



DARLINGTON
Borough Council

Travel & Transport Assistance Policy

CONTENTS

- 1. Introduction**
- 2. Core Principles**
- 3. Scope**
- 4. Application Process and Parental Preference**
- 5. Definitions of Eligibility**
- 6. Disabled Parents**
- 7. Passenger Assistants**
- 8. Permanently Excluded Pupils**
- 9. Ways in which free travel may be provided**
- 10. Mileage**
- 11. Explanations**
- 12. Complaints**
- 13. Transport Appeals**
- 14. Contact Details**

1. Introduction

This document sets out Darlington Borough Council's Home to School Travel and Transport Policy and describes how the Council fulfils its duties and exercises its discretionary powers as required by the Education Act 1996 and subsequent legislation and guidance.

To comply with statutory home to school transport duties Darlington Borough Council must:

- Promote the use of sustainable travel and transport.
- Make transport arrangements for all eligible children.

The policy:

- explains the eligibility criteria for travel assistance for pupils to their nearest¹ school for children of statutory school age.
- describes how parents² can apply for travel assistance and how decisions are made.
- sets out how parents may appeal against decisions that they believe do not comply with this policy.

2. Core principles

Darlington Borough Council promotes sustainable modes of travel such as walking, cycling and use of integrated public transport and aims to reduce traffic congestion, the environmental impact of vehicle journeys and improve road safety. Where agreed, travel assistance for 'eligible children', will be provided in a safe manner that will take into account: the Council's statutory duties, the specific needs of the child, and appropriate use of its resources. Travel solutions provided will support initiatives that lead to reducing the volume and length of vehicle journeys.

The Council is committed to ensuring that each child can fulfil their potential and is supported to do so, that includes supporting all children with Special Education Needs (SEN) to lead lives which are as independent as possible. Where possible, children will be supported to achieve greater independence through the development of independent travel skills and the use of public transport. The Council will work closely with parents and schools and expects all parties to play a supportive role in the development of this key life skill.

The legal responsibility for ensuring that a child attends school lies with the parent, and this includes accompanying a child to school where necessary. If parents are working or otherwise unavailable at the time their child travels to and from school, it remains the parents' responsibility to make arrangements to ensure that their child attends school.

¹Definition for travel purposes the nearest school is suitable for the child's age, ability, aptitude, and any special educational needs they have.

²Throughout this document, those with parental responsibility will be referred to as 'parent'.

If both child's parents are, by reason of disability unable to ensure that their child attends school, or are unable to make suitable alternative arrangements, eligibility for travel assistance for the pupil will be considered on the individual circumstances, with regard to the Equality Act 2010.

3. Scope

Children aged 5-16. Please note that whilst there is no statutory entitlement to travel assistance for children under 5, this policy takes statutory school age to include those children who have taken up the legal right to start schooling from the start of the term after a child's fourth birthday. Compulsory school age ceases on the last Friday in June in the school year in which the child reaches the age of 16.

4. Application Process & Parental Preference

The Council has a statutory duty to provide free home³ to school transport to "eligible children". All applications for free transport will be assessed by the Council and an assumption about the award of free transport should not be made until notification has been received in writing.

Once it has been determined that a child is eligible the local authority have a duty to make travel arrangements for the purpose of facilitating the child's attendance. Should the authority fail to discharge this duty and the parent proves this, then the parent will have a defence for their child's non-attendance. Parents will need to make their own arrangements if they wish their child to attend out of school activities. Travel arrangements are for journeys at the start and end of the school day only.

For mainstream applications processed during the normal school admissions round, a school will be defined as the nearest suitable school, for free travel under this policy, if the school in question would have been the nearest suitable school had the parents made an application for that school during the normal admissions round and a place could have been offered. This will also apply for late school place applications.

Parents are therefore advised to state their nearest school as a preference along with other preferred schools if they intend on applying for free travel as they believe they qualify, as assistance to a school further away may not make the child eligible and the responsibility to get there will be that of the parents. If unsure, please contact school admissions at schools.admissions@darlington.gov.uk for advice.

When a secondary school place is offered in the normal admission round, once a parent has received an offer of a school place and believes their child is eligible for free assistance with travel to school under this policy, they can apply by submitting an online transport application form on the home to school transport section on the Council's website.

³Home address is the one that the child habitually resides Monday to Friday. For shared care arrangements only one address will be used for the purposes of arranging travel

For parents whose child has an EHCP you have a right to ask for a particular school to be named in your child's EHC plan and the local authority must name that school in the plan unless it would be unsuitable for the child's age, ability, aptitude, or special educational needs or incompatible with the efficient education of others or the efficient use of resources.

If the local authority determines that providing travel to the parent's preferred school would be incompatible with the efficient use of resources, the local authority may:

- Name a different school that would be appropriate for the child's needs (this may be a nearer school), or
- Name the parent's preferred school on the condition that the parent arranges the travel or provides some or all of the cost of the travel.

Parents should be aware that it can take some time to arrange transport and they are advised to apply as soon as they believe that they require transport for their child. If a child changes school or moves home address, either for the start of the academic year or during the year, a new transport application form must be submitted for a new eligibility assessment to be undertaken. In all cases, a child must be attending the nearest suitable school. This is defined as a school that has spaces available that provides education appropriate to the age, gender, ability and aptitude of the child, and appropriate to the child's EHCP where one exists.

Transport applications can be made online [Darlington BC - School travel and transport](#) or by requesting a paper application from the Travel and Transport team.

5. Definitions of Eligibility

5.1. Statutory Entitlement

The 1996 Education Act defines "eligible children" as children of statutory school age (5-16) who live in the local authority area and meet one or more of the criteria set out below. A child is of statutory school age from the start of term after their fifth birthday up until the last day of the academic year in which they are in Year 11. This applies to both children with and without an Education Health and Care Plan (EHCP).

Local Authorities are required to provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is:

- a. beyond 2 miles (if below the age of 8); or
- b. beyond 3 miles (if aged between 8 and 16)

The Council will also make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability. In these circumstances, children will be assessed on an individual basis to identify their particular transport requirements.

The Council will make transport arrangements for all children who cannot reasonably be expected to walk to their nearest suitable school because the nature of the route is deemed unsafe to walk.

The Council will provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit (Known as 'Extended Rights'), if:

- c. the nearest suitable school is beyond 2 miles from the home address (for children over the age of 8 and under 11)
- d. one of the three nearest suitable schools between 2 and 6 miles of the home address (for children aged 11-16)
- e. the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).

To apply these eligibility criteria, the child's place of residence will be deemed to be the residence at which the child resides the majority of the time (51% or more) during the normal school week at the time of application for a school place.

5.2. Unsafe walking routes:

Where a child is not deemed eligible for transport to their nearest qualifying school because it is under the relevant distance threshold and the parent believes the child is unable to walk the assessed route safely (accompanied by an adult as necessary) due to the nature of the route, they should write to Darlington Council's Home to School Transport team outlining the aspect of the route they believe to be unsafe. Walking routes will then be inspected by the Council.

You can contact the transport team by writing to Travel and Transport Services, People Services, Town Hall, Darlington, DL1 5QT or by emailing schooltraveltransport@darlington.gov.uk

When determining eligibility, a range of factors may also be taken into consideration including:-

- the age of the child;
- whether any potential risks might be mitigated if the child were accompanied by an adult;
- the width of any roads travelled along and the existence of pavements;
- the volume and speed of traffic travelling along any roads;
- the existence or otherwise of street lighting;

Where a route previously classified as unsafe is then made safe (for example through the provision of a new footpath) then pupils who met the eligibility criteria when the route was categorised as unsafe will have transport provided until the end of the academic year in which the route is re-assessed as safe or given one full term's notice, whichever is longer, before transport is withdrawn.

5.3. Extended rights:

Statutory entitlement is extended to children from low-income groups. Children from low-income groups are defined as those who are entitled to free school meals, or those families who are in receipt of the maximum level of Working Tax Credit (WTC).

The following eligibility will apply:

- f. Children above the age of 8, but under the age of 11, from low-income families will be entitled to travel assistance to their nearest suitable school if the shortest walking distance between their home and the school is more than two miles.
- g. Children aged 11 and over (school years 7 – 11) from low-income families will be entitled to travel assistance if they attend one of their three nearest suitable schools where they live between two miles and 6 miles (measured by the shortest road route) from their school.
- h. When a child cannot be offered a place at the nearest school to the home address, the Council will, subject to the criteria set within this policy and the qualifying distance being met, provide transport to the next nearest school with space to admit. For transport to be provided in this particular instance the parent must provide evidence that they have applied for and been refused a place at the school which is the nearest school from their home address and any other schools closer than the school offering admission.
- i. Children aged 11 and over (school years 7 - 11) from low-income families who are attending their nearest designated faith school preferred on the grounds of religion or belief will also be entitled to travel assistance if their school is more than two miles but not more than 15 miles (measured by the shortest road route) from their home.
- j. When considering whether a faith school is preferred on the grounds of religion or belief, Darlington Council will take into account the nature of other schools that may have been named as higher preferences on the application form. For an application for travel assistance to be agreed under this section, the expectation will be that the school that is preferred on the grounds of religion or belief will be named above any non-faith schools that have been named on the admissions application form.
- k. Parents must provide supporting evidence regarding their genuine adherence to their religion or belief, and this will normally be confirmed by asking their minister of religion to sign the application form and by the parents providing the relevant baptism certificate for the child.

Applications meeting extended rights criteria: Parents who believe they meet the Extended Rights criteria and are therefore eligible for assistance with travel to school must include with their application form evidence of:

- the child's entitlement to free school meals or
- the family's receipt of maximum level of Working Tax Credit (the full WTC award notice, pages 1-6, for the year for which the parent is applying for travel assistance).

5.4. Reviewing extended rights

A child who has been assessed as eligible for travel assistance by meeting the Extended Rights criteria will have their entitlement reviewed each academic year to ensure that the child continues to meet the necessary criteria. If a child ceases to be eligible for free school meals or a family ceases to be entitled to the maximum level of Working Tax Credit (or transferred to Universal Credit) during the academic year for which transport has been awarded, then travel assistance will continue until the end of that academic year.

5.5. Discretionary Arrangements

Local Authorities also have the discretion to go beyond their statutory duties and can provide transport for those children who are not entitled to free transport, this can include charging for all, or part of the travel arrangements made. Darlington Local Authority must balance the demands of a broad range of services against budget priorities, therefore consideration of applications which do not meet the statutory eligibility conditions or other elements of this policy, will be considered under 'discretionary arrangements' but should travel be granted it would be with a view to a charge being made to parents for all or part of the travel arrangements.

The overriding expectation is that parents should undertake their legal responsibility to get their child(ren) to and from school and as such the Council will need to be satisfied that the parent has demonstrated why they, for social, medical, financial or personal reasons cannot undertake this duty. Consideration will be given as to whether the circumstances could have reasonably been foreseen by the parent, for example, choosing a school other than a child's nearest school and realising following this decision that transport is not available could be foreseen.

All applications for free home to school transport for children who do not meet statutory criteria must be supported by documented evidence. Any support offered by the council will be reviewed on an annual basis. Where it is decided that a child does not qualify for assistance with travel based on the presented needs/circumstances then it remains the parents' responsibility to ensure their school attendance.

In exceptional and individual circumstances only, free travel may be made available to allow Year 11 students to remain at the same school to complete their GCSE studies following a house move by their parents, where the young person was attending the nearest suitable school prior to the move. Only in exceptional circumstances will the Authority offer travel assistance after the autumn term in Year 10.

For pupils in year 12 and above (post-16 year olds), there is no statutory requirement for the Council to provide free transport to their school or college. For more information on post 16 transport please read the separate Post 16 policy statement available on the Council website or on request.

5.6. Special educational needs, disability, and mobility problems for children of statutory school age

In addition to the eligibility criteria set out in sections 5.1 – 5.3 an entitlement to free home to school transport exists for children of statutory school age with Special Education Needs (SEN), a disability or mobility problem where the following criteria are met:

- A child with an EHCP attends the nearest suitable school and qualifies for free home to school transport under the statutory distances referred to earlier in Section 3.1 of this policy.
- where the child's SEN, disability or mobility difficulties mean that the child cannot reasonably be expected to walk to school even if accompanied by a responsible adult, then free transport can be provided even if the distance criteria are not met.

Not every child who attends a special school will be eligible for free travel to school. Where a parent of a child with an EHCP expresses a preference for a school further away than the nearest suitable school, the Council can name that school in the EHCP but will state that it is not the nearest suitable school. In this situation, responsibility for getting a child to and from the school will be with the parent.

Eligibility is assessed on the individual needs of the pupil, taking account of their physical ability to walk to school and any health and safety issues related to their special educational needs, disability or mobility problems. The Council can take account of whether a pupil would be able to walk to school if accompanied by their parent or a nominated responsible adult.

We will not normally consider work or other family commitments such as the attendance of siblings at different schools. Parents are expected to make full use of the separate legislation introduced to ensure flexibility for working parents or utilise the support of others to accompany their children as necessary.

Support services (such as pre and after school clubs at some schools) may be available to families to manage the conflicting priorities of their domestic arrangements. It is expected that parents will have explored alternative support services to assist them in meeting any conflicting priorities that may arise.

When assessing entitlement for travel we may take professional advice from educational psychologists, medical officers and teachers and consult with parents before arriving at a final decision. The following factors will be taken into consideration by the Council when assessing transport entitlement:

- Any relevant information in the child's EHC plan
- Any relevant information in their individual healthcare plan if they have one
- the age of the child

- the distance of the child from school to home
- whether the child is physically able to walk the journey to school
- whether the walking route is appropriate for the pupil and their specific needs and allows them to arrive in a fit state to be educated
- whether a child's emotional and behavioural difficulties will create a clear health and safety hazard to themselves or others on the journey to school
- the special educational needs of the child
- the efficient utilisation of resources
- any other individual circumstance

This is not an exhaustive list or presented in any particular order and is for guidance only.

If, due to a medical condition or disability, a mainstream child is attending a particular school that is not the nearest qualifying school but is under the statutory walking distance, they may qualify for travel assistance on the production of medical evidence that demonstrates why the child needs to attend that school and why other schools cannot meet their needs.

Travel assistance will only be provided at the beginning and end of the normal school day, and only to the educational provision named on the EHCP.

6. Disabled Parents

The Disability Discrimination Act 2005 has placed a duty on the public sector to promote equality of opportunity for disabled people and to eliminate discrimination. The Council is therefore under a duty to review all their policies, practices, procedures and services to make sure they do not discriminate against disabled people and to ensure that all of its services are planned with disabled people's needs fully considered in advance.

Therefore, where disabled parents have to accompany their child/ren along a walking route for it to be considered safe¹, due to the child's age and where the parents' disability prevents them from doing so, in such circumstances, the Council may consider providing free home to school travel or assistance for the child/ren of disabled parents.

In a two-parent household both parents would need to have a disability that would prevent them from fulfilling their responsibilities as parents, in securing their child/ren attend school regularly and punctually. The fact that one parent may be out at work is not in itself sufficient reason for the Council to offer support.

The Council has a duty to manage its' limited resources and reserves the right to challenge any claims of parents that they are unable to support their children's attendance at school. Evidence may be required from an appropriate health professional supporting the claims of disability.

7. Passenger Assistants

Parents should be aware that there is no legal requirement for a local authority to provide passenger assistants. Following an assessment of need of a child, a passenger assistant may be provided where applicable.

Where it would be unsafe for a child to travel without one, a passenger assistant will be considered subject to written medical / professional advice provided to the transport team and dated within the last twelve months. This is usually where a child exhibits severe challenging behaviour or where the child has a severe or complex medical condition requiring continuous support.

For children with medical needs the Council will put in place proportionate arrangements to manage those needs. Parents will be required to inform the transport team about their child's medical needs if not already known, so that consideration of how their condition is managed whilst travelling can be actioned. It is the parents' responsibility to update the transport team of any changes to their child's health. Where a passenger assistant is necessary for complex health reasons, the Local Authority will work with health services to secure an appropriately qualified carer for transport purposes.

Parents or their nominees may accompany their child and undertake the role of passenger assistant where the pupil is the sole pupil attending a specific provision.

8. Permanently Excluded Pupils

Should a child be permanently excluded from a mainstream school and live over the statutory distance relevant to their age, then they will be entitled to transport assistance to their temporary educational setting, whilst awaiting re-integration into another mainstream school.

9. Ways in which free travel may be provided.

It is for local authorities to decide how they will arrange free travel for an eligible child. For example, payment to use a service bus, a seat on a contracted school bus, mileage allowance or the cost of a taxi. Parents do not have to accept the offer and can choose to transport their child themselves and would receive a mileage reimbursement instead but this must be with their agreement.

10. Mileage Allowance

A mileage allowance will be awarded for the four journeys' taken between home and school at the beginning and end of the school day. However, there are exceptions, if for instance a parent travels onto to their place of work after leaving their child at school. Should the family address change, assistance will cease in the following circumstances:

- the school that the child is attending is no longer over 2 miles (primary) 3 miles (secondary);
- the school that the child is attending is over 2 miles (primary) 3 miles (secondary) but there is a school closer with available places.

11. Explanations

11.1. Statutory walking distances:

Statutory walking distances are measured by the shortest walking distance between the home and the main school gate as designated by the Authority, identified using a Geographic Information System (GIS). To remain consistent the Council will not take account of any other measuring system used by parents in an assessment of a route or distance, the only measurement will be that determined by the Council. Distance measurements are used both for the purposes of transport and admission arrangements.

Children who live between 2 and 3 miles from their school, we have agreed that the three mile limit will not apply on the child's eighth birthday but will be used from the start of the academic year after the child reaches the age of eight years (usually from the commencement of Year 4).

Where a school operates on multiple or split sites, the assessment of nearest qualifying school will take account of the site where the child is registered. The 2 mile limit for extended rights will be measured in the same way as the statutory walking distances. However, the 6 mile upper limit to a choice of schools, and the 15 mile upper limit to a school preferred on grounds of religion or belief will be measured along road routes.

11.2. Suitable School

A suitable school is a school which, in the view of the local authority, offers an efficient full-time education suited to the age, ability, aptitude and any special educational needs of the child and at which there is a place available for the child.

11.3. Journey Times

The definition of a 'reasonable journey' In accordance with national guidance, a journey to school for eligible children should be suitable, safe, and reasonably stress free to enable the children to arrive at school ready for a day of study. To this end it is considered reasonable that the maximum journey times for children will not, except in unusual circumstances, exceed:

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

However, it is recognised that adhering to journey times may not always be possible particularly in rural areas. In these circumstances journey times are likely to exceed the reasonable journey time. Where children with special educational needs, disability or mobility problems are present, then journey times may sometimes need to be longer and more complex especially if travelling to schools outside of the Borough of Darlington.

11.4. Behaviour on school contracted vehicles

The Council seeks to provide safe home to school travel in all circumstances. Occasionally some children/young people exhibit poor behaviour on contracted school vehicles. This behaviour may be part of their special educational needs or disability and can put that child/young person, other road users or the driver/passenger assistant and other children/young people travelling on the same vehicle at risk. Where this happens, the Council will take all reasonable measures to overcome the problem.

Occasionally, it may be necessary to restrict or remove home to school transport arrangements for children/young people where this difficulty cannot easily be resolved, and the behaviour of that child/young person puts themselves and/or others at risk of harm. Children, parents, carers, schools, transport operators and the Council all have a role to play in ensuring the appropriate behaviour of children on school transport.

Equally where a bus pass has been issued as the travel offer any poor behaviour on public transport will not be tolerated and the consequence of such would be short and/or long-term withdrawal, during which time it will be the parents' responsibility to ensure the child attends school.

Where a travel offer is withdrawn temporarily the transport team will make an alternative offer.

11.5. Safety

All drivers and passenger assistants engaged on education transport contracts are subject to an enhanced DBS (Disclosure and Barring Service – formerly a CRB) as part of their contract. All transport operators contracted on education transport are required to provide the following information:

- Vehicle registration and plate details for taxis.
- Insurance certificates.
- Vehicle test certificates.
- Operator's licence for PSV vehicles.
- DBS

Transport Services carry out checks on operator vehicles and their staff. Where necessary these are done in conjunction with the Police and Vehicle Operator Services Authority (VOSA).

11.6. Risk Assessments

Health and Safety law requires local authorities to put in place reasonably practicable control measures to protect their employees and others (this would include the children the Council arrange transport for). The Council may consider that some children require an individual risk assessment be carried out, especially for those with complex medical needs. Parents would be advised if there was a need to carry one out for their individual child's needs.

12. Complaints/Concerns

Darlington Borough Council welcomes and responds positively to all comments, compliments and complaints as a means of demonstrating its commitment to working in partnership with all stakeholders.

If you have a complaint/concern about Home to School Transport service, you should contact the School Transport Section immediately; especially if it involves a safety/safeguarding concern. The postal address, email address and telephone numbers for the section can be found after the School Transport Appeal information. The transport team will then try and resolve your complaint/concern as quickly as possible. We may need to ask you to follow up your complaint in writing. Once investigated, you will be advised of the outcome and any subsequent action taken. Information pertaining to a member of staff will not be shared if disciplinary action is taken.

If you are not satisfied with the outcome, then you may wish to contact the Authority's Information Governance Team who deal with complaints, compliments or comments they can be contacted on 01325 388043 or by completing a form at www.darlington.gov.uk/Generic/Complaints/complaints

The complaints process is comprised of three stages after which the complainant should be advised to refer the matter to the Local Government Ombudsman. Although complainants can refer their complaints from the outset, or at any stage, to the Local Government Ombudsman, they will not normally be investigated until the Council has conducted its own investigation and made a response.

13. School Transport Appeal

Parents are able to challenge a decision about the following:

- the transport arrangements offered, for example, are they appropriate/ reasonable for their child's needs.
- their child's eligibility
- the distance measurement in relation to statutory walking distances

Where the appeal concerns a change to existing travel arrangements, then the previously agreed travel arrangements will continue until the review is complete.

Stage One

If you believe that you qualify for assistance with transport as set out in this policy and you wish to appeal against the refusal to provide free Home to School Transport you should write asking for a review of the decision within 20 working days from receipt of the decision to the School Admissions & Transport Manager. You will need to set out clearly the reason for your appeal and enclose any relevant evidence/information to support your appeal, i.e. letter from a specialist if medical.

Within 20 working days of receipt of the parents written request the School Admissions & Transport Manager will review the original decision and inform the parent of the outcome in writing.

Stage Two

If parents are not satisfied with the decision made at stage 1, they then have 20 working days from receipt of the local authority's stage 1 decision to make a written request to escalate the matter to stage 2. The appeal should be addressed to the School Travel Appeals Panel and can be emailed to schooltraveltransport@darlington.gov.uk

Within 40 working days of receipt of the request your appeal will be considered by an appeal panel. They will consider the written and verbal representations from both the parent and officers involved in the case. You will be informed in writing of the outcome of your appeal and the reasons for it within 5 working days of the decision being made. The letter will also explain what to do if you are still not happy with the decision.

A flowchart of the process is available on the following page.

14. Contact Details

For all school travel/transport enquiries you can contact the transport team by writing to Travel and Transport Services, People Services, Town Hall, Darlington, DL1 5QT by telephoning on 01325 406333 and choosing the option for transport or by emailing schooltraveltransport@darlington.gov.uk

Home to School Travel and Transport

Flowchart of the review/appeals process

