

School Travel Assistance Policy - Mainstream

***Supporting eligible children to get to their school or setting safely,
promoting independence and wellbeing***

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Agreed by

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Preface

This policy applies to children living in Cambridgeshire and describes free and assisted transport entitlement to mainstream schools and academies, including entitlement for children/young people with Special Educational Needs or Disabilities (SEND) who have no special transport requirements. Please note that some children/young people with SEND require specific transport for which a supplementary policy is available. A supplementary policy also available for students over compulsory school age (Post-16).

It is important to think about how your child gets to school to ensure they are safe, active and taking a route that is sustainable and environmentally friendly. The Council sees transport as a route to independence and at every possible opportunity will promote and encourage independent travel.

Parents/carers have a duty and a responsibility to ensure that their children attend school and to make the necessary travel arrangements, including accompanying them where necessary on their journey to and from school. Parents/carers are also responsible for their children until they arrive at school and after they leave the school at the end of the school day.

This policy:

- sets out the criteria against which children and young people's statutory entitlement to free travel assistance will be determined; and
- sets out where discretionary assistance may be provided, where the eligibility criteria for free assistance is not met; and
- sets out how any travel arrangements will be delivered; and
- sets out the process for reviews and appeals against those decisions.

1. Introduction

1.1 The Local Authority has a duty to make arrangements to facilitate attendance at schools and colleges by providing free transport in certain circumstances¹.

1.2 This policy sets out how the Council will identify and support those eligible Cambridgeshire children and young people, attending:

- i. Schools maintained by Cambridgeshire County Council (the Council), the Local Authority.
- ii. Other state-funded schools, including Academies, Free Schools, Studio Schools and University Technical Colleges (UTCs) in the area in which Cambridgeshire County Council is the Local Authority.
- iii. Independent special schools where these are named in a child's Education, Health and Care Plan (EHCP).
- iv. Schools maintained by other local authorities where Cambridgeshire has determined these as the *nearest suitable schools* (see the Glossary) for the pupils concerned.

1.3 Travel assistance is only arranged for the normal start and normal finish times of schools i.e. is not tailored for individual courses, work experience, examination timetables or any other similar situations. Similarly, assistance will not be arranged for travel between institutions during the school day, to offsite locations or to enable children to attend extra-curricular activities and other commitments outside school hours.

¹ As prescribed in Sections 508, 509 and schedule 35B of the 1996 Education Act as amended by the Education and Inspections Act 2006

2. Entitlement for travel assistance for children aged 4-16 attending mainstream schools

2.1 Compulsory School Age

Compulsory school age is the age when a child must be in school². 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.

In Cambridgeshire, in recognition of the fact that many children begin school before they reach compulsory school age, “primary” aged children are defined as those aged from 4 to 11 and “secondary” aged children/young people range from 11 to 16.

2.2 Statutory Walking Distances³

Walking distances from home to school are measured using the method shown in Section 2.3. The legal maximum walking distance for children and young people of statutory school age is;

- 2 miles for children up until the age of 8
- 3 miles for children/young people aged between 8 and 16.

In Cambridgeshire the Council currently uses its discretionary powers, under Section 508C of the Education Act 1996, to extend the 2 mile ‘walking distance’ to all primary aged children, up to the point at which they transfer to secondary school at age 11.

2.3 Distance Measurement Calculations

For the purposes of determining eligibility for travel assistance, within Cambridgeshire, distances are measured using the Council’s digital mapping system, by the shortest available walking route from outside the child/young person’s home, to the nearest open gate at the school.

For routes beyond the maximum statutory walking distance of 3 miles, where there is no expectation that a child/young person would **walk** the distance, measurements are undertaken by the shortest **road route**. See glossary for further details.

Distances to schools outside of Cambridgeshire are measured using a combination of local maps and on-line resources.

²Section 8 of the Education Act 1996 and The Education (Start of Compulsory School Age) Order 1998

³ The statutory walking distances are prescribed by section 444(5) of the Education Act 1996

2.4 Available Walking Routes

An available walking route is the distance from the home address to the nearest school gate along which a child, accompanied as necessary, can walk with reasonable safety.

Travel assistance will be provided in cases where the walking route is less than 2 miles for primary aged pupils and 3 miles for secondary aged pupils, but the route has been assessed by the Council as **not** being available.

Entitlement to travel assistance will cease as and when routes are made “available” following highway improvements.

The criteria used by the Council to assess the availability of a route are set out in **Appendix C**

2.5 Eligibility Criteria for Primary aged children (4-11)

- they live within the boundaries of Cambridgeshire Local Authority; and
- they are registered at their *nearest suitable school*; and
- that school is more than 2 miles⁴ from their home, by the shortest available walking route.

2.6 Eligibility Criteria for Secondary aged children/young people (11-16)

- they live within the boundaries of Cambridgeshire Local Authority; and
- they are registered at their “*nearest suitable school*”; and
- that school is more than 3 miles from their home, by the shortest available walking route.

2.7 Nearest Suitable School

The Council deems a child/young person’s nearest suitable school to be:

- the nearest school; or
- the catchment school (if this is different from their nearest school) or
- the school specified in the child/young person’s Education, Health and Care Plan (EHCP) as being the nearest school able to meet their needs, whilst the child remains at that school; or
- The **next nearest** school, as designated by the Council, in cases where an application has been made and refused for both the catchment and nearest schools, due to oversubscription.

⁴ The Council currently uses its discretionary powers under Section 508C of the Act to apply a two mile ‘walking distance’ for children up to the point at which they transfer to secondary school at age 11

Notes:

- Where parents/carers express a preference for their child to attend a school that is **not** their nearest suitable school, **no** travel assistance will be provided and they will be responsible for making and funding **all** travel arrangements.
- Some secondary schools operate their own catchment areas, as a part of their school admission arrangements, which extend beyond the area recognised by the Council for home to school transport purposes. Such circumstances will be identified within the online schools directory, available within the School Admissions process.
- For addresses around the borders of Cambridgeshire the nearest school may be located in another local authority area.

2.8 Extended Transport Rights

Children/young people living in low income households who are eligible for free school meals, or whose parents are in receipt of the maximum level of Working Tax Credit⁵, are entitled to free travel assistance to:

- Their nearest suitable school more than 2 miles from their home (aged between 8-11⁶); or
- one of their three nearest qualifying schools where they live more than two miles, but not more than six miles from that school (aged 11-16); or
- the nearest suitable school preferred on grounds of religion or belief, where they live more than two miles, but not more than 15 miles from that school (aged 11-16).

Supporting evidence may be required to determine eligibility.

Once eligibility has been confirmed, the young person will be entitled to travel assistance for the entirety of the **school year** for which the assessment has been made. For each subsequent year while the young person is of statutory school age, the Council will make a new assessment of eligibility on receipt of the child/young person's application for travel assistance. If they continue to meet the qualifying criteria, assistance will be provided.

2.9 Timing of Eligibility Assessment

Eligibility for travel assistance is considered based on school placement availability, within the normal school admissions round, at the time places are allocated.

Where parent/carers apply for their school place late i.e. after the published closing date for applications for admission, OR as a part of the In year admission process, eligibility for travel assistance is assessed taking into account the availability of places in the nearest schools at that point of allocation (as far as this is possible to do so).

⁵ These are statutory eligibility criteria.

⁶ These pupils already receive free assistance under the Council's policy, see footnote 1.

2.10 Travel assistance to schools of religious character

The Council supports travel assistance for compulsory school aged children, based on a religious preferences, in the following circumstances;

- Children/young people who qualify under extended rights set out in section 2.8; or
- Children/young people where the school is determined to be their nearest suitable school in accordance with the eligibility criteria set out in sections 2.5 and 2.6.

2.11 Disabled parents/carers

In some circumstances, the Council will provide travel assistance where a parent/carer has a disability, as defined under the Equality Act 2010, which prevents them accompanying their child to school. In order to qualify for assistance on this basis the child/young person **must**:

- be attending their nearest suitable school (as set out in section 2.7); **and**
- be unable to walk the distance independently, (i.e. of primary school age or have a Special Education Need or Disability which prevents them from walking the distance); **and**
- have no other adult in the household to accompany them on the journeys to and from school.

Requests will be considered on an individual basis taking into consideration all supporting evidence provided, including confirmation from the parent/carer's GP or relevant consultant, of the registered disability.

Where assistance is agreed, this may be on a time limited basis, depending on the circumstances of each case. The assistance will be provided by the most appropriate means, with a focus on sustainability and independence.

2.12 Transport on medical grounds

The Council considers requests where a child/young person has a diagnosed long-term medical condition which prevents them from, either walking to and from school, or from accessing their existing travel arrangements provided by the Council. Requests for new or alternative arrangements will be considered on a case-by-case basis **only where**:

- they are attending their nearest suitable school (see 2.7) **and**
- the child/young person's consultant/GP provides the Council with written confirmation and supporting evidence that assistance is **essential** on medical grounds to enable them to get to and from school.

In cases where a child/young person, who normally qualifies for travel assistance, has a short-term medical need which prevents them from accessing the type of assistance provided by the Council, the Council will consider

requests for alternative, **temporary** arrangements on a case-by-case basis.

Where a child/young person, who **does not** meet the eligibility criteria for travel assistance, has a short-term medical need, their parents/carers are responsible for making and funding any temporary travel arrangements.

2.13 Fair Access Protocol

Where a child/young person has been placed at a school, as a part of a managed move or following a permanent exclusion, under the Fair Access Protocol, travel assistance eligibility will be assessed as per the criteria set out in sections 2.5-2.7 of this policy to their nearest suitable school, as agreed by the Panel. Under local arrangements all Cambridgeshire secondary schools receive devolved funding to support children/young people to access alternative provision in order to promote inclusion.

Where a parent/carer express a preference for their child to attend a school that is not that designated by the Panel/Council, and a place is offered parents/carers will be responsible for making and funding all travel arrangements to and from that school.

2.14 Pupils who have reached the statutory school leaving age of 16 by the time they start Year 11

In cases where the young person has reached the age of 16 (the statutory school leaving age) before they start Year 11 (the final year of statutory education), for example as a result of time lost due to illness, or where a decision was made earlier in their education to delay their transfer from one year group to the next, travel assistance will be provided to enable them to complete their statutory education provided they meet the eligibility criteria set out in Section 2.6

3 Discretionary travel assistance

The Council reserves the right to make exceptions to the policy in circumstances where the Executive Director, or Designated Senior Officer, considers it reasonable to do so and where it would be in the best interests of the child or young person concerned.

3.1 Temporary house moves

The Council will consider requests for temporary exceptional travel assistance, in recognition of the disruption which can arise when a family finds it necessary to move into temporary accommodation with no prior notice due to circumstances beyond their control, for example as a result of domestic abuse or following a house fire. Requests will be considered on a case-by-case basis, provided the temporary home is in Cambridgeshire **and** the child/young person was attending their *nearest suitable school* prior to the temporary move.

Account will be taken of:

- whether there is a risk that the child/young person will be taken into care/accommodated by the Council;
- whether the child/young person is entitled to free school meals;
- whether the child/young person or family is already known to and is receiving support from the Council, for example through parenting and family support services;
- the child/young person's age and the length of time they have been enrolled at their current school and time remaining;
- the distance from the temporary home to the child/young person's school;
- the nature of the route the child/young person would have to use get to and from the school; and
- the anticipated length of stay in the temporary accommodation.

If the Council agrees to provide discretionary travel assistance, this will usually be for a **maximum** of six teaching weeks/half a term (whichever is longer). After that time, the Council expects the parents/carers to make and fund their own transport arrangements or apply for a place in a school local to their new address.

3.2 Continuity of Education (Years 6, 10 and 11 only)

The council recognises the disruption which can occur where a family, due to circumstances beyond their control, must move home, with no prior notice, within Cambridgeshire whilst their child is studying in Years 6, 10 or 11. Requests for assistance will be considered on a case-by-case basis, for the purposes of maintaining continuity of the child's education. Additional information may be sought from the family, and account will be taken of the following;

- whether the child was attending their nearest suitable school;
- the nature of/reason for the house move;
- when during the school year the move took place;
- how much notice was given of the move;
- whether the child/young person is entitled to free school meals;
- whether the family can make their own arrangements to travel;

3.3 Consideration of Discretionary Transport Requests

Any requests for travel assistance beyond the Council's statutory duties, will be considered through a discretionary transport process. Parent/carers will be invited to provide written representations and include any relevant supporting evidence from their child's school and other relevant professionals. The request will then be considered by a panel of senior officers.

4 Travel Arrangements

4.1 Type of arrangements

In the majority of circumstances mainstream travel assistance will be provided in the form of a bus pass on a Council contracted route or on a public service bus/rail route.

In some circumstances, where it is the most cost effective option, parents/carers may be offered the option of a Personal Transport Budget (PTB) / Parental Mileage Payments as set out in section 4.2.

The Council has a priority to reduce the number of Individual travel arrangements and, as such, these are normally only put in place in exceptional circumstances, such as an assessed Special Education Need or Disability which requires specific travel arrangements. Please refer to the separate policy *School Travel Assistance Policy for Pupils with Special Educational Need and/or Disabilities (SEND)* for further details.

4.2 Personal Transport Budgets (PTB) / Parental Mileage Payments

PTBs are discretionary payments made to parents/carers in exchange for full responsibility for transporting their child safely to and from school. PTBs can be used by parents/carers in a variety of ways including;

- Driving your child to school yourself.
- Arranging for a friend or relative to cycle or walk with your child.
- Car share with other parents.
- Getting a bus pass for a friend to go with your child.
- Paying for a bus pass for your child.
- Paying for childcare for another child – so you can take your eligible child to school.
- Working with the school to join up with other parents.
- Use towards the cost of a taxi or share the cost of the taxi with other parents.

Payments are calculated using a flat rate fee of £0.40 per mile for four journeys (home to school and return x 2) per school day. If there is a more cost-effective option (such as an existing shared transport arrangement), a PTB will not normally be agreed.

4.3 Bicycle allowance

In cases where a child/young person has been assessed as meeting the criteria for travel assistance, as an alternative to being issued with a bus pass, or other form of transport, they may apply to receive a termly allowance to travel by bicycle to and from school/college. Such allowances will only be payable where this is the most sustainable form of transport.

Application details are available on the Council's website [School transport - Cambridgeshire County Council](#)

4.4 Home address / split family arrangements

Where a child/young person is entitled to travel assistance, the Council will deem their main home address to be that used by their parents/carers when applying for the child/young person's place at school.

In cases where a child/young person spends part of the week or regularly resides at a different address, for example where their parents are separated, the Council **will not** provide assistance to and from that alternative address.

The Council **will not** authorise the collection or return of a child/young person to any alternative address during the week, such as the child/young person's childcare address (e.g. childminder or other family member).

Requests for assistance may be considered, on a case-by-case basis, where there are exceptional, compelling grounds for why additional assistance is required, taking into consideration any additional cost to the Council.

4.5 Pick-up / drop off points

The maximum distance under which children will be expected to make their own way, accompanied by an adult as necessary, to a pick-up point will be **half a mile** for children of primary school age and **one mile** for young people of secondary school age. Where a child has SEND needs, a pick-up point will be assessed based on their individual needs.

Parents/carers are responsible for ensuring their children get to and from the designated pick up and drop off point for the vehicle and remain responsible for them until they board the vehicle on their way to school or once they leave the vehicle at the end of their return journey.

Once on school premises the school becomes responsible for the supervision of the child/young person. Depending on the needs of a child, an identified member of school staff may meet them on arrival to ensure they safely enter the school.

Pick up and drop off times will be planned in accordance with the official school/education setting day and will enable a child/young person to arrive at school on time. The Council is unable to guarantee that pick up or drop off times will be compatible with any other arrangements made by parents/carers.

4.6 Journey Times

The journey each way, from home to school (excluding the time taken to get to the designated pick-up point or waiting for a connecting service) should be ordinarily achieved within;

- 45 minutes for primary aged children (4-11)
- 75 minutes for secondary aged children/young people (11-16)

Where it is the parent/carers preference for a child to attend a school to which the journey time exceeds these limits, the Council will not be responsible for making, or funding their travel arrangements.

If travel assistance takes the form of transport organised by the Council, one return journey at fixed times will be provided, timed so that children/young people arrive at school in advance of registration and/or the official school teaching day, and are collected within 20 minutes of the end of the school teaching day.

4.7 Circumstances where the Council will not provide or fund additional travel.

Lateness -The child/young person is not at the pick-up point and ready to board the vehicle by the scheduled departure time.

Offsite Alternative education, extracurricular activities or journeys between institutions within the school day (for journeys of this nature the organising school or institution will be responsible for transport arrangements).

Work Experience - For young people on work experience placements. It is the responsibility of the school/college to support students to find and be able to access a suitable work experience placement.

Poor attendance - To support a child/young person's attendance at school nor will it provide travel assistance in cases where the child/young person is required to remain at school because they have been placed in detention.

Medical/Dentals Appointments - When the child/young person has a medical or dental appointment at a time when they would normally be travelling to or from school or during the school day.

Sickness – If a child/young person becomes ill during the school day, the school will notify their parents/carers and ask them to make arrangements to collect their child.

Court Attendance - When a child/young person is required to attend a court hearing.

Fixed Term Exclusions - When a child/young person has been issued with a fixed term exclusion.

Before / After school clubs - Travel assistance will not be made available to enable a child/young person to attend a before or after school club.

School Transition Days – Travel assistance is not provided the by Council for attendance at school transition events. It is the responsibility of each school to make any arrangements.

In **exceptional** circumstances the Council may consider providing travel assistance on a case-by-case basis. Requests will be considered by a panel of senior officers.

4.8 Nursery and Reception Pupils

The Council **will only** provide travel assistance, in exceptional circumstances, for children attending a maintained nursery or nursery class or an early years setting run by a private, voluntary or independent provider if this is named in the child's EHCP and without such assistance the child would be unable to access the education provision specified.

Where children are attending a mainstream school part-time at the start of their Reception Year, the Council **will only** provide transport to school at the start of the school day and to return home at the end of the school day. Parents/carers will be responsible for transporting their children to and from school at other times of the school day before they attend full-time.

5. Travel Assistance for Post-16 Students (16-19)

Please refer to the Council's separate Post-16 Travel Assistance Policy for details of the support offered for Cambridgeshire Post-16 students.

6. General Information

6.1 Safety and well-being of children

In order to promote the safety of children on school transport, the Council undertakes the following:

- (i) police vetting of:
 - a) drivers of all contracted vehicles used for school transport;
 - b) drivers of all vehicles used for SEND transport;
 - c) provision of passenger assistants for children and young people with SEND/ECHPs where appropriate;
 - d) provision of passenger assistants for children and young people on mainstream transport;
- (ii) the use of licensed vehicles only;
- (iii) the provision of identity cards for non-Public Service Vehicle (PSV) drivers, through the licensing system;
- (iv) safety checks on vehicles through the licensing process;

(v) written guidance for signature by drivers and passenger assistants of children and young people with SEND/EHCPs, setting out what is expected of them;

(vi) provision and fitting of correct forms of safety restraint, including child seats, booster seats/cushions, depending on the age and height of the child, in accordance with child seat restraint legislation [The Motor Vehicles (Wearing of Seat Belts) (Amendment Regulations 2006)]

In cases where a bus or taxi driver has concerns that there is no one to escort a child from the designated drop off point home or meet them at home (if the drop off point is their home address), the Council's advice is that they should take the child/young person to the nearest Social Care office.

6.2 Seatbelts

In accordance with legal requirements, the Council requires seatbelts to be provided in all coaches, minibuses and cars which are used on its home to school/college contracts. This is not the case on public service vehicles (buses and trains).

The Council requires vehicles used to transport children of primary school age and those children and young people with SEND/EHCPs who have been assessed by the Council as not being able to travel on public service vehicles, to be fitted with seat belts.

Where seatbelts are provided children and young people are expected to wear them at all times when they are travelling.

6.3 Passenger Assistants

A passenger assistant will be provided in each of the following circumstances:

- (i) the vehicle is carrying more than 16 pupils **and** all the pupils are of primary school age; or
- (ii) the driver of the vehicle sits in a cab or compartment separated from the passenger seating accommodation, which means that the driver cannot gain access from his/her seat without first leaving the vehicle; or
- (iii) the driver of the vehicle does not have control of the vehicle doors from the seated driving position (i.e. the vehicle is not fitted with central locking); and/or
- (iv) in any other circumstances when the Executive Director, or Designated Senior Officer, deems it reasonable or appropriate.

6.4 Spare seats for non-eligible children/young people

In January 2020 the Department for Transport implemented its Public Service and Vehicle Accessibility regulations (PSVAR). These regulations require all the vehicles of 22 or more seats, carrying fare paying passengers, to meet new accessibility requirements, i.e. low access, wheelchair accessible. Full information about this change in legislation is available on the www.gov.uk website.

Following this change in legislation, the network of transport providers in Cambridgeshire are unable to provide a sufficient number of PSVAR compliant vehicles to serve all home to school travel routes operated by the Council. The difficult decision was, therefore, taken to cease the general sale of spare seat provision on vehicles of over 22 seats for children aged 4-16 with effect from September 2021.

At the Council's discretion, spare seats on existing contract routes of 22 seats or less, **may** be made available for purchase in order to facilitate access for students who have no other transport means available to them.

Rates charged are reviewed and published annually. Applications **may only** be submitted from the start of the half-term holiday which immediately precedes the term for which the spare seat is being sought.

It is a condition of acceptance of any offer to purchase a spare seat from the Council that parents/carers confirm their understanding and acknowledge that:

- (a) availability of seats will vary term-by-term;
- (b) availability of seats can only be guaranteed for the term for which payment has been accepted and a bus pass issued;
- (c) changes may need to be made to transport arrangements at short notice;
- (d) seats are offered on a first come/first served basis;
- (e) they and their children must abide by the Council's Code of Conduct for Home to School/College Travel.

The Council is under no obligation to offer spare seats for purchase. The provision of spare seats is always made on a discretionary basis. There is, therefore, no appeal against the decision to not offer any child/young person access to a "spare seat".

6.5 Behaviour on school transport

The Council has a published Code of Conduct which applies to all children/young people regardless of their mode of travel to school. They are expected to behave appropriately in accordance with the Code.

The Code is available to download from the Council's website www.cambridgeshire.gov.uk and copies are available in all schools.

Children/young people travelling to school/college by service or contract vehicle using a pass supplied by the Council who misbehave, cause damage or injury either to the vehicle or other passengers, can expect to have their pass withdrawn either temporarily or permanently by a Designated Senior Officer.

Once a pass is withdrawn, the parents/carers of the child/young person concerned will be responsible for ensuring that they are able to attend school regardless of the grounds on which they qualified for transport. There is no right of appeal against a transport ban.

6.6 Bus Passes

Travel assistance is generally provided through the issuing of passes on contract or public service buses.

Passes will be issued on the basis of the parents/carers' home address given on the application form for admission to school.

Entitlement to travel will be withdrawn if the child/young person subsequently moves to a new address where he/she is no longer eligible for assistance or where it is apparent that the parents/carers have provided fraudulent or misleading information. In such circumstances, passes must be returned to the Passenger Transport Team without delay.

6.7 Changes in Circumstances

Where there has been a change in circumstances which may affect a child/young person's eligibility for travel assistance, such as a change of address, parents/carers has a duty to inform the Council as soon as possible, so that the child/young person's eligibility can be re-assessed.

Failure to do so could lead to a child/younger person's travel assistance being withdrawn.

6.8 Travelling expenses

The Council will not consider any claim for payment of travelling expenses, unless it has agreed to do so in writing in advance.

6.9 Respite care

Transport to enable children/young people deemed eligible for respite care such as that organised by Social Care Services, health and voluntary agencies will only be provided if this has been approved by the appropriate budget holder.

6.10 Rail and alternative transport

Where there is a choice of mode of travel and entitled students find using the more expensive method (usually rail) more convenient, the Council will purchase season tickets on the understanding that parents/carers pay the difference in cost between the more expensive method and the alternative, cheaper travel option offered by the Council.

6.11 Educational visits/school trips

If a school is making arrangements for an educational visit or school trip which includes the need for special or adapted transport for a child/young person with physical needs, the school will need to meet the costs from its own resources.

6.12 Disability training

In accordance with Government guidance, the Council is active in ensuring that drivers and passenger assistants who take children/young people to and from school have undertaken disability equality training in order for them to be able to recognise, support, manage and communicate appropriately with all those who have disabilities irrespective of the nature of the disability.

6.13 Where Travel Assistance has been provided in error

Where travel assistance has been provided in error, the Council will continue to provide this until the end of the term in which the error was identified in order to allow for alternative arrangements to be put in place by the parents/carers concerned.

7. Useful Contact Information

Operational enquiries	edtransport@cambridgeshire.gov.uk
Eligibility enquiries	h2transportrequests@cambridgeshire.gov.uk
Appeal Enquiries	transportappeals@cambridgeshire.gov.uk

Contact by Telephone:

0345 045 5208

Monday to Friday 8am to 6pm

Saturday 9am to 1pm

GLOSSARY

Academy	An independent state-funded school run by a trust. The trust or local governing board are responsible for admissions to the school. The definition of academy includes free schools and University Technical Colleges.
Catchment area	A defined geographical area surrounding a school from which it will usually take the majority of its pupils/students.
Catchment school	The local school within a defined geographical area described as the catchment (see above), recognised by the Council for meeting its statutory obligations for home to school transport. This is without prejudice to any catchment area that may be determined by an own admission authority school within its admission arrangements.
Community school	A school maintained by the Council where the Council is responsible for employing the staff and for the admission arrangements.
Distance from home to school	The distance from the entrance to the child's home to the nearest recognised entrance of the school via the shortest available walking route up to the maximum of 3 miles and the shortest road route beyond that distance.
Foundation school	A school which is funded and maintained by the Council, but where the governing body is responsible for admissions to the school and the employment of the staff.
Low income	The eligibility criteria for subsidised or free travel assistance on grounds of low income vary depending on whether they are statutory or discretionary.
Maintained schools	All schools funded and maintained by the Council (this includes community, foundation, voluntary controlled and voluntary aided schools).
Nearest Suitable School	Each home address within Cambridgeshire will have a catchment school and/or a school which is the closest school to that address. In

the majority of cases, the catchment and closest school are the same school. In cases where it is not nearest suitable school is whichever of the two schools the child attends.

In addition to the above conditions, a different school may be designated as nearest suitable school when;

- (1) the school is specified in the child/young person's Education Health Care Plan as being the nearest school able to meet their needs, whilst the child remains at that school; or
- (2) where a school is identified as the nearest suitable school under In-Year Fair Access Protocol whilst the child remains at that school; or
- (3) where an application has been made for a child/young person's catchment and nearest school(s) but a place is refused due to oversubscription, the Council will designate an alternative school as the "nearest suitable school". In determining which school becomes the nearest suitable school, the individual circumstances of each case will be considered as well as; which is the next nearest school with a place available, which given the age of the child can be accessed using existing transport/route, or using the easiest travel route at the lowest cost.

Parent

A person who is the child's natural parent or, is not the natural parent but has parental responsibility for the child, or who has care of the child.

Public examination courses

GCSEs, AS levels, A levels, NVQs, BTec First/National Diplomas, International Baccalaureate.

Religion or belief

The main indication of what constitutes a 'religion' is that it must have a clear structure and belief system. 'Belief' is defined as 'a religious or philosophical belief' and equates to 'conviction'. Based on European case law, *it has to be more than an opinion or idea. A belief must be genuinely held and the parents bear a heavy burden of showing that it is the real reason for their action/preference.*

SETT	The Council's Social Education Transport Team which organises transport for those who are entitled to travel assistance under the Council's Home to School/College Travel Assistance Policy.
Shortest available walking route	Route along which a child may walk, without trespass, with reasonable safety, accompanied by an adult as necessary (see Appendix D)
Voluntary aided School	A school set up and owned by a voluntary body, usually a church body, largely financed by the Council but run by the school's governing body.
Voluntary controlled School	A school maintained and funded by the Council but with links to the foundation which originally established the school. The constitution will normally have representatives of the foundation on the governing body.
Walking distance	Defined as either two miles for children of primary school age or three miles for children of secondary school age as measured by the shortest available walking route.

APPENDIX A

Travel Assistance Appeals Process

A two-stage travel assistance review/appeals process is available for parents/carers who wish to challenge a decision about:

- the type of travel assistance offered;
- their child's eligibility for free or subsidised travel;
- the distance measurement;
- the availability of the route unless the Council has undertaken a review of that route and the parents/carers have been notified in writing that the Council has assessed the route as meeting its criteria as an available route and that it intends to withdraw free travel assistance as a result. In such cases, appeals against such decisions move straight to Stage Two of the process set out below.

Note: There is no right of appeal against the decision to exclude a child/young person from their travel arrangements, either on a temporary or permanent basis, on the grounds of unacceptable behaviour (see Section 22).

Stage one:

Parents/carers have 20 working days from receipt of the Council's decision to submit a written request asking for a review of that decision.

Requests, along with a supporting evidence, should be sent to transportappeals@cambridgeshire.gov.uk

The written request should detail why the parents/carers believe the decision should be reviewed and give details of any personal and/or family circumstances they believe should be considered when the decision is reviewed.

A senior Council officer, independent of the original decision, will review the original request/application within 20 working days of receipt of the parents' written request and write to the parents to inform them of the decision including:

- the rationale for the decision reached;
- how the review was conducted;
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- information about escalation to Stage Two (if appropriate).

Stage Two:

Parents/carers have 20 working days from receipt of the Council's Stage One decision to make a written request to escalate the matter to Stage Two.

- Within 40 working days an Appeals Committee, who have received appropriate training considers written and verbal representations from the parents/carers and Council officers and reaches a decision on the case.

- If the appeal is unsuccessful and the parent/carers consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal was handled, they can lodge a complaint with to the Local Government Ombudsman.
- If the parents consider the appeal decision to be flawed on public law grounds, they can apply for judicial review.

A further appeal **will only** be considered if there has been a clear change of circumstances, for example, a change of school or address. A change of year group alone would not constitute a change of circumstances.

Please note:

If a child is under 16 years of age, the right of appeal can only be exercised by a parent.

If a child is 16 or 17 years old, the parent or the young person can exercise the right of appeal.

If a child is 18 years old, only the young person has the right of appeal.

APPENDIX B

The Legal Framework

The Legal parameters relating to home to school/college transport for children and young people of statutory school age are set out in Sections 508, 509 and schedule 35B of the 1996 Education Act as amended by the Education and Inspections Act 2006.

Sections 509(1) and (2) place a duty upon local authorities to provide free transport where necessary to facilitate the attendance of children and students at schools and institutions both within and outside of the further and higher education sectors.

Section 509(3) allows local authorities to pay the whole or any part of reasonable travelling expenses when not making provision under 509(2) above.

Section 509(4) requires local authorities to take certain factors into account including the child's age, the nature of possible routes and parental wishes for the provision of education at a school or institution in which the religious education is that of the religion or denomination to which his/her parent adheres.

Section 509AD defines the duty placed on local authorities to have regard to religion and belief in exercising their school travel functions. They are required to provide free transport to the nearest secondary school preferred by reason of a parent/carer's religion or belief between 2 and 15 miles from the child's home where the family meets the national low-income criteria.

In line with the requirements of the Act, the Council provides free transport for all young people of secondary school age (11-16) living in low income families **if** they are eligible for free school meals, or their parent/carers are in receipt of their maximum level of Working Tax Credit⁷, to:

- one of their three nearest qualifying schools where they live more than two miles, but not more than six miles from that school and
- the nearest suitable school preferred on grounds of religion or belief, where they live more than two miles, but not more than 15 miles from that school.

The Act requires authorities to make arrangements to assist students with transport costs, as appropriate, who are enrolled on a full-time post-16/FE course of study, which started before they reached the age of 19. For students with disabilities and/or learning difficulties, assistance must be provided up to the age of 21, as a minimum. It does not prescribe what those arrangements might involve. It is therefore, for the Council to decide whether transport needs to be provided and under which circumstances assistance with travel should be available.

The law states that in providing transport, local authorities must make no less favourable arrangements for students attending a further education sector institution

⁷ These are statutory eligibility criteria.

or a higher education institution maintained or assisted by the Council than at a maintained or state-funded school (be it a community, voluntary aided, foundation school or academy, including free schools and University Technical Colleges).

The law also stipulates that if the Education Skills Funding Agency (ESFA) has secured for a student a placement for education or training at an institution outside the further and higher education sectors together with accommodation, the Council is under a duty to provide transport if it deems it necessary for facilitating the student's attendance at that institution.

Section 508A of the Act covers the duty upon local authorities to promote sustainable travel.

Section 508B of the Act deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for 'eligible children'. Section 35B of the Act defines 'eligible children' – those categories of children in a Council's area for whom travel arrangements will always be required. A condition of each category is that they are of statutory school age. Under Section 508B, every feature of these arrangements must be provided free of charge.

Section 508C of the Act provides local authorities with the discretionary powers to make arrangements for those children not covered by Section 508B.

Statutory walking distance is defined in Section 444(5) of the Act as either two miles (if the child is under 8 years of age) or three miles (if the child is aged 8 to 16 years old).

The Council has used its discretionary powers under Section 508C of the Act to apply a two mile 'walking distance' for children up to the point at which they transfer to secondary school at age 11.

The Equality Act 2010

S149 Equality Act 2010 ('The Act') places a duty on local authorities to promote equality of opportunity for disabled people and to eliminate discrimination. As such the Council has a duty to ensure that its policies, practices, procedures and services do not discriminate against disabled people.

Section 6 of The Act defines disability and section 20 defines the duty to make reasonable adjustments so that disabled people are not discriminated against.

The Council is under a legal duty to publish a policy that reflects these provisions and to comply with the requirements of the Public Sector Equality Duty.

APPENDIX C

Factors considered by the Council in assessing availability of routes within walking distance

1.0 The child/young person

- (a) the age of the child/young person;
- (b) any disabilities the child/young person may have.

NB The child/young person is expected to be accompanied by an adult, as appropriate.

2.0 The route

The Council will conduct a detailed assessment of the route. In line with guidance issued by the Road Safety Great Britain and Local Authority Road Safety Officer (LARSOA) best practice guidance. This will be undertaken at the times of day that pupils would be expected to use it to travel to and from school and, where appropriate, will include a vehicle gap analysis of roads to cross.

- (a) If a public footpath, totally separated from roads is available, it must normally be made up with a hard surface, for example, tarmac, gravel etc. to be acceptable as a route (in all weather).
- (b) The presence of suitable refuges adjacent to a road, for example, a verge.
- (c) The volume, speed and type of traffic.
- (d) Visibility, for example, sharp bends with a high hedgerow or bank, or overhanging trees or branches that might obscure fields of vision for the pedestrian or motorist.
- (e) Accident record of the route at the times of day children/young people would be expected to use it to get to and from school.

There would normally need to be a combination of factors present for the route to be unavailable for an accompanied child/young person.

3.0 The following are examples of potential hazards which the Council considers to be acceptable to an accompanied child/young person:

- (a) Lonely routes
- (b) Moral danger
- (c) Unmanned level crossings
- (d) Roads to be crossed
- (e) Limited street lighting
- (f) Canals, rivers or ditches running along part or the whole of the route

The legal definition of an 'available route' is a route along which a child, accompanied as necessary, can walk and walk with reasonable safety to school. It does not fail to qualify as 'available' because of dangers which would arise if the child were unaccompanied. (*Essex CC v Rogers [1986]*)