

West Northamptonshire Council

**Home to School Education Transport
September 2024 – July 2025 (Consultation Draft)**

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West Northamptonshire Council

Home to School Transport Policy

1. Introduction

- 1.1. This policy sets out West Northamptonshire Council's obligations to provide home to school transport to children living in West Northamptonshire who are eligible to receive transport assistance. If you do not reside or pay council tax to the council, you will not be eligible for support. Please contact your own local council to find out details of their transport policy and how to apply.
- 1.2. Local Authorities are under a statutory duty to have regard to the Education Act 1996 and Schedule 35B of the Act which was inserted by Part 6 of the Education and Inspections Act 2006. Sections 508B and 508C of the Act makes provision for Local Authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. West Northamptonshire Council has developed its transport policy in accordance with the relevant legislation to ensure it is able to meet its statutory duty for pupils of compulsory school age up to Year 11.
- 1.3. Transport Provision is different for pupils in Year 12 onwards, which is explained in more detail in the relevant section of this policy.
- 1.4. West Northamptonshire Council must have regard to any statutory guidance published by the Secretary of State in the Department for Education.

2. West Northamptonshire Council Policy

- 2.1 West Northamptonshire Council (the Council) recognises parents'/carers' responsibility for ensuring attendance of their children at school. It also recognises that in some circumstances assistance may be required. Please note that all school transport will normally only pick up and set down at or near the pupil's home address as shown on the school roll and Council's records.
- 2.2 Compulsory School Age is set out in section 8 of the Education Act 1996 and The Education (Start of Compulsory School Age) Order 1998. It is defined as "a child reaches compulsory school age on the prescribed day following their fifth birthday, or on their fifth birthday if it falls on a prescribed day. The prescribed days are 31 December, 31 March and 31 August".
- 2.3 A child ceases to be of compulsory school age on the last Friday in June in the school year in which they reach age 16.

3. Free Travel Arrangements

- 3.1 The Council will provide or arrange free travel arrangements either by dedicated vehicle or bus pass for the following pupils:
 - (i) **Pupils aged 5 to 8 years** attending their nearest suitable* school and who live more than 2 miles from that school.
 - (ii) **Pupils aged 8 to 16 years** attending their nearest suitable* school and who live more than 3 miles from that school (but see (iv) and (v) below for exceptions)

- (iii) **Pupils aged 5 to 16 years whose walking routes are unsafe:** where pupils are attending their nearest suitable* school and the walking route to school is less than the distances set out in (i) and (ii) above but **where the route is assessed as unsafe to walk** according to the Council's published criteria. This criteria is reviewed annually and is subject to change and is available on the Council's website or on request.

**Suitable school i.e. the school with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEN that the child might have*

- (iv) **Pupils aged 8 but under 11 entitled to free school meals, or those whose parents are in receipt of Universal Credit or maximum level of Working Tax Credit:** pupils aged 8 but under 11 entitled to free school meals or whose parents are in receipt of Universal Credit or the maximum level of Working Tax Credit (WTC) receive free transport to their nearest suitable school if they live more than 2 miles from that school. This 2 mile limit will be measured in the same way as the statutory walking distance. Parents/carers will need to apply to the Council for assistance once their child reaches the age of 8. If eligibility for free school meals or Universal Credit or maximum level Working Tax Credit ceases, then free transport will be withdrawn at the end of the academic year.

- (v) **Pupils aged 11 to 16 entitled to free school meals, or those whose parents are in receipt of their maximum level of Universal Credit or Working Tax Credit:** pupils aged 11 to 16 entitled to free school meals or whose families are in receipt of their maximum level of Universal Credit or Working Tax Credit (WTC) will receive free transport to one of the three nearest schools to their home address which are over 2 miles (measured by an acceptable walking route) and less than 6 miles (measured by the shortest road route). Additionally, pupils who can demonstrate that they have gained a place at a school because of their or their family's religion or belief then the upper limit is extended to 15 miles from the pupil's home address (measured by the shortest road route). If eligibility for free school meals or Universal Credit or maximum level Working Tax Credit ceases, then free transport will be withdrawn at the end of the academic year.

A full list of the low income qualifying criteria is available in Appendix A1 attached to this policy.

- (vi) **Pupils aged 5 to 16 years attending Single Sex or Faith (Denominational) Schools**

The Council will only offer assistance with transport to single sex or faith schools if any of the following apply:

1. the school concerned is the nearest suitable school and the distance between home and school is greater than 2 miles (pupils aged 5 to 8) or 3 miles (pupils aged 8 to 16) by the shortest walking route; **OR**

2. the school concerned is the nearest suitable school and the distance between home and school is less than the distances in (1) above but is along a route considered by the Council to be an unsafe route on grounds of safety; **OR**
 3. the pupil is entitled to free school meals or their parents are in receipt of their maximum level of Universal Credit or Working Tax Credit (see Sections (iv) and (v) above.
- (vii) **Pupils aged 5 to 16 whose parents/carers have a disability.** Where the Council relies on a parent/carer accompanying a pupil along a walking route for it to be considered safe, ***or to accompany a pupil between home and a picking up or setting down point*** but the parent's or carer's permanent or temporary disability prevents them from doing so, then the Council may provide free transport as a "reasonable adjustment" under the terms of the Equality Act 2010.
- (viii) **Pupils aged 5 to 16 with SEN or a disability.** Where a pupil is attending their nearest suitable school, and they have a condition where they cannot reasonably be expected to walk, and this is supported by appropriate medical and/or specialist advice, then the Council will make suitable travel arrangements (see also Section 2.5 Travel arrangements for pupils with SEN or a disability).
- (ix) **Post 16 students** in certain stated categories as set out in the Council's Post-16 Transport Policy Statement.

3.2 Parents/carers of pupils who move home address during their schooling to an area where another school is the nearest suitable school may either:

- apply to move their child to the nearest suitable school for their new address and if successful the policy stated above will apply **or:**
- retain the child's place at their current school but they will become responsible for the child's transport provision and costs.

3.3 If there are no places available at schools nearer to the new home address than the current school, then the Council will provide free travel to the current school subject to the criteria outlined in paragraph 3.1 above.

3.4 If parents/carers elect to move a pupil to a school that is not the nearest suitable school to their home address then they will become responsible for the child's transport provision and any associated costs. Bullying, poor educational achievement and similar factors will not normally be considered as exceptional circumstances.

4. Transport for Post 16 students

4.1 Post-16 transport provision is set out in the Council's 'Post-16 Transport Policy Statement' which is available on the Council's website or on request.

5. Travel arrangements for non-entitled pupils/students aged 5 to 16

- 5.1 Travel arrangements for non-entitled pupils aged 5 to 16 may be available from time to time however this will be subject to spare capacity being available on existing home to school contracted services. Spare capacity will be offered in a priority order and details of the Spare Seat Scheme is available on the Council's website and will be reviewed annually and may be subject to change.
- 5.2 The cost of the scheme will be reviewed annually and may change, and therefore parents and carers should therefore not rely on this scheme to ensure their child can travel to and from school for the entirety of their schooling as seats are not guaranteed.
- 5.3 Additional vehicles will not be contracted to cater for non-entitled pupils and the Council may retain a number of spare seats to cater for those pupils who may become eligible for transport at any point during the school year. Parents/carers will be advised that the facility could be withdrawn at reasonable notice which shall be not less than one month in which case they will be refunded for the remainder of the fare period.
- 5.4 Parents/carers of pupils who have chosen and have accepted a place at a school that is not their nearest suitable school, are responsible for transporting their child to and from school including any costs associated with this.

6. Travel arrangements for pupils with SEN or a Disability

Principles

- 6.1 This policy seeks to support and encourage the development of independence and promotes the use of independent travel training for children and young adults. It is the responsibility of all parents/carers with children of compulsory school age to ensure their child's regular attendance at school and where a pupil cannot travel to school alone, a pupil can be expected to travel accompanied by a responsible adult. For pupils with special educational needs, each case is considered individually, guided by the criteria below:

Procedures

- 6.2 Eligibility for free travel arrangements for pupils with SEN or a disability is considered with reference to this policy and parents and carers will need to submit an application for transport once their child has received confirmation of their school place. The application form can be accessed using the following link:

<https://www.westnorthants.gov.uk/school-travel-assistance/special-educational-needs-travel-assistance>

Criteria for agreeing home to school travel arrangements for pupils with SEN or a disability

6.3 General Points

- Special Educational Needs travel arrangements will be reviewed if the pupil moves address.

- Special equipment i.e. wheelchairs etc must be approved by the Council before transportation including any changes. All non-standard passenger and wheelchair harnesses and restraints must be supplied by the parents/carers.
- Special Educational Needs travel arrangements will be reviewed as part of the pupils' annual review process.

6.4 Travel arrangements will be agreed for pupils with SEN, disability or mobility problem where:

- i. The pupil is attending their nearest suitable school as determined by the Council, and the distance is in excess of the statutory walking distance;
- ii. Where the distance is below the statutory walking distance and the pupil has a condition where they cannot reasonably be expected to walk to and from school because of their special educational needs, disability or mobility problem The Council may require detailed written advice from appropriate medical professional to support this.

6.5 In determining whether a pupil cannot reasonably be expected to walk due to their special educational needs, restricted mobility or disability, the Council will consider whether the pupil could reasonably be expected to walk if accompanied and if so, whether their parent or carer can reasonably be expected to accompany them.

6.6 The general expectation is that a pupil will be accompanied by a parent where necessary. Where a parent or carer may be working at the time their child is travelling to or from school, they will be expected to put in place suitable alternative arrangements.

6.7 The Council will consider each case on its own merits and take account of the individual family circumstances which prevent them from accompanying their child when determining whether travel assistance is required.

6.8 Travel arrangements will not be allocated where:

- i the pupil is not attending their nearest school, or the nearest suitable special provision, and the school is a parental preference.
- ii Where a pupil is attending more than one educational establishment or setting, the Council will only provide travel assistance to that which is named in their EHCP as determined by the Council.
- iii Travel assistance is provided at the normal start and finish times of the school day. Assistance is not normally available for part time attendance and such requests will be considered individually under the Council's exceptional circumstances criteria.

7. Exceptional circumstances

7.1 The Council will consider exceptional circumstances on a case by case basis and some examples of where the Council may exercise its discretion to provide free home to school travel arrangements are as follows:

- Where there are two or more children of primary age in a family (living at the same address) and where for one child the Council has determined special provision making it impossible for the parent to make arrangements.
- Where a pupil faces a temporary medical problem which affects their mobility so that they are unable to access school without support and school has considered reasonable adjustments. In these cases, consideration will be given to family circumstances and to medical advice.
- Where a family has to move suddenly to temporary accommodation, for example, because of a house fire or domestic violence, temporary support may be available.
- Where a pupil is being assessed for an EHCP, or has been placed at a setting under the Council's Fair Access Protocol, travel assistance may be available.

8. Passenger assistants

- 8.1 The provision of a passenger assistant may be agreed on the basis of the pupil's special educational need and/or disability.
- 8.2 Passenger assistants are given PATS (Passenger Assistant Training Scheme) training. This is a nationally recognised standard for passenger assistants.
- 8.3 Passenger assistants are not trained to administer medication or undertake any medical procedures whilst accompanying pupils. In the event of an emergency, they will call the emergency services or ask the driver to travel to the nearest medical facility.
- 8.4 Passenger assistants are intended to be provided where:
- It is necessary in the interests of safety, taking into account the special needs of the pupil or pupils being transported.
 - A specially adapted vehicle that requires additional assistance is used.
 - Parents/carers or relatives of children who are travelling in sole occupancy vehicles, or who have acute medical needs, may volunteer to accompany their child / children by mutual agreement with the Transport Team.

9. Transport to and from out of area residential schools

- 9.1 Where a residential school or Independent School is named in a child's EHC plan and the parent is in agreement to transport their child, mileage can be claimed at the agreed rate on a termly basis.
- 9.2 Where parent/carer transport is not possible, children on termly placements (i.e. 3 terms a year) will be provided with transport at the start and end of each term and half term holiday. In addition, a mileage allowance at the agreed rate may be claimed for one visit to the school each half term. For weekly placements, weekly transport will be provided.

10. Short Break Service

- 10.1 The Council has no responsibility to provide home to school travel arrangements for children to and from respite care facilities.

11. Pick up and set down points

11.1 Assistance with transport may not be door to door. Pupils, accompanied by an adult if necessary, may be expected to walk to and from a pick up and set down point. The walking distance will not exceed ½ a mile for pupil aged between 5 – 8 years and 1 mile for pupil aged between 8 and 16, but account will be taken of a pupil's special educational needs, disability or mobility problem as well as parents/carers' disability.

12. Appeal and Complaints Procedures

12.1 The statutory guidance states that there should be a clear and transparent two stage process to enable parents or carers to appeal against the Council's decision in relation to home to school travel for a pupil. A decision may be challenged on the following grounds:

- eligibility
- distance measurement
- safety of the route; and/or
- transport arrangements offered

12.2 Full details of the appeal procedures for home to school transport are available on the Council's website (www.westnorthants.gov.uk).

12.3 Should a parent/guardian/carer be unhappy with the level of service provided by the Council and/or its transport providers, then information on how to make a formal complaint is available using the link below:

<https://www.westnorthants.gov.uk/your-council/comments-compliments-and-complaints>

13. Quality Standards and Responsibilities

13.1 A child's safety and welfare is always the main priority.

- Where appropriate all vehicles used or contracted by the Council are fitted with the standard seat belts, child seats and special equipment. Specialised equipment must be supplied by the parents.
- PATS trained passenger assistants are intended to be made available where necessary.
- All children will be independently seated one seat per child.
- All passenger assistants will be approved by West Northamptonshire Council. Passenger assistants will carry an ID badge at all times.
- Vehicles contracted by the Council are expected to be licensed appropriately; this is a condition of the contract.

- All drivers must be licensed appropriately and should carry an identification badge at all times.
- All drivers and passenger assistants employed by the Council will be checked as appropriate in accordance with the Disclosure and Barring Service (DBS).
- Drivers employed on contracted vehicles are subject to DBS checks by their employer.
- All vehicles, drivers and passenger assistants will be subject to random checks by Council inspectors.

14. Behaviour and parental responsibilities

- 14.1 Pupils have a right to safe and trouble free travel. Pupils are expected to behave in a safe and appropriate manner as set out in the Transport Service Agreement supplied to parents/carers. If a pupil behaves in such a way that it may cause or risk harm, or cause upset and disruption to other travellers, transport provision may be temporarily or permanently withdrawn. Please refer to the Council's Code of Conduct for examples of what is unacceptable behaviour. The Council has ensured that these conditions are subject to the relevant provisions of the Equalities Act 2010 and the Public Sector Equality Duties and will be reviewed annually.
- 14.2 Parents/carers have a key role to play regarding the conduct of their children on transport and are responsible for ensuring that their children are aware of the necessity to behave in a reasonable and responsible manner. Parent/carers need to ensure their child is aware that failure to behave in a reasonable manner may have consequences, including:
- a cost to parents/carers for replacement travel permits if lost or damaged;
 - cost to parents/carers for damage to the vehicle or to property caused by misbehaviour of their children;
 - Temporary or permanent withdrawal of free transport with no recompense and no right of appeal.
- 14.3 Parents/carers of children with a home collection/drop-off are required to ensure their child is ready immediately when the vehicle arrives at the normal home address or pick up point. Parents/carers are also required to ensure they or their representatives are available to meet the child at the normal home address or drop off point at the end of the school day. They must advise the passenger assistant, if there is a particular difficulty with their child and ensure their child understands the standard of behaviour required or accept responsibility for their child's behaviour.
- 14.4 Where a parent/carer agrees to convey their child when no transport is available, expenses for two return journeys per day will be paid at the locally agreed rates.

15. Quality of Service

- 15.1 Applications for bus passes can be obtained from schools or from the Transport team at West Northamptonshire Council. Requests will be responded to within 10 days.
- 15.2 Pupils who qualify for assistance in the form of a bus pass can expect to receive the bus pass within 4 weeks of the application being received by West Northamptonshire Council.

- 15.3 Pupils who have had their bus pass stolen/lost can expect to receive a replacement within 7 days of the loss being reported to West Northamptonshire Council.
- 15.4 Reasonable requests for travel expenses will be considered by the Council, if the above deadlines are not met.
- 15.5 Parents/carers of pupils who have an EHC plan will receive a letter before the term commences in September detailing their child's travel arrangements. Timings given at this point are approximate and may change throughout the year. Any disruption will be kept to a minimum.

16. Promote Sustainable School Travel

- 16.1 The Council will continue to identify opportunities to support independent and sustainable travel to and from school including:
- Assessment of the travel and transport needs of children and young people in West Northamptonshire.
 - Review sustainable travel and transport infrastructure within West Northamptonshire that may be used when travelling to and from schools and colleges and promote sustainable travel options.
 - Consider infrastructure improvements to better cater for the travel needs of children and young people.
 - In conjunction with schools and colleges, the Council will be Implementing a scheme that will support children and young people travelling independently to and from education and training facilities.

West Northamptonshire Council

Low Income Criteria for Extended Rights Home to School Transport

If you are in receipt of any of the following, your child may be eligible for free Home to School Transport under the extended rights criteria. You also need to meet the other qualifying criteria set out in section 3.1 items iv and v of the Home to School Transport Policy.

Below is the Low Income qualifying criteria which is the same as for free school meals for children in year 3 or above:

- Income Support
- Income based Job Seekers Allowance
- Income related Employment and Support Allowance
- Support under Part VI of the Immigration and Asylum Act 1999
- Child Tax Credit, with no element of Working Tax Credit, and a household income below £16,385pa (as assessed by HM Revenue and Customs)
- Maximum level Working Tax Credit
- Guarantee Element of State Pension Credit
- Universal Credit (provided families have an annual net earned income of no more than £7,400, as confirmed by earnings from up to the three most recent assessment periods).

A child must reside with the applicant to receive free school meals.

Transport that is granted under the extended rights eligibility below is reviewed on an annual basis. Where, during the course of a school year, a child ceases to be eligible for free school meals, or their parent ceases to receive maximum Working Tax Credit, the Council will continue the provision of free home to school travel for the remainder of that school year.

Low Income Criteria for Extended Rights Home to School Transport will be reviewed annually and adjusted in accordance with any changes to the criteria issued by Government.