

Appendix A



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

DRAFT

Home to School Travel Policy 2020

CONTENTS

	PAGE
Part 1: Introduction and Context	1
Part 2: Eligibility – Statutory entitlement	3
Part 3: Eligibility – Discretionary arrangements	6
Part 4: No eligibility	7
Part 5: Types of travel assistance	8
Part 6: Application process and appeals process	10

Legal requirements

The Council has a duty to consider the travel needs of the children and young people in its area and to publish a policy on its home to school travel assistance arrangements.

This policy reflects the requirements placed on the Council in respect of its duty to provide home to school travel assistance set down by the Education Act 1996 and also other legislation, specific to Wales, which includes:

- The Learner Travel (Wales) Measure 2008 (“the Measure”)
- The Learner Travel Statutory Provision and Operational Guidance 2014 (*this is due to be updated by Welsh Government*)
- The Learner Travel Information (Wales) Regulations 2009
- The Safety on Learner Transport (Wales) Measure 2011
- The All Wales Travel Behaviour Code

The Learner Travel (Wales) Measure 2008 (“the Measure”) sets out the legal framework specifically related to travel provisions for learners travelling to and from school in Wales. Where details relating to the implementation of the Council’s home to school travel policy are not specifically covered in this policy document, the Council will defer to the provisions within the Measure and The Learner Travel Statutory Provision and Operational Guidance 2014 (*due to be updated by Welsh Government*).

There is no universal entitlement to free home to school travel assistance; therefore, parents/carers are strongly advised to consider how they will get their child to their place of education or training before applying for a place at that establishment.

Living within the Council’s area

The Council is responsible for providing assistance with travel only for those learners living within the Council’s area. A learner is considered to be ‘living’ in the Council’s area if he/she is ordinarily resident within the county borough of Neath Port Talbot. For the purposes of this policy document, ordinary residence is defined as ‘where a learner usually lives, or if under 16, where those with parental responsibility for the learner live.’ ‘Living’ means more than occasionally visiting. If a learner has no ordinary residence they will be treated as being ordinarily resident at the place at which they are for the time being resident.

Dual Residence

Where a learner has dual residence (more than one ordinary place of residence), the Council will consider both places of residence. If the learner lives at more than two such places, only those two places nearest to the learner’s school will qualify.

Any change to a learner’s residence, including dual residence may affect a learner’s eligibility for travel assistance. Therefore any changes to a learner’s ordinary place of residence needs to be taken into account when determining if the school the learner attended before the change of address is still their nearest suitable school. If one or both of the learner’s parent/carers move to a new address, a different school may become their child’s nearest suitable school. Eligibility to travel assistance will be reviewed and only assistance to the nearest suitable school will be offered or continued,

provided the additional qualifying criteria are met.

The Learner Travel Statutory Provision and Operational Guidance 2014 stipulates that the Council must consider if a journey time is reasonable. Under its discretionary powers, the Council will consider applications for travel assistance for those learners with dual residence, if the school is the nearest suitable school to one of the addresses and the second address does not qualify, however, there is existing home to school transport provision available on the route (this will be via the purchase of a spare seat).

Where a learner has two places of ordinary residence which are located in two different Council areas, each Council will be responsible for the learner's travel assistance arrangements when the learner is residing in its area.

School admission and home to school travel assistance

Admission to a mainstream school within the Council's area does not necessarily confer an entitlement to travel assistance. Where a parent/carer expresses a preference for a school which is not the nearest suitable school, this will be classified as a preferred placement and does not qualify for travel assistance. However, if a parent/carer has been unable to secure a place for their child at the nearest suitable school (or catchment area school for their home address) travel assistance will be provided to the next nearest available suitable school, providing the relevant distance criteria has been met.

Admission to a special school does not necessarily confer an entitlement to travel assistance. Travel assistance will be offered to those where an educational establishment has been named in the Statement of Special Educational Needs/Individual Development plan, providing the relevant distance criteria has been met or the need of the individual deems that travel assistance is a necessity.

Primary responsibility for determining the travel needs of each learner rests with officers of Neath Port Talbot County Borough Council who are guided by this policy. Officers will seek advice from other relevant professionals where necessary.

Offers of travel assistance

Where an offer of travel assistance has been made and accepted, there is no continuing absolute entitlement as offers of travel assistance are subject to review if there is a change in the circumstances which gave rise to the original offer of travel assistance e.g. the learner's place of residence changes, an unsuitable route becomes available.

For those learner's with additional learning needs, eligibility and the offer of travel assistance will be subject to a reassessment of their needs on a regular basis.

Part 2: Eligibility: statutory entitlement

To qualify for free home to school travel assistance the following criteria must be met:

A	The learner must be an ordinary resident within the county borough of Neath Port Talbot
B	The learner must be attending their nearest suitable school
C	The learner must be of compulsory school age
and either D or E	
D	The learner must live more than the statutory walking distance from their nearest suitable school
E	The learner must be unable to walk the statutory walking distance to their nearest suitable school because: <ul style="list-style-type: none"> • the route has been deemed to be unsuitable, or • they have a disability or mobility difficulty (subject to an assessment of their needs and/or evidence of conditions or difficulties from relevant professionals e.g. paediatrician)
F	The learner is a Looked After Child (LAC)
G	The learner has a school named on their Statement of Special Educational Needs (“Statement”) or Individual Development Plan (“IDP”)

Category D -The learner is of **primary school age** and lives **2 miles** or further from the nearest suitable primary school. The distance is measured by the shortest available walking route. This is applicable to all primary aged learners, including those with a statement or Individual Development Plan (IDP).

Category E- The learner is of **secondary school age** and lives **3 miles** or further from the nearest suitable secondary school. The distance is measured by the shortest available walking route. This is applicable to all secondary aged learners, including those with a statement or IDP.

Category F - The Council has a responsibility as a corporate parent for Looked After Children (LAC). A Looked After Child is a child in the care of the local authority, or who is provided with accommodation by a local authority, under the childcare responsibilities of a local authority’s social services. In determining the home to school travel entitlements of a Looked After Child the criteria for age and distance will apply. However, the nearest suitable school criteria will not apply, as this will allow the Council to ensure that a Looked After Child is placed according to their individual needs and circumstances with the minimum of disruption; ensuring continuity in education with friends or siblings while maintaining child wellbeing. Travel assistance provided for LAC children will be funded by Social Services and depending on the learner’s travel needs assessment, public transport will be used where appropriate.

Category G - The Council will arrange for an assessment of a learner’s need to determine whether travel assistance is necessary to facilitate access to school. This assessment will identify the type/level of travel assistance that may need to be provided. The criteria for age and distance will apply, unless the need of the learner determines that the criteria should not be applied. The entitlement will be reviewed on a regular basis.

The Council will not be obliged to provide assistance with travel if parents/carers have

decided to send their child to an establishment further away than the specialist provision that the Council has identified as suitable to meet the needs of the learner. Parent/Carers have the right to determine the establishment they wish their child to attend but for the purposes of this policy that this choice will be deemed as a preferred placement.

If a learner is the recipient of the relevant allowance to qualify for the Motability Scheme and the parent/carer obtains a vehicle through the Motability Scheme, then the Council expects that the vehicle be used for the benefit of the learner with the disability and that the vehicle is utilised to take the learner to and from school. The Council may offer assistance with travel to and from school. In these circumstances, each case will be considered on its own merit and usually a parental mileage allowance will be offered.

Definitions
<p>Compulsory school age: A learner attaining the age of five years at the beginning of the first term to start school after the learner's fifth birthday and concluding their education at sixteen years of age.</p>
<p>Ordinary Resident: Where a learner usually lives or where those with parental responsibility for the learner live. Living means more than occasional visiting. In terms of dual residence, only permanent established living arrangements will be considered e.g. a learner living 2 nights of every school week with one parent and 3 nights of every school week with the other parent or alternative weeks with each parent. It does not apply where a learner spends weekends with a different parent from where the learner lives during the school week.</p>
<p>Nearest suitable school: A mainstream English-medium or Welsh-medium school which is the closest suitable school to the learner's home address, with places available, that provides education appropriate to the age, ability and aptitude of the learner and takes into account any additional learning need that the learner may have. This will usually also be the named 'designated' school for the learner's home address.</p> <p>A Denomination (Faith) school which is the closest faith school to the learner's home address, taking into account all relevant schools.</p> <p>A Special school or specialist provision which is the nearest appropriate special school or specialist provision that can meet the needs of the learner or a Special school or specialist provision named on a learner's statement/IDP.</p> <p>Determining the nearest suitable school is the responsibility of the Council, when considering the home address registered by the parent/carer with their chosen school.</p> <p>Where a parent/carer chooses a different school to the nearest suitable school, even though the nearest school is able to meet the learner's needs, then this is determined to be a preferred placement and will not qualify for home to school travel assistance (unless there is a specific need under exceptional circumstances and subject to an assessment of the need).</p> <p>If it is not possible for a learner to secure a place at the nearest suitable school, free travel assistance will only be provided if the alternative school is considered to be the next nearest to the home address and the distance is further than the statutory walking distance or the route is unsuitable.</p>

Statutory walking distance:

- Two miles for primary aged learners
- Three miles for secondary aged learners

Statutory walking distance is the threshold which determines whether the responsibility for travel to and from school sits with the Council or with the learner's parent/carer. It does not mean that a learner must walk the distance but it is the responsibility of parents/carers who live under the qualifying distance to decide how to get their child/children to and from school.

Shortest available walking distance:

The measurement of the walking distance is not necessarily the shortest distance by road. It is measured by the shortest route along which a learner, accompanied as necessary, may walk in reasonable safety. The route measured may include footpaths, bridleways and other pathways.

The walking distance will be measured from where the boundary of the home meets the public highway e.g. end of drive or private lane to nearest pedestrian access gate to the school. This may not be the main school gate but may be the closest access point. The Council uses a Geographical Information System (GIS) to measure distances and ensure accuracy.

Unsuitable/Suitable walking route:

A route is considered to be unsuitable if a learner cannot reasonably be expected to walk alone or accompanied as necessary, in reasonable safety and no alternative suitable route under the statutory walking distance exists.

A route is determined to be suitable if it is safe (as far as reasonably practicable) for a learner without a disability or learning difficulty to walk the route alone or with an accompanying adult if the learner's age and level of understanding so require. The Council will undertake detailed assessments to determine whether a route is unsuitable or suitable for walking.

School day:

A day on which a school is in session and home to school transport being provided only at the start and end of the school day. Travel assistance is not available for any travel during the course of the school day between relevant places or different sites.

Accompaniment:

It is the responsibility of the parent/carer to make suitable arrangements to ensure their child is accompanied on walking routes to and from school, if it is considered by the parent/carer that the learner's age, ability and levels of understanding make this necessary. The Council will not provide travel assistance merely because the parent/carer has not made such arrangements.

It is the general position of the Council that parents/carers are expected to manage ensuring that their child/children are accompanied to and from school alongside other commitments including attending their work, collecting other siblings. Claims for exceptional circumstances will need to be supported by relevant evidence, although production of evidence is no guarantee for free home to school travel assistance and each case will be assessed on an individual basis.

Preferred placement:

A parent/carer may express a preference for a particular school which is not the nearest suitable school according to educational provision, language, faith or special educational need provision. This choice is deemed to be a preferred placement.

If a parent/carer exercises their parental preference when determining which school their child attends and the chosen school is not the nearest suitable school, the learner is not entitled to travel assistance.

Part 3: Eligibility: Discretionary arrangements

Where the Council is not under a duty to make travel arrangements, the Council has the power to provide assistance on a discretionary basis.

The Council under its discretionary powers has made the following arrangements:

Welsh-medium education

Free home to school travel assistance will be provided if the learner is attending their nearest Welsh-medium community primary or secondary school and the distance criteria has been met (**2 miles** or further for primary aged learners and **3 miles** or further for secondary aged learners) or there is no available walking route.

Denomination (Faith) education

Free home to school travel assistance will be provided if the learner is attending their nearest Faith primary or secondary school (in accordance with their preferred religious denomination) and the distance criteria has been met (**2 miles** or further for primary aged learners and **3 miles** or further for secondary aged learners) or there is no available walking route.

ALN/SEN travel assistance for young people aged 16 years and above

A young person is entitled to apply for travel support if **all** of the following conditions are met:

- They must be 16 at the start of the school year in which the course begins
- They must be attending a specialist provision on a full-time basis
- They must be attending the nearest appropriate specialist provision which, having taken account of the young person's needs, chosen course of study*
- The distance from home to the specialist provision must be more than three miles.
- The young person continues to have a statement of special educational needs/Individual Development Plan and the need for travel support post 16 is explicit in their transition plan

*The Council will assess whether an establishment provides a reasonable range of courses suitable to the abilities, aptitudes and requirements of the individual student.

ALN/SEN travel assistance for younger learners under the age of 5 years

A parent/carer of a pre-school aged learner is entitled to apply for travel support if **all** of the following conditions are met:

- They must be under the compulsory school age of 5 years
- They must be attending a specialist early years assessment centre/provision
- They must be attending the nearest appropriate specialist early years assessment centre/provision
- The distance from home to the specialist provision must be more than two miles
- The learner must be in the process of an assessment for the purposes of a statement of special educational needs/Individual Development Plan

Bilingual education

Neath Port Talbot County Borough Council does not have bilingual schools and no discretionary travel arrangements will be made for learners who do not attend their nearest suitable school because of a preference for bilingual education. Only preferences for Welsh-medium or English-medium will give rise to a right to travel assistance under this policy. In all cases, eligibility for travel assistance will be determined by nearest suitable school criteria.

Nursery aged learners

There is no duty on the Council to provide travel assistance to learners under the age of 5 years. However, the Council offers parents/carers the opportunity to purchase a seat for their child on an existing home to school travel route if the distance criteria has been met or there is a lack of an available walking route. This offer will only be available if there is an existing passenger assistant on the travel route so that learners of a young age are appropriately looked after on their journeys to or from school (nursery learners only attend half-day nursery sessions). There will be a charge for this service of £390 per school year pro-rata for the half days £195.

Young people aged 16 and over

There is no duty on the Council to provide travel assistance to those over the age of compulsory education. However, the Council offers such learners the opportunity to purchase a seat on an existing home to school travel route if the distance criteria has been met or there is a lack of an available walking route. There will be a charge for this service of £390 per school year.

Parental Preference

Parent/Carers are entitled to state a preference for the school they would like their child to attend. Where possible parental preference will be accepted by the Council's School Admissions Section but a parent/carer's preferred school may not be the nearest suitable school. If, by choice, a learner is not attending their nearest suitable school there will be no entitlement to free home to school travel assistance. This also applies to a choice of school according to language or denominational preference and that school is not the nearest suitable school of language or denominational provision to the home address.

Other excluded circumstances

No travel assistance will be offered to enable learners to attend wrap-around provision, breakfast clubs, extra-curricular activities or any other provision, which exists outside of normal school hours.

No travel assistance will be provided to any other site other than the school's main campus and no travel assistance will be provided to college day release programmes, work experience etc.

Part 5: Types of travel assistance

The Council will favour environmentally sustainable forms of travel and will promote those options which make the most effective and efficient use of public resources. The Council reserves the right to vary the offer at any point in order to achieve cost effectiveness.

The types of travel assistance provided may include but are not limited to:

- cycle allowance
- bus pass for public buses
- parental mileage allowance when utilising their own vehicle
- dedicated home to school transport vehicle
- specialist vehicle for those with a disability
- passenger assistant
- independent travel training to enable the learner to travel independently to and from their place of education or training

Where eligible, travel assistance will be provided for one return journey per school day, for arrival at school prior to the beginning of the normal school day and departure from school after the end of the normal school day, to and from a pick-up/drop-off point at or near the learner's home address.

The Council will provide transport from reasonably near the learner's home to reasonably near the learner's school. Depending upon age and ability learners may be required to walk to a central pick-up/drop-off point, for a distance of up to one mile.

Cycle allowance -

Where a statutory entitlement to home to school travel assistance exists or the Council's discretion has been exercised, the Council may offer a cycle allowance. Where a cycle allowance has been granted it is the parent's/carer's responsibility to be sure that their child will be competently able to cycle to school safely. Parents/Carers will need to decide how their child will get to school when they can't cycle e.g. in bad weather.

If a cycle allowance has been agreed the rate would be for two return journeys per day based on the current HMRC rates.

Bus pass for public buses -

The Neath Port Talbot Pupil Bus Pass provides access to the public bus network for journeys to and from school during normal school hours. In some circumstances, with written agreement, they can be used outside of normal school hours. Full terms and conditions are provided with the bus pass.

Parental mileage allowance -

Where a statutory entitlement to home to school travel assistance exists or the Council's discretion has been exercised, in certain circumstances the Council may offer a parental mileage allowance where the parent/carer of a learner transports the learner themselves. Any agreement will be subject to the parent/carer having a driving licence, MOT (if applicable) and evidence of appropriate insurance (either class 1 business use or a letter from their insurers waiving the need for class 1 business use to transport their child for an allowance).

If a parental mileage allowance has been agreed with the parent/carer the rate would be for two return journeys per day based on the current HMRC rates.

Dedicated home to school transport vehicles and specialist vehicles for those with ALN/SEN -

The type of vehicle procured for any transport route will be determined by the number of learners and their individual needs.

Learners will be offered a place on a shared home to school vehicle. The vehicle may be a coach, a minibus or car. All vehicles will be suitable for the route and the type of learner travelling in them, including appropriate adaptations to cater for learners with a disability.

The Council promotes the sharing of vehicles to ensure cost effectiveness of home to school travel assistance. Accordingly it may be that learners from different schools will be sharing the same transport vehicle e.g. learners travelling to Welsh-medium and English-medium schools in the same geographical area. This will also include learners of differing ages sharing on the same vehicle.

Single occupancy vehicles will not to be provided unless in very exceptional circumstances and the authorising of a single occupancy vehicle will be determined by the Council's Transport Group and will only be permitted where there is sufficient evidence to support a request for a learner being the sole occupant of a home to school transport vehicle.

The Council does not run its own transport fleet so all routes will be operated by a contracted transport provider. The size of the vehicle being operated will depend on the number of learners entitled to travel assistance on the route.

Provision of a passenger assistant -

Passenger assistants will only be present on vehicles transporting learners to and from school where the need for a passenger assistant relates to a learner's additional learning need or disability, or in other circumstances such learners who require supervision whilst travelling.

Independent travel training -

This training is offered to learners with an additional learning need who have been assessed as being suitable for training to encourage independent travel. Learners who have been assessed as suitable for such training will be expected to participate. Upon successful completion of the training, the learner will travel to and from their place of learning independently e.g. by a pass for a public bus.

Discretionary Arrangements: Spare Seat Scheme

The Council's priority in allocating seats on contracted vehicles will be to accommodate, in the first instance, learners eligible for travel assistance. Where spare seating capacity arises, the Council under its discretionary arrangements will offer seats for sale to learners who are not eligible for assistance with travel. If available, a spare seat may be purchased for the fee of £390 per school year.

The Council or the parent/carer may terminate this arrangement by giving notice. The arrangement will cease at the start of the next school period following the next mid or full-term holiday period. In order to accommodate a learner with an entitlement to travel assistance, it may be necessary to rescind the decision to sell a spare seat.

Applying for assistance with home to school travel

Parents/Carers who believe that their child is entitled to assistance with travel to and from school should complete the online application form, which can be found on the Council's website.

Following completion of the online application successful applicants will receive details of pick-up times and locations during the summer holidays for a September start or as soon as possible for applications received during the course of the school year.

Parents/Carers should be aware that a late application will delay the allocation of transport provision and may result in allocation at the start of the school year or start of a new term being missed.

Travel Behaviour Code

An 'All Wales Travel Behaviour Code' (Travel Code) sets out learners' responsibilities and required standards of behaviour when travelling between home and school. The Council expects all learners to behave in a considerate way when travelling on transport either provided, or arranged by the Council.

For learners with an additional learning need, where a behavioural problem may have arisen as the result of the additional learning need, all solutions will be explored e.g. distraction techniques, vehicles with smaller numbers.

Parental responsibility and home to school travel arrangements

Parents/Carers are responsible for ensuring that their child/children reaches the pick-up point at the start of the school day and that they board the transport provision safely. They also have the responsibility to ensure that a responsible adult is there to meet the learner at the drop-off point at the end of the school day, or that their child is able to make their way home by other means.

Vulnerable learners such as very young learners or some learners with an additional learning need who have no one to meet them when they arrive at their destination will be kept on the transport provision so that other learners on the route are not delayed. The Council will be informed by the driver and arrangements will be made for the learner to be collected by the parent/carer at the end of the route. If a parent/carer cannot be contacted either the social services or police will be contacted for assistance.

School responsibility and home to school travel arrangements

Head teachers have a statutory responsibility to require pupils to comply with the Travel Behaviour Code and where appropriate incorporate this into the School Behaviour Policy.

Head teachers have the power to impose penalties on learners who have breached the Travel Behaviour Code outside of school premises – for example, when learners are out of school premises and unsupervised by teaching staff (such as on the walk between home and school and when using home to school transport provided by the Council).

Withdrawal of travel assistance

The Council reserves the right to withdraw travel assistance if a learner ceases to be eligible or if it is discovered that travel assistance has been granted in error. If travel assistance is to be withdrawn the Council will give notice. The arrangement will cease at the start of the next school period following the next mid or full-term holiday period.

Where it is established that the parent/carer has falsely applied for travel assistance the Council reserves the right to withdraw the travel assistance immediately and to recoup any costs.

Appealing against a refusal to provide assistance with home to school travel

Where an application for travel assistance in the first instance has been made and has been rejected, the parent/carer will have the right to appeal this decision.

An appeal may only be made on the following grounds:

- the Council has not applied the policy correctly and/or
- the appellant is able to cite any special/exceptional circumstances which they believe should be considered

Where a parent/carer believes that a case can be made in relation to either or both of these criteria the following procedure will apply:

Stage one: Review by the Council's Transport Group

The parent/carer is invited to submit a Stage One Appeal Form to outline their grounds for appeal, and at the same time submit all supporting evidence to demonstrate their grounds for appeal.

The Council's Transport Group will consider the appeal and then write to the parent/carer with their decision.

Stage two: Review by an Appeal Panel

The parent/carer is invited to submit a Stage Two Appeal Form to outline their grounds for wishing to escalate the matter to stage two following receipt of the letter from the Council's Transport Group informing them their application for travel assistance has been rejected at Stage One.

The appeal will be heard by the Home to School Travel Appeals Panel. The Home to School Travel Appeal Panel shall comprise of three independent panel members who have no involvement in any decision making process to date. The panel will be supported by a member of Legal Services acting as the clerk.

Notice of the appeal hearing and all evidence from the Home to School Travel Department to demonstrate their reason for rejecting the application for travel assistance will be provided to the parent/carer and all members of the appeal panel. This information will also include evidence from Stage One of the appeals process.

The parent/carer will be invited to make representation in person before the Home to School Travel Appeal Panel or to supply a written statement to be considered by the panel if they do not wish to attend. The parent/carer may be accompanied at the appeal hearing by another person whose role it is to assist them.

Both parent/carer and the Home to School Travel Department will be bound by the decision of the Home to School Travel Appeals Panel. However, as with all travel assistance, this may be subject to review in the light of any material change in circumstances.

Further appeals may only be made if there is a significant change in circumstances to consider. Where this is the case in the first instance, a new application for travel assistance should be submitted.

If the parent/carer is not happy with the way the appeals process was conducted, they have the right to make a complaint to the Public Services Ombudsman for Wales. The Ombudsman will investigate written complaints about the way an appeal was conducted, not the decision. For further details please visit their website: www.ombudsman-wales.org.uk

The parent/carer can also apply for Judicial Review if they wish to challenge the lawfulness of a decision or action made during the appeals procedure.

Full details of the appeals process and the related timescales can be obtained from:
*Home to School Transport Appeals, Director of Education, Leisure and Lifelong Learning
Port Talbot Civic Centre, Port Talbot, SA13 1PJ
Or e-mail to: education@npt.gov.uk*