

**Home to School
Transport Policy
2008/9 & 09/10**

January 2009

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INTRODUCTION

This policy document is a general policy that covers eligibility for home to school transport for all children. It sets out arrangements for the transport for pupils of compulsory school age and below to and from schools and from schools and institutions within the further education sector.

Wakefield Council as a Local Authority (LA) has a responsibility to make suitable travel arrangements where they are needed to allow children access to school. This helps to ensure that children can:

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Secure economic well-being.

This policy sets out how the Council fulfils its duties and responsibilities in exercising its statutory obligations and also the discretionary powers it has under legislation. In particular, this covers the provision of free home to school transport for children who live within the area covered by Wakefield Council.

The Education Act 2002 requires Local Authorities to publish post-16 transport partnerships to co-ordinate transport arrangements for post-16 students. This is the subject of a separate policy statement.

Transport is also provided for children who are not entitled to free home to school transport. The Council has published its Sustainable School Travel Strategy which includes information about local transport in Wakefield and information on school travel plans.

This policy only applies to children of statutory school age who are resident within the administrative area of Wakefield MDC.

References to the nearest 'qualifying' school are to be taken to mean the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child and any special educational needs the child may have. The qualifying school will normally be the nearest school, which is usually the catchment area school.

This policy is determined in accordance with relevant provisions of the Education Act 1996 as amended by the Education and Inspections Act 2006.

PART 1

Home to School Transport for Children Attending Mainstream Schools

1. Primary and secondary mainstream schools

Eligible Children

Pupils of the ages 5 years to 8 years are eligible for free school transport if they live more than two miles from and are attending their nearest qualifying school.

Pupils of the ages 8 years to 16 years are eligible for free school transport if they live more than three miles from and are attending their nearest qualifying school.

Qualifying schools include community, foundation or voluntary schools, academies and city technology colleges.

Free travel at the 2 mile limit will only be provided up to the end of the term in which the child becomes 8 years of age. After that the 3 mile limit will apply.

However, if children are entitled to free school meals or their parents receive the maximum level of Working Tax Credit, then recent government legislation gives them extended rights to free transport:

- (a) Children who are over the age of 8 but under the age of 11 and live more than 2 miles from the nearest qualifying school (primary age children) are eligible for free school transport;
- (b) who are aged 11 to 16 and attend one of a choice of three nearest qualifying schools if that school is more than 2 miles but less than 6 miles from their home are eligible for free school transport (from September 2008).

Transport may also be provided for:

- (a) Children who live within the statutory walking distance of their nearest qualifying school where the walked route is not safe for children to walk, accompanied as necessary.
- (b) Children who live beyond the statutory walking distance of the school where no suitable alternative arrangements have been made by the Local Authority either for boarding accommodation for the child at or

near the school or for enabling the child to attend a qualifying school nearer to his home

2. Home to School Travel on the Grounds of Religion or Belief

Eligible pupils

Children eligible for free transport under this rule are:

- (a) (i) children who are entitled to free school meals or whose parents are in receipt of the maximum level of Working Tax Credit; and
(ii) are aged 11 to 16; and
(iii) are attending their nearest suitable school preferred on the grounds of religion or belief where their ordinary place of residence is more than 2 miles, but not more than 15 miles from that school;
- (b) Children aged 5 to 16 who attend a denominational school within the Wakefield District and who are of that faith subject to the 2/3 mile distance qualifying criteria.

To apply for transport under philosophical or religious grounds, written supporting evidence should also be provided to support this. Parents must be able to demonstrate adherence to the faith of that school.

Where the preference to attend a school is based on religion or belief:

The definition of religion includes those religions widely recognised in this country such as Christianity, Islam, Hinduism, Judaism, Sikhism, Rastafarianism, Baha'is, Zoroastrians and Jains and covers denominations within a religion such as Catholicism or Protestantism within Christianity. Examples of 'beliefs' include Humanism and Atheism. In this context, a 'belief' does not include a wish to attend a particular category of school or a preference for a particular type of management, governance or curriculum

Home to School Travel on the Grounds of Non-Faith

Free transport will be provided for children who attend a school on the grounds of their parents' non-belief and who meet one of the following criteria:

- (a) In cases where parents of children aged 5-8 years are opposed to their children's attendance at a faith school for reasons of non-belief, and where the nearest qualifying school is a faith school, free travel will be granted to the next nearest qualifying non-faith school where that school is more than 2 miles from their permanent home address.

Free travel at the 2 mile limit will only apply up to the end of the term in which the child turns 8 – after that a 3 mile limit will apply.

- (b) For children aged 8-16 years – if the nearest qualifying school is a faith school and parent's do not wish their child to attend for reasons of non-faith, then free travel will be granted to the nearest qualifying non-faith school where that school is more than 3 miles from their permanent home address.
- (c) For children aged 8-16 who are eligible to receive free school meals or whose parents receive maximum Working Tax Credit, if they attend the nearest qualifying non faith school due to their parent's non-belief free travel will be provided if that school is between 2 and 15 miles from their permanent home address.

3. Distance

The 'statutory' walking distance is 2 miles between home and school for children aged 5-8 years and 3 miles for children aged 8-16 years. The distance between home and school is measured as follows:

- The nearest available walking route (accompanied as necessary) that the child may walk safely to school. This route can include footpaths, bridleways and other pathways as well as recognised roads.

For those children who are eligible to receive free transport on the grounds of low income:

- The 2 mile limit should be measured in the same way as the 'statutory' walking distance, i.e along the nearest available walking route'
- The 6 mile limit to a choice of schools (as referred to in Part 1, Section 1 (a)), and the 15 mile limit to a school preferred on the grounds of religion or belief are not walking routes. These routes will be measured along road routes.

4. Home to School

The policy applies to home to school travel arrangements at the start and the end of the school day. It does not normally include pre-school or after- school clubs.

The school day is deemed to be the session times as approved by the Governing Body of the qualifying school.

These travel arrangements do not include travel between different education institutions during the school day. Where a child moves from one establishment to another, in order to receive education, the cost falls to the school at which the child is on roll.

'Home' means the permanent address where the child lives during the normal school week. This will be the address used by the Council for school admission purposes.

The Council must be told of any changes in the home address, in which case a new application should be made for home to school transport. If the child does not attend the nearest qualifying school from the new address then transport provision will normally cease.

'Qualifying' schools are:

- (i) Community, foundation or voluntary schools.
- (ii) Pupil referral units.
- (iii) City technology colleges, city colleges for the technology of the arts and academies.
- (iv) Maintained nursery schools.

A qualifying school also includes places other than a school or setting at which a pupil who by reason of illness, exclusion from school or otherwise might not receive suitable education unless arrangements were made for them under section 19(1) of the Education Act 1996, for example at a Pupil Referral Unit etc.

Once eligibility for free travel has been confirmed then the pupil will remain eligible for the entire period of the school year for which the assessment has been made.

5. Travel Arrangements

We will provide

- (i) normally a schoolcard (bus pass) unless that is not suitable for the child's needs; or
- (ii) refunded travelling expenses according to the most economical available public transport route; or
- (iii) a mileage allowance in accordance with the Council's current rate for pupils who require special arrangements; or
- (iv) the provision of free cycle training for the child to benefit from a cycle allowance.

These travel arrangements are provided free of charge. The only cost falling to parents is the cost of providing photographs for the schoolcard.

PART 2

Home to School Transport for Pupils who Require Special Transport Arrangements

The Council will provide transport for children with special educational needs to help them get to and from school, including residential schools

1. Eligible children

Children eligible for help under this scheme are

1. children with a special educational needs where transport is specifically identified in part 6 of the statement of special educational needs;
2. children with a disability and/or SEN who are unable to walk even relatively short distances to school.
3. children with mobility problems (including temporary medical conditions).

It also applies to:

Children who attend a qualifying school which is within statutory walking distance of their home; and no suitable arrangements have been made by the LA to enable them to become a registered pupil at a qualifying school nearer to their home; and, also, having regard to their SEN, disability or mobility problem, they cannot reasonably be expected to walk to the school concerned.

In these cases transport will be provided free of charge.

2. Home and School

Home' means the permanent address where the child lives during the normal school week. This will be the address used by the Council for school admission purposes.

The Council must be told of any changes in the home address, in which case a new application should be made for home to school transport and eligibility for free travel will be reviewed.

In the case of children with special educational needs, qualifying schools are

- (i) community, foundation or voluntary schools;
- (ii) community or foundation special schools;
- (iii) non maintained special schools;
- (iv) pupil referral units;

- (v) city technology colleges, city colleges for the technology of arts or academies.
- (vi) an independent school if it is the only school named in the child's statement of Special Educational Needs (SEN) or it is the nearest of 2 or more schools named in the statement.
- (vii) maintained nursery schools.

A qualifying school also includes places other than a school or setting at which a pupil who by reason of illness, exclusion from school or otherwise might not receive suitable education unless arrangements were made for them under section 19(1) of the Education Act 1996, for example at a Pupil Referral Unit etc.

These travel arrangements do not include travel between different education institutions during the school day. Where a child moves from one establishment to another, in order to receive education, the cost falls to the school at which the child is on roll.

3. Travel Arrangements

Travel arrangements are made by the Local Authority for children to receive free home to school transport. For children with special educational needs, free home to school transport will cover:

- (a) for children attending a school on a daily basis, this will be for the journey at the:
 - (i) start of the school day; and
 - (ii) end of the school day.
- (b) for pupils attending school with a weekly residential place, this will be for:
 - (i) one journey at the start of the school week; and
 - (ii) one journey at the end of the school week.
- (c) for children with a termly residential place, this will be for:
 - (i) one journey at the start of each half-term; and
 - (ii) one journey at the end of each half-term.

The school day is deemed to be the session times as approved by the Governing Body of the qualifying school.

Travel arrangements will be:

- (a) a travel pass, unless this is not suitable for the child's needs; or
- (b) refunded travelling expenses according to the cheapest available public transport; or
- (c) mileage expenses in accordance with the Council's current rate for pupils transported in their parent's/carer's own vehicle; or
- (d) a taxi; or
- (e) a contracted specialist vehicle.

These travel arrangements are provided free of charge. The only cost falling to parents is the cost of providing photographs for the schoolcard where this applies.

Depending on the special educational requirements/medical needs of the child, the age of the child and the length of journey, an escort may be provided. Recommendations regarding the provision of an escort may be made by:-

- The Special Educational Needs Group (SENG) within the Local Authority;
- The school being attended;
- Other professionals (such as the Educational Psychology Service, General Practitioners or Consultants).

The provision of escorts is kept under constant review by the LA.

Where a child is attending a mainstream school that is determined and named in their statement of special educational needs by the LA and is above the statutory walking distance, the child will be provided with free transport.

Where that named school in the child's statement of special educational needs is below the statutory walking distance then free travel may still be provided depending on the particular circumstances of the individual pupil, in consultation with the SENG.

Consideration will also be given to individual circumstances where the school named is not the nearest and is below the statutory walking distances.

Where parent chooses to place the pupil at a school that is further away than the nearest available school which can meet needs or the school named in the pupil's statement, then free transport will not be provided.

4. Special Transport - Variations

Home-to-school transport is provided from the child's home address (i.e. the main place of residence) to school and vice-versa. No variation to the journey can be accommodated without the prior authorisation of the Transport Team at County Hall. Variations may only be agreed in circumstances where the contractor is willing to vary the journey, there is no increase in cost, no appreciable time penalty for other children on the journey and no increase in hours worked by the pupil escort.

If a contractor agrees to a temporary variation of the route, but wishes to make a charge, the Transport Team will only agree if the parent/carer or some other agency covers the full additional cost of alternative arrangements.

If, following a parental request, the contractor is unable to vary a journey, the Transport Team will make every effort to place the child on an alternative

route if this can be done at no extra cost. If this cannot be done then transport can only be provided to and from the home address or other previously agreed pick-up/set-down point.

From time to time the LA receives requests from parents to accompany their child on the home-to-school journey. As a general rule, the LA will not agree to this, but there may be special circumstances which merit consideration. These may include where a parent has to attend the annual review and has no transport and they live a considerable distance from the school. Such cases will be exceptional and the LA will consider what is reasonable in the circumstances. For such a request to be agreed, there must always be an escort present on the vehicle, sufficient room for the parent so as not to disturb the normal travel arrangements and there must be no additional cost to the LA. It will not be allowable for escorts to take their own children on a contracted journey under any circumstances.

5. Dual Registration

Some SEN pupils may, as part of their learning, attend more than one school during the school week. Where assisted transport is already being provided as part of a statement of SEN to a specific school, this will be available for daily transport between home and the alternative school as long as this has been endorsed by the SEN Group. If, however, the pupil arrives at the specific school and then transfers to the alternative school during the school day, then transport arrangements and related costs will be met by the school(s) involved.

PART 3

Home to School Travel – Special Circumstances

The home to school transport policy will normally apply for mainstream and special schools as set out above. But there will be special circumstances and, although requests are considered on their merits, there are some examples of special circumstances that are set out below as part of this policy.

1. Pre-School Age Children

Children under the age of 5 years are eligible to travel free on public transport when accompanied by a fare-paying passenger.

Parents of pupils under the age of 5 years who live in a specific area and attend the following schools - Holy Family and St Michael's RC J&I School, Pontefract St Joseph's RC J&I School, St Austin's RC J&I School, may purchase a boarding card for part or the whole of the school year until the child is eligible to be considered for free travel.

Pupils under the age of 5 years with a statement of special educational needs attending a special school or mainstream school, may qualify for transport regardless of the distance between home and school. Each case will be considered individually.

2. Looked After Children (LAC)

Looked After Children (LAC) are amongst the most vulnerable and disadvantaged groups in society. Where a child is placed into a foster home/residential unit outside the school's normal catchment area, then the Local Authority will ensure that, where reasonable, practical, safe and in the best interests of the child, he/she can continue to attend his/her normal school. Similar arrangements will be made if a child changes placement within the care system and moves outside the normal catchment area of the school. In some circumstances, the needs of the child may override the usual 2/3 mile rules subject to recommendation from the Raising Educational Attainment for Children in Care (REACH) Team.

3. Transition Days

Where children with a statement are due to move up to secondary school, they have 'transition days' at the secondary school to help smooth the process of changing schools. If they are in receipt of assisted transport then this will be provided to the secondary school as long as it is from home to the

school. Transport between the schools that takes place within the school day and related costs will be the responsibility of the school(s) concerned.

4. Post-16 Students

The Education Act 2002 requires LAs to establish post-16 transport partnerships to co-ordinate arrangements for post-16 students. The LA works closely with NEW College, Wakefield College, the Learning and Skills Council and Connexions to ensure consistency of treatment for all post-16 students whether they attend school or college.

Partnerships are required to review and publish their policy. A consultation was undertaken to determine whether some charge should be introduced as from September 2006 for new post-16 students. A separate policy statement is in place and reviewed annually under separate arrangements.

5. Other Vulnerable Pupils

Other groups of children, e.g. traveller children, asylum seekers, children who live in women's refuges and pregnant schoolgirls may be regarded as vulnerable pupils and require special transport arrangements. Cases are considered individually on their own merits by the Transport Team and will need to be supported with a clear recommendation from either the Education Welfare Service or the Equality and Diversity Service. In certain circumstances, the distance i.e. 2/3 miles, may be disregarded dependent upon the needs and requirements of children and their families.

6. Extended Schools

Some pupils with a disability/special educational needs may wish to take part in voluntary activities associated with extended schools e.g. breakfast clubs or after school activities.

The principle behind the disability discrimination legislation is that disabled people should have the same opportunities as non-disabled people to benefit, wherever possible, from whatever education or other related provision is available. There will be instances when young people with special educational needs and who receive transport assistance, wish to participate in after school activities.

In these cases the LA will seek to implement reasonable adjustments, e.g. change of journey time, to ensure young people are not disadvantaged because of their disability. It will, however, expect parents to play their part, in the same way as for non-disabled children, and it may sometimes be more appropriate for the parent to collect their child from school. Each case will be considered on its merits.

7. Pupils Subject to School Detention

Pupils who are subject to a school detention will not qualify for any transport assistance if the LA is unable to re-arrange transport at no extra cost.

8. Pupils Receiving Education other than on a School Site or in a 'Dual' Placement

Some children may attend specialist provision, either full or part-time, other than on a school site. Others may be subject to a 'dual' placement and receive their education at more than one school.

If appropriate, assistance with transport costs will be provided subject to the usual rules of eligibility. We will normally provide a Schoolcard which will be restricted to approved schools/settings such as Pupil Referral Units.

9. Pupils in Shared Care

From time to time applications are received where the pupil might live for part of the week with parents and for the rest of the week in a Social Care residential unit or in foster care.

The Education Service may support the cost of transport between the shared care location and school, subject to the normal eligibility rules. Each case will be decided on its individual merits.

There are also cases where pupils spend part of the week with one parent and the remainder of the week with the other parent. Where both parents live in the catchment area for the school the LA will amend the schoolcard to allow free travel from both addresses. In cases where the 'second parent' lives outside the catchment area for the school, free travel will not normally be available. Any application which falls into this category will be considered via the appeal process.

10. Early College (ECT) Year 11 Pupils

Compulsory schooling will almost always be provided in a school setting, but there will always be a number of pupils for whom a different environment might be more appropriate. Where the appropriate headteacher has agreed to the transfer then help with transport may be provided subject to the distance between home and college being more than 3 miles by the nearest practicable walking route. EWS may also be involved in these cases.

11. Pupils Subject to Managed Moves

Where a pupil has been transferred to a new school under the 'Managed Move' arrangements and this has been endorsed by the Principal Education Welfare Officer and has the agreement of both headteachers, the requirement for a pupil to be attending their nearest designated school in order to qualify

for help with transport, may be waived. Each case will be considered on its individual merits.

12. Fair Access Protocol (formerly Hard-to-Place Pupils Protocol)

Sometimes, children need to be educated out of school or may need to move to another school for a number of reasons- because of behaviour or attendance or because of medical needs. Transport assistance will be available, if necessary, for any pupil who has to travel in excess of 3 miles to the designated school in line with normal home-to-school transport policy and the Fair Access protocol. Each case will be considered on its individual merits.

13. Abandoned Children (e.g. where parent/carer is not at the delivery point)

Where children are on special transport and there is no one to receive the child, taxi drivers and/or escorts must contact the home-to-school transport team. A member of the team will attempt to contact the parent/carer on the contact telephone numbers provided. However, as a last resort, the team will then contact Social Care Direct who will offer advice as to the location to which the child should be taken. The taxi driver/escort will then be notified accordingly.

Under no circumstances should a member of school staff or other education staff take a child home with them.

14. Journey Variations for Examinations

There may be occasions when the normal journey pattern is disturbed because a child may have an examination which results in him/her going into school, say, in the afternoon. This creates an extra journey. In these circumstances, it may be reasonable to ask parents if they can help in providing transport for the additional journey in exchange for help with petrol costs.

Where this help from parents is not forthcoming (and this is usually the case), the LA will provide assisted transport for the additional journey to ensure children are given every opportunity of obtaining their qualifications.

PART 4

Administration of Free Travel Arrangements

The home to school transport policy will normally apply as described above. This section of the policy adds to the basic general rules by explaining how we will deal with particular circumstances.

1. Attendance at Nearest Qualifying School

The qualifying school will normally be the nearest school which is usually the catchment area school. For the purpose of measuring the distance the starting point will be from the pupil's home gate or the end of their property nearest the public highway and is to the nearest accessible school entrance.

If a pupil is unable to attend the nearest school because no place is available or because of a permanent exclusion free travel will normally be provided to the nearest alternative school or education centre where a place is available subject to the usual eligibility rules.

The 'statutory' walking distance is 2 miles between home and school for children aged 5 years to 8 years and 3 miles for children aged 8 years to 16 years. The distance between home and school is measured as follows:-

- (i) the nearest available walking route (accompanied as necessary) that the child may walk safely to school. This route can include footpaths, bridleways and other pathways as well as recognised roads;
- (ii) a road route for the 2 - 6 mile range for pupils who qualify because they receive free school meals or the parents receive the maximum level of Working Tax Credit.

2. Unsafe Routes

The LA will undertake a risk assessment of the route to determine the risks that a child might encounter along the prescribed route and will take into account for example, canals, rivers, ditches, speed of traffic along roads, overhanging trees or branches that might obscure fields of vision.

In conducting the Risk Assessment, LAs should take a range of factors into account including:-

- the age of the child;

- whether any potential risks might be mitigated if the child was 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; and
- the condition of the road at different times of the year at the times of the day a child would normally be expected to travel to and from school.

The assessment of the route shall take place at the times of the day that pupils would be expected to use the route.

Route assessments will also feed into the LAs duty relating to sustainable school travel (e.g. safer routes to school).

If an unsafe feature can be removed from the route then it may be that free travel is given on a temporary basis until the situation is resolved.

Whilst it is the responsibility of the parent to ensure a child attends school regularly we will consider whether it is reasonably practicable for the child's parent/carer to accompany the child along a route which would otherwise be regarded as too dangerous to walk by the child alone in reasonable safety. Free travel may also be provided to pupils where the parent's disability prevents them from accompanying their children along a walking route for it to be considered safe. Each case will be considered on merit.

3. Non attendance

Parents have a legal duty and responsibility for ensuring their children attend school regularly. However, section 444 of the 1996 Act (as amended by S82 EIA 2006) outlines situations in which the parent may have a defence in law against prosecution for their child's non attendance at school. Section 444 (3B) provides a parent with a defence if he or she proves that:-

- the qualifying school at which the child is a registered pupil is not within statutory walking distance of the child's home and;
- that no suitable arrangements have been made by the LA for (i) boarding accommodation at or near the school; or (ii) enabling the child to become a registered pupil at a qualifying school nearer to his/her home; and
- the LA has a duty to make travel arrangements in relation to the child under section 508B and has failed to discharge that duty.

4. Boarding Cards/Schoolcards

(a) Boarding Cards

Boarding Cards are available only on specific services (school specials') for which the LA pays via an agency agreement with the West Yorkshire Passenger Transport Executive (Metro). These specific services are provided because there is no commercial service available on the route in question. Because the LA pays for the bus service the boarding card is issued free by Metro to eligible children as determined by the LA.

If a pupil does not qualify for a Boarding Card the parent/guardian may purchase a card for part or whole of the school year (from Metro), providing a place is available on the bus concerned.

(b) Schoolcards

Schoolcards are provided by the LA to eligible children and they allow free travel between home and school on the normal bus network.

Pupils will normally only receive a Metro Schoolcard if they reside and attend a school within the Wakefield District. If the nearest available school is not within the Wakefield District then we may still consider requests on an individual basis. A Schoolcard will enable pupils to travel on the normal service bus and may be used only for one journey to school (before 12.00 noon) and one journey home (between 12.00 noon and 19.00 hours) each school day between the places specified on the front of the card. It is not valid outside these times nor during weekends or school holidays.

5. Replacement Schoolcards/Boarding Cards

Replacement Schoolcards are issued by the Transport Team, County Hall, Wakefield. To apply for a replacement, parents will need to send a letter explaining the reason for the replacement and enclose a cheque or postal order for £5.00 made payable to Wakefield MDC, a passport size photograph and stamped, addressed envelope.

Replacement Boarding Cards, however, are issued by Metro in Leeds (Wellington House, 40/50 Wellington Street, Leeds LS1 2DE - Telephone 0113 2517291). To apply for a replacement, parents will need to send a letter explaining the reason for the replacement and enclose a cheque or postal order for £5.00 made payable to WYPTE, passport size photograph and stamped, addressed envelope.

The £5.00 charge is to help with administration costs involved in the issue of duplicate cards.

6. Curriculum Related Transport

All transport directly related to delivery of the curriculum, including swimming, and work experience will be dealt with by the school concerned. This also

includes educational visits (usually on a single day) or school trips (which can involve a number of days). For visits and trips the transport charges will be dealt with by the schools concerned in accordance with their own remission schemes.

7. Refund of Travelling Expenses

A. Refund to parent following a successful appeal for a Schoolcard.

Refund will normally be based on School Plus Metrocard Rate as follows (as appropriate)

£25.50 per month

£6.75 per week

Example

Parent can claim for 6 weeks:

1 month @ £25.50 plus

2 weeks @ £6.75 per week

In accordance with well established procedures refunds will always be made at the most economical rate and if necessary, the public transport rate will be paid instead of the School Plus Metrocard. Depending on the timing of the application it may be more economical for the schoolcard rate to be used. All cases will be viewed individually.

B. Refund to Parent Where Assisted Journey Cannot Take Place (cancelled etc) or Where Parent Agrees to be Responsible for Transport

Parent can claim a refund of 19.35p per mile as per Council's Public Transport Rate.

8. Unsafe Route (Approved by LA) Where Parent Opts to Take Pupil to School

Parent can claim a refund as follows:-

either: 19.35p per mile as per Council's Public Transport Rate

or: equivalent cost of a schoolcard for the period in question, whichever is the most economical.

9. Non Attendance

Parents have a legal duty and responsibility for ensuring their children attend school regularly. However, section 444 of the 1996 Act (as amended by S82 EIA 2006) outlines situations in which the parent may have a defence in law

against prosecution for their child's non attendance at school. Section 444 (3B) provides a parent with a defence if he or she proves that:-

- the qualifying school at which the child is a registered pupil is not within statutory walking distance of the child's home and;
- that no suitable arrangements have been made by the LA for (i) boarding accommodation at or near the school; or (ii) enabling the child to become a registered pupil at a qualifying school nearer to his/her home; and
- the LA has a duty to make travel arrangements in relation to the child under section 508B and has failed to discharge that duty.

10. Removal of Free Travel Arrangements

The Authority shall withdraw the provision of free home to school transport where it is considered that a child has demonstrated such poor behaviour whilst using that transport as to put at risk:

- (a) the driver of the vehicle and/or;
- (b) themselves;
- (c) other passengers; or
- (d) used threatening or violent language and/or;
- (e) damage caused to the vehicle.

The withdrawal of free home to school transport will be:

- (a) temporary; or
- (b) permanent at the discretion of the LA having regard to the circumstances of the pupil's behaviour where this has been serious or in persistent cases of misbehaviour.

Each case will be considered on its own merits. Where free travel is withdrawn it will be the responsibility of the parent(s) to pay for travel costs between home and school.

'Temporary' shall be for a specified number of weeks and 'permanent' shall be for the remainder of the school year or longer if justified by the circumstances.

The withdrawal of home to school transport (either temporary or permanent) on a particular child shall not imply that travel arrangements were not necessary and should not be provided. The withdrawal would be because the child's behaviour was such that they could no longer take advantage of it.

"Where a Headteacher of a school, under the provisions of Section 89(5), considers that a child's conduct whilst using the transport is such that free home to school transport should be withdrawn, the Headteacher will notify the LA who will consider whether to withdraw transport provision. In these cases the parent shall have the right for a review of the decision in accordance with Part 5 of the Policy".

Nothing in this policy prevents the operator of a commercial service to exclude a child if they demonstrate poor behaviour.

11. Status

This information represents the transport policy of Wakefield LA at the time of publication. However, the LA reserves the right to amend the policy to reflect either changes in policy or legislation.

Any data held by the Transport Team in relation to home-to-school transport will be securely stored and maintained in line with the Data Protection Act 1998. The personal data collected will only be processed for the purpose of the education of the young person.

PART 5

Review of Decisions

Any parent who makes an application for free travel under the provisions of the Council's policy and that application is refused will have the right to have their case reviewed.

The process is as follows:-

- (i) a panel of senior officers will consider the details of the application which led to its refusal and any other written submission made by the parent;
- (ii) the panel will decide whether to uphold the original decision and refuse free travel or to reverse it and provide free travel;
- (iii) where the panel uphold the original decision to refuse free travel the parent has the right to make a written submission to the Awards and Appeals Regulatory Board who will then make a final decision.

The grounds on which parents might ask for a review of the decision to refuse free travel could include:-

- suitability of walking route;
- measurement of distance;
- attendance at another qualifying school or setting;
- religion or belief;
- exclusion from transport;
- hardship.

This list is only indicative and other circumstances will be considered as appropriate but underpinning this process is the need to ensure the appropriate safeguarding of our pupils.