



# **DRAFT Home to School Transport Policy – Proposal for consultation**

**This is a proposed policy for wide public consultation. The final policy will be determined the Cabinet of Powys County Council.**

## **June 2020**

Version 1	21/04/20	ME/JF
Version 1.1	22/04/20	RW
Version 1.2	24/04/2020	ME/JF/SA/RW
Version 1.3	04/05/2020	ME
Version 1.4	12/05/2020	JF



## **Introduction**

Powys County Council (“the Council”) has a legal duty to provide learners of compulsory school age with free transport to their nearest suitable maintained school if they live over the statutory walking distance.

Transport will be provided in accordance with the Learner Travel (Wales) Measure 2008 (“the Measure”)<sup>1</sup> and the statutory guidance issued by Welsh Ministers entitled ‘Learner Travel - Statutory Provision and Operational Guidance - June 2014’ (“the Guidance”)<sup>2</sup> and the local authority’s School Transport Policy as set out below. These arrangements apply to learners who ordinarily reside in Powys or those deemed to be the responsibility of Powys local authority.

This policy is aligned with the ‘**Strategy for Transforming Education in Powys**’ that was approved by the Leader of the Council (following extensive public engagement) 14<sup>th</sup> April 2020.

**Note: This information is correct at time of publication but may be subject to change as a result of changes in the law or Council Policy. This policy will be subject to periodic review.**

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<sup>1</sup> Learner Travel (Wales) Measure 2008, <http://www.legislation.gov.uk/mwa/2008/2/>

<sup>2</sup> Learner Travel - Statutory Provision and Operational Guidance - June 2014, <https://gov.wales/sites/default/files/publications/2018-03/learner-travel-statutory-provision-and-operational-guidance-june-2014.pdf>

# **Section 1: Transport for Primary and Secondary Aged Learners**

## **(Reception to Year 11)**

### **1.1 Legal duties of the Council**

The legal duties of a local authority in relation to school transport, as outlined in the Measure, are as follows:

The Council **must**:

- Assess the travel needs of learners in their authority area
- Provide free home to school transport for learners of compulsory school age attending primary school who live 2 miles or further from their nearest suitable school
- Provide free home to school transport for learners of compulsory school age attending secondary school who live 3 miles or further from their nearest suitable school
- Assess and meet the needs of “looked after” children in their authority area
- Promote access to Welsh medium education
- Promote sustainable modes of travel

The definition of a ‘suitable school’ is a school where the education or training provided is suitable having regard for the age, ability and aptitudes of the learner and any learning difficulties he or she may have.

The Council recognises its obligations under the School Standards and Framework Act 1998 to comply with parental preference regarding choice of school. However, where parents/guardians exercise a preference for a school other than their nearest suitable school, the child/ren will not be entitled to free home to school transport. Parents must make their own transport arrangements and are wholly responsible for their child/rens to travel to the school of their choice and all associated transport costs.

Where parents have shared responsibility for a child and the child has dual residency at both parents homes, the Council will provide transport from both home addresses, providing that parents can provide evidence that the child/ren live at both addresses and that the child/ren will meet the qualifying criteria in 1.2 below.

### **1.2 Qualifying criteria**

Home to school transport will be provided for learners who ordinarily reside in Powys to attend their nearest suitable catchment school.

A ‘catchment’ school means the nearest school within a geographic area.

To be eligible for free home to school transport, the learners’ catchment school must be:

- The nearest to the learners’ home address and if so,
- They are more than 2 miles from their home address for primary school (aged 4 -11) or more than 3 miles for secondary school (age 11 to 16)

The distance will be measured from the closest access point on the public highway (which could include footpaths and bridleways) to the learner’s ordinary place of residence which is nearest to the school and measured to the nearest school gate. A footpath or bridleway will be considered suitable if it has a stone or tarmac surface. Any other surface will only be considered if it can be walked in normal school footwear. The measurement will be made through the use of the Councils Geographical Information System (GIS).

Under section 3(7) of the Measure the walking distance should be measured by the “shortest available route”. A route is considered to be available if it is safe (as far as reasonably practicable) for a learner without a disability or learning difficulties to walk the route alone or with an accompanying adult if the learners age and levels of understanding requires this.

If a route is not ‘available’ and there is no alternative ‘available’ walking route within the respective distance threshold applicable to the learner’s age, which can be used instead, as prescribed within Section 3 of the Measure, the learner cannot be expected to walk to their nearest school. Even though the distance from home to school is less than the distance limit that applies to the learner’s age.

### **1.3 Looked After Children**

It will be for the Council with parental responsibility for looking after a learner to determine which school they should attend, which might be a school other than their nearest school to their current place of residence because, for instance, of priority to maintain continuity in their education or contact with siblings and friends. Subject to the Looked After Child meeting the same distance criteria, free school transport will be provided to the school of the Councils choosing.

### **1.4 Learners with SEN/ALN**

The Council will make suitable and relevant educational provision for all children with additional learning needs to ensure they are able to develop to their maximum potential.

The level of transport need is assessed by relevant professionals in the Council’s education department, and this informs the type of transport provided. Transport will then be provided in line with the advice given and reviewed on an annual basis.

If a child has a statutory plan, school transport may be included as part of the non-educational provisions made for the child as part of their plan. If it is, then transport will be provided. However, free transport will not be provided if parents / carers exercise their right to preference of school which is not the nearest suitable school named in the statutory plan. (See Admissions Policy).

If school transport is not included in a child’s statutory plan, or if a child does not have a statutory plan, then they may still be entitled to home to school transport under the policy, provided that the school they are attending is the nearest appropriate school, subject to the eligibility criteria being met (See Admissions Policy).

Where the Council arranges transport for learners to attend special school / specialist centre attached to a mainstream school, it will do so ensuring that the learner(s) will have an appropriate journey time for the school they are attending. There are no specific set journey times, but the learners age, disability or learning difficulty will be considered when arranging their transport.

Passenger Assistants may be provided on some vehicles. This will be determined following an initial travel needs application/assessment and risk assessment where necessary.

## **1.5 Method of transport**

For primary aged learners who meet the qualifying criteria, dedicated school transport vehicles will be provided. Wherever required, dedicated school transport vehicles will carry primary, secondary aged and Post 16 learners together. Primary aged learners will not be transported on a public transport services.

For Secondary aged learners who meet the qualifying criteria, where public transport is available this will be used as first choice and a bus pass will be issued. Where no public transport is available, dedicated school transport will be provided.

## **1.6 Schools that are over-subscribed**

When the nearest suitable school is full and unable to admit a learner, free transport will be provided to the next nearest suitable school that has room to take the child, as long as the home is 2 miles or more away from the next nearest suitable school, or 3 miles or more for secondary school learners. If a learner has been refused a place at a school through an admissions appeal, then free transport will be provided to the next nearest suitable school that has room to take the child, if the child qualifies for free transport.

## **1.7 Closure of school/school reorganisation**

If a decision is made to close a school following a statutory school reorganisation process, then free transport will be provided to the nearest suitable school, but only as long as the home address is 2 miles / 3 miles (as appropriate) or more away from that school.

When a new school opens, free transport will only be provided to that school if it is the child's nearest school and the home is 2 miles / 3 miles (as appropriate) or more away from new school.

## **1.8 Safety**

The Council is subject to a legal duty to assess the travel needs of learners who walk to school under Section 2 of the Measure. For learners who do not meet the qualifying distance criteria shown in section 1.2, the Local Authority may provide transport to the nearest school if the route is deemed hazardous.

Hazardous routes are assessed by an appropriate Officer in the Corporate Passenger Transport Unit and they will follow the guidance provided in the Learner Travel: Statutory Provision and Operational Guidance June 2014.

Parents must apply, in writing, to the Corporate Transport Unit, [buses@powys.gov.uk](mailto:buses@powys.gov.uk) stating their reasons why they believe the walked route is unsafe.

## **Section 2: Discretionary Travel Arrangements**

The Measure gives local authorities power under Section 6 to make discretionary arrangements for learners who would not otherwise qualify for free school transport.

This discretion will be operated in accordance with Measure and the Guidance and this will apply to any arrangements that the authority thinks fit to facilitate the travel of learners to and from a place of education and learning.

### **2.1 Welsh Medium**

In order for the Council to comply with Section 10 of the Learner Wales Travel Measure 2008 which states that each local authority must promote access to education and training through the medium of the Welsh language, the Council will make an exception to the qualifying criteria if your child attends a Welsh medium school, and the chosen school isn't the nearest to their home address.

Free school transport is only available if your child lives over the minimum distance from the school shown in 1.2.

If the child then changes from Welsh medium to the English stream (in a dual stream school) and their school is not their closest English medium school, transport will be withdrawn.

### **2.2 Transport for 16-19 learners**

Free transport is made available for full-time learners who live 3 miles or more from their nearest secondary school or further education college site within Powys providing education for 16 – 19 year olds.

The nearest further education college site is defined as the nearest Powys site to the learner's ordinary place of residence. The authority will not provide transport for learners to attend out of county establishments providing education for 16 – 19 year olds.

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 Council considers that all its secondary schools offer a relevant and adequate range of Post 16 provision.

In order to access the full range of A level subjects on offer, Transport will be provided to those learners whose ordinary place of residence is within the county of Powys to access the school(s) where their A Level subjects are being delivered subject to the qualifying criteria being met.

### **2.3 Transport related to learner referral services**

Learners who access the pupil referral unit (PRU) or who follow an alternative curriculum may need to travel to different centres for provision during the week. Under these circumstances, the Council will provide free transport to the centres attended by a learner on a weekly basis, subject to the standard distance qualification criteria.

Where free school transport is in place, learners accessing the PRU will normally be expected to travel on mainstream school transport where appropriate. Other specific arrangements based on an individual learner's need will be decided by the Powys Inclusion Panel.

## **2.4 Transport related to permanent exclusions and managed moves**

The authority will provide transport for permanently excluded learners or learners subject to managed moves who meet the standard distance qualification criteria to enable them to attend the nearest appropriate alternative school identified by the Council.

## **2.5 High school induction days**

Year 6 learners who will be transferring into Year 7 in September are able to make use of existing school transport if they meet the qualifying criteria for secondary aged learners (i.e. live more than 3 miles from their nearest suitable school) when attending induction days if a seat is available on a bus.

## **2.6 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 for transport because the nature of the medical condition severely impacts upon their mobility (e.g. a broken leg), not just those who qualify for transport on distance. In all instances, transport will only be provided to the nearest school.

Requests, supported by evidence of the medical need for transport from a medical professional, should be made in writing to the Corporate Transport Unit or by e-mailing [buses@powys.gov.uk](mailto:buses@powys.gov.uk). Provision will be reviewed on a termly basis or earlier if necessary.

## **2.7 Transport for those who do not meet the qualifying distance criteria**

Consideration will be given to provision being made for those learners who attend their nearest suitable school but do not qualify for free school transport under the distance criteria. Where public transport can meet their needs, learners will be made aware of this and they can access the service bus upon payment of the appropriate fare. Where no suitable public transport provision is in place, the Council may provide a permit for a seat on a dedicated school bus (if one is available) subject to the appropriate fee being paid and the vehicle meeting the requirements of PSVAR2000 regulations. The seat will only be available on a temporary basis and may be withdrawn at any time at the discretion of the authority e.g. when seats become unavailable. This could take place at short notice and responsibility for transport then reverts back to the parents / guardian.

## **2.8 Transition Arrangement**

The following transitional arrangements will apply to enable existing learners to complete their education:

- For primary aged learners (ages 4 to 11): Until they complete the end of their primary school or they leave their school
- For secondary aged learners (ages 11 to 16): To the end of Key Stage 4 (statutory school age) or leave their school
- To the end of Key Stage 5 (aged 16-19) for a learner in Years 12-13.

Where the policy changes and transition arrangement are put in place for learners, any younger siblings that apply for transport will be considered under the new policy and will not be granted a place on transitional transport with their brother or sister



## **Section 3: General Transport Matters**

### **3.1 Seat Belts**

In accordance with the Travel Behaviour Code, learners are expected to wear a seat belt.

### **3.2 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 learner/learner will be decided following completion of a risk assessment by the Council.

Passenger assistants will be provided on vehicles to supervise learners on their journey to and from certain ALN schools / specialist centres attached to mainstream schools based on the learner's specific needs. 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.

### **3.3 Journey times**

In assessing the travel needs of learners, the local authority will consider the fact that travel arrangements must be safe and reasonable.

In accordance with the Learner Wales Operational Guidance, the authority will aim to ensure that, except in exceptional circumstances, a learner being transported to their nearest mainstream school/site will have an appropriate journey time for the school they are attending, and the geographical area they live in.

### **3.4 Behaviour**

This policy is aligned with the All Wales Travel Behaviour Code and as such, by applying for free / discretionary school transport learners will be expected to follow the Code.

Parents are therefore encouraged to make themselves aware of the All Wales Travel Behaviour Code by following these links:

<https://gov.wales/sites/default/files/publications/2018-03/wales-travel-behaviour-code-a4.pdf>

<https://gov.wales/sites/default/files/publications/2018-03/school-bus-travel-behaviour-code-a4.pdf>

### **3.5 Cameras**

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

### **3.6 Pick up points**

It is not always possible to arrange the routes of vehicles to pass close to the home of all learners. Parents may therefore be required to make their own arrangements for their children to get to and from the nearest 'pick-up' point of the vehicle, which is the parent's responsibility. Every effort is made to keep this distance to a minimum and it should not exceed 1 mile. In

these instances the assistance of parents in escorting learners safely to and from vehicles is sought.

### **3.7 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, or sustainable, it will undertake appropriate consultation to change the time a school's first (morning) session begins and its second (afternoon) session ends.

### **3.8 Safeguarding**

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.

### **3.9 Adverse weather**

During periods of adverse weather, the authority or contractor may suspend free transport provision. Every effort will be made to contact parents/guardians to inform them of school closures. Where learners need to be transported home earlier than the normal closing time, the school will contact parents/guardians to inform them of the school's closure to ensure the safety of learners after they leave the school. Where parents/guardians 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.

### **3.10 Payments to parents/guardians**

In remote areas where it would not be viable to the authority to provide transport to qualifying learners, agreement may be sought for parents/guardians 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.

### **3.11 Complaints**

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

Any concerns or complaints regarding learner behaviour, drivers, passenger assistants or vehicles should be made, as soon as possible after the incident, to both the school and the Corporate Transport Unit, County Hall, Llandrindod Wells, LD1 5LG, by emailing [buses@powys.gov.uk](mailto:buses@powys.gov.uk).

### **3.12 Contract Compliance**

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

### 3.13 Appeals procedure

Entitlement to free school transport will be decided by an officer in the Corporate Transport Unit. Where a request is refused, parents/guardians will be advised of the reason(s) not to award free transport.

If a parent/guardian is not satisfied by the decision of the of the Passenger Transport Unit, then they can challenge the decision using the following appeal process:

- **Stage 1:**  
In the first instance, parents should put in writing the details of an appeal with any supporting evidence. This appeal should be sent either by letter or email to the Senior Manager Corporate Fleet & Transport, Corporate Transport Unit at County Hall, Llandrindod Wells, LD1 5LG / [buses@powys.gov.uk](mailto:buses@powys.gov.uk). Confirmation of receipt of the appeal will be sent to the parent within 5 working days and a formal response will be sent to the parent within 20 working days of receipt of the appeal.
- **Stage 2:**  
If the parent/guardian is not satisfied by the decision of the Senior Manager Corporate Fleet & Transport, an appeal can be made within 14 working days of the date of the stage 1 appeal response letter in writing to the Head of Highways, Transport and Recycling. Confirmation of receipt of this second appeal will be sent to the parent/guardian within 5 working days. The parent/guardian will be invited to an appeals hearing. The appeal will be heard by the Head of Highways, Transport and Recycling who will make the final decision.

The decision at all transport appeals are heard and decided upon on a case by case basis. If following the Stage 2 process you remain dissatisfied, you may raise your complaint with Public Service Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ or <https://www.ombudsman.wales/>

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