

# **Royal Borough of Windsor and Maidenhead**

## **HOME TO SCHOOL TRANSPORT GUIDELINES**

### **2008 – 2009**

#### **1. Introduction**

This document is aimed at explaining the Council's Home to School Transport Policy to parents. It is not a definitive statement of the law, and each case will be judged on its own facts.

Some children are eligible for free school transport by statute. This document explains the categories of children who are eligible (section 2) and the type of transport that will be provided.

In addition, the Council may provide home to school transport to other children who do not meet the criteria of an 'eligible child'. This policy sets out the travel arrangements for those children too (section 3).

#### **2. Children eligible for free travel arrangements**

The Council will provide free travel arrangements for 'eligible children' in certain circumstances where these are necessary to facilitate attendance at school.

##### **2.1 Who is an eligible child?**

A child is eligible if:

- i) S/he is of compulsory school age (see section 2.2) and
- ii) S/he has special educational needs, is disabled or has mobility problems (see section 2.4 for further details);
- iii) S/he cannot reasonably be expected to walk because of the nature of the route (see section 2.5 for further details);
- iv) S/he lives outside the 'walking distance' and the council has made no arrangements for him or her to attend a nearer school or to board (see section 2.6 for more details); or

v) S/he is from a low-income family (see section 2.7 for more details).

## **2.2 When is a child of compulsory school age?**

Compulsory school age is in the next full term after the child attains the age of 5. This means that your child will be admitted to full time education in the term following the child's fifth birthday.

A child ceases to be of compulsory school age at the end of the academic year, once he/she reaches the age of 16.

## **2.3 What is 'walking distance'?**

The following sections refer to the term 'walking distance'. This has a specific meaning. For a child under 8, walking distance is defined as 2 miles. For a child aged 8 years or over, walking distance is defined as 3 miles. Separate rules apply for low-income families (see section 2.7).

## **2.4 Children with Special Educational needs, a Disability or a Mobility Problem**

A child with special educational needs, a disability or a mobility problem will be provided with free travel arrangements if s/he is a registered pupil at a school within walking distance of home but cannot reasonably be expected to walk to that school as a result of his/her special educational needs, disability or mobility problem. A child will not be eligible for free travel, however, if the Council has made suitable arrangements for him or her to attend a nearer school.

A child with a statement of special educational needs, a disability or a mobility problem may also be provided with free travel if s/he is receiving education at a place other than a school.

If your child has a statement of special educational needs (SEN), and you are applying for transport on this basis, you will need to contact the SEN team directly on 01628 796779.

The Council will continually review the situation to check that the child continues to meet the criteria. You may be required to submit further evidence that may include a letter from your child's GP or consultant.

## **2.5 Children who cannot reasonably be expected to walk because of the nature of the routes**

A child who is a registered pupil at a school within walking distance of his home but cannot be reasonably expected to walk due to the nature of the routes will be provided with free transport. A child will not be eligible for free travel, however, if the Council has made suitable arrangements for him or her to attend a nearer school.

The Council will take into account a number of factors including the safety of the route, how well it is lit, whether dangerous road crossings are involved and so forth.

A child may also be provided with free travel on this basis if s/he is receiving education at a place other than a school.

## **2.6 Children outside walking distance from school**

A child who is a registered pupil at a school that is outside the walking distance will be provided with free travel if the child is attending their nearest suitable school.

Wherever you live in the Borough there is a designated school for your home address and this is known as the nearest *suitable* school. However, this may not necessarily be your nearest school. If there is a school closer to your home address, than the designated school, transport will be provided to whichever of these 2 schools your child will be attending (when living outside the walking distance). For example, Child X lives 3.1 miles away from School A (the nearest school) and 4.1 miles away from School B (the designated school). Child X attends school A and lives outside the walking distance. The council will provide free transport as Child X is attending either the designated school or the nearest school.

Transport will also be provided to the *next* nearest school (with an available place), if the Council has not made suitable arrangements for the child to attend their nearest suitable school AND the nearest suitable school was listed as one of the three preferred schools on the Common Application Form (CAF) completed when applying for a school place.

The same applies to a child in similar circumstances who is receiving education at a place other than a school that is beyond walking distance. Free travel will also be provided to a child who has been excluded but is required to attend at a place outside the school, which is outside the walking distance.

## **2.7 Children from low income families**

A child is from a low income family if s/he is entitled to free school meals; or the parent(s) with whom s/he ordinarily lives receives working tax credit at the maximum rate.

A child from a low income family will be provided with free travel if:

- a) S/he is of compulsory school age but under 11, and attends his or her nearest suitable school (or the next nearest school if the Council has not made arrangements to enable him or her to attend their nearest suitable school – see section 2.6) more than two miles from home.
- b) S/he is age 11 or over and attends a school (or other place of education) between 2 and 6 miles from home, and there are not three or more suitable schools nearer to home; or
- c) His/her parent has expressed a wish based on the parent's religion or belief for him/her to be provided with education at a particular school between 2 and 15 miles from home and, having regard to that religion or belief, there is no suitable nearer school (see section 4.1).

## **3. When will the Council provide free travel arrangements for eligible children?**

The Council will provide free travel if no one else provides free travel between the child's home and school or if any other free travel is not suitable to enable the child to attend school.

### **3.1 What transport will be provided?**

Transport may include arrangements for providing transport directly. With the consent of the child's parent, it may also include arrangements for a person to escort the children, to pay for a person's travel expenses, or the payment of allowances.

When the Council provides transport it may take the form of private coaches or taxis, arranged by the Council or alternatively your child may be supplied with a pass or a season ticket enabling them to travel on suitable public transport. The type of free transport provided is entirely at the discretion of the Council.

If children are being provided with a coach, bus, pass or a season ticket, they will usually be required to walk to and from a central collection point. A central

collection point will usually be within 1 mile – walking distance from the child's home address. If the distance to the collection point is greater than 1 mile, individual arrangements may be made.

#### **4. Travel arrangements for other children**

##### **4.1 Parent's religious or philosophical beliefs**

Where a child is educated in accordance with the parent's religion or beliefs, the LEA will have regard to those beliefs in exercising its duty to provide school transport.

There are specific rules regarding the provision of transport to children from low income families educated in accordance with their parents' religion or beliefs (see section 2.7(c)).

Where the denominational school is beyond the statutory walking distance (see section 2.3), home to school transport will be provided to the nearest denominational school of the parent(s) religious or philosophical belief, with an available place.

The Council will need to be satisfied of the requirement for denominational education and that the relevant school has confirmed the admission of the child. The Council will usually require a certificate signed by the appropriate local religious leader, for example, the local Vicar or Priest or Imam etc.

Children from low-income families will receive free school transport. With regards to other children, the Council will provide a maximum contribution up to the value of an annual bus season ticket (currently £680 for the academic year 2007/2008) to facilitate home to school transport.

If the journey costs are less than the value of an annual bus season ticket the Council will pay for the actual costs of the journey. If the costs of the journey exceed the value of an annual bus season ticket parents will need to meet the additional costs.

The annual season ticket cost for 2008/2009 will be advised in due course.

Where suitable public transport exists, children will be expected to use this. Where available, seats may be secured on contract buses.

Where no suitable public transport exists or no contract buses are available, the Council will meet the actual costs up to a maximum contribution, as detailed above, in the following circumstances:

- i) Where parents use their own vehicle to transport the child to and from school, costs will be calculated at a current rate of 20 pence per mile.
- ii) Where parents secure their own transport arrangements, for example a taxi, to transport the child to and from school.

**NB** The Council does not generally control the admissions policies for denominational schools and these schools' admission practices may vary from time to time.

Some denominational schools are very popular and therefore they cannot always provide places to all parents who express a preference for their child to attend a particular denominational school. It is important that you submit your application form for a place by the deadline specified to the relevant admission authority.

The financial contribution can take the form of a payment or provision of a season ticket or to any of the forms of transport outlined in the paragraph entitled 'What transport will be provided' (section 3.1).

If there is more than one denominational school and they are both beyond the statutory walking distance from the child's home address, the council will rely on a straight-line measurement, as the crow flies, to establish which is the closest denominational / suitable school to the child's home address.

## **4.2 Medical conditions**

If your child suffers from a medical condition that means that they are unable to walk to school then free home to school transport may be provided. Applications for transport on this basis will need to be supported by appropriate evidence from the medical profession. Evidence required by the Council may include but is not restricted to:

- Letter from the child's GP and/or
- Letter from the child's consultant

If the child was attending a school outside of their designated area, parents will normally be required to pay to the Council the usual costs of transporting the child as a contribution towards the Council's costs.

The Council will review transport provided on this basis every calendar month and may require submission of further evidence following completion of a review.

## **4.3 Sixth Form / College pupils**

A separate policy exists for sixth form and college pupils and can be obtained on the Council's website.

## **5. What if your child has been permanently excluded from school?**

Children who are permanently excluded from school, will be provided with transport to whichever school the child is admitted following the permanent exclusion, if they live beyond the statutory walking distance (see section 2.3).

### **5.1 Exceptions to the guidelines**

From time to time you may experience a change in your family circumstances, which may mean that you are unable to secure your child's attendance at school. This change in circumstances may be permanent or temporary in nature. If you feel that you may require transport assistance you should contact the passenger transport team on 01628 796666.

Usually such applications will be referred to the Council's Appeals Panel for determination.

## **6. Frequently Asked Questions**

### **6.1 How are the walking distances measured?**

'Walking distance' is measured by the shortest available route that the child could reasonably be expected to take in view of their age. Normally, such a route would have a prepared surface (such as tarmac) and there will be a public right of way over it. A route will normally only be 'available' if it can be used throughout the academic year. The Council normally anticipates that a child could be accompanied by a responsible adult.

In relation to a child under the age of 8 years old 'walking distance' means 2 miles; and in relation to a child aged 8 or more 'walking distance' means 3 miles. The 2 and 3 mile distances are referred to as the 'statutory walking distances'. Separate distances apply to children who belong to a low-income family (see section 2.7).

The walking distance is measured by the nearest available walking route. This will be measured with reference to the age of the pupil and the nature of the route, which s/he could reasonably be expected to take.

The Council relies on a computer system to measure the nearest available walking route. If there are any disputes about the distance then an

independent qualified and/or experienced officer will physically measure the route using a pedometer.

The nearest available walking route is measured taking into account the safety of the route. If the safety of the route is contested, its status will be determined in accordance with the Road Safety Officers' Association "Guidelines for the Identification of Hazards and the Assessment of Risk and the Safety of Walked Routes to School" (March 2002).

## **6.2 What is an academic year?**

The academic year is deemed to commence on 1 September in any given year and cease on the 31 August in the following calendar year.

## **6.3 Where is the child's home address?**

For the purposes of home to school transport the home address will be deemed to be where the child predominantly resides, normally with someone who holds parental responsibility. The Council may ask for proof of residence to confirm that a child and/or their family is resident at a specified address. The following will suffice as proof:-

- Child Benefit Book
- Registration on the Electoral Roll
- Utility Bills
- Bank Statements
- Driving License
- Mortgage or Rent account details

This list of documents above is not exclusive and the Council may ask your permission to access other Council information, for example Council Tax or Housing Benefit records.

The Council may also require you to complete a formal statement to certify your home address. Should this prove to be necessary, you will be provided with more information at the appropriate time.

This definition will also be relied upon to determine eligibility post 16 transport with respect to a student home address.

## **6.4 What is a denominational school?**

A denominational school is one that has a religious character in its ethos and teachings. Denominational schools enable children from a particular faith to

attend a school that complies with parent(s) religious adherence. Denominational schools may also have their own admission policies.

For more information about which school is your nearest suitable school or your nearest denominational school please contact the passenger transport team on 01628 796666.

#### **6.5 What happens when my child becomes 8 years of age during the course of an academic year?**

A child achieving the age of 8 years within the course of an academic year will be deemed to be less than 8 years of age for the rest of the academic year. The child will therefore continue to receive free home to school transport even if the child lives less than 3 miles from the school, for the rest of the academic year.

#### **6.6 What about parental preference?**

Under the Education Act 1996, parents have the right to express a preference for the school they wish their child to attend and for the child to be educated in accordance with the parents' wishes.

When a parent expresses a preference for a school that is not their nearest suitable school, or not one of their 3 nearest suitable schools for those aged over 11 and on a low income (see section 2.7), free home to school transport will not be provided and parents must make their own transport arrangements to secure their child's attendance at school. There can be exceptions to this, please see Section 2 for details.

#### **6.7 What are 'Concessionary Seats'?**

Concessionary seats are empty seats on mainstream home to school transport arrangements already provided by the Council. Concessionary seats cannot be provided on local public transport, or on transport provided for children with special needs. Concessionary seats can be made available to children who would not normally be eligible for free home to school transport on transport arranged by the Council. Concessionary seats are therefore subject to availability.

In allocating Concessionary seats younger children will be considered first.

The Concessionary seats are provided at a set price and you will be requested to complete a simple contract. The Council reserves the right to

withdraw the Concessionary seat giving a maximum of two weeks' notice. This may occur during term time. If the Concessionary seat is withdrawn you will be required to make your own arrangements for your child to attend school.

Children allocated Concessionary seats will be expected to use existing stops and routes unless amendments can be made without further cost to the Council.

#### **6.8 What happens if you move house during the academic year?**

Free home to school transport will not normally be provided to a child who moves to an address closer to another suitable school. However, consideration will be given to extenuating circumstances for example, to cases where children are completing final exams. Any assistance would normally be limited to the provision of a public transport season ticket between home and the school.

#### **6.9 What about sibling children?**

Sibling children will ordinarily attend the same school as their older brother or sister. Whether younger children are entitled to free home to school transport will remain dependant upon whether they meet the criteria set out in section 2.1 or if they fall within one of the exceptions. For example, if the sibling has a statement of special educational needs then they may well be provided with transport whilst other siblings may well be expected to walk to school (if the school is within the statutory walking distance).

If you are unsure about whether sibling children are eligible for home to school transport, please call the Passenger Transport Team on 01628 796666.

#### **6.10 What if you want your child to attend a Grammar School?**

Where there is another suitable school that is nearer, but the parents decide to send the child to a further away grammar school, free travel will not be provided.

#### **6.11 What if you want your child to attend a Single Sex/Co-Educational School?**

Please refer to the information given in sections 4.1 and 6.4

### **7. Appeal Procedure**

If you are unhappy with any decision made by the Council officers with respect to your application for free home to school transport or assistance

with home to school transport then you have the right of appeal. This is not a statutory right of appeal.

The right of appeal is to the Council's Appeal Panel this consists of three Members of the Council. The Panel will consider both oral and/or written representations from parents and officers of the Council.

If you wish to appeal you should contact the Clerk to the Panel on 01628 796028.

You also have the right to judicially review the decision made by the Appeal Panel. If you wish to consider this in more detail you should seek independent legal advice immediately.

If you wish to complain about how the Council has handled your application then you can use the Council's complaints procedure, which means that cases are investigated by the Chief Executive. The application form to commence this complaint procedure can be obtained from either:

Reception at Town Hall, St Ives Road, Maidenhead, SL6 1RF           or  
Reception at York House, Sheet Street, Windsor, SL4 1DD           or  
by calling Maidenhead 01628 798888.

If you are still unhappy with the Council's services following completion of the Chief Executive's complaint procedure then you can complain to the Local Government Ombudsman. The Ombudsman can be contacted at:

Local Government Ombudsman  
Millbank Tower  
Milbank  
London  
SW1P 4QP

Tel No: 020 7217 4620