

## **Leeds Children's Services Transport Policy**

The policy set out in this document applies to all new applications for assistance with home to school travel commencing on or after the 1 October 2013, and also defines the transitional arrangements agreed by Leeds City Council (the Council) for qualifying learners under its previous policy, where these apply.

This document lays out the Council's policy on the provision of transport support from home to a state-funded school or college of further education for children and students who are permanently resident within the boundary of the Leeds administrative area, and whose parents (also taken to mean legal guardians) pay their Council Tax to Leeds City Council.

The type of transport support provided will be determined following assessment by the Council as to what best meets the needs of the child or student, provides value for money, and is as sustainable as possible. The Council reserves the right to withdraw the provision of any transport support, either for a temporary period, or permanently for more serious or persistent cases of misbehaviour.

In accordance with the views expressed by the Secretary of State, the Council will continue to consider the particular circumstances of individual children and students even where they fall outside the Council's policy.

### **Section 1 - Free transport for eligible children of compulsory school age**

- 1.1 Free transport will be provided for children who meet **one** of the following criteria:
- (a) Children under the age of eight who travel two miles or more from their permanent home address to their nearest qualifying school, measured along the shortest available walking route (the relevant statutory walking distance).
  - (b) Children aged between eight and 16 years (or children up to Year 11) who travel three miles or more from their permanent home address to their nearest qualifying school, measured along the shortest available walking route.
  - (c) **Until 31 August 2015** children of compulsory school age who attend the nearest qualifying school with an available place that is more than the statutory walking distance (two or three miles away, according to age) up to a maximum of 15 miles because the relevant admissions authority was unable to provide a place at a nearer school within the statutory walking distance. All free transport provided under this provision will cease on 31 August 2015.

- (d) Children aged over eight, but under age 11, who are entitled to free school meals, or whose families are in receipt of their maximum level of Working Tax Credit, and who travel two miles or more from their permanent home address to their nearest qualifying school, measured along the shortest available walking route.
- (e) Children aged between 11 and 16, who are entitled to free school meals, or whose families are in receipt of their maximum level of Working Tax Credit, and who attend a qualifying school, more than two miles, but not more than six miles from their permanent home address (as long as there are not three or more nearer suitable qualifying schools)
- (f) Children under the age of eight who would travel less than two miles from their permanent home address to their nearest qualifying school and children aged between eight and 16 years (or children up to Year 11) who travel less than three miles from their permanent home address to their nearest qualifying school, measured according to the statutory walking distance where the nature of that route is such that a child cannot reasonably be expected to walk (accompanied as necessary) in reasonable safety.

1.2 Free transport will be provided for children who attend a school on the grounds of their parent's religion or belief and who meet one of the following criteria.

- (a) Children aged between 11 and 16, who are entitled to free school meals, or whose families are in receipt of maximum Working Tax Credit, if they attend the nearest qualifying faith school compatible with the parent's religion or belief and that school is more than two miles, but not more than 15 miles from their permanent home address.
- (b) Until 31 August 2015 children up to the age of eight years if they currently attend the nearest qualifying faith school compatible with the parent's religion or belief, and that school is more than two miles but not more than 15 miles from their permanent home address. All free transport provided under this clause will cease on 31 August 2015.
- (c) Until 31 August 2015 children between eight and sixteen if they currently attend the nearest qualifying faith school compatible with the parent's religion or belief and that school is more than three miles, but not more than 15 miles from their permanent home address. All free transport provided under this clause will cease on 31 August 2015.
- (d) From 1 October 2013 all new applicants, including children who change school or address, who do not meet the requirements of the new policy for local authority support, will only be eligible to travel on the relevant service on a parent-to-pay basis.

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

- (a) In cases where parents of children under the age of eight years are opposed to their children's attendance at a faith school for reasons of non-belief, and where the nearest qualifying school is a faith school, free travel will be granted to the next nearest qualifying non-faith school where that school is more than two miles, but not more than 15 miles from their permanent home address.
- (b) In cases where parents of children aged between eight and 16 are opposed to their children's attendance at a faith school for reasons of non-belief, and where the nearest qualifying school is a faith school, free travel will be granted to the next nearest qualifying non-faith school where that school is more than three miles, but not more than 15 miles from their permanent home address.
- (c) Children aged between eight and 16, who are entitled to free school meals, or whose families are in receipt of maximum Working Tax Credit, if they attend the nearest qualifying non-faith school because of the parent's non-belief and that school is more than two miles, but not more than 15 miles from their permanent home address.

1.4 Free transport will be provided for children who attend a single-sex school on the basis of their parent's religion or belief and who meet one of the following criteria

- (a) Children under the age of eight years who attend the nearest qualifying single-sex school, where that school is more than two miles, but not more than 15 miles from their permanent home address.
- (b) Children aged between eight and 16 who attend the nearest qualifying single-sex school where that school is more than three miles, but not more than 15 miles from their permanent home address.
- (c) Children aged between eight and 16, who are entitled to free school meals, or whose families are in receipt of their maximum level of Working Tax Credit, if they attend the nearest qualifying single-sex school and that school is more than two miles, but not more than 15 miles from their permanent home address.

## **Section 2 - Free transport for children of compulsory school age with special needs**

### **2.1 Children who have Statements of Special Educational Needs**

- (a) Transport support will be provided free of charge for children living less than the statutory walking distance from school if:
  - (i) he or she is the subject of a Statement of Special Educational Needs; **and**
  - (ii) assistance with transport is specified in the Statement; **and**
  - (iii) the child is attending the nearest qualifying school as named in the Statement.
- (b) Where a parent requests that a child should attend a school other than the nearest qualifying school named in the Statement, assistance will be provided on the express condition that the parent agrees to pay any additional costs incurred by the local authority as a consequence of that request. Those additional costs will be calculated on the basis of the additional mileage incurred.

### **2.2 Assistance on medical grounds**

- (a) Children who attend a qualifying school that is within the statutory walking distance for their age and have a disability, mobility problem, a congenital or permanent medical condition (for example arthritis, cystic fibrosis etc), which means they cannot reasonably be expected to walk to school will be provided with assistance if:
  - (i) they are not the subject of a Statement of Special Educational Needs;
  - (ii) they are able to avail themselves of all or most of the education available in school;
  - (iii) their application is supported by written information from a qualified medical practitioner; **and**
  - (iv) the parent is unable to provide their own transport.
- (b) Children who suffer a temporary disability such as a broken leg that impedes normal independent travel to school, but which does not prevent the child from benefiting from education, will be provided with assistance if:
  - (i) they are able to avail themselves of all or most of the education available in school;

- (ii) their application is supported by a written report from a doctor or other qualified medical practitioner giving details of the temporary disability and how long it is likely to last;
- (iii) the school provides written details of their timetable commitments;  
**and**
- (iv) the parent is unable to provide their own transport.

All arrangements made on medical grounds will be reviewed on a termly or annual basis depending on the nature of the disability.

### **2.3 Disabled parents and carers**

Children whose parents are disabled and are, as a result of their condition, unable to accompany their children on the walking route to their nearest qualifying school may apply to Children's Services for assistance. Any application must be supported by a written report from a doctor or other qualified medical practitioner.

Assistance may involve the provision of an escort or guide who would accompany such children on the journey to school in order for the walking route to be considered safe. Only in very exceptional circumstances would this assistance extend to the provision of taxi transport.

All arrangements would be reviewed on a half-termly basis and transport assistance would be withdrawn in the event that the parent's incapacity had ended.

#### **Please note the following:**

During 2013-2014 the Council intends to publish a new section to this policy for students with a statement of special educational need. This will describe the support provisions and relevant protections (and limitations) which will be available from September 2014 for all SEN students. This will also take into account the provisions of the new Children and Families Act due to be enacted in 2013 and implemented in 2014.

## Explanatory notes for Sections 1 and 2

Note 1 'Permanent home address' is deemed to be the address where the child habitually resides with their parent or guardians. Proof of address may be requested in the form of a recent utility or Council Tax bill, a tenancy agreement, evidence of registration on the electoral roll or other valid evidence.

Note 2 The Department for Education (DfE) states that, 'Qualifying schools' are:

- community, foundation or voluntary schools;
- community or foundation special schools;
- non-maintained special schools;
- pupil referral units;
- maintained nursery schools; or
- city technology colleges, city colleges for the technology of the arts or Academies.

Free Schools have now been added as Qualifying Schools

References to "nearest qualifying school" are to be taken to mean the nearest qualifying school with places available that provides education appropriate to the age ability and aptitude of the child and any special educational needs that the child may have.

Note 3 The statutory walking distance is two miles for children aged under eight, and three miles for children aged eight and over. It is measured according to the 'nearest available walking route', which is not necessarily the shortest distance by road. It is the shortest route along which a child, accompanied as necessary, may walk with reasonable safety and may include footpaths, bridleways, and other pathways, as well as recognised roads. This means that a route will be 'available' even if the child would need to be accompanied along it by his or her parent, as long as such accompaniment is reasonably practicable from a road safety perspective.

Note 4 Assessments of the comparative safety of a route will involve such factors as the age of the child; the width of any roads travelled along and the existence of pavements; the volume and speed of traffic travelling along any roads; and whether or not any potential risks might be mitigated if the child were accompanied by an adult.

Note 5 When assessing the distance between a child's permanent home address and a qualifying school, measurements of up to three miles will be made on the basis of the nearest available walking route. Distances of more than three miles will be measured along road routes and will not include any route or parts of routes which would not be passable using a suitable motorised vehicle.

Note 6 The definition of 'religion' includes those religions widely recognised in this country such as Baha'is, Buddhism, Christianity, Hinduism, Islam, Jains, Judaism, Rastafarianism, Sikhism and Zoroastrians.

Denominations or sects within a religion can be considered as a religion or religious belief, such as Catholicism or Protestantism within Christianity. The limitation on what constitutes a 'religion' is that it must have a clear structure and belief. Belief means any religious or philosophical belief and includes Humanism and Atheism.

Note 7 'Beliefs' must be genuinely held with the parent bearing a heavy burden of showing that it is the real reason for making a particular choice of school. In order to demonstrate such conviction, any application for free travel to a particular faith school will be considered by making reference to the reasons given by the parent on the Common Preference Form (or Transfer Request Form, where applicable) for making that their school of choice. In this respect, the basis of the decision made by the school's governing body to accept the child into the school may be an important factor in determining eligibility to free travel.

Note 8 Where parents have chosen a school because of its single sex-status, free travel will only be granted if it is clear that this is the overriding motivation for such a choice. This motivation should therefore have been made clear on the Common Preference Form (or Transfer Request Form, where applicable).

Note 9 Entitlement to free transport for children whose parents move house will be re-assessed according to Section 1 of this policy. However, free transport may be provided to the original school if:

- the child is in his or her final year (Year 6) before transfer; **or**
- he or she is following a course of study leading to a major public examination (Years 10 and 11 inclusive).

### Summary table of eligibility contained in Sections 1 and 2 of this policy

Child	Eligibility Notes
Children aged under 5 years – see notes	None
Children aged from 5 to 8 (Reception to Year 4)	Free transport to the nearest qualifying school if it is more than two miles walking distance from home
Children aged from 11 up to 16 (Years 7 to 11)	Free transport to the nearest qualifying school if it is more than three miles walking distance from home
Children from low income families (eligible for free school meals or family is in receipt of their maximum Working Tax Credit) aged 8 to 11 in primary schools	Free transport to the nearest qualifying school if it is more than two miles walking distance from home
Children from low income families (eligible for free school meals or family is in receipt of their maximum Working tax credit) aged 11 up to 16 (years 7 to 11)	Free transport to one of the three nearest qualifying schools if it is more than two miles by the shortest available walking route and up to six miles away, or the nearest school preferred by reason of a parent/carer’s religion or belief if it is more than two miles by the shortest available walking route and not more than 15 miles away
Children living within the statutory walking distance but who are unable to walk in safety to school because of their Special Educational Needs, physical disability or mobility problems	Free transport support to the nearest qualifying school as determined by the Council.
Children living within the statutory walking distance but who are unable to walk to school in reasonable safety even when accompanied because of the nature of the route	Free transport to the nearest qualifying school as determined by the Council.



### **Section 3 - Full-time students who have reached the age of sixteen**

3.1 No new applications for support under this policy will be considered for the academic year 2014 to 2015 or beyond. Assistance with travel costs will be continued, however, for full-time students who were aged 16 and under 19 at the start of a course of further education and were granted free travel under the Council's previous policy on a discretionary basis. This protection of eligibility will end on the 31 August 2015 for such existing and qualifying students enrolled in school sixth forms and at colleges of further education before the 30 September 2013 where they:

- (a) attend school or college for at least twelve hours of guided learning per week; **and**
- (b) qualified for assistance when they were in their compulsory years of secondary education, remain at the same school to undertake sixth-form studies and live more than three miles from the school, measured by the nearest available walking route; **or**
- (c) change school in order to access a particular course of study, but attend the nearest appropriate sixth form offering that course and have to travel more than three miles to the school, when measured by the nearest available walking route; **or**
- (d) attend the nearest government-funded college of further education in Leeds or a neighbouring local authority that offers the course of their choice and live more than three miles from that college, when measured by the nearest available walking route. The maximum level of assistance with transport costs in cases of attendance at colleges outside the Metro (WYPTE) operating area will be limited to the notional equivalent cost to Education Leeds of providing that student with a Metro SchoolCard.

#### **3.2 Students with recognised learning difficulties and/or disabilities**

- (a) Where necessary (and following a detailed assessment) the Council will agree to continue to provide post 16 (up to 25) transport support in accordance with its previous policy up to 31 August 2014.
- (b) It is intended that from 1 September 2014 a new section to this policy will provide detail of the support that will be available for post 16 SEN students

#### **Please note the following:**

During 2013-2014 the Council intends to publish a new section to this policy for students with a statement of special educational need. This will describe the support provisions and relevant protections (and limitations) which will be available from September 2014 for all SEN students. This will also take into account the provisions of the new Children and Families Act due to be enacted in 2013 and implemented in 2014.

## **Section 4 - Arrangements for children who are in the care of Leeds City Council (Looked After Children)**

- 4.1 The majority of looked after children will attend a local school, particularly when a placement is identified as the child/ young person's long term placement or is expected to last for more than a six month period. This enables a child/young person to access local facilities, build social relationships with their peers and participate in local activities.
- 4.2 The aim of this policy is to establish stable yet flexible transport arrangements that meet the needs of looked after children, to ensure that transport arrangements are non-intrusive and do not set the child apart from other children, by using the same arrangements as would be made for any child.
- 4.3 Therefore looked after child of primary school age would normally be escorted to school by a carer, whether this be by walking, use of public transport or the use of carer's own transport. Possible exceptions to this would be foster carers who have a number of children in placement, attending different schools. Foster carer allowances include an allocation for transport. Additional financial assistance may be provided where transport costs are in excess of this.
- 4.4 The local authority has a responsibility to promote appropriate independence skills for looked after children and young people who will be supported and encouraged to use independent travel to school, including public transport, usually from year 7, or when it is assessed as safe for them to do so.
- 4.5 Taxis and private hire vehicles will only be used for looked after children's school/home transport in exceptional circumstances after all other options have been explored.
- 4.6 When a child first becomes looked after, or is subject to care proceedings, the local authority has a commitment to retaining a child's attendance at their original school where this is judged to be beneficial to the child for reasons of stability and continuity. However, children should transfer to a school local to their placement at the end of the care proceedings, or following the move to the long-term placement. Exceptions to this expectation would be the need to provide continuity for those in year 6 of primary school, or young people undertaking examination syllabuses in years 10 and 11.
- 4.7 All transport assistance for looked after children will be reviewed on a regular basis, at a minimum of six monthly intervals.

## Section 5 – The right of appeal

- 5.1 Parents have the right of appeal if support with the cost of home to school transport is refused. The Council will in this regard adopt the official guidance issued by the Department for Education in March 2013 as outlined below.
- 5.2 If a complainant considers that there was a failure to comply with the procedural rules, or if there are any other irregularities in the way an appeal was handled, there is a right of complaint to the Local Government Ombudsman. If a complainant considers the decision of the independent panel to be flawed on public law grounds, a complainant may apply for a judicial review.
- 5.3 Parents have the right to challenge a decision about:
- The transport arrangements offered
  - Their child's eligibility
  - The distance measurement
  - The safety of the route
- 5.4 Stage one: The Review
- (a) Following receipt of a letter refusing support with home to school travel costs a parent has 20 working days to make a written request asking for a review of the decision.
- (b) Within 20 working days of receipt of the parent's written request a senior officer will review the original decision and send the parent a detailed written outcome setting out:
- i. the nature of the decision reached;
  - ii. how the review was conducted (including the standard followed e.g. Road Safety GB guidelines);
  - iii. information about other departments and/or agencies that were consulted as part of the process;
  - iv. what factors were considered;
  - v. the rationale for the decision reached **and**
  - vi. information about escalation to stage two (if appropriate).
- 5.5 Stage two: The Appeal
- (a) Parent has 20 working days from receipt of the local authority's stage one decision to make a written request to escalate the matter to stage two.
- (b) Within 40 working days an independent appeal panel considers written and verbal representations from the parent and officers and gives a detailed written outcome setting out:
- i. the nature of the decision reached;
  - ii. how the review was conducted (including the standard followed e.g. Road Safety GB);
  - iii. information about other departments and/or agencies that were consulted as part of the process;

- iv. what factors were considered;
- v. the rationale for the decision reached;
- vi. information about escalation to the Local Government Ombudsman (see below);
- vii. The independent appeal panel members should be independent of the process to date and suitably experienced, to ensure a balance is achieved between meeting the needs of parents and the local authority, and that road safety requirements are complied with;
- viii. Local Government Ombudsman – It is recommended that as part of this process, local authorities should make it clear that there is a right of complaint to the Local Government Ombudsman, but only if complainants 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. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may apply for judicial review.

5.6 Stage 2 appeals will normally be considered by a panel of senior Council officials who are unconnected with the administration or management of the transport team and have no prior involvement in the original decision(s). Appeal forms and further details of the procedures may be requested from:

Education Transport (Appeals),  
Contracting & Strategic Investment,  
Floor 10 West,  
Merrion House,  
110 Merrion Centre,  
Leeds  
LS2 8DT.