

Appendix B

Home-to-School / College Transport Policy Post-consultation version

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(e.g. Large print type / Braille / on tape)

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1.0 Policy Framework

1.1 Legal framework

1.1.1 The Education Act 1996 (as amended) sets out the law in England and Wales for the attendance of pupils at school and the Learner Travel (Wales) Measure 2008 sets out the school travel policy for Wales. The Measure covers, amongst other things, duties on local authorities to assess learner travel needs, provide a definition of the nearest suitable school and make transport arrangements for defined groups of learners. The Safety on Learner Transport (Wales) Measure 2011 sets out specific safety standards for dedicated school transport.

1.1.2 The Learner Travel: Statutory Provision and Operational Guidance (June 2014) sets out related provision for school/learner travel in Wales.

1.1.3 The Travel Behaviour Code Statutory Guidance (June 2014) sets out the standards of behaviour expected of learners travelling to and from their place of learning and is aimed at keeping learners safe on their journeys to and from school, including journeys between schools. It applies to all learners up to 19 years of age and all travel arrangements, including bus, train, walking and cycling. Parents are advised to make their learners aware of the Travel Behaviour Code.

1.1.4 Under the Active Travel (Wales) Act 2013, local authorities have a duty to promote active travel and to improve the number and quality of active travel routes in their communities.

1.2 Overview

1.2.1 Powys Local Authority is required to ensure all qualifying learners ordinarily resident in the Council's area have access to transport to the nearest suitable maintained school.

1.2.2 This policy assumes that all qualifying learners living in Powys will be entitled to transport to their nearest suitable maintained school.

1.2.3 The Authority aims to provide safe, reliable, value for money transport to convey qualifying pupils/learners to and from school/college. These principles apply to all home-to-school/college transport provided by the Authority.

1.2.4 The Authority aims to ensure that it does not discriminate unfairly, either directly or indirectly, in the operation and interpretation of this policy.

1.2.5 The Authority encourages the use of school transport by eligible pupils/learners where appropriate.

1.2.6 Parents/carers are responsible for ensuring that their learners travel to and from school safely (where they do not qualify for school transport) and to and from designated pick up points both in the morning and the afternoon. Further information is provided in the Authority's Code of Conduct for learners, parents/carers, schools and transport operators ([include link here](#)).

1.2.7 All dedicated school transport vehicles are provided with seat belts which must be worn at all times. Operators must take all reasonable steps to ensure that passengers are made aware that they must wear a seat belt. Passengers aged 14 and over are legally responsible for the wearing of a seat belt where one is provided.

Part One

2.0 Standard Qualifications and Definitions

2.1 Definition of suitable school/site and definition of a catchment school

2.1.1 Section 1.38 of the Learner Travel: Statutory Provision and Operational Guidance (June 2014) states “the definition of nearest ‘suitable school’ is where the “education or training provided is suitable having regard to the age, ability and aptitudes of the learner and any learning difficulties he or she may have”.

2.1.2 Section 1.39 of the Learner Travel: Statutory Provision and Operational Guidance (June 2014) states “deciding which suitable school is the learner’s ‘nearest’ is a matter for the local authority to determine in accordance with their own learner travel and education policy”.

2.1.3 A mainstream school will only be deemed a ‘suitable school’ by the local authority if the education provided there is suitable, having regard to the age, ability and aptitudes of the learner and any learning difficulties he or she may have.

2.1.4 For the purposes of this policy, where a school operates from more than one site the Authority would only provide transport to qualifying learners to the nearest site which provides education through the chosen language medium.

2.1.5 Catchment school means the school that learners living in a specific geographic area are eligible to attend.

2.1.6 Transport arrangements for a learner with ALN will be based on need and the route they travel. Further information is provided in **Annex A**.

2.2 Definition of ordinary place of residence

If a learner has more than one home, for example where their parents are not living together but they live partly with each parent, or with a parent and also at a learner’s home, then both places of residence will be regarded as their place of ordinary residence. If there are more than two such places then only the two places closest to the nearest suitable school/site within the catchment area or further education college site will count.

A ‘parent’ includes any person who is not a parent but who has parental responsibility or who cares for the learner.

2.3 Standard qualification – primary school learners (Reception to Year 6)

2.2.1 To qualify for school transport, primary school learners must ordinarily reside 2 miles or more from the catchment or nearest suitable school or centre, measured by the shortest available route. The distance will be measured from the closest access point on the public highway (which could include suitable footpaths and bridleways) to the learner’s ordinary place of residence which is nearest to the school and measured to the nearest school gate. The footpath or bridleway will be considered suitable if it has a stone or tarmac surface. Any other surface will only be considered suitable if it can be walked in normal school footwear. Transport is not normally

provided from home but from a designated pick up point. The measurement will be made through the use of the Geographical Information System (GIS).

2.3.2 Feeder transport is provided for qualifying primary aged learners whose nearest public highway point is 1 mile or more from the nearest pick up point on a main school transport route.

2.3.3 Where parents/carers exercise a preference for a school other than the catchment or nearest suitable school they must make their own arrangements for transport and are responsible for all transport costs.

2.4 Standard qualification – secondary school learners (aged 11 - 16)

2.4.1 To qualify for school transport, secondary school learners aged 11 – 16 must ordinarily reside 3 miles or more from the catchment or nearest suitable secondary school or centre, measured by the shortest route. The distance will be measured from the closest access point on the public highway (which could include suitable footpaths and bridleways) to the learner's ordinary place of residence which is nearest to the school and measured to the nearest school gate. The footpath or bridleway will be considered suitable if it has a stone or tarmac surface. Any other surface will only be considered suitable if it can be walked in normal school footwear. Transport is not normally provided from home but from a designated pick up point. The measurement will be made through the use of GIS.

2.4.2 Feeder transport is provided from the ordinary place of residence for qualifying secondary school learners whose nearest public highway point is 2 miles or more from the nearest pick up point on a main school transport route. The measurement will be made through the use of GIS.

2.4.3 The Authority recognises its obligations under the Education Act 1996 to comply with parent preferences regarding choice of school. However, where parents/carers exercise a preference for a school other than the catchment or nearest suitable school they must make their own arrangements for transport and are responsible for all transport costs.

2.4.4 Where public transport is available, and in accordance with Section 88 of the Transport Act 1985, this will be used as first choice and a permit will be issued. Where no public transport is available then the Authority will arrange transport for eligible learners. A local bus service is NOT a dedicated home-to-school transport bus and learners will be expected to travel with members of the public. The law does not currently prescribe seat belts to be fitted to a local bus service vehicle and passengers are permitted to stand on these vehicles.

2.5 Transport for 16-19 year olds

There is no requirement for the local authority to provide school or college transport free of charge to any learner who is over compulsory school age. Transport is made available for full-time learners who live 3 miles or more from the catchment or nearest suitable secondary school or further education college site offering post-16 provision. Transport is not normally provided from home but from a designated pick up point.

Feeder transport is provided for qualifying learners who live 3 miles or more from the nearest pick up point on a main school transport route as measured by the nearest available route. The measurement will be made through the use of GIS.

Through the collaborative arrangements put in place to ensure that all learners are able to access a local curriculum that meets the minimum entitlement as required by the Learning and Skills Measure (Wales) 2009 the Authority considers that all its secondary schools offer a relevant and adequate range of post-16 provision. The Authority will only transport learners whose ordinary place of residence is within the county of Powys to the school/college which is geographically the nearest suitable school to the learner's ordinary place of residence.

The nearest further education college site is defined as the catchment or nearest suitable site to the learner's ordinary place of residence which offers a suitable course. The Authority will not provide transport to enable learners to attend out of county establishments but in certain circumstances may provide assistance with travel costs e.g. if the establishment attended is the nearest suitable provision to the learner's ordinary place of residence.

The Authority does not provide home-to-school transport for learners living outside the county boundary who wish to access post-16 education in a Powys secondary school but transport will be provided to facilitate attendance as part of the collaborative arrangement between Powys high schools and college sites.

Where public transport is available this will be used as first choice and a permit will be issued. Where no public transport is available then the Authority will arrange transport for eligible students.

Transport will only be provided for full-time courses, as determined by the college being attended and with the agreement of the Authority.

No transport arrangements will be made for learners on part-time courses but they may be able to access seats on public transport on payment of the appropriate fare.

However, where a post-16 learner is only able to attend a course on a part-time basis due to personal circumstances, for example they are a 'young carer', then entitlement will be considered on an individual basis by the Schools Service Senior Management Team and the Transport Entitlement Officers.

2.6 Provision for learners who attend special schools and specialist centres attached to mainstream schools

Appendix A to this policy provides information relating to transport provision in respect of learners accessing special school and specialist centre provision.

2.7 Special arrangements for learners with short-term medical needs

Consideration will be given to provision being made for all learners with a short-term medical need not just those who qualify for transport on distance. A short-term medical need is a condition that following a period of medical intervention improves or no longer exists e.g. a broken limb. In all instances, transport will only be provided to the catchment or nearest suitable school.

Requests, supported by evidence from a medical professional, should be made in writing to the Authority's Transport Entitlement Officers or by e-mailing admissionsandtransport@powys.gov.uk. Provision will be reviewed on a termly basis.

2.8 Provision of passenger assistants on transport

Passenger assistants are not normally provided on transport to mainstream schools. The need for a passenger assistant on a vehicle to support an individual pupil/learner will be decided following completion of a Risk Assessment by the Authority.

Passenger assistants will be provided on vehicles to supervise learners on their journey to and from special schools / specialist centres attached to mainstream schools where there are two or more learners. In most cases the need will be established during the statementing/review process and will be in accordance with the needs of the learner. For learners that require individual transport, the provision of an assistant is qualified through the transport application form where officers identify the need and, where applicable, with key stakeholders. The requirements will be confirmed by the Authority's ALN Manager.

2.9 Journey times

In assessing the travel needs of learners, the Authority will take into account the fact that travel arrangements must be safe and reasonable.

In accordance with the Learner Travel (Wales) Measure 2008, the Authority will aim to ensure that, except in exceptional circumstances, a learner being transported to their catchment or nearest suitable mainstream school/site should not normally have a single journey time of more than 45 minutes for primary schools and 60 minutes for secondary schools. Where parents/carers express a preference for English-medium or Welsh-medium provision where this is not available at their catchment or nearest school, journey times may be longer.

The Authority will aim to ensure that a learner being transported to a special school / specialist centre attached to a mainstream school should not normally have a single journey time of more than 45 minutes for primary aged pupils/learners and 60 minutes for secondary aged pupils/learners. However, because of their wider catchment area and the County's geography this may not always be possible. Where particular medical circumstances apply which may require a shorter journey time then the case will be treated on its merits through the appeals procedure.

2.10 Measuring routes and mileages ('available routes')

The two and three mile limits included in the policy will be measured in the same way as the 'statutory walking distance' i.e. along the nearest available route. An available route may not necessarily be the shortest distance by road as it is measured by the shortest route that a learner, accompanied by a responsible adult as necessary, may walk in reasonable safety. Such routes may utilise public footpaths which may not be suitable for motorised vehicles.

Where mileage and routes have to be calculated in order to determine eligibility under the policy, the measurement will be made through the use of the Map Info Geographical Information System (GIS).

2.11 Behaviour

The Travel Behaviour Code sets out the standards of behaviour expected of learners travelling to and from their place of learning. The Authority can refuse to transport learners if they do not follow the Travel Behaviour Code. Parents/carers are advised to make their learners aware of the Code

<http://gov.wales/topics/educationandskills/allsectorpolicies/learner-travel/travel-code/?lang=en>

Harassment of any form will not be tolerated. Abuse and violence of/to staff and/or service users and damage to vehicles will not be accepted. Such behaviour will result in a learner's entitlement to free transport being withdrawn. The parent/carer may be responsible for reimbursing the operator for any damage caused by the learner and he/she may be reported to the relevant authorities where appropriate.

In the event that transport is withdrawn from a learner, it is the responsibility of the learner's parents/carers to arrange suitable transport to and from their place of learning for the period during which transport is withdrawn.

2.12 Cameras

CCTV will be installed in certain contract vehicles to ensure the safety of passengers and drivers and to identify individuals who demonstrate unacceptable behaviour. Where CCTV is used, parents/carers and learners will be made aware that recording services are in operation, including details around the confidentiality, use, storage and retention of images.

2.13 Change in school session times

Under the Changing of School Session Times (Wales) Regulations 2009, where the Authority considers that a change in school session times is necessary to make travel arrangements more efficient or effective, it will undertake appropriate consultation to change the time a school's first (morning) session begins and its second (afternoon) session ends.

2.14 Safeguarding

The Authority works with partners, including governing bodies, headteachers, schools, the Local Safeguarding Children's Board, operators, parents/carers and other agencies to share information and best practice to assist safeguarding of learners travelling to and from school.

Any issues of a safeguarding/learner protection nature must be raised with the Authority as soon as possible following any disclosure. It may also be appropriate to make the school safeguarding lead / headteacher aware of any safeguarding concerns. If there is an immediate danger to a young person then the driver should dial 999.

Required safeguarding checks (enhanced DBS clearance) will be undertaken by operators on all bus drivers, taxi drivers and passenger assistants every 3 years.

All drivers are required to undertake safeguarding training with the Authority. They also complete online training through the NSPCC. During the tendering process, all contractors must evidence that they adhere to a safeguarding policy.

2.15 Adverse weather

During periods of adverse weather, the local authority or contractor may suspend home-to-school transport provision. Every effort will be made to contact parents/carers to inform them of school closures. Where learners need to be transported home earlier than the normal closing time, the school will contact parents/carers to inform them of the school's closure to ensure the safety of pupils after they leave the school. Where parents/carers transport learners who would normally travel on home-to-school transport to school in the morning they are responsible for collecting them at the end of the school day.

2.16 Appeals procedure

Entitlement to free school transport will be decided by the Principal Officer: Admissions and Transport. Where a request is refused, parents/carers will be advised of the reason(s) not to award free transport.

Parents/carers have a right of appeal against a decision not to award the provision of free school transport for their learner. Appeals must be made in writing, setting out the reason(s) for the appeal, to Schools Admissions and Transport Service, Schools Service, County Hall, Llandrindod Wells, LD1 5LG / admissionsandtransport@powys.gov.uk

If the appeal is declined, parents/carers have a right to appeal this decision by sending a letter of appeal within 2 weeks of the date of the letter to the Head of the Schools Service. Appeals will be heard by a Portfolio Holder. The appeal will be arranged and supported by the Authority's Legal Services.

There is a right of appeal on a point of law by way of Judicial Review. The right must be exercised within 6 weeks of the decision.

There is also a right of appeal on procedural matters to the Office of the Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ.

2.17 Complaints

All complaints regarding home-to-school transport from learners, parents/carers, members of the public, drivers, etc. will be investigated.

2.17.1 Learner Behaviour

Any concerns or complaints regarding learner behaviour should be made, as soon as possible after the incident, to both the school and the Schools Admissions and Transport Service, County Hall, Llandrindod Wells, LD1 5LG, by completing the online pro forma which can be found here <http://www.powys.gov.uk/en/schools-students/apply-for-school-transport/>

2.17.2 Quality of Provision

Any concerns or complaints regarding drivers, passenger assistants or vehicles used for school transport should be made, in writing, to the Passenger Transport Manager, Highways, Transport & Recycling Service, County Hall, Llandrindod Wells, LD1 5LG.

2.17.3 Contract Compliance

In addition to statutory vehicle safety checks, the Authority will, on unspecified days, undertake random checks on Authority-contracted vehicles to ensure that contracts are being complied with.

Part Two

3.0 Transport for Individual Circumstances

3.1 Transport related to admission appeals

The Authority will provide transport for learners who meet the standard distance qualification criteria and are refused admission to their catchment or nearest suitable school via an admission appeal, to enable them to attend the nearest suitable alternative school prescribed by the Authority.

3.2 Transport to over-subscribed schools

The Authority will provide transport for qualifying Powys resident learners to the nearest alternative suitable school when the Authority is unable to make arrangements for a learner to attend their catchment or nearest suitable school due to it being oversubscribed. The Authority will undertake full discussion with the school around its ability to admit a pupil as part of the appeals process (see 2.16).

3.3 Transport provision on school closure

During consultation on the permanent closure of a school, the Authority will consult on the revised catchment area for the named receiving school(s). Following permanent closure of the school, transport will be provided to the named receiving school(s) for learners who live in the new school's extended catchment area. For learners living outside the extended catchment area of the named receiving school the provision of transport will be considered. This provision will not automatically apply to younger siblings.

3.4 Transport to denominational schools

Transport to denominational schools will only be provided for learners who qualify under the standard qualification criteria (see 2.3 and 2.4).

3.5 Transport following a change of ordinary place of residence

The Authority may provide transport for learners, following a change of ordinary place of residence within the County boundary during Years 10 or 11 (GCSE examination course) or Years 12 and 13 (A level examination course), in order to ensure continuity of education.

Parents/carers must apply by completing and submitting a standard application form to the Schools Admissions and Transport Service, County Hall, Llandrindod Wells, LD1 5LG / admissionsandtransport@powys.gov.uk and entitlement will be determined by the Head of Learning. If transport is provided it will be from a point on an existing transport route, provided there is a seat available. Such provision will not continue into Years 12 and 13 where learners move in Years 10 or 11.

3.6 Transport for early years

Transport will only be provided for learners who attend school on a full-time basis i.e. those learners who are admitted to school at the beginning of the school year after they have attained their 4th birthday.

3.7 Payments to parents/carers

In remote areas where it would not be viable to the Authority to provide transport to qualifying learners, agreement may be sought for parents/carers to transport their learner/ren to/from school on payment of an agreed fuel allowance rate. Such cases will be considered on an individual basis and arrangements will be reviewed regularly.

3.8 Transport related to English-medium / Welsh-medium provision

3.8.1 Primary

In the primary sector, transport will be provided to the catchment or nearest suitable provision providing education through the medium of either English or Welsh. In order to qualify learners must meet the standard qualifying criteria (see 2.3).

The provision of education is deemed to be equal whether the school is an English-medium or Welsh-medium school or delivers both languages through a dual stream arrangement.

3.8.2 Secondary

In the secondary sector, transport will be provided to the catchment or nearest suitable provision providing education through the medium of either English or Welsh. In order to qualify learners must meet the standard qualifying criteria (see 2.4).

3.8.3 For both primary and secondary aged learners, entitlement to transport will cease if a learner moves between streams in a school and the school is no longer the learner's catchment or nearest suitable school for the chosen language of provision.

3.9 Transport provision on safety grounds

Free transport will be provided for learners of statutory school age where the Authority is satisfied that the route between home and school is unsafe for pedestrian usage by a learner accompanied by a responsible person, such as a parent/carer or other adult, even though the distance is below the standard distance qualification criteria (see 2.3 and 2.4). Parents/carers must apply, in writing, to the Schools Admissions and Transport Service, County Hall, Llandrindod Wells, LD1 5LG / admissionsandtransport@powys.gov.uk. Provision will be decided following completion of a Risk Assessment by appropriately qualified LA officers.

3.10 Transport related to pupil referral services (PRU)

Learners who access the PRU or who follow an alternative curriculum may need to travel to different centres for provision during the week. Under these circumstances, the Authority will provide home-to-school transport, on a daily basis, to the centres attended by a learner on a weekly basis, subject to the standard distance qualification criteria (see 2.3 and 2.4). As arrangements can, on occasions, be quite flexible, it may prove necessary to change educational settings and, under these circumstances, transport arrangements will be changed accordingly.

Where home-to-school transport is in place, learners accessing the PRU will normally be expected to travel on mainstream home-to-school transport where appropriate. Other specific arrangements based on an individual learner's need will be decided by the Head of Learning Service,

3.11 Transport to meet the needs of Looked After Children

The same age and distance criteria apply to both Looked After and previously Looked After Children. It will be for the Authority with parental responsibility for looking after a learner to determine which school they should attend, which might be a school other than the catchment or nearest suitable school to their current place of residence because, for instance, of priority to maintain continuity in their education or contact with siblings and friends. The Schools Service will work closely with colleagues in Children's Services in ensuring that the learner's education and care requirements are fully met.

Where the proposed school is not the nearest suitable school from the learner's current place of residence, officers from the Schools Service and Children's Service will liaise over any additional costs of providing such transport. This additional cost will be recorded as a separate budget under the home-to-school transport budget.

3.12 Transport related to permanent exclusions and managed moves

The Authority will provide transport for permanently excluded learners or learners (see 2.3 and 2.4) subject to managed moves who meet the standard distance qualification criteria to enable them to attend the nearest appropriate alternative school prescribed by the Authority.

3.13 High school induction days

If they meet the standard distance qualification criteria (see 2.3 and 2.4) and a seat is available, learners transferring into Year 7 in September are able to make use of existing school transport when attending induction days.

3.14 Transport for work experience placements

Learners are not entitled to transport to undertake work experience placements. However, if there is spare capacity learners can make use of existing transport if a seat is available and there is no additional cost to the Authority.

3.15 Vacant Seat Payment Scheme

Learners who do not meet the standard qualifying criteria (see 2.3 and 2.4) and live within the statutory walking distance from school and live near or on an existing dedicated home-to-school transport route can apply for a place under the Vacant Seat Payment Scheme on payment of the appropriate fee. The Vacant Seat Payment Scheme will only be available on contracted vehicles i.e. it will not apply on public service vehicles. Transport will be withdrawn if the seat is required for a qualifying learner. A minimum of one week's notice will be given. The Vacant Seat Payment Scheme fee will be waived in certain circumstances e.g. for learners of statutory school age living within the County boundary who qualify for free school meals.

The charge for vacant seats will be reviewed annually and will be increased in line with Council policy.

3.16 Transitional arrangements

If there is a change to the Local Authority's Home-to-School Transport Policy, or if there is a change to the catchment area of a school, the following transitional arrangements will apply to enable a learner to complete their education:

- To the end of primary phase for a learner in Reception to Year 6;
- To the end of Key Stage 4 (statutory school age) for a learner in Years 7-11;
- To the end of Key Stage 5 (aged 16-18) for a learner in Years 12-13.

Annex A

Eligibility for learners of statutory school age with additional learning needs (ALN), permanent disabilities (ALN/D) or mobility problems (including Post-16 learners)

- 1.0 Local authorities have a duty to provide assistance with travel where they consider this necessary to secure a learner's attendance at school. The law does not treat learners with ALN/D from other learners in this respect.
- 1.1 Local authorities have a legal duty to assist with the cost of transport to and from school if a learner with ALN/D is unable to attend the catchment or nearest suitable school for their age and needs, unless that transport is provided. Entitlement should be based on a learner's needs. Local authorities are only under a duty to provide free transport to a learner's catchment or nearest suitable school, provided it is beyond the standard qualification distance from their home, unless the learner cannot reasonably be expected to walk to school. Within the assessment period, all key stakeholders are consulted including Children's Service, Health, schools, parents/carers, etc.
- 1.2 There are additional measures set out in the SEN Code of Practice for Wales, 2002, headed 'Transport Costs for Children with Statements'. This recommends that local authorities should have clear general policies relating to transport for learners with ALN/D and that these should be made available to parents/carers. There may be additional responsibilities on the Authority where a learner has identified Special Educational Needs defined through a statement of ALN as defined by the Special Education Needs Code of Practice for Wales, 2002.
- 1.3 With respect to those aged 16 to 19 years with learning difficulties and or disabilities, Section 509 AB(1) of the Education Act 1996 says that the Authority should set out in its policy to what extent the arrangements specified regarding overall post-16 transport include arrangements for facilitating the attendance at schools and learning providers of learners with ALN/D.
- 1.4 For all ages, the Equality Act 2010 is important and incorporates the Disability Discrimination Act. The Authority may also provide free home-to-school transport as a 'reasonable adjustment' to a learner's disability in cases where the learner lives within the standard qualification distance of the school and parents/carers are unable to transport the learner to school. NB: A person has a disability (Equality Act 2010) if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities. This definition is usually interpreted as follows:
 - Mental impairment - one which is a clinically well-recognised condition. This means that a learner with an emotional and/or behaviour difficulty (BESD) is unlikely to be recognised as disabled unless their behaviour arises from an underlying mental impairment
 - Long term - one that is likely to last for at least a year or for the rest of

the life of the person affected. This can include intermittent or sporadic conditions such as epilepsy or multiple sclerosis.

- Substantial - more than minor or trivial.
- Adverse - referring to the effect of the impairment, not the severity of the impairment.
- Normal day to day activities - the ability of the person to carry out normal day to day activities, including mobility, ability to understand and perception of the risk of physical danger.
- Effect of medical or other treatment, on the ability of the person to carry out normal day to day activities.
- Progressive conditions, such as cancer and multiple sclerosis, may in certain circumstances be regarded as disabilities.

1.5 The Equality Act 2010, which subsumes the Disability Discrimination Act as amended by the ALN and Disability Act 2001, makes clear that learners with a disability have special educational needs if they have any significant difficulty in accessing education and if they need any special education provision to be made for them, that is, anything which is additional to, or different from, what is normally available to schools in the area. The ALN Code of Practice expects that transport should only be recorded in a learner's Statement of ALN in exceptional cases (usually in Part 6) where the learner has particular transport needs.

2.0 Statutory age learners with a special need, disability or mobility difficulty

2.1 Learners covered by this heading of the policy are learners of statutory school age who have a disability or ALN and/or:

- Attend specialist provision or attend a named school beyond the standard qualification distance of the home as named in a Statement of Special Educational Need, (including those attending specialist provision under emergency assessment)
- Are identified as being at School Action Plus (SA+), in line with the ALN Code of Practice, and have needs that necessitate support in getting to school
- Access other provision such as Education Other Than At School (EOTAS),
- All learners placed by the LA at independent special schools, out of LA establishments and so are beyond the standard qualification distance from the home
- Attend further education establishments and meet the criteria for support.

2.2 Transport for those requiring special arrangements is defined as home-to-school transport provided from defined pick-up and setting down points (not necessarily door-step), at the start and end of the learner's school day (formal education sessions). This is by whatever mode is most suited to the individual travel needs of the pupil/s or learner/s with identified additional needs, to the nearest educational establishment appropriate to his/her needs, or to the school determined by the Authority in their statement of ALN to be the school where their needs can be met where this is over the standard qualification distance.

- 2.3 Home-to-school transport for learners with special educational needs or who have a disability and for learners who are receiving education other than at school, and/or those permanently excluded, is commissioned by the Passenger Transport Unit and provided on their behalf by a third party supplier and is based on an assessment of their need for special arrangements within the framework of the entitlement criteria.
- 2.4 Any journeys outside normal home-to-school transport times will normally only be considered where no additional costs are involved. If there are added costs, these are met by the school's delegated budget, college funds, 16+ Support Funds or parents/carers.
- 2.5 Journeys to termly or weekly boarding placements in maintained and independent out of county schools will be funded by the Authority. This provision will be limited to fixed term periods through the school year e.g. weekly, half-termly or termly. Transport to respite care/short breaks is funded by the Children's Social Care Service. Transport will be provided for parents/carers of those in residential special schools who, without support to get to Annual Reviews of Statements of ALN, would not otherwise be able to attend.
- 2.6 Modes of transport may include mainstream school buses or minibuses, public transport, taxis, private hire cars, vehicles from the Authority's own fleet, voluntary drivers' vehicles, or the provision of specialist/adapted vehicles, and in some cases the provision of a passenger assistant (previously known as an escort). Safety restraints to ensure safe transport will be provided according to the learner's needs. The Authority reserves the right to refuse to carry a wheelchair user travelling in a wheelchair which has been proven to be unsafe during transit in standard crash testing procedures or if the wheelchair is in an unfit condition for transit e.g. tyres are not fully inflated.
- 2.7 Where parents/carers are able and willing to provide transport for their own eligible learner/ren, payment of an agreed fuel allowance rate will be made.
- 2.8 Wherever possible, opportunities for maximising the independent mobility and healthy lifestyle of learners will be explored and a graduated approach to the level of support needed will always be used and reviewed on an ongoing basis.
- 2.9 The Authority deploys resources and identifies special arrangements on the basis of established need. This includes the provision of free transport where the need is such that it is the Authority's responsibility. In Powys, pupils on School Action Plus (SA+) will also "trigger" consideration of the Authority's additional responsibilities as defined by the SEN Code of Practice for Wales (2002) and the transport policy for Powys. For those with a statement of ALN, the Authority has a statutory decision making body (called the ALN Statutory Panel) for all statutory ALN matters relating to Special Educational Needs as determined by the SEN Code of Practice for Wales. Decisions for those at School Action Plus will be made by the Authority's Manager for ALN and Inclusion after discussion with parties and consideration of the evidence.

2.10 The Manager for ALN and Inclusion is responsible for agreeing support for those without statements, but works to the same underlying legal framework as it is an assessment of needs.

2.11 The Authority will provide individual home-to-school transport in the case of pupils with a disability and/or a special educational need in accordance with the following criteria:

- (a) When a learner has a physical disability that would prevent him/her from making the usual type of accompanied journey made by learners of his/her age without any ALN. Examples of this might be cases in which the learner has:
 - (i) Long term severely restricted mobility - for example, circumstances requiring the daily use of significant physical aids such as a wheelchair.
 - (ii) Where clear medical advice is to have the shortest possible journey.
 - (ii) Long term medical condition resulting in severely restricted mobility due to pain and/or extreme tiredness - for example, juvenile arthritis.
 - (iii) Long term medical condition resulting in restrictive mobility due to serious health and safety risks - for example, epilepsy or life threatening heart defects.
 - (iv) A sensory impairment resulting in severely restricted mobility - for example, where a learner is effectively without the use of sight.

- (b) When a learner has a significant disability or difficulty with social, and/or emotional issues, in comparison with other learners of his/her age, he/she may be extremely vulnerable in social settings. For example, a learner with Asperger's Syndrome who has very little awareness of personal danger, or a learner with severe learning difficulties who has an inability to manage the complexity of the process with safety or demonstrates constant challenging behaviour. Some may have social and emotional needs resulting in aggressive or destructive behaviour, and therefore need to have individual arrangements made.

With both (a) and (b) above, the Authority will need to be provided with written evidence (detailed in the initial Transport Application Form) about the everyday functioning of the pupil and/or medical opinion, in order to determine the significance of the pupil's disability or difficulty in relation to the home-to-school journey.

2.12 Where admission to specialist provision or a mainstream school named in a statement of ALN is being discussed, parental preference will be given consideration. Free transport is not provided (even where a particular transport need has been established) to the parents'/carers' preferred school if this is further away from the learner's home than another school that can meet the learner's special educational needs. In such a case the Authority may agree to name the parents'/carers' preferred school in the statement, but only on the condition that parents/carers accept all travel

costs for the duration of their learner's attendance at the preferred school and that if at a later date the parents/carers find they are no longer able to provide transport, the Authority will review the school placement.

- 2.13 Free transport is provided for learners of statutory school age who live beyond the walking distance to their catchment or nearest suitable school as defined by the Authority (please refer to Section 2.3 and 2.4 of Part 1 of the Standard Qualification).
- 2.14 Free transport is also provided where it has been assessed that, due to identified ALN/D, the learner will be unable to attend the nearest catchment or suitable school unless transport is provided.
- 2.15 The assessment of transport needs for individual learners of statutory school age requiring additional support will be undertaken by (as a minimum) the ALN Statutory Panel (if a statement of ALN applies), the ALN Manager with the appropriate member(s) of Schools Service personnel for a pupil at School Action Plus and the Passenger Transport Officer, who will seek medical and educational guidance as necessary.
- 2.16 Assessment for each learner will proceed on the basis of least possible intervention, progressing to greater levels of independence depending on established evidence of need. Guidance will be sought as necessary from medical and educational professionals including the learner's current placement if appropriate.
- 2.17 The criteria taken into account to assess transport need are: distance, suitable school, level of need.
- 2.18 Clear details of specific conditions/issues that govern the identified need for transport will be recorded at the time of initial assessment for transport. For example learners may have:
- significant mobility difficulties;
 - significant visual or hearing impairment;
 - profound multiple learning difficulties;
 - severe/specific learning difficulties;
 - autism spectrum disorders/communication difficulties;
 - severe speech and language difficulties;
 - severe emotional and behavioural problems;
 - be a wheelchair user;
 - chronic medical incapacity.

Decisions on transport are taken at the time of initial assessment and will be recorded on the learner's initial Transport Application Form. They will also form part of the Individual Travel Care Plan Records for eligible learners with Statements and those at School Action Plus for whom individual transport has been agreed.

- 2.19 All schools and FE establishments are encouraged (in consultation with parents/carers) to consider the independence and life skill benefits for older pupils/learners who might, with appropriate support, be enabled to

walk to school or make use of public service buses or trains.

- 2.20 Guidance is sought initially through either the statutory assessment process on which a statement is based, the Annual Review or School Entry Plan and from medical and educational specialists to assess particular transport need, and this may be recorded in Part 6 of the learner's statement of ALN, or on the Annual Review records for those pupils at School Action Plus (SA+). This will include:
- a clear definition of what criteria have been taken into account to determine the need at the initial assessment and subsequent reviews;
 - the range of appropriate modes of available/accessible transport;
 - consideration of appropriate pick-up and setting-down point;
 - any specific requirements, e.g. passenger assistant essential or advisable, or the need to travel apart from other learners or maximum journey time or sibling arrangements or parents'/carers' exceptional circumstances; and
 - indication of the review schedule (if this is more frequent than annual).
- 2.21 Every learner/young person requiring special transport arrangements travelling on education transport has an Individual Travel Care Plan which is compiled in consultation with the learner/young person, their parents/carers, school and medical specialist (where appropriate). This includes details of medical considerations; appropriate harnesses or restraints and wheelchair details, where relevant. Individual risk assessment analyses the defined needs of the learner and puts into place strategies and mechanisms to reduce the likelihood and outcome of potential hazards.
- 2.22 A young person's transport need is re-examined at regular intervals by the school, in liaison with other professionals as appropriate and in conjunction with the learner's Individual Travel Care Plan, through the Annual Review Process, as follows:
- (1) Annual review of statement of ALN or Annual School Action Plus (SA+) Review; plus
 - (2) When a pupil changes school
 - (3) On transfer from KS2 to KS3 (Year 6 to Year 7);
 - (4) 14+ review including Careers and Skills Advisors input;
 - (5) 16+ review including Careers and Skills Advisors input.
- 2.26 The elements to be considered initially and at every subsequent review will include:
- Status of initial entitlement and any subsequent changes
 - Passenger assistant requirements (essential/advisable)
 - Wheelchair provision (and control protocols)
 - Special seating/harnesses
 - Loading/unloading procedures
 - Special assistant requirements e.g. moving a learner into and out of the vehicle and wheelchair including consideration of weight, size and physical mobility
 - Special needs/medication
 - The requirement for door to door transport

- Other information such as behaviour or specific issues that drivers and passenger assistants should be aware of
 - Emergency contact numbers
 - Any altered domestic situation e.g. sibling travelling or ceasing to travel
 - The learner's growing abilities reflected in opportunities for greater independence
 - Parent/Carer/Child's views
- 2.27 Post-16 learners with a Special Need, Disability or Mobility Difficulty will continue to receive support in accordance with their need as appropriate.
- 2.28 The Statement of Special Educational Needs continues to the academic year in which a learner is aged 19, for learners attending a maintained post-16 special or mainstream school. The Statement of SEN will no longer apply for learners over 19 or for those attending an FE College. Continued transport assistance post-16 for ALN learners who do not qualify under the LA's discretionary post-16 transport policy is based on similar criteria to those taken into account to assess transport need for statutory age pupils with ALN and likewise learners are assessed annually.
- 2.29 When the Authority receives an application for transport to the relevant establishment, it considers the following information:
- Whether the learner is a Powys resident;
 - The age and needs of the learner;
 - The nature of the available route to the relevant establishment and any reasonable alternative route;
 - The length of the journey;
 - Whether the learner can use public service vehicles. Lack of public service vehicles in an area is not in itself a reason to provide individual transport;
 - The benefit that the learner will get from the course. The Authority will take into account any previous post-16 education and must decide if the course will really make a difference to the life and future prospects of the learner. Reports are requested from Careers officers and other relevant agencies in order to help the Authority to make this decision;
 - Whether the learner is applying for transport to the relevant establishment. This means to their nearest college, or school offering their chosen or a comparable course. In the case of a pupil of sixth form age with a Statement of Special Educational Needs it means the school, if any, identified in Part 4 of the Statement.
 - The cost of the transport to be provided against any alternative means of facilitating attendance e.g. could the learner go into lodgings close to the college or be conveyed by parents/carers if they have a mobility vehicle for the learner etc;
 - Learners will have the opportunity to choose between establishments provided it is reasonable to do so. However, the cost of providing specialised transport to a college, or school and the suitability of the course will be factors that the Authority must consider when making decisions about support with transport. Where the Authority agrees to meet the full cost of transport, learners should attend the nearest relevant college or school offering the same or a comparable course.

- In some cases the Authority may decide that a young person would benefit from a different type of setting to aid their development such as attendance at a Day Centre or employment within the Adult and Social Care Service rather than further education at a college or school.
- 2.30 Clear details of any specific condition/issue that governs the identified need for transport will be recorded at the time of initial assessment for transport. For example:
- significant visual or hearing impairment;
 - profound multiple learning difficulties;
 - severe/specific learning difficulties;
 - autism spectrum disorders/communication difficulties;
 - severe speech and language difficulties;
 - severe emotional and behavioural problems;
 - being a wheelchair user;
 - chronic medical incapacity;
 - confirmed inability to lodge independently near to the 16+ establishment;
 - confirmed inability to use public transport.
- 2.32 The aim of the policy for post-16 ALN transport is to encourage personal independence and the development of social and life skills by promoting personal mobility wherever possible.
- 2.33 Advice will be sought from the young person, school and college staff as well as parents/carers to determine whether or not it may be possible, in due course, for a learner to progress to independent transport on a public service bus. Where this is the case, assisted travel will be provided for an interim period to allow focused training to be undertaken by the Bus Buddy in collaboration with school or college staff, before the learner becomes confident and fully independent in his/her use of the bus service. At this stage financial assistance for learners who have successfully graduated to travel independently will be withdrawn, or reduced to the level available to mainstream FE learners i.e. those who following training are able to make their own way independently by public transport, having previously travelled on contracted taxi or minibus, will be provided with a bus pass to the nearest suitable establishment if they meet the standard qualification for school transport.
- 2.34 Similarly, requests from learners to transfer from existing public service bus routes to car travel will not be considered, unless exceptional circumstances are evidenced. Exceptional circumstances would include a significant deterioration in the learner's medical condition for example, loss of mobility leading to reliance on a wheelchair.

Important Notice

From September 2020 there will be a new statutory code of practice relating to ALN. Amendments will need to be made to this policy with reference to the new code. Furthermore, specific terms used to currently describe ALN will no longer be appropriate, e.g. Statement, School Action Plus; this policy will be amended to reflect the change in terminology.