beginning of the Spring Term.
  - (b) Where a child eligible for free home to school transport under paragraph (a) (ii) is admitted into school on the 1 September as a part-time pupil they shall be eligible for free transport for the Autumn Term.
  - (c) Following the beginning of the school year where a pupil under the age of eight transfers into a primary school and it is the nearest to their ordinary place of residence but is over 2 miles they shall be eligible for free home to school transport.
  - (d) The provision of free home to school transport set out under paragraph (a) shall continue until the end of the Summer Term in the school year in which the child attains the age of eight years.
  - (e) Where a child attains the age of 8 years and they attend a primary school which is over 3 miles from their ordinary place of residence they shall receive free home to school transport until they reach the end of Year 6 in that primary school.
  - (f) Following the beginning of the school year where a pupil over the age of eight transfers into a school and it is the nearest available school to their ordinary place of residence but is over 3 miles they shall be eligible for free home to school transport.
- 4.3 Children who live above 3 miles (statutory walking distance) from the secondary school nearest their ordinary place of residence.
- (a) The Council will provide free home to school transport for pupils who live over 3 miles from the secondary school nearest their ordinary place of residence, from the start of the Autumn Term in Year 7 to the last Friday in June of the school year in which they attain the age of 16 years.

- (b) Where a child transfers into the nearest secondary school during the course of the school year and it is over 3 miles from their ordinary place of residence they shall receive free home to school transport to the last Friday in June of the school year in which they attain the age of 16 years.

4.4 Children entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit.

*Primary School*

- (a) Where a child has attained the age of 8 years but not the age of 11, they will be provided with free home to school transport to their nearest qualifying school where it is more than 2 miles from their ordinary place of residence.
- (b) The provision at paragraph (a) above shall apply to those pupils attending the school when they attain the age of 8 and any child who is admitted to the school following the 1 September.
- (c) The eligibility for free home to school transport for children aged 8 to 11 on roll at the school shall be the last school day of the Summer Term in the school year they attain the age of 8 years.
- (d) For children admitted into the school after 1 September it will be the date the application form for admission to school is received.
- (e) At any time during the year where a child becomes eligible free home to school transport will be provided.

*Secondary School*

- (f) Where a child has attained the age of 11 years and :
  - (i) is attending a secondary school; and
  - (ii) that secondary school is one of the three nearest to their ordinary place of residence; and
  - (iii) that school is above 2 miles but below 6 miles from their ordinary place of residence;they shall receive free home to school transport.
- (g) Where a parent is offered a place at a school as a result of an independent appeal for admission to that school, the child will be eligible for free home to school transport where the conditions in paragraph 4.4(f) are met.
- (h) For pupils transferring into the school following 1 September paragraphs 4.4(d) and (e) shall apply.
- (i) The date of eligibility for the provision set out in paragraph 4.4(f) shall be 1 March, this being National Offer Day for secondary places.

- 4.5 Children with special requirements that is: a disabled child, a child with mobility problems.
- (a) Children with physical and/or medical difficulties may be provided free transport at the discretion of the Authority subject to an assessment by the SEN Transport Panel.
  - (b) The conditions in paragraph (a) above can be permanent or temporary.

## **5 Eligibility**

- 5.1 The assessment of a child's eligibility for free home to school transport to secondary school, will in the first instance, \*1 March for pupils transferring from primary to secondary school during the normal admission round, and subsequently confirmed on 1 July in that same school year. For primary schools it will be the Local Authority offer day in April.
- 5.2 Once eligibility has been determined and confirmed then the pupil will remain eligible for the entirety of the school year for which the assessment is made.
- 5.3 In each subsequent year the child's eligibility will be re-assessed on 1 July.
- 5.4 Where a child ceases to be eligible during the course of the school year the provision of free home to school transport shall cease at the end of the summer term of that school year.

\*1 March is National Offer Day – The date on which local authorities are required to send the offer of a school place to all parents of secondary age pupils in their area.

## **6 Discretionary provisions related to the statutory walking distance for secondary schools.**

- 6.1 Where a child is attending their nearest secondary school and they move house and the parent wishes the child to continue at the school the Council will provide free home to school transport where the following criteria apply:
- (a) the new ordinary place of residence is above 3 miles, but below 12 miles, from the school; and
  - (b) the pupil is in Year 10 or 11.
- 6.2 Where a child is resident in and attending a secondary school in a local authority with which Barnsley is co-ordinating admission arrangements and the child becomes resident in Barnsley the Council will provide free home to school transport to allow the child to continue in that school if they are in Years 10 or 11.
- 6.3 The provision of transport set out in paragraphs (6.1) and (6.2) will continue until the statutory school leaving date.

## **7 Transitional arrangements in the event of the re-organisation of school provision**

- 7.1 In circumstances where the Council proposes to re-organise school provision which involves the discontinuing of existing schools and the establishing of new schools, transitional arrangements may be made in respect of the provision of home to school transport, which may also include the provision of free transport to pupils who would not ordinarily be eligible.
- 7.2 Transitional arrangements shall be determined by the Council's Cabinet.
- 7.3 Where transitional arrangements are approved they will be stated in the appropriate statutory notices.

## **8 Travel arrangements for other children**

- 8.1 The Local Authority may make such school travel arrangements as considered necessary for any child not already provided for in this section or any other section of the policy for the purpose of facilitating their attendance at school.
- 8.2 Travel arrangements will be:
- (a) normally a travel pass unless not suitable for the child's needs; or
  - (b) refunded travelling expenses according to the cheapest available public transport route; or
  - (c) mileage expenses in accordance with the Council's current rate for pupils requiring special arrangements.

## **9 Co-ordinated admission arrangements for secondary schools**

- 9.1 Where the Authority cannot make a single offer for any of the preferences expressed by a parent resident in Barnsley, a place will be allocated to the child at the nearest secondary school in Barnsley (including The Academy up to 1 March only and excluding St Michael's Catholic and Church of England High School), with places available, to their normal place of residence.
- 9.2 A determination of the nearest school is the distance measured by a straight line between the child's ordinary place of residence and the main entrance to the school building.
- 9.3 Where a place is allocated and that place is above the statutory walking distance of 3 miles, the child will be eligible for free home to school transport.
- 9.4 For a child entitled to free school meals or whose parents are in receipt of their maximum level of Working Tax Credit they will be eligible for free transport where the allocated school is one of the three nearest schools above 2 miles but below 6 miles from their ordinary place of residence.

9.5 The provisions set out in this section shall apply not only to the normal admissions round but also to transfers between schools during the school year.

## **10 Co-ordinated admission arrangements for primary schools**

10.1 Where the Authority cannot make a single offer for any of the preferences expressed by a parent resident in Barnsley, a place will be offered to the child at the nearest community or voluntary controlled primary school in Barnsley, with places available, to their ordinary place of residence.

10.2 A determination of the nearest school is the distance measured by a straight line between the child's ordinary place of residence and the main entrance to the school building.

10.3 Where a place is allocated and that place is above the statutory walking distance of 2 miles, the child will be eligible for free home to school transport.

10.4 The provisions set out in this section shall apply not only to the normal admissions round but also to transfers between schools during the school year.

## **11 Allocated school places and siblings**

Where, in accordance with the admission arrangements, a child is allocated a place at a school and subsequently attends that school and at a later date a sibling is admitted to that school who would not otherwise qualify for free home to school transport, it will be provided as a discretionary provision.

## **12 Traveller Children**

12.1 Where the Authority considers that a child of a Traveller family requires assistance with travel in order to facilitate their attendance at school, it may be provided at the discretion of the Authority.

12.2 The provision of such transport will be subject to review on a date specified at the time of the decision to provide the transport was made.

12.3 The provision of discretionary transport to children of Traveller families will be considered an interim arrangement.

## **13 Pupils with Dual Registration**

Where a child is registered at two qualifying schools, then the relevant school for the purposes of home to school travel arrangements is whichever of the schools the child is attending on the day in question.

## **14 Where a child has no fixed abode**

Where a child has no fixed abode (for the reason that the parent is engaged in a trade or business of such a nature as to require them to travel from place to place), home to school travel arrangements means travel from wherever the child is residing at the relevant time to the nearest qualifying school.

**15 Risk Assessment – Disabled Parents**

The risk assessment of an available route for a child to travel, as accompanied by an adult, will be undertaken in accordance with the risk assessment procedure agreed by the four South Yorkshire Authorities. This risk assessment procedure incorporates the guidance provided by the : Local Authority Road Safety Officers' Association.

The risk assessment will take account of the parents' disability where it prevents them from accompanying the child so as to make the route safe.

## **PART C**

**Statutory Home to School Transport for  
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## **1 Statement of Intent**

The purpose of this policy is to support the attendance at qualifying schools of eligible children who are of statutory school age who have special educational needs, disability or a mobility problem by the provision of free transport.

## **2 Meanings**

### **2.1 Qualifying schools are:**

- (i) community, foundation or voluntary schools;
- (iii) community or foundation special schools;
- (iii) non-maintained special schools;
- (iv) pupil referral units;
- (v) city technology colleges, city colleges for the technology of the arts or Academies.

A qualifying school also includes places other than a school at which a pupil might receive education under section 19(1) of the Education Act 1996.

### **2.2 Eligible children are:**

- (i) children with a statement of special educational needs;
- (ii) children with a disability;
- (iii) children with a medical condition;

all of whom live below the statutory walking distance from the school nearest their ordinary place of residence.

- (iv) Children with a statement of special educational needs who are entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit:
  - a. who are over the age of 8, but under the age of 11 and live more than 2 miles from their nearest school (primary age children);
  - b. who are aged 11 to 16 and attend one of their three nearest qualifying schools which is above 2 miles but less than 6 miles from their ordinary place of residence.

### **2.3 Distance**

Distance is measured by:

- (a) nearest available route for the statutory walking distances;

- (b) road route for the 2 to 6 mile range for secondary and over 2 miles for primary under the provisions for children entitled to free school meals or whose parents are in receipt of their maximum level of Working Tax Credit.

2.4 Ordinary place of residence

- (a) The child's place of residence will be deemed to be the residence at which the child resides during the normal school week at the closing date for receiving applications for admission to school during the normal admission round.
- (b) Where the child subsequently moves address the eligibility for free home to school transport will be re-determined.

**3 Travel arrangements**

3.1 Travel arrangements are those provisions made by the Local Authority for children to receive free home to school transport.

3.2 The duty to provide free home to school transport will be:

- (a) for children attending a school on a daily basis will be for the journey at the:
  - (i) start of the school day; and
  - (ii) end of the school day.
- (b) weekly residential place:
  - (i) one journey at the start of the school week; and
  - (ii) one journey at the end of the school week.
- (c) termly residential place:
  - (i) one journey at the start of each half-term; and
  - (ii) one journey at the end of each half-term.

3.3 The school day is deemed to be the session times as approved by the governing body of the qualifying school.

3.4 Travel arrangements will be:

- (a) normally a travel pass unless not suitable for the child's needs; or
- (b) refunded travelling expenses according to the cheapest available public transport; or
- (c) mileage expenses in accordance with the Council's current rate for pupils transported in the parent's/carer's own vehicle; or
- (d) a taxi; or
- (e) contracted specialist vehicle.

The Local Authority will determine which travel arrangement will be provided for the child.

- 3.5 Nothing in the travel arrangements made for any child shall be for any travel between education institutions during the school day. Where a child moves from one establishment to another, in order to receive education, that cost will fall to the school to pay.
- 3.6 For arrangements to be free of charge, every feature of the arrangements shall be free, except the provision of a photograph, where appropriate, which cost shall fall to the parent to pay.
- 3.7 The School Transport Section will provide Escorts to accompany children subject to taking account of:
- (a) a risk assessment of the child;
  - (b) age of the child;
  - (c) length of journey.

The provision of Escorts will be subject to a continuous review undertaken by the School Transport Manager.

The provision of an Escort will not be written into the statement of special education needs.

#### **4 Provision of free travel**

- 4.1 Children with a statement of special educational needs.
- (a) For children attending a special school maintained by the Authority and it is named in their statement of special education needs, free home to school transport will be provided for pupils:
    - (i) up to the age of 8 years who live over 2 miles from the special school;
    - (ii) over the age of 8 years up to the end of Year 6 who live over 3 miles from the special school;
    - (iii) in Year 7 to the end of Year 11 for those children who live over 3 miles from the special school.
  - (b) Where a child does not qualify for free home to school transport under paragraph (a) free transport may be provided subject to an assessment by the SEN Transport Panel.
  - (c) Where a child attends a special school or other specialist provision maintained by another local authority or body, free home to school transport will be provided as set out in paragraphs (a) and (b).
  - (d) Where a child attends a specialist Resource Base maintained by the Authority the entitlement at paragraphs (a) and (b) will similarly apply.

- (e) Where a child has a mainstream school that is determined and named in their statement of special educational needs by the Authority and is above the statutory walking distance the child will be provided with free transport.
- (f) Where the mainstream school named in the child's statement of special educational needs is the nearest to their home and is below the statutory walking distance free home to school transport may be provided, subject to an assessment by the SEN Transport Panel.
- (g) Where a child has a mainstream school that is determined and named in their statement of special educational needs by the Authority and where the identified school is not the nearest to their normal place of residence and is below the statutory walking distance free home to school transport may be provided, subject to an assessment by the SEN Transport Panel.
- (h) Where a child with a statement of special educational needs attends a school which is not the closest to their normal place of residence in accordance with parental preferences then the following shall apply:
  - (a) if transport would have been provided to the nearest school, the Authority will provide a financial contribution to the cost of transporting the child to the parent's preferred school;
  - (b) the financial contribution shall be as set out below:
    - (i) for a taxi – the amounts that would have been paid for a taxi to the child's nearest school;
    - (ii) for a bus journey – that amount as would have been paid for a bus journey to the nearest school for both parent and child;
    - (iii) for a car journey – a mileage allowance in accordance with the Council approved rates applying during that year.
  - (c) the financial contribution shall be paid each half-term subject to the Authority receiving an invoice or other documentation as agreed by the Authority.
- (i) The provision of free home to school transport will not be written into the statement of special educational needs.

4.2 Children with special requirements or that is: a disabled child; a child with mobility problems.

- (a) Children with physical and/or medical difficulties may be provided with free transport at the discretion of the Authority subject to an assessment by the SEN Transport Panel.
- (b) The conditions in paragraph 4.2 (a) above can be permanent or temporary.

- 4.3 Children entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit and the parents have exercised parental preference.

The provisions set out in paragraphs 4.3 (a) to (i) apply to those children not in receipt of free home to school transport set out 4.1 and 4.2.

*Primary School*

- (a) Where a child has attained the age of 8 years but not the age of 11, they will be provided with free home to school transport to their nearest qualifying school where it is more than 2 miles from their ordinary place of residence.
- (b) The provision at paragraph (a) above shall apply to those pupils attending the school when they attain the age of 8 and any child who is admitted to the school following the 1 September.
- (c) The eligibility for free home to school transport for children aged 8 to 11 shall be the last school day of the Summer Term.

*Secondary School*

- (d) Where a child has attained the age of 11 years and :
  - (i) is attending a secondary school; and
  - (ii) that secondary school is one of the three nearest to their ordinary place of residence; and
  - (iii) that school is above 2 miles but below 6 miles from their ordinary place of residence;they shall receive free home to school transport.
- (e) Where a parent is offered a place at a school as a result of an independent appeal for admission to that school, the child will be eligible for free home to school transport where the conditions in paragraph 4.3(d) are met.
- (f) The provisions set out in paragraphs 4.3(d) and (e) shall apply to applications for admission to school during the normal admissions round and for in-year transfers between schools.
- (g) The date of eligibility for applications received during the normal admissions round will be 1 March (National Offer Day) and for in-year transfers the date the application is received.

#### 4.4 In-Year Fair Access Protocol

##### *Primary and Secondary Schools*

- (a) Where the Pupil Placement Panel determines, under the provisions of the In-Year Fair Access Protocol, that a child is provided with an alternate school place, free travel arrangements will be provided where it is considered necessary in order to ensure the attendance of that child at the alternate school.
- (b) Free travel arrangements will be:
  - (i) normally a travel pass unless not suitable for the child's needs; or
  - (ii) refunded travelling expenses according to the cheapest available public transport; or
  - (iii) mileage expenses in accordance with the Council's current rate for pupils transported in the parent's/carer's own vehicle.

#### 4.5 Children attending the Local Authority EBD special school

- (a) Where the Local Authority direct a child to attend the EBD Special School, transport will be provided by the Authority, where the person making that direction considers that the provision of free home to school transport is required in order to facilitate the child's attendance at the school.
- (b) Where the person making the decision considers that the child needs to be accompanied by an Escort, such an Escort will be provided.
- (c) The provision of free home to school transport, and where provided an Escort, shall be reviewed on a regular basis by the Headteacher of the School.

### **5 SEN transport panel**

- (a) The SEN Transport Panel will comprise a representative from:
  - (i) Special Education Needs Assessment and Review Team;
  - (ii) Home to School Transport Team;
  - (iii) Children, Young People and Families Health and Safety Section.
- (b) The SEN Transport Panel may invite expert advice from a relevant professional when considering a case.
- (c) The SEN Transport Panel will review the individual circumstances of the child and make a determination as to whether or not the child receives free home to school transport. (See note 1)

- (d) Where during the course of any school year the SEN Transport Panel determine that the provision of free home to school transport need no longer be provided it will cease at the end of the term in which the Panel's decision was made.
- (e) Where a child receives free home to school transport it will be subject to review:
  - (a) at the end of the school year in which the pupil attains the age of 8 years;
  - (b) at the end of Year 6;
  - (c) during Year 11 for those children transferring to Post 16 in a maintained school;
  - (d) following the successful completion of Independent Travel Training.

## **6 Eligibility**

- 6.1 The assessment of a child's eligibility for free home to school transport to secondary school, will in the first instance, \* 1 March for pupils, transferring from primary to secondary school, and subsequently confirmed on 1 July in that same school year.
- 6.2 Once eligibility has been determined and confirmed then the pupil will remain eligible for the entirety of the school year for which the assessment is made.
- 6.3 In each subsequent year the child's eligibility will be re-assessed on 1 July.
- 6.4 Where a child ceases to be eligible during the course of the school year the provision of free home to school transport shall cease at the end of the summer term of that school year.

\*1 March is National Offer Day – The date on which local authorities are required to send the offer of a school place to all parents of secondary age pupils in their area.

### **Note 1**

The parents of some pupils may be in receipt of the higher rate mobility component (HRMC) of the Disability Living Allowance (DLA). This is the gateway to the Motability scheme that supplies vehicles, adapted or unadapted, in return for the DLA, usually on contract hire terms. If a pupil is the HRMC recipient and the family obtain a vehicle through the Motability scheme, then the vehicle is supposed to be used for the benefit of the disabled pupil. When determining whether or not to provide travel assistance, the SEN Transport Panel may take account of a Motability car where this has been provided for the benefit of the pupil.

Similarly the Panel will take account of the HRMC of the DLA where this has been provided for a child but has not been used to obtain a vehicle.

**7 Pupils with Dual Registration**

Where a child is registered at two qualifying schools, then the relevant school for the purposes of home to school travel arrangements is whichever of the schools the child is attending on the day in question.

**8 Where a child has no fixed abode**

Where a child has no fixed abode (for the reason that the parent is engaged in a trade or business of such a nature as to require them to travel from place to place), home to school travel arrangements means travel from wherever the child is residing at the relevant time to the nearest qualifying school.

## **PART D**

Statutory Home to School Transport on  
the Grounds of Religion or Belief

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## **1 Statement of Intent**

The purpose of this policy is to support the attendance at qualifying schools of eligible children where the parents have expressed a preference on the grounds of religion or belief.

## **2 Meanings**

### **2.1 Qualifying schools are:**

- (i) community, foundation or voluntary schools;
- (ii) community or foundation special schools;
- (iii) non-maintained special schools;
- (iv) pupil referral units;
- (v) city technology college, city colleges for the technology of the arts, Academies.

A qualifying school also includes places other than a school at which a pupil might receive education under section 19(1) of the Education Act 1996.

### **2.2 Eligible children:**

- (a)
  - (i) children who are entitled to free school meals or whose parents are in receipt of their maximum level of Working Tax Credit; and
  - (ii) are aged 11 to 16; and
  - (vi) are attending their nearest suitable school preferred on the grounds of religion or belief where their ordinary place of residence is more than 2 miles, but not more than 15 miles from that school;
- (b)
  - (i) children who are entitled to free school meals; or whose parents are in receipt of their maximum level of Working Tax Credit; and
  - (ii) are aged 5 to 11; and
  - (iii) are attending their nearest suitable school preferred on the grounds of religion or belief where their ordinary place of residence is more than 2 miles from that school.

2.3 Ordinary place of residence

- (a) The child's place of residence will be deemed to be the residence at which the child resides during the normal school week at the closing date for receiving applications for admission to school during the normal admission round.
- (b) Where a child subsequently moves address, the eligibility for free home to school transport will be re-determined.

2.4 Distance

Distance is measured by:

- (a) for children set out in paragraph 2.2 (a) and (b) on roads suitable for a motor vehicle;
- (b) for children set out in paragraph 2.2 (c) suitable walking route.

**3 Travel arrangements**

3.1 Travel arrangements are those provisions made by the Local Authority for children to receive free home to school transport.

3.2 The duty to provide free home to school transport will be for the journey at the:

- (a) start of the school day; and
- (b) end of the school day.

3.3 The school day is deemed to be the session times as approved by the governing body of the qualifying school.

3.4 Nothing in the travel arrangements made for any child shall be for any travel between education institutions during the school day. Where a child moves from one establishment to another, in order to receive education, that cost will fall to the school to pay.

3.5 For arrangements to be free of charge, every feature of the arrangements will be free, except the provision of photographs, which cost shall fall to the parent to pay.

3.6 Travel arrangements will be:

- (a) normally a travel pass unless not suitable for the child's needs; or
- (b) refunded travelling expenses according to the cheapest available public transport route; or

- (c) mileage expenses in accordance with the Council's current rate for pupils requiring special arrangements; or
- (d) the provision of free cycle training for the child to benefit from a cycling allowance.

#### **4 Provision of free travel**

- 4.1 Free home to school travel will be provided for eligible children where it can be demonstrated that attendance at a qualifying school is on the grounds of religion or belief.
- 4.2 Evidence to support the following will be provided by the parent:
  - (i) where the preference to attend a school is based on the parent's religion or belief;
  - (ii) where the parent does not wish the child to attend a school which is any of three schools nearest their home and within 2 miles based on the parent's religion or belief.

#### **5 Discretionary Provision**

- 5.1 On 26 June 2006 Council determined that the discretionary provision in paragraph 5.3 be discontinued, on a phased basis, from 1 September 2007.
- 5.2 On the date of implementation of this policy, 1 September 2009, this discretionary provision will only apply to those children admitted into the relevant year group prior to 1 September 2007.
- 5.3 Where a child attends a Catholic or Church of England school because of religious convictions where:
  - (i) they live above the statutory walking distance from that school;
  - (ii) it is not the nearest to their home;

free travel will be provided up to:

- (i) 5 miles for primary school children;
- (ii) 12 miles for secondary school children.

## **6 Eligibility**

- 6.1 The assessment of a child's eligibility for free home to school transport to secondary school, will in the first instance, \* 1 March for pupils, transferring from primary to secondary school, and subsequently confirmed on 1 July in that same school year.
- 6.2 Once eligibility has been determined and confirmed then the pupil will remain eligible for the entirety of the school year for which the assessment is made.
- 6.3 In each subsequent year the child's eligibility will be re-assessed on 1 July.
- 6.4 Where a child ceases to be eligible during the course of the school year the provision of free home to school transport shall cease at the end of the summer term of that school year.

\*1 March is National Offer Day – The date on which local authorities are required to send the offer of a school place to all parents of secondary age pupils in their area.

## **7 Pupils with Dual Registration**

Where a child is registered at two qualifying schools, then the relevant school for the purposes of home to school travel arrangements is whichever of the schools the child is attending on the day in question.

## **8 Where a child has no fixed abode**

Where a child has no fixed abode (for the reason that the parent is engaged in a trade or business of such a nature as to require them to travel from place to place), home to school travel arrangements means travel from wherever the child is residing at the relevant time to the nearest qualifying school.

## **PART E**

Home to School Transport for Children in  
the Care of the Local Authority

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## **1 Statement of Intent**

The purpose of this policy is to support the attendance at qualifying schools of children in public care for whom the Council have responsibility as Corporate Parent who are not covered by any other section.

## **2 Meanings**

### **2.1 Qualifying schools are:**

- (i) community, foundation or voluntary schools;
- (ii) pupil referral units;
- (iii) city technology colleges, city colleges for the technology of the arts or Academies.

A qualifying school also includes places other than a school at which a pupil might receive education under section 19(1) of the Education Act 1996.

2.2 Where a child is attending a school, which is not a qualifying school, at the time they are placed in care of the Local Authority it shall be deemed to be a qualifying school for the purposes of 2.1 where the Local Authority consider that the child's continuing attendance at that school meets the needs of their care plan.

2.3 Children in public care are those children placed in the care of the Local Authority under Sections 20, 31 and 38 of The Children Act 1989.

### **2.4 Ordinary place of residence.**

- (i) The child's place of residence will be deemed to be the residence at which the child resides during the normal school week.
- (ii) Where the child subsequently moves address the eligibility for free home to school transport will be re-determined.

## **3 Travel arrangements**

3.1 Travel arrangements are those provisions made by the Local Authority for children to receive free home to school transport.

3.2 The duty to provide free home to school transport will be for the journey at the:

- (a) start of the school day; and
- (b) end of the school day.

3.3 The school day is deemed to be the session times as approved by the governing body of the qualifying school.

- 3.4 Nothing in the travel arrangements made for any child shall be for any travel between education institutions during the school day. Where a child moves from one establishment to another, in order to receive education, that cost will fall to the school to pay.
- 3.5 Travel arrangements will be:
- (a) normally a travel pass unless not suitable for the child's needs; or
  - (b) refunded travelling expenses according to the cheapest available public transport; or
  - (c) mileage expenses in accordance with the Council's current rate for pupils transported in the parent's/carer's own vehicle; or
  - (d) a taxi.
- 3.6 The School Transport Section will provide Escorts to accompany children subject to taking account of:
- (a) a risk assessment of the child;
  - (b) age of the child;
  - (c) length of journey.

The provision of Escorts will be subject to a continuous review undertaken by the School Transport Manager and the child's Social Worker.

#### **4 Provision of free travel**

- 4.1 This policy shall only apply to children looked after by Barnsley MBC where the child is:
- (i) resident in the Borough of Barnsley and attends a school maintained by the Council;
  - (ii) resident in a Borough which shares a boundary with Barnsley MBC and attends a school maintained by Barnsley Council;
  - (iii) resident in the Borough of Barnsley and attends a school which qualifies under the provisions of paragraph 2.2.

in exceptional circumstances the policy may apply to a child is

- (iv) resident in the Borough of Barnsley and attends a school maintained by an other local authority which does not share a boundary with Barnsley;
- (v) not resident in the Borough of Barnsley and attends a school maintained by another local authority;

- (vi) not resident in the Borough of Barnsley and attends a school maintained by Barnsley MBC.

In this section of the policy the application of the policy under exceptional circumstances shall be determined by the Assistant Executive Director.

4.2 The provision of free home to school travel under this part of the policy is provided at the discretion of the Local Authority for those children who do not fall within any of the categories of eligible children elsewhere in the policy.

4.3 The provision of free travel does not apply to a child not of statutory school age.

## **5 Children in Public Care Transport Panel**

- (a) The CPC Transport Panel will comprise of a representative from
  - (i) Life Chances Team;
  - (ii) Home to School Transport Team;
  - (iii) Children, Young People and Families, Health and Safety Section.
- (b) The CPC transport panel will review the individual circumstances of the child and make a determination as to whether or not the child receives free home to school transport.
- (c) Where during the course of any school year where the circumstances of the child change the CPC transport panel will review the provision of free home to school transport.
- (d) If the provision of free home to school transport is discontinued it will cease on a date determined by the CPC transport panel.

## **6 Review and appeal**

6.1 Where free home to school transport is not provided under the discretionary provisions in this part of the policy it may be reviewed by the appropriate Assistant Executive Director at the request of any member of the CPC transport panel.

6.2 The decision of the Assistant Executive Director shall be the final decision as to whether or not free home to school transport is provided.

## **7 Pupils with Dual Registration**

Where a child is registered at two qualifying schools, then the relevant school for the purposes of home to school travel arrangements is whichever of the schools the child is attending on the day in question.

## **PART F**

### **Removal of Free Travel Arrangements**

- 1 The Authority shall withdraw the provision of free home to school transport where it is considered that a child has demonstrated such poor behaviour whilst using that transport as to put at risk:
  - (a) the driver of the vehicle; or
  - (b) other passengers; or
  - (c) used threatening or violent language; or
  - (d) damage to the vehicle.
- 2 The withdrawal of free home to school transport will be:
  - (a) temporary; or
  - (b) permanent.
- 3 Temporary shall be a specified number of weeks and permanent shall be for the remainder of the school year.
- 4 Where a permanent withdrawal is imposed during the Spring and Summer terms it will continue for the equivalent of three school terms.
- 5 The withdrawal of home to school transport (either temporary and permanent) on a particular child shall not imply that travel arrangements were not necessary and should not be provided. The withdrawal would be saying travel arrangements were necessary and had been made, but that the child's behaviour was such that they cannot take advantage of it.
- 6 Where a school under the provisions of section 89(5) of the Education and Inspections Act 2006 determine that free home to school transport is to be withdrawn the school will notify the Authority who will withdraw the travel provision.
- 7 Under paragraph (6) the parent shall have a right of appeal to the Governing Body of the school following the date on which the free travel is withdrawn.
- 8 Nothing in this policy prevents the operator of a commercial service to exclude a child if they demonstrate poor behaviour as set out in paragraph 1.

## **PART G**

**Review of Decisions and Independent  
Appeals**

- 1 Any parent who makes an application for free home to school transport under the provisions set out in the Council's Policy and that application is refused will have the right to have their case reviewed.
- 2 The review procedure is set out below.
  - (i) The parent/carer will be requested to submit a notice of review setting out the ground for their review in accordance with paragraph 7.
  - (ii) The documentation relating to the parent's/carer's case along with the comments of the School Transport Manager and the Head of Service (or the Assistant Head of Service) will be presented to a review panel comprising of the Director for Children, Young People and Families (or the Assistant Executive Director) and the Cabinet Spokesperson (or the Support Member).
  - (iii) A meeting shall be convened within 14 working days to consider the parent's case based on the documentation provided.
  - (iv) The decision will be:
    - (a) to uphold the decision not to provide free home to school transport;
    - (b) reverse the original decision and provide free home to school transport.
  - (v) Where the decision is to uphold the original decision under paragraph (iv)(a) the parent/carer will have the right to an independent appeal in accordance with the provisions set out in paragraph 8.
- 3 The independent appeal panel will consist of 3 members who serve on the admission to school appeal panels.
- 4 The procedure for hearing the appeals is set out below.
  - (a) Education Officer to give evidence on the Authority's decision.
  - (b) Parents to ask questions of the Education Officer.
  - (c) Panel to ask questions of the Education Officer.
  - (d) Parents to give evidence in support of their appeal.
  - (e) Education Officer to ask questions of parents.
  - (f) Panel to ask questions of parents.
  - (g) Summing up by Education Officer.

- (h) Summing up by Parents.
  - (i) Education Officer and parents to retire.
  - (j) Panel decision, with reasons, to be announced.
  - (k) Decision to be sent in writing to parents.
- 5 Notification of the decision made at the review will be sent to the parent(s)/carer(s) in writing giving a reason for the decision.
- 6 Nothing in this review procedure prevents the parent making a complaint to the Local Government Ombudsman.
- 7 Grounds for requesting a review of the Authority's decision not to provide free home to school transport are:
- (a) suitable walking route;
  - (b) measurement of distance;
  - (c) determination of eligibility;
  - (d) another qualifying school;
  - (e) religion or belief;
  - (f) exclusion from transport;
  - (g) SEN transport.
- 8 Where, on the following grounds, the decision not to provide free home to school transport is determined at the review, the parent can exercise their right of independent appeal:
- 7(a) 7(c) 7(e) 7(f) 7(g)