

APPEALS COMMITTEE (SERVICE ISSUES)

THURSDAY 10 NOVEMBER 2011

6.30 PM

Bourges/Viersen Room - Town Hall

AGENDA

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Committee Members:

Councillors: North, Casey and J R Fox

Associate Members:

Councillors: Holdich, Khan, Kreling, Saltmarsh, Swift and Winslade

Further information about this meeting can be obtained from Gemma George on telephone 01733452268 or by email – gemma.george@peterborough.gov.uk

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| APPEALS COMMITTEE (SERVICE ISSUES) | AGENDA ITEM No. 3 |
| 10 NOVEMBER 2011 | PUBLIC REPORT |

| | | |
|--------------------------------|---|-------------|
| Cabinet Member(s) responsible: | Councillor Holdich; Cabinet Member for Education, Skills & University | |
| Contact Officer(s): | Jonathan Lewis; Assistant Director Education & Resources | Tel. 863912 |

REVIEW OF SCHOOL TRANSPORT PROCESSES AND APPEALS

| R E C O M M E N D A T I O N S | |
|--|---------------------------|
| FROM : <i>Head of Legal Services</i> | Deadline date: N/A |
| The Committee is requested: | |
| <ol style="list-style-type: none"> 1. To note the contents of the report; 2. To consider whether there are any recommended service improvements to the transport appeals process; and 3. To consider the terms of reference (Appendix A) and standing orders relating to the Appeals Committee. | |

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Appeals Committee (Service Issues) to outline the processes for approval of school transport applications and appeals and to consider whether the Committee would like to consider any amendment to current procedures.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The Appeals Committee (Service Issues) meets primarily to consider school transport matters, primarily to hear appeals against a refusal of free school transport. As the Committee is meeting to discuss proposed revisions to the School Transport Policy it is considered timely to review the procedures by which Peterborough City Council undertakes delivery of the appeals process under its school transport policy. Should this Committee decide on any changes to process or procedures it must consider the impact upon the proposed School Transport Policy currently out to consultation and whether the policy ought to be amended.
- 2.2 This report is for the Committee to consider under its terms of reference 2.1.2 *“To review appeals procedures for the Council’s various services (excluding employee procedures, which are the responsibility of the Appeals and Employment Committee, and appeals procedures which are determined by statute) and, where change is recommended, formulate proposals to the Executive.”*
- 2.3 The Committee may also wish to consider its own terms of reference and the standing orders relating to this Committee as these matters have not been reviewed by the Committee for some time.

3. SCHOOL TRANSPORT APPEAL PROCEDURE

- 3.1 Under the Education Act 1996 there is a requirement to provide free school transport for certain children who do not live within walking distance to the nearest suitable school or to certain children of low income families. These pupils are automatically eligible for free school transport.

- 3.2 The Act also allows the Council to exercise some discretion about other children, not automatically eligible, who might qualify for free or subsidised school transport. These discretions are encapsulated in the school transport policy.
- 3.2 When an application is made for school transport assistance the policy is applied by officers in order to decide if the pupil qualifies for free or subsidised assistance. Where no right exists and the application is refused the parent has a right of appeal to the Appeals Committee (Service Issues) which is more commonly referred to as the Transport Appeals Panel.

The status of the Committee/Panel

- 3.3 The Committee operates in the same way as any other regulatory committee of the Council, however regular meetings of the Committee are not identified in the civic calendar as the Committee tends only to be convened once a parent has appealed against refusal of school transport assistance.
- 3.4 Under the Council's Standing Orders the Committee is quorate when 3 members are present. Currently there are only 3 core members assigned to this Committee however the terms of reference permit any member of the Council, with suitable training, to attend the Committee meeting to determine the appeal. This duty has tended to fall to a small number of trained Councillors whose services are continually called upon to ensure the Committee is quorate.
- 3.5 The Committee should therefore consider whether it may be necessary to increase the core membership of the Committee to ensure that there are always sufficient members to attend an appeal hearing or whether a request is made to train more members within the wider council to assist with the work of the Committee.
- 3.6 Other appeal committees of the Council (Standards Sub-Committees, Licensing Sub-Committee and Employment Appeals Committee) either operate in one of two ways: (1) by listing provisional meetings in the civic calendar which are then used to list appeal hearings or (2) by convening a meeting of the appeal panel upon request. The distinct advantage in the first option is that members have set dates in their diary and can ensure that where officers are drawing upon a limited pool of members for the appeal they are always available. It is recommended that if the core membership of the Committee is not increased that listing of provisional dates would ensure availability for an appeal hearing.
- 3.7 The Committee is also asked to consider whether an appropriate programme of training is required in order to ensure both existing and current members attending transport appeal hearings are fully supported in their role.

Requirement to hold appeal hearings

- 3.8 Statutory guidance governs the school transport appeals process. This is the "*Home to school travel and transport guidance*" published in 2007 which states that

"Local authorities should have in place a robust appeals procedure for parents to follow should they have cause for complaint or disagreement concerning the eligibility of their child for travel support. The details of appeals procedures should be published alongside travel policy statements."

- 3.8 Members will note from this guidance that the requirement to have an appeals process in place does require an appeals process to be in place there is some discretion for the local authority to decide the manner in which transport appeals are carried out. Officers have already considered whether the appeals could be heard by an independent panel, similar to the school admissions process, however this is not possible as there is no statutory authority to delegate this decision making function to an independent body.

- 3.9 A survey of other authorities has revealed that there is no single method of dealing with school transport appeals. In some authorities the first appeal is to an officer and from there to a Committee. In other authorities the appeals are dealt with entirely at officer level although escalated to a more senior officer at a second stage and finally, in some authorities, such as Peterborough City Council, the appeal is directly to a Committee from officer refusal.
- 3.10 Members will note that under the transport policy currently out to consultation, there is a proposed change to the existing policy which will build in a filter ensuring that only appeals which demonstrate exceptional reasons why the policy ought not to be applied will be brought before the Committee. This is to ensure that the policy complies with general principles of law ensuring that the policy is applied consistently to all applications with exceptions being permitted on justifiable grounds.
- 3.11 As the proposed policy is out to consultation members may wish to consider whether they wish to recommend a more radical approach to the appeals process and comments are invited from the Committee on whether they consider the proposals to be appropriate for this Council. Any recommendations to change the process would be subject to ratification by Cabinet or under a Cabinet member decision notice.

Improvements to the appeals process

- 3.12 Officers have been considering other more general improvements to the transport appeals process. These include an information leaflet to parents about the process which would give examples of 'exceptional reasons' to assist in understanding the process, providing a checklist for the appeals panel when evaluating appeals and a general guidance note to members who may be asked about school transport matters in their surgeries. Members are asked to note these matters and suggest any further improvements for officers to undertake.

4. CONSULTATION

- 4.1 This report has been the subject of officer consultation between the various teams involved in the school transport process.

5. ANTICIPATED OUTCOMES

- 5.1 Members are asked to consider whether consideration of the issues in this report may impact upon the proposed school transport policy currently out to consultation

6. REASONS FOR RECOMMENDATIONS

- 6.1 These recommendations are made to raise awareness of the work of the Appeals Committee (Service Issues) and to consider whether any changes to process would assist with service improvement.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 This report is intended to be discursive and alternative options are considered within this report.

8. IMPLICATIONS

- 8.1 There are no legal or financial implications which are not addressed in this report

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

"Home to school travel and transport guidance" 2007 Dfes publications

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APPENDIX A

Section 2 – Regulatory Committee Functions

Introduction

These regulatory functions consist of:

- functions which the Executive may not in law exercise, and
- 'local choice' functions where Council has decided that they shall not be exercised by the Executive.

The Council has delegated to every Committee full powers to act in all matters covered by the Committee's terms of reference subject to:

- (a) the provisions of any financial or procedural rules for the time being in force as set out in this constitution, except where such rule has been specifically waived by resolution of the Council;
- (b) prior Council approval to recommendations for the allocation of duties or powers;
- (c) the right of Council to call for a report on any committee decision;
- (d) the right of Council to exercise the powers which have been delegated, when necessary.

Each Committee may appoint, and delegate any of its powers to, sub-committees and officers and may also authorise an officer, after consultation with the chairman of the Committee, to take other decisions on specific urgent matters falling within its own terms of reference. Each Committee may, from time to time, amend or vary the delegation of its powers to sub-committees and officers.

Every Committee shall have the power to undertake its functions for other local authorities,

Any sub-Committee established by a Committee must refer back to the Committee for decision any matters which the committee reserves to itself, and must submit to it the minutes of all the sub-committee's meetings.

Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.

2.1 Appeals Committee (Service Issues)

2.1.1 Terms of reference

2.1.2 To review appeals procedures for the Council's various services (excluding employee procedures, which are the responsibility of the Appeals and Employment Committee, and appeals procedures which are determined by statute) and, where change is recommended, formulate proposals to the Executive.

2.1.3 To hear and determine appeals about all the Council's services, other than employee appeals and those for which there are separate, statutory appeals procedures. For this purpose, officers may draw upon members with training relevant to the subject matter of the appeal in order to ensure sufficient members are available to conduct the hearing, and to avoid involving any member who was involved in the original decision which is the subject of the appeal.

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| APPEALS COMMITTEE (SERVICE ISSUES) | AGENDA ITEM No. 4 |
| 10 NOVEMBER 2011 | PUBLIC REPORT |

| | | |
|--------------------------------|--|--------------------------------|
| Cabinet Member(s) responsible: | Cllr John Holdich, Education, Skills and University | |
| Contact Officer(s): | Jon Lewis, Assistant Director Children Services, Education & Resources Email: jonathan.lewis@peterborough.gov.uk Isabel Clark, Head of Assets and School Place Planning Email: isabel.clark@peterborough.gov.uk | Tel: 863912 Tel: 863914 |

CONSULTATION ON CHANGES TO THE PETERBOROUGH TRANSPORT POLICY FOR PUPILS AGED 4-16

| R E C O M M E N D A T I O N S | |
|---|---|
| FROM : Assistant Director Children Services, Education & Resources | Deadline date : 11 November 2011 |
| The Committee is requested: | |
| <ol style="list-style-type: none"> 1. To note the attached Draft Peterborough Transport Policy for Pupils Aged 4–16 Years (Appendix A) currently out to consultation and proposed to be introduced in September 2012; 2. To note the main changes to the Policy, those being: <ol style="list-style-type: none"> i) The removal of denominational transport (paragraph 3.8 of the Policy); ii) The introduction of a mileage rate paid to parents (paragraph 13.1 of the Policy); iii) The mechanism for appealing against a decision made in relation to this policy (paragraph 20.1 of the Policy); and iv) The change in walking distance for pupils aged 8 to 11, rising from 2 miles to 3 miles (paragraph 3.1 of the Policy); 3. To make any recommendations, to be considered by the Cabinet Member for Education, Skills and University, prior to a decision being taken on the proposed changes to the Policy; and 4. To note that no changes are proposed that will affect ‘low income families’ who will still receive assistance with transport where applicable (paragraph (3.6) of the Policy). | |

1. ORIGIN OF REPORT

1.1 This report is submitted to the Appeals Committee (Service Issues) as part of the consultation exercise for the proposed changes to the Peterborough Transport Policy for pupils aged 4-16 years.

2. PURPOSE AND REASON FOR REPORT

2.1 This report is submitted to the Appeals Committee (Service Issues) in order to highlight the proposed changes to the Peterborough Transport Policy for pupils aged 4-16 years.

2.2 The report is also submitted to enable the Appeals Committee to note the proposed changes and to make any recommendations to the Cabinet Member for Education, Skills and University prior to a decision being taken on the proposed changes to the Policy.

2.2 This report is for the Committee to consider under its Terms of Reference 2.1.2 “to review appeals procedures for the Council’s various services (excluding employee procedures,

which are the responsibility of the Appeals and Employment Committee, and appeals procedures which are determined by statute) and, where change is recommended, formulate proposals to the Executive”.

3. **TIMESCALE**

| | | | |
|---|-----------|---|--|
| Is this a Major Policy Item/Statutory Plan? | NO | If Yes, date for relevant Cabinet Meeting | |
|---|-----------|---|--|

4. **CHANGES TO THE PETERBOROUGH TRANSPORT POLICY FOR PUPILS AGED 4 – 16 YEARS**

4.1 The existing policy for school transport for pupils aged 4-16 years is due for revision.

4.2 This policy has been updated to reflect the guidance in the following documents:

- i) The Home to School Travel and Transport Guidance – Department for Education and Skills (2007);
- ii) Peterborough City Council’s (PCCs) Medium Term Financial Plan Proposals Document from Cabinet (November 2010);
- iii) Peterborough’s Long Term Transport Strategy (LTTS) (2011 to 2026);
- iv) The Peterborough Local Transport Plan 3 (LTP3) (2011 to 2016) – especially:
 - Section 15: Dependencies
 - Section 16. Key Risks;
- v) Dept of Education: A guide to the law for school governors: Home to school travel and transport;
- vi) The Education Act 1996; and
- vii) The Education and Inspections Act 2006: Section 77

4.3 The main changes relate to:

4.3.1 **The removal of denominational transport.** In line with the vast majority of other Local Authorities and in accordance with PCCs Medium Term Financial Plan, it is proposed to withdraw all transport for pupils attending Faith Schools on religious grounds. Transport was withdrawn for all new pupils from September 2010, so this refers only to those who continue to access denominational transport. Please note that no changes are proposed that will affect ‘low income families’ who will still receive assistance with transport (3.6).

4.3.2 **The introduction of a mileage rate paid to parents.** The current policy refers to parental mileage being paid, but does not stipulate a rate; the rate proposed is 0.40p per mile.

4.3.3 **The mechanism for appealing against a decision made in relation to this policy.** In order to regulate the increasing number of those requesting an appeal based on nothing more than being refused transport under the policy, it is suggested that Officers review first the claim. If exceptional circumstances are stated in their appeal form, these cases will be referred on to an Appeals Panel. If exceptional circumstances are not stated the appeal will be referred back to the parents explaining why the matter does not qualify for an appeal hearing.

4.3.4 **The change in walking distance for pupils aged 8 to 11, rising from 2 miles to 3 miles.** In line with Government recommendations, it is proposed to raise the home to school walking distance for pupils aged 8 – 11 years to 3 miles. The current distance for all Primary School children is 2 miles.

5. CONSULTATION

- 5.1 Consultation has been widespread. Copies of the proposed policy were sent to all schools, all Councillors and any other interested parties. It was widely publicised and is on the PCC website. The consultation began on 26 September 2011 and ends on 13 November 2011.
- 5.2 Responses have been minimal so far. Only 4 responses have been received. Three of those raised questions and the fourth was against the withdrawal of denominational transport.

6. ANTICIPATED OUTCOMES

- 6.1 It is hoped that Members agree to note the proposals being made or, after debating the issue, offer any alternatives.

7. REASONS FOR RECOMMENDATIONS

- 7.1 This will bring this Council's policy in line with the majority of other Local Authorities and with Government recommendations. There is also a cost saving in 3 of the 4 proposals.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 We could leave the policy as is, but this leaves us with an unspecified mileage rate for parents and leaves this authority out of step with others, including our immediate neighbours, and government guidelines.

9. IMPLICATIONS

Financial

- 9.1 The changes to the Policy will enable the Council to continue to provide an efficient service to support those most in need and also to realise cost savings across three of the four proposals.

Legal

- 9.2 That Peterborough City Council will continue to fulfil its requirement in respect of the Education Act 1996 in that there is a requirement to provide free school transport for certain children who do not live within walking distance to the nearest suitable school or to certain children of low income families. These pupils are automatically eligible for free school transport.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- i) Home to School Travel and Transport Guidance – Department for Education and Skills (2007)
<https://www.education.gov.uk/publications/standard/publicationdetail/page1/DFES-00373-2007>
- ii) PCC's Medium Term Financial Plan Proposals Document from Cabinet (November 2010) <http://www.peterborough.gov.uk/pdf/Councilanddemocracy-ourfinances-statementofaccounts-mediumtermfinancialplan2010-2011-2014-2015.pdf>
- iii) Peterborough's Long Term Transport Strategy (LTTS) (2011 to 2026)
<http://www.peterborough.gov.uk/pdf/traffic-strategic-transportpolicy-ltp3-Section7.pdf>
- iv) Peterborough Local Transport Plan 3 (LTP3) (2011 to 2016) – especially:
 - Section 15: Dependencies
 - Section 16. Key Riskshttp://www.peterborough.gov.uk/traffic_travel_and_parking/strategies_policies_and_plans/transport_planning/ltp3/ltp3_doc.aspx

- v) Dept of Education: A guide to the law for school governors: Home to school travel and transport www.education.gov.uk/schools/leadership/governance/guidetothelaw
- vi) Education Act 1996 <http://www.legislation.gov.uk/ukpga/1996/56/section/509A>
- vii) Education and Inspections Act 2006: Section 77
<http://www.legislation.gov.uk/ukpga/2006/40/section/77>

Peterborough Transport Policy For pupils aged 4 to 16 years

Effective from September 2012 Final version

**Children's Services Department
Bayard Place
Broadway
Peterborough
PE1 1FB**

Agreed by Adrian Loades - Director Children's Services

Published September 2011

**Author: Rowena Sampson, Transport Officer, Education and Resources,
Children's Transport**

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1. Introduction

Parents and carers have a duty to ensure that their children attend school and to make any necessary transport arrangements, including accompanying them where necessary on their journey to and from school. Parents and carers are responsible for their children until they are received onto the school premises and after they leave the school premises at the end of the school day.

Peterborough City Council will exercise its responsibilities as a corporate parent for those children who are in its care and provide transport in accordance with agreed policy and procedures.

This policy has been updated to reflect the guidance in the following documents:

- Home to School Travel and Transport Guidance – Department for Education and Skills (2007)
<https://www.education.gov.uk/publications/standard/publicationdetail/page1/DFES-00373-2007>
- The city council's Medium Term Financial Plan Proposals document from Cabinet (November 2010) <http://www.peterborough.gov.uk/pdf/Councilanddemocracy-ourfinances-statementofaccounts-mediumtermfinancialplan2010-2011-2014-2015.pdf>
- Peterborough's Long-term Transport Strategy (LTTS) (2011 to 2026)
<http://www.peterborough.gov.uk/pdf/traffic-strategic-transportpolicy-ltp3-Section7.pdf>
- Peterborough Local Transport Plan 3 (LTP3) (2011 to 2016) – especially: Section 15 - Dependencies and Section 16 - Key Risks:
http://www.peterborough.gov.uk/traffic_travel_and_parking/strategies_policies_and_plans/transport_planning/ltp3/ltp3_doc.aspx
- Department of Education: A guide to the law for school governors: Home to school travel and transport
www.education.gov.uk/schools/leadership/governance/guidetothelaw
- Education Act 1996 <http://www.legislation.gov.uk/ukpga/1996/56/section/509A>
- Education and Inspections Act 2006: Section 77
<http://www.legislation.gov.uk/ukpga/2006/40/section/77>

Please note:

This policy is written and prepared based on information available at the time and in good faith. There may be other factors e.g. legal, which may be introduced after this policy has been written and published of which the city council weren't currently aware of. This may influence and affect future policy statements.

2. Vision

Underpinning the priorities of Peterborough's LTTS and LTP3, the city council will encourage children to walk, cycle, or travel by bus to school for their health, education and social development. The city council aims to reduce the number of school journeys by car, which add to traffic congestion, pollution and danger for those children walking or cycling to school.

This is by implementing smarter choices measures, as detailed in the LTP3 and increasing the use of sustainable travel.

3. Entitlement for transport for pupils aged 4 to 16 at mainstream schools

This policy applies to all schools maintained by the city council including community, voluntary aided, foundation schools and academies.

This is inline with central government guidelines - Home to School Travel and Transport Guidance (section 47 - Statutory Walking Distance) Department for Education and Skills (2007) <https://www.education.gov.uk/publications/standard/publicationdetail/page1/DFES-00373-2007>

3.1 Primary

The city council will provide free transport for a pupil if:

He or she lives within the boundaries of Peterborough Unitary Authority (e.g.. the family's Council Tax is paid to the city council)

As well as:

The nearest suitable school (at which the pupil is registered) is not within walking distance of home e.g.:

- More than two miles for primary pupils up to and including year 3 (age 8)
- Three miles for primary pupils in Years 4, 5 and 6 (ages 8 to 11)

Primary school children from low income families qualify for free school transport if they:

- Are aged 8 to 11 years
- Go to their nearest suitable school and live more than two miles away from school

For definition of low income families see section 3.6 and appendix 2.2

3.2 Secondary:

The city council will provide free transport for a pupil if he or she lives within the boundaries of Peterborough Unitary Authority.

The pupil will have to meet one of the following:

- The nearest suitable school (at which the pupil is registered) is not within walking distance of home e.g. more than three miles for secondary pupils

- Where the pupil lives further than the maximum distances referred to above and is registered at the designated school (as designated by the city council for transport purposes) measured by the shortest available walking route
- Where the school attended is not the nearest suitable school or the designated school (as designated by the city council for transport purposes) for the pupil's home address and is further than the qualifying walking distances and the Admissions Team can confirm that at the time of transferring to the school there were no available places at the designated school or at any school nearer to the pupil's home

Secondary-aged pupils from low income families qualify for free school transport if they:

- Attend one of three nearest suitable schools which are more than two miles and less than six miles (measured by the shortest available walking route) from the home address
- Attend the nearest school chosen on the grounds of religion or belief and the school is between three and fifteen miles away from their home address

(Definition of low income groups – see section 3.6 and appendix 2.2)

Please note

- The normal arrangements for home to school transport provide for a return journey to and from school at the beginning and end of each statutory school day. For journeys on public transport, there may be a restriction on the hours of use of tickets
- Assistance with transport will only be given from and to the nearest pick-up point for public or other transport
- Parents/carers are responsible for ensuring their child's/children's safety to a bus pick-up point including, where necessary, the crossing of any roads
- The maximum distance pupils will be expected to make their own way to a pick-up point is one mile, unless determined otherwise by Children's Services
- Wherever possible, transport assistance is provided through the issue of bus passes on public transport or other contracted routes
- If a child lives half the week with one parent and half with the other, the city council may provide transport to both homes, provided that the child is eligible. If one of the homes is situated in such a place that means there is no entitlement to transport then there is no duty for the city council to make arrangements for that home
- If the custody of the child is not equally shared by both parents, entitlement will be assessed according to the permanent residential address for where child benefit is claimed

3.3 Statutory and standard school days

Support for transport will be considered by the city council for:

- Statutory school days (normally 190 days per annum) not including any additional learning provision provided during school holidays
- Standard school times, not including extra curricula activities before or after the normal school day e.g. the provision of breakfast clubs, additional learning provision, early starts or late finishes for school trips or after school clubs/societies

3.4 Parental choice

Where parents choose to send their child to a school which is neither the nearest suitable school to the family home nor the designated school, parents are responsible for home to school transport arrangements including the costs.

3.5 Permanent family move including those who move home whilst in Years 10 and 11 (continuity of education)

Where families permanently relocate, free transport or assistance with transport costs will be provided from the new home (parental or foster) to the existing school if the pupil meets all of the following criteria on the date of the family relocation:

- The pupil is undertaking public examination courses in Year 10 and 11
- The pupil and his/her family have not elected or chosen to move, but have been moved by another agency (e.g. housing association), because of circumstances beyond their control
- The new home is within the city council boundary
- That the pupil and his/her family have moved to their new home after the first term where the pupil is in Year 10
- The school attended was the designated nearest suitable school with space available at the time of admission to the family/foster home before the move
- The new home to school distance is greater than three miles and the journey on existing transport does not exceed 75 minutes each way (see 3.4.1)

Please note that provision will be made only until the end of the course.

3.6. Low income families

Primary school children (aged 8 to 11 years) from low income families qualify for free home to school transport if they:

- Go to their nearest suitable school and live more than three miles away from school

Secondary school pupils (aged 11 to 16 years) from low income families are entitled to free home to school transport if they go to:

- A suitable school between three and six miles away from their home address, as long as there are not up to three suitable schools nearer to home

Or

The nearest school chosen on the grounds of religion or belief and the school is between three and fifteen miles away from their home address

3.7. Children of disabled parents

In some circumstances the city council will provide transport support where a parent/carer is unable to accompany their child to school because of their disability. Applications should be made to the Transport Officer, Children's Services. Decisions will be made on an individual basis by the medical panel (see section 20) of representatives from within the city council and the Health Authority as appropriate.

3.8 Denominational transport

From September 2012, parents will be required to make arrangements for their children to reach the following denominational schools:

- Sacred Heart Roman Catholic Primary School – Bretton
- St Thomas More Catholic Primary School - Park Lane, Eastfield
- The King's School - Park Road
- St John Fisher Catholic High School - Park Lane, Eastfield

However, secondary aged pupils whose families are deemed 'low income families' may still qualify for support under the provision within this transport policy (see section 3.6, appendix 2.2).

3.9 Pupils not attending their designated or nearest suitable school or for low income groups one of the nearest three suitable schools

For pupils who have been attending the designated or nearest suitable school and who are withdrawn by their parents/carers from that school, assistance with transport to an alternative school will not be provided by the city council.

This includes pupils whose parents/carers have agreed to transfer to another school for specific courses e.g. Football CV Academy at Nene Park Academy.

4. Discretionary seats for non-eligible pupils

In certain cases, pupils who are not eligible for assistance with travel under the terms of this policy as stated above, may be able to purchase a spare seat on existing transport services contracted by the city council only (e.g. **not** on public transport). These arrangements can only be agreed when advanced payment is received on a termly or half termly basis. Seats are not available on transport provided by public transport operators. A parental contribution will be required, which is subject to annual review

- Passes for discretionary 'spare seat' transport are issued - subject to availability - strictly on a 'first come - first served' basis and the city council cannot guarantee to give advance warning if seats are no longer available at the start of each term
- The issue of a bus pass for a term or half term does not guarantee the issue of subsequent passes
- It is the responsibility of the pupil's parent/carer to remember to pay in advance each term for discretionary passes
- Applications may take up to ten working days to process and pupils may not board the bus until the pass is received
- Discretionary transport is not available on all transport services contracted by the city council
- The route and timetable of an existing transport contract will not be adapted to accommodate any applications for discretionary transport
- The city council may alter, withdraw or amalgamate a transport service at short notice without reference to the pupils travelling on that service who have discretionary passes. Under these circumstances alternative transport will not be provided for pupils who are not eligible for transport assistance
- The offer of a seat may be withdrawn in the event of any serious misbehaviour on the part of the pupil concerned (see section 12)

5 Pupils who have been permanently excluded or are at risk of exclusion: Mainstream

In accordance with the Fair Access Protocol, only where a pupil has been permanently excluded from school or is at risk of exclusion, city council officers will involve the pupil's parents in making transport arrangements for continuing the pupil's education.

Transport arrangements for pupils placed under the protocol will fall under the provision for 'exceptional circumstances' which allows the city council some discretion in the provision of transport.

City council officers will ensure they consider a school or educational provision, where a place is available, which is closer to the pupil's home, since the city council will not normally pay for transport to a more distant school. However, the identified schools or educational provision may not be the nearest establishment in all cases.

6. Pupils in difficulty within school: Mainstream

In exceptional circumstances and subject always to prior discussion and agreement with the head teacher and the relevant officer within Children's Services, transport to an alternative school or educational provision **may** be provided. This very limited discretion will only be exercised where it is clear that:

- All reasonable efforts to resolve the difficulty within school have been exhausted
- Parents are in full support of the move
- Transfer of school or educational provision is clearly in the best interest of the pupil concerned and the pupil is not responsible to a significant extent for the difficulties being experienced

7. Emergency circumstances: Mainstream

The city council recognises that exceptional emergency situations may arise that are not covered by this policy. These will be reviewed on receipt of an application detailing all aspects of the emergency and the city council will make the decision whether to grant home to school transport.

8 Pupils with Special Educational Needs (SEN)

8.1 General statement

Some pupils have complex and profound needs that can only be met by attending a special school or Enhanced Resource Placement (ERP). Only the following groups of children/pupils may be considered eligible for the costs of transport from the Additional Learning Needs transport budget.

- Pupils with a Statement of Special Educational Needs (SEN)
- Pupils attending an Enhanced Resource or Autism Unit
- Pupils undergoing assessment in a Special School

Please note: not all children with SEN statements require special transport arrangements. Pupils with a SEN statement should be transported to school in a manner that assists their readiness to engage in learning on their arrival at school and ensures both their comfort and safety.

Wherever possible, children with SEN statements **who do require transport** should be treated in the same way as those pupils without e.g.. in general they should walk or cycle to school, travel on public transport. They should be encouraged to develop independent travel skills which should be assessed as part of the annual review process.

The city council has a duty to transport eligible pupils to and from their main place of residence to their appropriate educational placement to allow attendance during normal school hours.

The city council will review the possibility of engaging through 'Invest to Save' – independent travel training support for pupils. This would benefit those pupils by enabling them to travel independently from home to school or college which would give them the confidence in future to travel independently. It could also help provide, in the longer term, cost savings for the city council with reduced outgoings.

Transport by taxi will only be permitted where it can be clearly demonstrated that the pupil cannot walk or cycle to school or travel by public transport. To ensure all pupils who receive transport meet the criteria and that the most appropriate mode of transport is arranged, a transport review form must be completed by a school on every occasion where a child has an annual review, or when a child transfers to a new school, or is new to the Peterborough area.

The provision of transport, once agreed, will be written into part six of the statement. The provision is then subject to annual review alongside all other elements of provision in the statement. The transport review form must be posted or given to the SEN Transport Manager or given to the SEN Officer if in attendance at the review.

Transport will not be provided for:

- Parents or children to attend extra school activities e.g. school plays, sports days or parent evenings
- Children to attend doctor or dental appointments, as these should be arranged out of school hours
- Pupils to attend breakfast clubs, after school clubs or out of school activities

Transport may be provided:

To take children to or from an immediate family member or childminder provided all of the following conditions are met:

- The childminder is officially registered as a childminder
- The childminder possesses current Criminal Records Bureau (CRB) clearance.
- No additional cost will be incurred by the city council in diverting the taxi to or from an alternative family member or the childminder
- The diversion of the transport to the alternative family member or childminder does not impact on the journey time of other travelling pupils by more than 15 minutes per single journey and as long as the total journey time does not exceed 45 minutes

Parents are responsible for providing evidence of childminder registration and CRB accreditation which must be sent to the SEN Transport Officer. Transport will not be approved until evidence of childminder registration and CRB accreditation is received.

Where a child is being returned to the family home but an immediate family member will not be available to take responsibility for the child, then the family are to send a letter to the SEN Transport Officer giving authorisation to a neighbour or friend to receive the child.

If a pupil had a statement of SEN up to the age of 16, they are classed as de-statemented if they elect to attend a further education college. If they previously received transport assistance in their statement it may be possible for transport to continue to be provided to the nearest appropriate centre. Application should be made to the Transport Officer, Children's Services, Peterborough City Council.

8.2 Pre school pupils

Where a pre-school pupil has a Statement of SEN the pupil's Assessment and Review Officer will identify the nearest most appropriate educational provision to meet the pupil's needs. Transport will only be provided to that provision or the nearest suitable alternative provision where the nearest suitable provision has no places available. Transport to provision not meeting the criteria above will not be provided by the city council.

Transport to pre-school placements for pupils without a Statement of SEN will not be funded by the Additional Learning Needs Team.

8.3 SEN pupils attending out of city placements

Parents/carers are responsible for the transport and costs for visits to prospective schools. In exceptional circumstances, it may be necessary to place pupils with complex and severe needs in out of city schools or residential care homes, either maintained by another local authority or independent or non-maintained special schools. These circumstances would occur where appropriate provision to meet the needs of a pupil as specified in their statement of SEN is not available within the Peterborough City Council area. Such pupils are eligible for transport funded by the city council with travelling arrangements which will minimise the length of journey time as much as possible. However, shared transport may be applicable.

8.3.1 Special school or ERP placed pupils

May be considered if the pupil has been attending their nearest suitable school meeting the needs of the child, depending on home to school distance.

8.4 Day placements

The maximum recommended journey time for day attendance at school is 45 minutes each way for primary school age pupils and 1 hour 15 minutes each way for secondary school age pupils.

8.5 Weekly boarding placements

Transport will be provided to take pupils to school on a Sunday evening or Monday morning as directed by the school and to collect pupils to take them home at the end of the designated school week, or earlier as directed by the school for planned or unplanned early closures.

In addition transport may be authorised for the pupil to attend a specialist hospital appointment which cannot be dealt with at a local hospital near to the pupil's residential school or care home.

8.6 Termly residential placements

City council funded transport will be provided at the start and end of each term and at other school closure times e.g. half-term breaks, except at weekends.

In addition, transport may be authorised for the pupil to return home at non-statutory times to allow them to attend a specialist hospital appointment which cannot be dealt with at a local hospital near to the pupil's residential school or care home.

8.7 Permanent residential placements

Where a pupil has been placed in a 52 week residential school or care home transport will be authorised for a parent/carer of the pupil to visit the pupil at the placement, provided the parent/carer has custodial rights over the child. The city council transport provision is restricted to one visit per term.

8.8 Pupils educated at alternative educational placements

8.8.1 Pupils remaining on a school roll

A school may find on occasions that they are not able to provide the full curriculum timetable and make arrangements with another service provider to provide alternative education.

Where this occurs the school arranging the alternative education provision will be responsible for the payment of any associated transport costs for the pupil to attend that provision.

8.8.2 Pupils not on a school roll

Where pupils are not on a school roll, applications for reimbursement of the costs of appropriate travel will be assessed as part of the process by the city council as long as the alternative educational placement has been arranged by the pupil's Assessment and Review Officer and approved by a SEN panel.

8.9 Looked after children (LAC) with statements of SEN

For the purposes of home to school transport the policy for 'looked after children' is the same as for pupils for whom the city council is not the corporate parent. However in circumstances where a child's foster placement is changed the city council is sympathetic to the disruption this can cause.

8.9.1 SEN pupils in foster care

The rearrangement of transport for a pupil with a Statement of SEN will not normally be considered for pupils who are to remain at a foster address for less than six weeks. For the first six weeks of a new placement Children's Social Care will be required to fund the cost of any transport provision.

At the end of the six week period the Additional Learning Needs Team will require written confirmation from Children's Social Care that the foster placement has lasted for six weeks and is expected to continue. The cost of transport will then revert back to the Additional Learning Needs Team budget.

The city council **may** provide transport for those pupils who attend schools in Peterborough, whose parents/carers reside in Peterborough, but who are fostered and therefore living temporarily within the boundaries of other local authorities.

8.9.2 SEN pupils in respite care

Enquiries for respite care transport should be directed to the Children's Social Care Team to be assessed and reviewed on an individual basis.

8.10 Emergency transport provision

Occasions may occur where an emergency arises and the provision of transport is required on a temporary basis for children with a Statement of SEN. Where transport is authorised, evidence of the emergency which necessitated the request must be submitted within 28 days of the incident occurring. Where this evidence is not provided the city council will seek to recover any costs incurred.

Emergency transport will normally be approved for up to six weeks or half a term whichever is longer. Where this period is likely to be extended cases will be considered by the city council on an individual basis for agreement on the length of extension. Evidence will be required to support applications to extend provision. After this period the parent has to either take over the responsibility for funding transport to the original school or to apply for a place in a school local to the new address.

Where the only appropriate school is the original designated school, transport will continue until the family returns to the original family home and while the pupil continues on roll at the designated school. Transport may be provided to an alternative family address in the following circumstances:

- Where a medical practitioner determines that a pupil cannot return to their normal residence owing to illness of the pupil or a family member at the residence and to do so would place the pupil at risk of infection
- Where a competent person e.g. Social Worker or emergency services representative deems it unsafe to return the pupil to the recognised residence
- Emergency situations not covered above and in consultation with the pupils Assessment and Review Officer or Additional Learning Needs Transport Manager

8.11 Pupils undergoing assessment in special schools

Where a pupil has been identified as having significant educational needs to the extent that a mainstream placement is unlikely to meet their needs, transport to attend a special school for an assessment of need will be considered even though the child does not have a Statement of SEN.

The assessment period should not exceed two terms by which time the assessment should have been completed and a decision on whether a Statement of SEN will be taken.

Transport to the appropriate school will then be considered under existing criteria.

8.12 Pupils failing to travel on transport

When a pupil fails to utilise transport provision without justification for three consecutive days transport is to be suspended pending investigation as to cause by the pupil's SEN Transport Officer or Additional Learning Needs Manager. This will only be reinstated where an undertaking is given by the pupil and their family makes an agreement with the SEN Officer that the pupil will use the transport provision in place in the future.

If the pupil then fails to use the transport again a decision may be made to suspend that provision for the remainder of that term at the discretion of the SEN Transport Officer in consultation with the Additional Learning Needs Manager.

Where this suspension is invoked it will be the parent's responsibility to transport the pupil to their educational placement.

8.13 Audit of need

All pupils will be encouraged to use public transport as soon as possible as part of their development of independence skills.

The SEN Transport Officer and Additional Learning Needs Transport Manager will conduct a rolling audit of transport needs to identify those pupils who can travel independently and if deemed appropriate arrangements will be made to amend or cancel transport provision for those pupils.

8.14 Southfields Enhanced Resource Provision (ERP)

Pupils who are offered a place at the ERP based at Southfields Primary School may not have a Statement of SEN. A place at the unit is offered by a multi-disciplinary panel and transport will be provided for these pupils until the end of the key stage if they:

- Live more than two miles away for up to and including year 3 (age 8)
- Live more than three miles for Year 4 -age eight onwards.

If a pupil moves out of the ERP into the main school transport will continue to be provided until the end of the key stage.

8.15 Parental allowance (see parental mileage 13.1)

Parents of pupils who have a statement of SEN and who are eligible for free transport under this policy (e.g. those who live in isolated locations) may be eligible for financial assistance to transport their children themselves. This arrangement will not apply if a contractor is able to make transport provision at a lower cost.

9. Pupils with medical needs

9.1 Pupils with medical conditions

Pupils may be eligible for assistance with transport to their nearest specialist or designated school in exceptional circumstances where a medical condition seriously affects their ability to walk or cycle to school whilst the condition persists.

Applications should be made to the Transport Officer - Childrens Services. An assessment will be made by the Medical Hours Panel of Childrens Services, which includes a consultant paediatrician who is also a member of the panel. Their responsibility is to advise on the need and level of transport assistance required.

Such assistance will be at the discretion of Children's Services and may also require further verification by the consultant looking after the pupil.

9.2 Pupils with visual/hearing impairment

In exceptional circumstances pupils with a sensory condition which requires particular specialist provision which is only available at specified schools within the city council, may be eligible for assistance with transport.

Such assistance is at the discretion of Children's Services and will require verification by the consultant looking after the pupil (if relevant) or the manager of the appropriate sensory service.

10. Provision for safety factors relating to a route: Mainstream and SEN

The maximum distance pupils will be expected to travel to make their own way to a pick up point will be one mile for primary and secondary pupils, unless determined otherwise by Children's Services.

Home to school distance is measured by the shortest safe walking route from the gate or access to the pupil's home to the nearest gate/access to the school, along which a child accompanied as necessary may walk or cycle with reasonable safety. The route may include footpaths, bridleways, bridges, under passes and any other pathways.

If a parent claims that the walking/cycling route to school is unsafe, an assessment of that route will be made by the Passenger Transport Operations Team in association with the Network Management Team. All safety assessments will be made with the assumption that pupils will be accompanied by a responsible adult. Reference will be also be made to the availability of public transport and safe cycling routes.

The following factors will be considered but other factors will not be excluded if found relevant to the assessment of the safety of the walking route:

- If a public footpath separated from roads is available, it must normally be made up with a hard all weather surface e.g. tarmac, gravel etc to be acceptable as a route
- The presence of suitable refuges adjacent to a road e.g. a verge
- The volume, speed and type of traffic
- Visibility, e.g. sharp bends with a high hedgerow or bank
- The accident record of the road during times of high usage by school pupils

The safety of a walking route may also be considered if the responsible adult available to accompany a pupil to school is registered disabled (see sections 3.7, 20). An adult's disability

does not automatically preclude the ability to accompany their child to school. The route will be assessed by the city council's Passenger Transport Operations Team, if necessary with the advice of a professional working for one of the agencies representing people with the disability in question.

Entitlement to transport on safety grounds may be withdrawn immediately if there are changes to the nature, structure and the alignment of the route to school resulting in a route that is deemed to be safe.

For example if an existing route deemed unsafe due to the density of traffic use is bypassed resulting in a quantifiable change in the nature of the road hazards transport may be withdrawn if the pupil lives less than the qualifying distances (see sections 3.1, 3.2, 3.9).

11. Provision following a school closure or reorganisation – Mainstream and SEN

The city council may use its discretion to provide transport assistance for pupils affected by a school closure or by a reorganisation of schools. Only pupils in attendance at a school affected at the time of closure or reorganisation who live within the catchment area for the school may, at the discretion of the Director of Children's Services be provided with transport assistance to the new school for as long as they continue to live within the area of their previous school. The level of assistance will be determined by the Director of Children's Services during the review process.

12. Behaviour: Mainstream and SEN

The behaviour of the majority of pupils on home to school transport is generally good and does not cause concern, however occasions arise where behaviour is not acceptable. Any pupil who misbehaves in a manner which causes offence to others is likely to have breached the behaviour guidelines.

A copy of The Student Behaviour Guidelines is sent with bus passes by the Passenger Transport Operations team to all parents which contains advice for the pupil and parents regarding pupil behaviour and disciplinary action. Any reported breach of these guidelines will be investigated by the Passenger Transport Operations Team and if upheld disciplinary action including suspension or permanent exclusion will be imposed on the pupils involved.

In such situations the parent/carer will be responsible for ensuring subsequent attendance at school and the costs of any transportation required. Any permanent withdrawal will be following consultation between the Passenger Transport Operations Team, the Head Teacher of the school and Children's Services.

13. Other travel assistance: Mainstream and SEN

13.1 Parental mileage

Where a family transports their child/children to and from school instead of by the designated transport they may only claim parental mileage at 40 pence per mile where it is more cost effective than any alternative transport available and a space is not left vacant on the designated transport for that school.

Such arrangements require the relevant parental consent and should be obtained by the city council each year, or whenever a child moves school, whichever is the shorter period.

When considering applications for assistance with transport the city council will take account of current transport provision, distance, journey times and the efficient use of resources.

13.2 Cycle allowance

An allowance of £30 per term may be paid (at the discretion of the Director of Children's Services) to parents of secondary age pupils **who are entitled to free transport** but wish to travel by cycling to school.

Such allowances will only be payable where the cost of transport would exceed the amount of the cycle allowance. Allowances will not be payable to pupils travelling on any other form of transport.

13.3 Cycle Purchase Scheme

The city council will consider that instead of issuing yearly bus passes it will make available a one off arrangement for parents/carers to purchase a bicycle, safety kit, (e.g. helmet, fluorescent jacket etc) and road safety training for pupils to a value not exceeding £200 per child.

This would be on the understanding beforehand that;

- Responsibility for ownership and liability for maintenance, insurance and safekeeping is transferred to the pupil and/or parents/carers
- Successful completion of a mandatory road safety (e.g. Bikeability) training course by the pupil, with continued safe use of the bicycle and consideration for others including motor vehicles, cyclists and pedestrians between home and school using cycle ways, roads and other public access
- Parents/carers would be required to sign a city council declaration form accepting the conditions of the scheme

Where a pupil's parents/carers purchase a bicycle for the pupil under this scheme it is on the understanding that this would replace any other transport support for the remainder of his/her education. If a bicycle were subsequently lost, damaged, or stolen, it would then be the responsibility of the parents/carers to provide a suitable roadworthy replacement bicycle for the pupil.

There would be no further recourse for other transport support from the city council for the completion of the pupils period of statutory education.

14. Passenger Assistants - Mainstream and SEN

Passenger Assistants will only be provided if deemed necessary by the city council's Director of Children's Services. Drivers and Passenger Assistants must be approved by the city council and have satisfactory enhanced Criminal Records Disclosure. Approved Drivers and Passenger Assistants will be issued with a photo-id badge which they are required to have with them at all times whilst carrying out their professional duties. Consideration will be given to:

- The nature and length of the journey
- The pupil's special educational needs
- The age of the pupils using the transport
- The number of pupils using the transport

- Where there are more than sixteen pupils aged under seven years travelling together on a vehicle
- Looked After Children with statements of SEN who are under the age of ten

15. Transport monitoring - Mainstream and SEN

The city council has a duty to provide safe and non-stressful journeys to ensure pupils can gain maximum benefit from the education they receive at school or college. Transport services are monitored on a regular basis and also in response to any incidents which may occur. Action is taken to ensure the safety of the pupils and to resolve any operational issues.

16. Travelling time - Mainstream and SEN

The maximum journey times for day attendance at school are for mainstream and SEN each way:

- 45 minutes for primary aged pupils
- 75 minutes for secondary aged pupils

Where parents insist on a pupil attending a school to which the journey time exceeds these limits the city council will not be responsible for making or meeting the cost of travel arrangements.

17. Withdrawal of transport provision - Applications approved in error- Mainstream and SEN:

Where an application for home to school transport provision is approved in error the city council will withdraw the provision as follows:

- Where the pupil is in the final two years of a public examination course and on completion of that course
- In all other cases at the end of the term in which the error is found

18. Other users of school transport - Mainstream and SEN

Other persons in approved circumstances may travel on contracted transport e.g. school staff, parent-helpers and exchange pupils, provided no additional costs to the city council are incurred, that a seat is available and that the use is authorised with the express permission of the Passenger Transport Operations Team. The city council may request an approved CRB check for any adults covered under this clause.

19. Home to school transport charges: Mainstream and SEN

Where charges are levied they are reviewed on an annual basis for application from the city council's budget. The amounts are subject to variation agreed by the city council.

20. Appeals - Mainstream and SEN

20.1 Review: any parent who has been refused assisted school transport may appeal to the Appeal Panel if they believe that either:

- The refusal is not in line with this policy
- There are exceptional reasons to depart from this policy

At least one of these reasons must be set out in the application for appeal.

The application should also set out what assistance/remedy is sought by the pupil appealing.

The appeals process will follow the good practice contained within the School Admissions Appeals Code where it can be applied to transport appeals. The code is available for viewing at: <http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/current-codes-and-regulations>

The appeals process will be undertaken in accordance with the following principles:

- That an application for an appeal will first be reviewed by the Head of Assets and School Place Planning as eligible for appeal
- If the application has set out exceptional circumstances or has said why this policy should not be applied to their application and indicates the nature of the school transport assistance sought, the Head of Assets and School Place Planning will refer the matter on for an appeal to be arranged
- If the application does not set out grounds for further consideration, or the circumstances are clearly covered by this policy, but under the policy home to school transport does not apply, then the application will be rejected
- Only one appeal per academic year will be permitted unless there is a material change in circumstances

20.2 Safety of route site visit

The panel may hold a site or route visit, at its sole discretion, before or during an appeal hearing, which may assist in their decision. Where a site or route visit is held the following may be invited to attend:

- Transport appeal panel members
- City councillor(s) representing the relevant ward
- Parent/carer of their representative(s)
- Representative of the Director of Children's Services/Director of Operations department, as appropriate
- Independent city council staff

20.3 Procedure

If parents/carers or pupils wish to appeal against a transport decision made by the city council they should contact the officer below within ten working days of the date of the written notification of the decision against which the appeal is being made:

Transport Officer
Children's Services
Peterborough City Council
Bayard Place
Broadway
Peterborough
PE1 1FB
Telephone: (01733) 863970

Appendix 1. Contact details

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| Passenger Transport Operations Team | Telephone: (01733) 747474 Email: childrenstransport@peterborough.gov.uk Website: www.peterborough.gov.uk/schooltransport |
| Transport Officer Children's Services | Telephone: (01733) 863970 Email: assets@peterborough.gov.uk Website: www.peterborough.gov.uk |
| Travelchoice Team | Telephone: (01733) 747474 Email: Travelchoice@peterborough.gov.uk |
| SEN Transport Officer Children's Services | Telephone (01733) 863662 Email: Annette.martin@peterborough.gov.uk |
| Traveline | Telephone: 0871 200 22 33 |

This policy is available on the city council website:

www.peterborough.gov.uk/schooltransport

Appendix 2. Glossary

A2.1 The city council

The city council, for this policy is the Children's Services Department, Peterborough City Council.

A2.2 Low income family

A 'low income family' is one where the child lives within the boundaries of Peterborough Unitary Authority e.g. the family's Council Tax is paid to the city council and whose children are entitled to free school meals or whose parents receive the maximum Working Tax Credit (see section 3.6) proof of income may be required.

A2.3 Religion or belief (as directed by the Department for Education and Skills (also refers to a lack of religion or belief) (see section 3.8)

Religion: those religions widely recognised in this country such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha'is, Zoroastrians and Jains. Denominations or sects within a religion can be considered as a religion or religious belief e.g. Catholicism or Protestantism within Christianity.

Belief: equates to conviction e.g. belief in single sex education where that belief is based on the parent's religious views

A2.4 Not included as beliefs:

- A wish for a child to attend a particular category of school e.g. grammar or grant-maintained schools
- Preference for a particular type of management or government which does not affect the curricula or teaching at the school
- A belief that a pupil should be educated privately
- A wish for a child to attend a school where they will be taught in a particular language
- Objection to rules requiring that a school uniform must be worn
- Content of school curriculum (e.g. sex education) provided that the curriculum did not amount to indoctrination incompatible with a parent's religious or philosophical convictions
- Objections to the curriculum, where special arrangements made by the school or authorities (such as allowing children to be withdrawn from class) ensure the curriculum is not forced on them contrary to their convictions
- Belief that a child should receive a particular type of educational provision

A2.5 Nearest suitable school (see sections 3.1, 3.2, 3.9)

The "nearest suitable school" is the nearest city council maintained school (community, voluntary aided or foundation school or academy) to the pupil's family home, by the shortest safe walking route (measured from the gate or access to the pupil's home to the nearest gate or access to the school), which offers an appropriate full-time education suitable for the pupil's age, ability and aptitude and any special educational needs he or she may have and at which the city council is able to arrange admission.

For secondary pupils from low income groups**: the nearest suitable school can be one of the three nearest suitable schools not more than six miles from the family home or to a school or institution up to fifteen miles where the education provided is in accordance with their religion or a belief. The two mile lower limit will be applied for transport purposes.

If the city council is unable to offer a place to one of three nearest schools between two and six miles then the city council may offer a fourth or fifth school as appropriate up to the six mile limit, as long as there are not three suitable schools with places available.

(**Definition of low income groups – see 3.8 and A2.2 above)

A2.6 Designated school – catchment area school

The 'designated school' (for transport purposes) is the relevant school identified in the city council's Guide for Parents on school admissions, which are published annually. Please note that the central area has no catchment secondary school

A2.7 Statutory walking distances

Home to school distance is measured by the shortest available safe walking/cycling route from the gate or access to the pupil's home to the nearest gate or access to the school, along which a

child, accompanied by a responsible parent or carer as necessary may walk with reasonable safety.

The route is not necessarily the shortest distance by road, but could include footpaths, bridleways and road side verges.

A2.8 Parental choice

Parents may choose to send their child to a school which is neither the nearest suitable school to the family home or the designated school (see sections 3.1, 3.2, 3.9).

A2.9 Emergency situations/panels

For example families made homeless as a result of social problems, house fires, eviction or pupils with no financial support from parents/carers.

The Panel:

- Emergency circumstances: this panel is made up of officers from within Children's Services
- Medical conditions: this panel is made up of officers from within Children's Services and the Health Authority

A2.10 Immediate family member

May include brother, sister, either grandparent, aunt or uncle.

A2.11 Educational Maintenance Allowance (EMA)

This benefit has been withdrawn by central government for existing and new pupils with effect from July 2011.

A2.12 The 16-19 Bursary

This benefit has been introduced and will be distributed directly by schools, colleges and training providers during the 2011/12 academic year.

It is designed to:

- Help the most vulnerable young people to continue in full time education from September 2011
- Provide a bursary to more than 15per cent of 16 to 19 year olds in full time education to help cover the costs of food, transport, books and other course- related essentials

Appendix 3. Legal background

The Education Act 1996 (as amended by the Education and Inspections Act 2006 through insertions of new sections 508B and 508C) places a duty on the city council to make suitable travel arrangements as they consider necessary to facilitate attendance at schools for school aged children.

Sections 509 (1) and (2) of the Education Act 1996 place a duty upon the city council to provide free transport where necessary to facilitate the attendance of pupils at school.

Section 509 (4) requires the city council to take certain factors in account when deciding whether or not it is necessary to make arrangements for a pupil's transport. These include:

- Pupil's age
- Nature of possible routes
- Wishes of the parent/carer for their child to be educated at a school or institution where the religious education provided is that of the denomination to which the parent adheres

The Education and Inspections Act 2006 places a duty on local authorities to provide free transport to pupils of compulsory school age **from low income groups**** (see section 3.6). Certain extra factors need to be taken into account:

- The wishes of the parent/carer for their primary aged child in years four, five and six to be educated at the nearest suitable school, more than two miles from the family home
- The wishes of the parent/carer for their secondary aged child to be educated at one of the three nearest city council maintained schools more than two miles and less than six miles from the family home
- The wishes of the parent/carer for their child to be educated at a school or institution more than two miles and less than fifteen miles from the family home where the education provided is in accordance with their religion or belief

Consideration has also been taken under the European Convention on Human Rights (ECHR): parents do not have any right to have their children educated at a faith or secular school, or to have transport arrangements made by their local authority to and from any such school.

It is understood that although provision of the Equality Act 2006 does not apply to the exercise of an authority's functions in relation to transport (s 51 (2) (b) Equality Act 2006, we are aware of the obligations under human rights legislation.

An equality impact assessment will be carried out on completion of the policy consultation.

This statement of policy sets out the way in which the city council has decided to exercise its powers and duties to provide home to school transport as laid down in the Education Act 1996 and the Education and Inspections Act 2006. This policy relates to transport to all schools maintained by the city council (community, voluntary aided and foundation schools) for pupils aged 4 to 16.

Appendix 4. Designated schools – effective September 2012

The designated school is the relevant school identified in the city council's admissions guides for parents and carers, which are published annually. Please refer to admissions booklets for primary and secondary schools and policy document for criteria for transport.

Children with Statements of Special Educational Needs (SEN) will be placed in a school which is judged to be the best to cater for those needs.

Primary

The designated primary schools are those listed in the alphabetical street list of Peterborough indicating catchment primary schools (please see 'Admissions to Primary School 2012-2013').

Exceptions are Sacred Heart RC and St Thomas More RC primary schools which do not have catchment areas.

Secondary

Arthur Mellows Village College

Is the designated school for children living in the catchments areas of the following primary schools: Barnack CE, Castor CE, Eye VC, John Clare (Helpston), Newborough CE, Northborough, Peakirk cum Glinton CE, the Duke of Bedford (Thorney) and Wittering.

Ormiston Bushfield Academy

Children living in the catchment area served by the academy (please refer to Admission to Secondary School 2012-2013).

Hampton College

Children living in the catchment area served by the school (please refer to Admission to Secondary School 2012-2013).

Jack Hunt School

Is the designated school for children living in the catchment areas of the following primary schools: Gladstone, Highlees, Longthorpe, Middleton, Ravensthorpe, Thorpe and West Town. This includes children living within the above catchments who may be attending Sacred Heart RC Primary School and other primary schools.

Ken Stimpson Community School

Children living in the catchment area serve by the school (please refer to Admission to Secondary School 2012-2013).

Nene Park Academy (formerly Orton Longueville School)

Children living in the catchment area served by the school (please refer to Admission to Secondary School 2012-2013); also St Augustine's Primary and Woodston Primary Schools.

The King's (The Cathedral) School

Has no designated catchment area.

St John Fisher RC High School

Has no designated catchment area.

Stanground College

Children living in the areas of the following primary schools: Farcet CE, Fourfields, Heritage Park, Oakdale, Old Fletton, Southfields , Stanground St. John's CE and William de Yaxley CE Junior.

The Thomas Deacon Academy

Has no designated catchment area.

The Voyager Academy

Children living in the catchment areas of the following primary schools: Discovery, Eyrescroft, Fulbridge (west of Lincoln Road), Gunthorpe, Norwood, Paston Ridings (north of Soke Parkway), The Beeches (west of Lincoln Road) and Watergall.