

**CABINET MEETING – 13 MARCH 2013**

**EXECUTIVE SUMMARY SHEET – PART I**

<p><b>Title of Report:</b> Proposal to review discretionary Home to School Transport from September 2013</p>	
<p><b>Author(s):</b> Executive Director Children's Services</p>	
<p><b>Purpose of Report:</b> This report provides an overview of the home to school travel arrangements, and proposes a review of the discretionary arrangements that are currently in place.</p>	
<p><b>Description of Decision:</b> Cabinet is recommended to:</p> <ul style="list-style-type: none"> <li>(i) Agree to consult on the review of current discretionary transport arrangements to schools in Sunderland;</li> <li>(ii) Note that a further report will be prepared for consideration by Cabinet at its meeting in June 2013 on the outcomes of public consultation on this matter.</li> </ul>	
<p><b>Is the decision consistent with the Budget/Policy Framework?</b> *Yes</p>	
<p><b>If not, Council approval is required to change the Budget/Policy Framework</b></p>	
<p><b>Suggested reason(s) for Decision:</b> The rationale for the review of discretionary transport is to achieve the efficiencies set out in the Medium Term Financial Strategy. Current arrangements for Oxclose Academy, Barnwell and St Michaels RC Primary have a significant cost and are not consistent with the practice for the vast majority of schools in Sunderland. The current denominational arrangements (with the exception of those children receiving free school meals or higher level working tax credits) are also discretionary and the Council is under no legal obligation to provide these.</p>	
<p><b>Alternative options to be considered and recommended to be rejected:</b> Given the rationale described above it is suggested that there are no alternative options to consider.</p>	
<p><b>Impacts analysed:</b></p> <p>Equality <input checked="" type="checkbox"/> Privacy <input type="checkbox"/> Sustainability <input type="checkbox"/> Crime and Disorder <input type="checkbox"/></p>	
<p><b>Is this a "Key Decision" as defined in the Constitution?</b> Yes</p> <p><b>Is it included in the 28 day Notice of Decisions?</b> Yes</p>	<p><b>Scrutiny Committee:</b></p>



**PROPOSAL TO REVIEW DISCRETIONARY HOME TO SCHOOL TRANSPORT FROM SEPTEMBER 2013**

**REPORT OF THE EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES**

**1. PURPOSE OF THE REPORT**

- 1.1 This report provides an overview of the home to school travel arrangements, and proposes a review of the discretionary arrangements that are currently in place.

**2. DESCRIPTION OF DECISION**

2.1 Cabinet is recommended to:

- (iii) Agree to consult on the review of current discretionary transport arrangements to schools in Sunderland;
- (iv) Note that a further report will be prepared for consideration by Cabinet at its meeting in June 2013 on the outcomes of public consultation on this matter.

**3. INTRODUCTION AND BACKGROUND**

**3.1 The Current Policy**

- 3.1.1 Generally parents and carers are responsible, in law, for making arrangements for their children's attendance at school. Therefore when deciding on which school to apply for a place, parents/carers have to decide whether they require transport and then organise provision themselves.
- 3.1.2 Councils are required, by law, to provide assistance for those pupils who are eligible. If a pupil qualifies under the following circumstances then transport is provided free. This includes pupils who:
- are registered at their nearest school and live more than the recognised (statutory) walking distance from it, 2 miles for children of primary school age and 3 miles for secondary aged children;
  - are registered at their nearest school and are unable to walk to school due to a route which the Council has assessed as hazardous;
  - are registered at their nearest school, or the most appropriate school to meet their special educational needs and those needs prevent them from achieving independent travel or walking the statutory distance safely accompanied by an adult;
  - are from low-income families (entitled to free school meals or on maximum working-tax credit) and attend a mainstream secondary school or a faith school which is more than two miles from home.

- 3.2 Sunderland's home to school transport is arranged by adherence to the statutory provisions above and like many Councils, Sunderland has further supplemented these with discretionary arrangements over and beyond this statutory duty. (See copy of SCC Home to School Transport Policy attached at Appendix 1.)
- 3.3 Non-statutory discretionary transport is currently provided to three schools within the City of Sunderland, these are Barnwell Primary School, St Michaels RC Primary School and Oxclose Community Academy. Provision of these services originally came about due to school closures and/or historic boundary changes and these are now accepted as custom and practice. In addition discretionary transport arrangements are also in place for some children attending denominational secondary schools. For St Aidan's, St. Anthony's and St. Robert's Roman Catholic Voluntary Aided Schools, where the nearest faith school is three miles or over, travel permits are provided. Although these arrangements are discretionary, there is a statutory requirement to provide free transport for children from lower income families who travel two miles or over to their nearest faith school, with free school meals/ higher working tax credits being the criteria.
- 3.4 The overall budget for home to school transport is £2.2 million in 2012/13, almost all of which is allocated for statutory provision as outlined in 3.1.2 above. The medium term financial strategy identifies an efficiency target for transport of £318,000 in 2013-2014, and therefore all aspects of home to school transport are under review. Whilst some efficiencies can be achieved through reviewing procurement methodology, route planning and more efficient use of available transport, there is also a need to review the discretionary elements. The annual cost of providing current discretionary transport is £195,000. (£105,000 to provide bus support to Barnwell, St Michaels and Oxclose and £90,000 in travel permits to denominational secondary schools).

## **4. CURRENT POSITION**

### **4.1 Discretionary transport**

Further details of discretionary transport are provided below:

#### **4.1.1 Barnwell Primary School**

Barnwell Primary School had served two catchment areas for a number of years, including one area inherited from the closure of a school in the Herrington area. A decision, dating back a considerable number of years, was made by the Local Authority to provide free transport to and from school to pupils living in the Herrington area; no end date was put in place to this arrangement. At present the Local Authority funds one mini-bus. The bus must have an escort (funded by the Local Authority) on at all times given the children are of primary school age and travel without parents or guardians. Distances travelled by children are short and all well below the national statutory 2 miles walking distance. 22 children currently use this bus none of whom appear to meet national transport criteria for free school travel. At present there is no direct service from New Herrington to Barnwell Primary school. Should parents not wish to walk to school or transport children themselves, the 37 can take children from New Herrington to Philadelphia Lane in Shiney Row. The 79 service goes to Barnwell School and within close walking distance are the services 2a and 2c. The area is also served by New Penshaw and Shiney Row Primary Schools.

The current cost of providing transport to Barnwell is £25,555 per annum.

#### **4.1.2 St Michael's RC Primary School**

Following on from boundary changes in 1974 and closure of a school it was agreed to transport children from the South Hetton, Easington Lane areas to St Michaels RC Primary School. Custom and practice has led to the expansion of service users in recent years although the original reason for providing the bus is now historic and no end dates had been put in place for this provision. At present the Local Authority fund one mini-bus. The bus must have an escort on at all times given the children are of primary school age. Pick up points are from various locations in Houghton, Hetton and Easington Lane. 33 children currently use this bus and of these only a small number live 2 miles or over away from school. .

The no 20 bus service operates next to St Michael's RC Primary. However, services x 1 and x 35 serve the Easington Lane and Hetton le Hole areas but children would be required to walk from Hetton Road.

The current cost of providing transport to St Michaels is £23,750 per annum.

#### **4.1.3 Oxclose Community Academy School Transport**

The dedicated bus transport to Oxclose School came about as a result of the closure of Usworth School in 2007.

As a consequence all children who have previously attended Springwell Village Primary or George Washington Primary and then transfer to Oxclose Community Academy School are eligible for free transport under the current arrangement. The majority of children live in the Donwell and Usworth areas of Washington. 107 students use one of 2 dedicated buses whilst a further 29 receive travel permits. Detailed analysis of students travel details illustrated that 40 of the 136 students lived 2 miles or more away from the school; of this 40 only 5 met free school meals criteria No end date was agreed for this provision.

Children from the Concord, Donwell and Usworth areas of Washington can access the bus routes W5 or W6. At present these vehicles are around half full on the times the children would travel to Oxclose School. Both services run every 30 minutes but at different intervals. It should also be noted that these journeys differ little from those taken by some pupils to other schools across the city.

The total current cost of providing bus transport is £54,630 per annum.

## **4.2 Denominational Transport to St Aidan's, St Anthony's and St Robert's RC Secondary Schools**

4.2.1 Free Travel Assistance is offered to children who are eligible via Sunderland City Council's Home to School Transport Policy. In the Academic Year 2011-12, the Council issued 566 travel permits to young people on denominational grounds. In all cases closer secondary schools are available, although not denominational schools. Analysis has shown that of the 566 young people, 95 would fit the criteria to qualify under the national statutory guidelines (i.e. lower income, free school meals Higher Working Tax Credits criteria). This means that 471 travel permits were issued by SCC and the current Home to School Policy via discretionary powers.

4.2.2 The current cost of an annual travel permit is approximately £196. If the same number of discretionary permits were issued in the academic next year 2013-14 this would cost £92,316.

4.3 Communication has been made locally with neighbouring Councils and on a wider level nationally to gain an understanding as to the position of other Local Authorities in relation to discretionary home to school transport spending. From discussion and research it appears that none had discretionary arrangements in place similar to those offered to Barnwell, St Michaels and Oxclose Schools.. The majority advised however that denominational discretionary transport had undergone review and been subsequently withdrawn or would undergo review in the near future..

## **5. OPTIONS FOR CONSIDERATION**

5.1 In line with the Department for Education's transport policy it is proposed to consult as widely as possible on this issue. Consultations should last for at least 28 working days during term time and this period should be extended to take account of any school holidays that may occur during the period of consultation. The options for consultation, together with some considerations around these, are listed below.

### **Option 1 To withdraw discretionary transport from start of next school year September 2013**

- This would maximise potential efficiencies in the shortest time available;
- Whilst implementation for September 2013 is achievable, the timescale is tight, given the full consultation that will be required, parents who have selected schools for September 2013 have done so based on current admissions information and this does not refer to the proposed change to discretionary transport.

### **Option 2 To withdraw discretionary transport from September 2014**

- Although the consultation would still be conducted during March to June 2013 the transport would be withdrawn from September 2014.
- No savings would be realised in the 2013/14 financial year because new entrants in 2013 would have access to free transport;

- The longer implementation date would allow planning time for parents and to express their preferences for admission to school in 2014 in the full knowledge of any changes to the transport position.

**In the event that other options or suggestions are put forward during the consultation, these will also be considered and reported back to Cabinet in June (in accordance with the timetable set out at 9.1).**

## **6. REASONS FOR THE DECISION**

- 6.1 The rationale for the review of discretionary transport is to achieve the efficiencies set out in the Medium Term Financial Strategy. Current arrangements for Oxclose Academy, Barnwell and St Michaels RC Primary have a significant cost and are not consistent with the practice for the vast majority of schools in Sunderland. The current denominational arrangements (with the exception of those children receiving free school meals or higher band tax credits) are also discretionary and the Council is under no legal obligation to provide these.

## **7. ALTERNATIVE OPTIONS**

- 7.1 Given the rationale described above it is suggested that there are no alternative options to consider.

## **8. IMPACT ANALYSIS**

- 8.1 An equality impact assessment has been undertaken and will be reviewed and updated following the outcomes from the consultation.

## **9. PROPOSED CONSULTATION TIMESCALES**

- 9.1 The proposed timescale for consultation is as follows:

Proposal to Cabinet	13 March 2013
Informal consultation with interested parties	To 22 March 2013
Public consultation begins	8 April 2013
Public consultation ends	24 May 2013
Further report to Cabinet on outcomes of consultation	June 2013

- 9.2 Consultation will take the form of specific meetings with the Roman Catholic Diocese of Hexham and Newcastle and in those schools where families are most affected; 'drop in' sessions across the city and with a consultation leaflet (which will be prepared on the basis of agreed options for consultation and which will be distributed through all schools).

## **10. FINANCIAL IMPLICATIONS**

- 10.1 The overall budget in 2012/13 for home to school transport is £2.2 million against which proposed efficiencies of £318,000 have been identified. Withdrawal of discretionary transport will achieve savings of £185,000 per annum, taking into account the statutory responsibility to continue to provide transport support to children from low income families within the relevant distances.

## **11. LEGAL IMPLICATIONS**

- 11.1 The statutory requirements in relation to home to school transport are contained within the Education Act 1996.

## **12 BACKGROUND PAPERS – APPENDIX 1**

Sunderland Council's Home to School Transport policy is attached.



Appendix 1

# Home to School Transport Policy

## Introduction

Section 508B of the Education Act 1996 (amended by the Education and Inspections Act 2006) deals with the duty on Local Authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.

Parents are responsible for ensuring that their children attend school regularly. However, section 444 of the 1996 Act outlines the situations in which a parent may have a defence in law against a prosecution by a Local Authority 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;
- No suitable arrangements have been made by the Local Authority for boarding accommodation at or near to the school;
- No suitable arrangements have been made by the Local Authority for enabling the child to become a registered pupil at a qualifying school nearer to his/her home; and
- The Local Authority has a duty to make travel arrangements in relation to the child under section 508B and has failed to discharge that duty.

Schedule 35B of the 1996 Act (amended by the Education and Inspections Act 2006) defines "eligible children" – those categories of children in an authority's area for whom travel arrangements will always be required. A condition of each category is that they are of compulsory school age. Under section 508B, these arrangements must be provided free of charge.

The provisions set out in this policy include places other than schools where a child is receiving education by virtue of arrangements made under section 19(1) of the Education Act 1996 by the Local Authority.

This policy only applies to children of statutory school age who are resident in the area of Sunderland City Council.

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Notes

1. All the references in this policy to schools are a reference to a qualifying school the meaning of which is provided in each section of the policy.
2. This policy will be reviewed and revised from time to time in light of any revisions in respect of guidance from the Secretary of State.

## Part 1

# Home to School Transport for Pupils attending Mainstream Schools

### 1 Statement of Intent

The purpose of this policy is to support the attendance at qualifying schools of eligible children who are of statutory school age by the provision of free transport.

### 2 Meanings

#### 2.1 Qualifying schools are;

- 2.11 community, academies or voluntary schools;
- 2.12 pupil referral units;
- 2.13 places other than a school at which a pupil might receive education under section 19(1) of the Education Act 1996.

#### 2.2 Eligibility;

- 2.21 Children who live within the statutory walking distance of their nearest qualifying school but cannot reasonably be expected to walk to school.
  - a) Where children live within the statutory walking distance of their nearest qualifying school and it is suspected that there is no available walking route to that nearest qualifying school the Local Authority will undertake a risk assessment of the route.
  - b) Where the outcome of the risk assessment is that the route is not available to the child (accompanied by the parent/carer) free travel will be provided.
  - c) In the circumstances where the risk assessment shows that the route is available, then the parent has the right to have that decision reviewed in accordance with the Council's procedure.
- 2.22 Children who live more than 2 miles (statutory walking distance) from the primary school nearest their ordinary place of residence will be provided with free home to school transport.
- 2.23 Children who live more than 3 miles (statutory walking distance) from the secondary school nearest their ordinary place of residence will be provided with free home to school transport.
- 2.24 Secondary aged Children entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit;
  - a) Primary aged children will be provided with free home to school transport to their nearest qualifying school where it is more than 2 miles from their ordinary place of residence.

- b) Secondary aged children will be provided with free home to school transport if the secondary school they attend is one of the three nearest to their ordinary place of residence; and that school is more than 2 miles but below 6 miles from their ordinary place of residence;

2.25 Where a parent is offered a place at a school as a result of an independent appeal for admission to that school, the child will be eligible for free home to school transport where the conditions in paragraphs 2.22 – 2.24 are met.

2.26 For any pupil attending the school on the date of the implementation of this policy and the conditions in paragraph 2.22 – 2.24 are met they shall receive free home to school transport. This provision shall cease to have effect on 31st August 2012.

2.27 Unless a child changes their permanent place of residence then eligibility will remain for the entirety of the school year for which the assessment is made.

2.28 A new application must be made each academic year and it is parent's responsibility to ensure that an application is made. Entitlement will be re-assessed annually on receipt of the new application form.

### 2.3 Distance

2.31 Distance is measured by:

- a) nearest available route for the statutory walking distances, as accompanied; using a Geographical Information System (GIS)
- b) road route for the 2 to 6 miles range for secondary and more than 2 miles for primary aged pupils, under the provisions for children entitled to free school meals or whose parents are in receipt of their maximum level of Working Tax Credit.

### 2.4 Ordinary place of residence

The pupil's place of residence will be deemed to be the pupil's permanent home address. This does not include childminder/carer's addresses.

## 3 Travel Arrangements

3.1 Travel arrangements are those provisions made by the Local Authority for children to receive free home to school transport.

3.2 The duty to provide free home to school transport will be for the journey at the:

start of the school day; and

end of the school day.

3.3 The school day is deemed to be the session times as approved by the governing body of the qualifying school.

3.4 Nothing in the travel arrangements made for any child shall be for any travel between educational institutions during the school day. Where a child moves from one establishment to another in order to receive education, that cost will fall to the school to pay.

3.5 The arrangements will be free of charge, except the provision of photographs, where cost shall fall to the parent.

3.6 Travel arrangements will be:

3.61 normally a travel permit unless not suitable for the child's needs; or

3.62 refunded travelling expenses according to the cheapest available public transport route

## 4 Medical Requirements

Children with physical and/or medical difficulties may be provided with assistance for transport at the discretion of the Authority subject to a medical report from the child's consultant. These arrangements can be permanent or temporary.

## 5 Discretionary provisions related to the statutory walking distance for Secondary Schools.

5.1 Where a child is attending their nearest secondary school and they move address and the parent wishes the child to continue attending the school the Council will provide free home to school transport where the following criteria apply:

- a) the new ordinary place of residence is more than 3 miles, but less than 15 miles, from the school; and
- b) the pupil is in Year 10 or 11.

5.2 Where a pupil is resident in and attending a secondary school in a Local Authority with which Sunderland City Council is co-ordinating admission arrangements and the child becomes resident in Sunderland the Council will provide free home to school transport to allow the child to continue in that school if they are in Year 10 or 11.

5.3 The provision of transport set out in paragraphs 5.1a and 5.1b will continue until the statutory school leaving date.

## 6 Transitional arrangements in the event of the re-organisation of school provision

6.1 In circumstances where the Council proposes to re-organise school provision which involves the discounting of existing schools and the establishing of new schools, transitional arrangements may be made in respect of the provision of home to school transport, which may also include the provision of free transport to pupils who would not ordinarily be eligible.

6.2 Transitional arrangements shall be determined by the Council's Cabinet.

6.3 Where transitional arrangements are approved they will be stated in the appropriate statutory notices.

## 7 Travel arrangements for other children

7.1 The Local Authority may make such school travel arrangements as considered necessary for any child not already provided for in this section of the policy for the purpose of facilitating their attendance at school.

7.2 This discretionary provision shall apply to pupils in the year groups Reception to Year 9 who are not an eligible pupil for the purpose of free home to school transport.

- 7.3 Children who reside in an area not covered by public transport may be provided with assistance to and from school.
- 7.4 Travel arrangements will be:
- a) normally a travel permit unless not suitable for the child's needs; or
  - b) refunded travelling expenses according to the cheapest available public transport route.

## Part 2

# Home to School Transport for Pupils with a Statement of Special Educational Needs

### 1 Statement of Intent

The purpose of this policy is to support the attendance at qualifying schools of eligible pupils who are of statutory school age and who have a statement of special educational needs; by the provision of free transport.

### 2 Meanings

#### 2.1 Qualifying schools are:

- 2.11 community, academies or voluntary schools;
- 2.12 community special schools;
- 2.13 non-maintained and independent special schools;
- 2.14 pupil referral units;
- 2.15 places other than a school at which a pupil might receive education under section 19(1) of the Education Act 1996.

#### 2.2 Eligibility:

- 2.21 Children with a statement of special educational needs.
- 2.22 For children attending a special school maintained by the Authority and it is named in their statement of special educational needs, free home to school transport will be provided for full time pupils:
  - a) Primary aged children who live over 2 miles from the special school;
  - b) secondary aged children who live over 3 miles from the special school.
- 2.23 Where a child does not qualify for free home to school transport under paragraph 2.22 free transport may be provided subject to an assessment by the SEN Transport Panel.
- 2.24 Where a child attends a special school or other specialist provision maintained by another local authority or body, free home to school transport will be provided as set out in paragraphs 2.21 and 2.22 will similarly apply.
- 2.25 Where the mainstream school named in the child's statement of special educational need is the nearest to their home address and is below the statutory walking distance free home to school transport may be provided, subject to an assessment by the SEN Transport Panel.
- 2.26 Where a child has a mainstream school that is determined and named in their statement of special educational needs by the Authority, and where the identified school is not the nearest to their normal place of residence and is below the statutory walking distance;



free home to school transport may be provided, subject to an assessment by the SEN Transport Panel.

- 2.27 Where a child with a statement of special educational needs attends a school which is not the closest to their normal place of residence in accordance with parental preference they would not normally be provided with assistance with transport.
- 2.28 Children with a statement of special educational needs who are entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit:
- a) Primary aged and live more than 2 miles from their nearest school;
  - b) Secondary aged and attend one of their three nearest qualifying schools which is above 2 miles but less than 6 miles from their ordinary place of residence.
- 2.29 The assessment of a pupil's eligibility for free home to school transport to secondary school will be at the time an application is made.
- 2.30 Unless a child changes their permanent place of residence then eligibility will remain for the entirety of the school year for which the assessment is made.

### 2.3 Ordinary place of residence

The pupil's place of residence will be deemed to be the pupil's permanent home address. This does not include childminder/carer's addresses.

### 2.4 Distance

- 2.41 Distance is measured by:
- a) nearest available route for the statutory walking distances, as accompanied; using a Geographical Information System (GIS)
  - b) road route on roads suitable for a motor vehicle for the 2 to 6 mile range for secondary and over 2 miles for primary under the provisions for children entitled to free school meals or whose parents are in receipt of their maximum level of Working Tax Credit.

## 3 Travel Arrangements

- 3.1 Travel arrangements are those provisions made by the Local Authority for children to receive free home to school transport.
- 3.2 The duty to provide free home to school transport will be:
- 3.21 for children attending a school on a daily basis will be for the journey at the:
- a) start of the school day; and
  - b) end of the school day
- 3.22 weekly residential place:
- a) one journey at the start of the school week; and
  - b) one journey at the end of the school week

- 3.23 termly residential place:
- a) one journey at the start of each half-term;
  - b) one journey at the end of each half-term; and
  - c) consideration will be given to provide free home to school transport 1 weekend each half term in exceptional circumstances and with the agreement of the school.
- 3.3 The school day is deemed to be the session times as approved by the governing body of the qualifying school.
- 3.4 Travel arrangements will be:
- 3.41 normally a travel pass unless not suitable for the child's needs; or
  - 3.42 refunded travelling expenses according to the cheapest available public transport; or
  - 3.43 mileage expenses in accordance with the Council's current rate for pupils transported in the parent's/carer's own vehicle; or
  - 3.44 a taxi; or
  - 3.45 contracted specialist vehicle.
- 3.5 Nothing in the travel arrangements made for any child shall be for any travel between educational establishments during the school day. Where a child moves from one establishment to another in order to receive education then that cost will fall to the school to pay.
- The arrangements will be free of charge, except the provision of photographs, where cost shall fall to the parent.
- 3.6 The Home to School Transport Team may provide escorts to accompany children subject to taking account of:
- 3.61 risk assessment of the child;
  - 3.62 age of the child;
  - 3.63 length of journey.
- 3.7 The provision of escorts will be subject to a continuous review undertaken by the School Transport Officer.
- 3.8 The provision of transport will not normally be written into the statement of special educational needs.
- 3.9 For any pupil attending the school on the date of implementation of this policy and the conditions in section 2.2 are met they shall receive free home to school transport. This provision shall cease to have effect on 31st August 2012. The date of eligibility shall be 1st September 2008.

## 4 Behaviour Partnership Management Board

### 4.1 Primary and Secondary Schools

4.11 Where the Behaviour Partnership Management Board determines that a pupil is provided with an alternate school place, free travel arrangements will be provided where it is considered necessary in order to ensure the attendance of that child at the alternate school.

### 4.2 Free Travel arrangements will be:

4.21 normally a travel pass unless not suitable for the child's needs; or

4.22 refunded travelling expenses according to the cheapest available public transport; or

4.23 mileage expenses in accordance with the Council's current rate for pupils transported in the parent/carer's own vehicle.

4.24 Taxi/minibus

## 5 SEN Transport Panel

### 5.1 The SEN Transport Panel will comprise of representatives from:

5.11 Special Educational Needs Unit;

5.12 Home to School Transport Team;

5.2 The Transport panel will review the individual circumstances of the child and make a decision as to whether or not the child receives free home to school transport.

5.3 Where during the course of any school year the SEN Transport Panel determines that the provision of free home to school transport need no longer be provided it will cease at the end of the term in which the Panel's decision was made.

### 5.4 Where a child receives free home to school transport it will be subject to review:

5.41 at the end of Year 6;

5.42 during Year 11 for those pupils transferring to Post 16 in a mainstream school;

5.43 following the successful completion of Independent Travel Training.

## Part 3

# Home to School Transport on the grounds of religion or belief

### 1 Statement of Intent

The purpose of this policy is to support the attendance at qualifying schools of eligible pupils where the parents have expressed a preference on the grounds of religion or belief.

### 2 Meanings

#### 2.1 Qualifying schools are:

- 2.11 community, academy or voluntary schools;
- 2.12 community or foundation special schools;
- 2.13 places other than a school at which a pupil might receive education under section 19(1) of the Education Act 1996.

### 3 Eligibility

3.1 Secondary aged children who are entitled to free school meals or whose parents are in receipt of their maximum level of Working Tax Credit; and 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;

or

3.2 Primary aged children who are entitled to free school meals or whose parents are in receipt of their maximum level of Working Tax Credit; and 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 from that school.

3.3 Children not entitled to free school meals and whose parents are not on the maximum level of Working Tax Credit and 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 for primary aged pupils;
- More than 3 miles for secondary aged pupils from that school.

3.4 Free home to school travel will be provided for eligible children where it can be demonstrated that attendance at a qualifying school is on the grounds of religion or belief.

3.5 Evidence to support the following will be provided by the parent:

- 3.51 where the preference to attend a school is based on the parent's religion or belief;
- 3.52 where the parent does not wish the child to attend a school which is any of three schools nearest their home and within two miles based on the parents religion or belief.

- 3.6 Unless a child changes their permanent place of residence then eligibility will remain for the entirety of the school year for which the assessment is made.
- 3.7 A new application must be made each academic year and it is parent's responsibility to ensure that an application is made. Entitlement will be re-assessed annually on receipt of the new application form.
- 3.8 Where a child ceases to be eligible during the course of the school year the provision of free home to school transport shall cease at the end of the summer term of that year.

### 4 Ordinary place of residence

The pupil's place of residence will be deemed to be the pupil's permanent home address. This does not include childminder/carer's addresses.

### 5 Distance

Distance is measured by:

- 5.11 for children set out in paragraph 3.1 on roads suitable for a motor vehicle;
- 5.12 for children set out in paragraph 3.2 and 3.3 suitable walking route.

### 6 Travel Arrangements

- 6.1 Travel arrangements are those provisions made by the Local Authority for children to receive free home to school transport.
- 6.2 The duty to provide free home to school transport will be for the journey at the;
  - 6.21 start of the school day; and
  - 6.22 end of the school day.
- 6.3 The school day is deemed to be the session times as approved by the governing body of the qualifying school.
- 6.4 Nothing in the travel arrangements made for any child shall be for any travel between education institutions during the school day. Where a child moves from one establishment to another in order to receive education, that cost will fall to the school to pay.
- 6.5 The arrangements will be free of charge, except the provision of photographs, where cost shall fall to the parent.
- 6.6 Travel arrangements will be:
  - 6.61 normally a travel pass unless not suitable for the child's needs;
  - or,
  - 6.62 funded travelling expenses according to the cheapest available public transport route

## Part 4

# Removal of Free Travel arrangements

- 1 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:
  - 1.1 the driver of the vehicle; or
  - 1.2 other road users; or
  - 1.3 other passengers; or
  - 1.4 used threatening or violent language; or
  - 1.5 damage to the vehicle.
- 2 The withdrawal of free home to school transport will be:
  - 2.1 temporary; or
  - 2.2 permanent.
- 3 Temporary shall be a specified number of weeks and permanent shall be for the remainder of the school year.
- 4 Where a permanent withdrawal is imposed during the Spring and Summer terms it will continue for the equivalent of three school terms.
- 5 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 saying that travel arrangements were necessary and had been made, but that the child's behaviour was such that they cannot take advantage of it.
- 6 Nothing in this policy prevents the Head Teacher of a school using disciplinary sanctions which could include exclusion when it is considered that the behaviour of a pupil on home to school transport warrants it.
- 7 Nothing in this policy prevents the operator of a commercial service from excluding a child if they demonstrate poor behaviour as set out in paragraph 1.

## Part 5

# Review of Decision

- 1 Any parent/carer who makes an application for free home to school transport under the provisions set out in the Council's policy and that application is refused will have the right to have their case reviewed.
- 2 The review procedure is set out below:
  - 2.1 Write to the Special Educational Needs Unit (SEN Unit), Stannington Centre, Stannington Grove, Sunderland, SR2 9JT
  - 2.2 This is then taken to the SEN Transport Panel
  - 2.3 The Panel then consider the case
  - 2.4 Parents/carers are notified of the Panel's decision
  - 2.5 If at this point parent/carers are still unhappy with the decision, a letter must be sent to the Complaints Officer, Children's Services, Civic Centre, Burdon Road, Sunderland, SR2 7DN

This information can be made available in large print, Braille, audio and other languages. Please contact the Performance Improvement Team on 0191 566 1841 for help.

All information correct at time of going to press. Published April 2009.

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