

## **POLICY FOR THE PROVISION OF HOME TO SCHOOL OR COLLEGE TRANSPORT FOR CHILDREN AND STUDENTS PRIOR TO THEIR NINETEENTH BIRTHDAY**

It is the intention of Leeds City Council ('the Council') to comply with the statutory requirements of the Education and Inspections Act 2006. The policy set out in this document applies immediately, save for the specific additional arrangements relating to those in receipt of free school meals or maximum working tax credit which will be phased in. In this respect, these arrangements will apply to children of primary-school age from the 1 September 2007. For children and young people ('students') at secondary schools and colleges these will be effective from 1 September 2008.

This document defines the Council's policy on the provision of transport from home to a state funded school or college 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 assistance provided (for example taxi, bus pass, tail lift, school bus and so on) will be determined by 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, 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 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 nearest available walking route.
  - (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 nearest available walking route.

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- (c) Children of compulsory school age who attend a school 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.
- (d) Children aged over eight, but under age 11, who are entitled to free school meals, or whose families are in receipt of maximum Working Tax Credit, and who travel two miles or more from their permanent home address to their nearest qualifying school, measured by the statutory walking distance.
- (e) Children aged between 11 and 16, who are entitled to free school meals, or whose families are in receipt of maximum Working Tax Credit, and who attend one of the three nearest qualifying schools, where that school is more than two miles, but not more than six miles from their permanent home address.
- (f) Children under the age of eight who 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 by 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 up to the age of eight years 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) Children aged between eight and 16 if they 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.
- (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 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.

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 up to 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

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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 up to the age of eight years who attend the nearest 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 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 maximum Working Tax Credit, if they attend the single-sex school and that school is more than two miles, but not more than 15 miles from their permanent home address. In some instances, diocesan authorities may direct children to a particular faith school. In such cases, free travel may be offered even if this is not the nearest school to the child's permanent home address.

### NOTES FOR SECTION 1

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 and Skills (DfES) 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

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- city technology colleges, city colleges for the technology of the arts or Academies.
- 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.
- 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).

## SECTION 2 - FREE TRANSPORT FOR CHILDREN OF COMPULSORY SCHOOL AGE WITH SPECIAL NEEDS

### 2.1 STATEMENTED CHILDREN

- (a) Transport 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 under the terms of the Education Act 1993; **and**
  - (ii) Transport is specified in Section 3 of the Statement; **and**
  - (iii) The child is attending the nearest appropriate school named in the Statement.
- (b) Where a parent requests that a child should attend a school other than the nearest appropriate school named in the Statement, the parent will have to agree to pay any additional costs incurred by the Authority as a consequence of that request. Those additional costs will be calculated on a mileage basis in accordance with the contractor's charges current at the date of any costs incurred.

### 2.2 PHASED AND RESPITE CARE

Transport requested by the Director of Social Services to enable children to attend respite and phased care will be arranged on behalf of Education Leeds by the Council's Passenger Transport Services department where the journey starts or ends at school and provided, in normal circumstances, that 15 days notice is given by the Social Worker.

### 2.3 MEDICAL TRANSPORT

- (a) Children who have congenital or permanent medical conditions (e.g. arthritis, cystic fibrosis etc.), but who are not the subject of a statement under the Education Act 1981 and who are able to avail themselves of all or most of the education available in school, will be provided with free transport provided that:
  - (i) The request is supported by the relevant medical specialist or consultant **and**
  - (ii) The parent is unable to provide their own transport.
- (b) Children who suffer a temporary disability that impedes normal independent travel to school, but which does not prevent the child from benefiting from education, will be provided with transport if the parent is unable to transport the child.

Transport will only be provided on medical grounds if the relevant medical practitioner confirms the need and indicates that the child is in sufficiently good health to attend school.

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

### 2.4 PUPIL REFERRAL SERVICE

Children who have been permanently excluded from school are the responsibility of the Pupil Referral Service.

Where a child is placed in a mainstream school following the intervention of the Pupil Referral Service, transport will be provided free of charge if the school is more than three miles (for children aged between eight and 16) or two miles (for children under the age of eight) from the permanent home address, measured by the nearest available walking route. Free transport will be provided in these circumstances, irrespective of whether or not there are places available at a school nearer to the home and within the statutory distance.

### 2.5 THE TEACHING AND LEARNING CENTRE

Transport arrangements for children who have been allocated a temporary place at the Teaching and Learning Centre remain the responsibility of the school at which they are permanently on roll.

Where a child is placed in a mainstream school following the intervention of the Teaching and Learning Centre, transport will be provided free of charge if the school is more than the statutory walking distance from the home address. Free transport will

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be provided in these circumstances, irrespective of whether or not there are places available at a school nearer to the home and within the statutory distance.

### 2.6 ASYLUM SEEKERS

Where the child of an Asylum Seeker is placed in a mainstream school following the intervention of the appropriate Admissions Officer, transport will be provided free of charge if the school is more than two miles from the child's home address. Free transport provided in these circumstances does not automatically apply to younger siblings who subsequently attend the same school, if places are available at a school nearer to the home and within the statutory distance.

### 2.7 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 Education Leeds for assistance. Any application would need to be supported by the written opinion and recommendation of 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.

Transport assistance would be withdrawn as soon as the parent incapacity had ended and all arrangements would be reviewed on a half termly basis.

## SECTION 3 - FULL-TIME STUDENTS WHO HAVE REACHED THE AGE OF SIXTEEN

3.1 Assistance with travel costs will be provided to full-time students who are aged sixteen and under nineteen at the start of a course of further education who:

- (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

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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.

Full-time students who have enrolled on a specific course of study prior to their nineteenth birthday will continue to receive support with transport costs until the end of that course, provided that they continue to reside at the same address.

### **3.2 STUDENTS WITH SPECIAL NEEDS**

Where necessary, students with recognised learning difficulties may be provided with assistance to an appropriate college of further education up to the age of 25.

## **SECTION 4 – THE RIGHT OF APPEAL**

Parents have the right of appeal if free home to school transport is refused. Transport appeals will normally be considered by a panel of senior Education Leeds officials. Appeal forms may be requested from:

Admissions & Transport, Education Transport (Appeals)  
Education Leeds  
10th Floor West,  
Merrion House  
110 Merrion Centre  
Leeds  
LS2 8DT