

**NORTH YORKSHIRE COUNTY COUNCIL**  
**CHILDREN AND YOUNG PEOPLE'S SERVICE**  
**HOME TO SCHOOL AND COLLEGE TRANSPORT POLICY**  
**JULY 2019**

**1.0 INTRODUCTION**

- 1.1** North Yorkshire is England's largest County, stretching from the North Sea Coast to within 12 miles of Morecambe Bay and from the South of the M62 to the edge of Teesside. It is sparsely populated with some 600,000 people across 3,300 square miles; with 40 per cent of the area being within either the North Yorkshire Moors or the Yorkshire Dales National Parks and over half the population living in areas classed as "sparse" or "super sparse". Around 20% of the population live in the two major urban centres – Harrogate and Scarborough.
- 1.2** There are approximately 129,000 children and young people aged 0-19 in the county, of those 80,000 are of school age, including 5,300 in post-16 education. There are 43 Secondary Schools, 304 Primary Schools and 10 Special Schools, North Yorkshire County Council transports approximately 20,000 pupils per day to school or college.
- 1.3** The Local Authority (LA) has a responsibility to make suitable travel arrangements where necessary to allow children access to schools. This includes meeting the following objectives of ensuring that children can:
- Succeed in good schools and other settings
  - Lead Healthy lifestyles and have good health care
  - Be Kept safe and protected from harm
  - Positive choices for personal growth
  - Be economically secure
- 1.4** North Yorkshire County Council spends in excess of £24 million per year, on home to school transport. The aim is to provide a good quality, safe service, whilst balancing costs to ensure that the service provided is best value for money.
- 1.5** This policy is a general policy, which supports the Council's responsibility to provide access to education for all pupils, and covers eligibility for home to school transport for all children. Each request for transport is considered on an individual basis and individual circumstances will be taken into account when deciding if children are entitled to free home to school transport.

## 2.0 RESPONSIBILITIES

### 2.1 Local Authority

The Local Authority is responsible for making suitable arrangements for all eligible children to travel to school in reasonable safety and comfort so that they arrive there without stress or difficulty, and can benefit from their education. This is done by making sure that pupils do not have unnecessarily long journey times (taking into account the size of the county), and that they are not expected to walk an unreasonably long distance to catch the bus. Drivers and passenger assistants are properly trained and have an enhanced Disclosure and Barring Service check. The vehicles used meet the necessary safety standards and seatbelts are provided wherever possible.

### 2.2 Parent/Guardian

It is a parent or guardian's responsibility to make sure that their child attends school. It is important that parents provide the LA with information that is requested about their children to help decide whether they are eligible for free home to school transport or whether assistance can be given in any other way.

Following the consultation (spring 2019), it has been agreed that parents will be required to request travel assistance through an application process, details of this process is available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

Parents should also encourage their children to wear a seatbelt (where they are fitted) and behave well on any the home to school transport provided.

If a child is sent home from school due to illness or because of behaviour problems it will be the parent's responsibility to ensure that they are collected from school.

Where parents live within the minimum qualifying distance, it is normally their responsibility to decide how their child will travel to school and for making the necessary arrangements and associated costs. This may be in any way that they feel is appropriate for their child for example: walking, cycling or using a local bus service. Transport may be provided for pupils living under the qualifying distance in some circumstances. This will include:

- where the LA considers that the walked route is not safe for children to walk, accompanied as necessary. <sup>1</sup>
- where the LA agrees that it is not possible\* for children to be accompanied and circumstances (of children's age and the route) mean that transport should be provided.

\*"Not possible" does not mean not convenient to parents (i.e. due to work commitments, or arrangements to take children to different schools)

## 3.0 DEFINITION OF HOME TO SCHOOL

The term 'normal school' in this policy means the school designated by the local authority covering the geographical area within which the 'home' address falls. This may also be referred to as 'appropriate' or 'catchment' school.

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<sup>1</sup> Decisions about the safety of walked routes follow the guidelines on the Assessment of Walked Routes to School, published by Road Safety GB in June 2011. These Guidelines assume that the child is accompanied as necessary by a parent, career or other responsible person.

The policy applies to “home to school” travel arrangements at the start of the day, and “school to home” travel arrangements at the end of the school day and does not include nursery, pre-school or after-school clubs.

Where children are attending school part time as part of an agreed package of education, transport will be provided at the start and end of the time attended, this may be a morning journey and return home at lunchtime or a lunchtime journey and return home at the end of the school day.

Travel between educational institutions during the school day is not covered by this policy.

The term ‘Home’ in this policy means the permanent address where the child lives for most of the time, and is the address used on the school admissions application.

Where children have more than one ‘home’ (i.e. parents or guardians who live separately) consideration will only be given to a child who lives with each parent or guardian for fifty percent of the school term time, this does not include weekends or school holidays and qualifies for home to school transport from the address used to obtain a school place. From September 2019 a full cost recovery will be required for any travel assistance to the second address.

Transport to alternative addresses, for instance to take into account child care arrangements for parents will not be provided.

Transport will normally be provided from a suitable pick-up point near to home.

#### **4.0 PUPILS ATTENDING SCHOOL UP TO AGE 16**

Local authorities in accordance with DfE statutory guidance 2014, have a duty to provide transport and support to help children and young people travel to and from schools or colleges.

The following paragraphs outline these duties in more detail and outlines further discretionary elements of the policy.

##### **4.1 PUPILS AGED BETWEEN 5 AND 11 WHO ATTEND PRIMARY SCHOOL**

Children are of compulsory school age when they reach the age of five and must start school in the term following their fifth birthday. In practice, many children start before this age.

From September 2019, free transport will be provided to pupils from the start of reception year to the catchment school or the nearest school to their home address where the walking distance is

- over 2 miles (until the end of the school year in which a pupil turns 8)
- over 3 miles (if aged 8 and over)

This will also apply to pupils starting school and to pupils whose circumstances change e.g. move address or change schools during the school year.

If children receive free school meals or parents receive the maximum level of Working Tax Credit, transport will be provided (subject to an annual assessment), for primary aged pupils in Reception to Year 6 who go to:

- the nearest school or the school the LA has said is the catchment school for their home address that is over 2 miles or
- to the nearest suitable school parents prefer because of their religion or belief, where the distance from home to school is more than two miles but not more than 5 miles.

#### **4.2 PUPILS AGED BETWEEN AGED 11 AND 16 WHO ATTEND SECONDARY SCHOOL**

Free transport will be provided for secondary school pupils in years 7 to 11 who go to:

- the nearest school or the school the LA has said is the catchment school for their home address that is over 3 miles

If children receive free school meals or parents receive the maximum level of Working Tax Credit, transport will be provided for Secondary school pupils in years 7 to 11 who go to:

- one of their three nearest qualifying<sup>2</sup> schools, if that school is more than two but less than six miles from the home address; or
- the nearest suitable school preferred because of parents' religion or belief, where that school is more than two but less than 15 miles from home.

If children go to a school that is on split sites, the measurement of the walking distance will be taken from home to the site the children normally attend.

#### **4.3 TRANSPORT TO A SCHOOL ON THE GROUNDS OF RELIGION OR BELIEF**

Since September 2012 pupils starting a 'denominational' school, either secondary or primary, have not been entitled to assistance with home to school transport.

Parents are responsible for ensuring that their child attends school. Where possible paid permits will be available to purchase for surplus seats on services that are under contract to the County Council.

This means that parents will be responsible for transport arrangements and costs to denominational schools.

**It is important that you do not rely on existing travel arrangements when deciding which school you wish your child to attend.**

#### **Exceptions**

The exceptions are:

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<sup>2</sup> Qualifying schools are: Community; foundation; voluntary aided or controlled schools, community or foundation special schools; non-maintained special schools; pupil referral units; city technology colleges(CTC); city colleges for the technology of the arts (CCTA) or Academies (source *Home to school travel and transport guidance para 104* published by DCFS 2007)

- If the denominational school is nearer to the home address than the catchment school (s) and the distance from home to school is over the walking distance of 3 miles

Also where children receive free school meals, or whose parents receive the maximum level of working tax credit we will provide assistance with transport to the nearest suitable school parents' preference because of their religion or belief:

- For secondary aged pupils where the distance from home to school is more than two miles but not more than 15 miles,
- For primary aged pupils where the distance from home to school is more than two miles but not more than 5 miles.

This will be assessed on an annual basis and may be withdrawn if parents' benefits change.

Denominational school refers to schools where pupils are admitted on the grounds of their parents' faith as part of the published admissions criteria. This will not normally apply to a Voluntary Controlled School as pupils are not admitted to schools on these grounds.

Some 'denominational' primary schools are also the 'normal' school for the home address. In cases where pupils are attending the school as it is their normal or community school they will remain entitled to free transport if they live more than two miles from the school .

We check with the school to see if a child has been admitted on denominational grounds.

#### **4.4 TRANSPORT ASSISTANCE IF THE LOCAL SCHOOL IS FULL.**

If the catchment or nearest school is full, transport will be provided to the nearest alternative school, if it is more than the statutory walking distance from the child's home.

#### **4.5 TRAVEL ASSISTANCE FOR PUPILS WHO DO NOT QUALIFY FOR FREE TRANSPORT**

##### **Children attending Schools on Parental Preference**

If children attend a school that is not the nearest or normal school parents are responsible for the travel arrangements and costs.

If children are not entitled to free transport parents may be able to purchase a permit which entitles their children to occupy spare places on 'education transport service' vehicles at a fixed charge. It may be necessary to end the arrangement at short notice, if there is an increase in the number of entitled pupils using these vehicles and as a result of this spare places are no longer available. Details regarding paid permits are highlighted in 4.7

#### **4.6 EXCEPTIONAL CIRCUMSTANCES**

The home to school transport policy will normally apply as outlined above, however, following a parental request for consideration of exceptional circumstances, each case is considered on its own merits. Some examples of exceptional circumstances are given below:

## **Change of Home**

In circumstances where children or young people face disruption because of their need to be accommodated by the local authority away from the family home.

## **Looked After Children**

Children placed in the care of North Yorkshire will be considered for assistance with transport to avoid disruption to their education or home life. This will normally be for a fixed period and for travel involving a reasonable distance.

## **Fair Access**

There may be times when children will need to be educated out of school, or may need to move to an alternative school because of exceptional circumstances, due to attendance and behaviour issues or because of medical needs.

In most cases the admissions and transport needs of these pupils will be considered through the usual procedures but in some cases appropriate education and transport provision will be determined through the In-year fair access process.

Free transport may be provided, in exceptional circumstances, where children live under the statutory walking distances from school, Pupil Referral Service or out of school provision to ensure attendance.

## **Work experience placements**

Transport to and from work experience placements is the responsibility of parents or the school. In the case of post 16 pupils this may be organised by the school or college. There may be some exceptions for pupils with an Education Health and Care Plan who attend a residential school who need to attend work experience placements nearer to home.

## **Transport to an alternative school due to social or domestic circumstances**

If there are exceptional social or domestic reasons why children cannot attend their appropriate school then assistance with transport may be given. Written evidence from an appropriate professional or agency will be required to assist with decision making.

## **Transport assistance following a school closure or reorganisation**

This will be determined by the Council, following consultation, at the time that closure notices are determined and may vary depending upon circumstances.

## **4.7 PAID TRAVEL PERMITS FOR DISCRETIONARY TRAVEL ASSISTANCE**

If children are not entitled to free transport parents can purchase a permit which entitles their children to occupy spare places on 'education transport service' vehicles at a fixed charge. It may be necessary to end the arrangement with 7 days' notice, if there is an increase in the number of entitled pupils using these vehicles or if there are no longer any entitled pupils travelling on the transport and it is solely used by paid travel permits holders.

## **Allocation of spare places**

In cases where the LA is unable to meet the demand for purchased travel permits (PTP) on a particular service then the following criteria will be applied:

- Pupils who have SEN
- Pupils who are at a critical stage of their education, with priority to pupils who are in their GCSE years
- Pupils who have siblings currently travelling on the service
- Pupils who are renewing, like for like, eg. a PTP was purchased during the previous academic year on the same service
- Any exceptional circumstances, which may be identified through discussions with the pupils school
- Pupils who are attending their catchment school and who live the furthest from that school (under the statutory walking distance)

Where none of the above can be used to prioritise applications the date that the application was received will be taken into consideration

## **5.0 DISTANCE MEASUREMENTS**

### **5.1 MINIMUM QUALIFYING DISTANCE**

When deciding on eligibility for assistance with transport, the measurement from home to school will be taken from the boundary of the home to the nearest entrance gate (not always the main entrance) to the school following the nearest available walked route, as defined by NYCC GIS system, which can mean a suitable footpaths and or bridleways. Where a private road or farm track exists this is included in the measurement.

This means that in some cases pupils living in the same street or even in adjoining properties may not all be eligible for free home to school transport.

### **5.2 MEASUREMENT OF DISTANCE FOR SECONDARY AGED PUPILS IN RECEIPT OF FREE SCHOOL MEALS**

When deciding on eligibility for transport for children in receipt of free school meals or if their parents receive their maximum level of working tax credit, routes of two miles or less will be measured as a walked route, using footpaths and or bridleways. Routes over two miles will be measured along road routes.

## **6.0 ADDITIONAL PROVISION FOR PUPILS UP TO AGE 16 WITH SPECIAL EDUCATIONAL NEEDS OR WHO NEED SPECIAL TRANSPORT ARRANGEMENTS**

6.1 Transport may be provided for children who are unable to walk to school because of a disability or mobility problem, including temporary medical conditions. This will normally be agreed following the issue of an Education, Health Care Plan (EHCP) or on production of relevant medical evidence.

### **6.2 Pupil attending residential special schools**

Where children attend a residential special school, free transport, or a transport allowance, will be provided at mid and full term holidays or as determined by the child's EHCP.

### **6.3 Pupils on 52 week residential placements**

Where children attend a residential special school on a 52 week placement free home to school transport is not given. If assistance with transport is required the social care worker allocated to the family should be contacted.

### **6.4 Hospital visits from residential schools**

Where children attend a special residential school free transport from school to home will be provided to allow them to keep necessary hospital appointments, where a supporting appointment card is provided. Parents are encouraged, wherever possible, to make such arrangements outside of term time.

### **6.5 Induction visits to schools/colleges (for pupils attending special schools)**

Transport will be provided for children for 2 induction visits where they have been allocated a place at that school or college, where possible.

Parents are responsible for arranging and paying for visits to schools or colleges to see whether they would like children to go to that particular school.

### **6.6 Dual placements (for pupils attending special schools)**

If children are attending a special school they may also attend a mainstream school for part of their school week. Transport will be provided if they live more than 2 miles for primary pupils and 3 miles for secondary pupils from that school. Shorter distances may be considered in exceptional circumstances.

### **6.7 Annual Reviews (for children attending special schools)**

It will normally be a parent's responsibility to arrange transport so that they can attend.

### **6.8 Parents/guardian with a disability**

If a parent is unable to accompany their child, as necessary, along a walked route due to their own disability free transport may be provided. Supporting medical evidence will be required.

### **6.9 Transport to and from respite care or after school clubs**

This is not covered by the home to school transport policy. If a parent requests transport assistance to or from respite care or after school clubs it may possible to make arrangements. Children's Social Care should be contacted for assistance.

## **7.0 PUPILS AND STUDENTS AGED 16-19 AND POST 19 EHCP STUDENTS - POLICY**

The Authority has a duty to prepare and publish an annual transport policy for Post 16 students on its website, and upload the link to GOV.UK by 31st May. The will include arrangements and provision of transport for pupils aged 16 – 19 and for Post 19 students with an Education, Health Care Plan (EHCP.)

Please refer to the policy statement that can be found here:  
<https://www.northyorks.gov.uk/transport-sixth-form-or-college>

## **8.0 TRANSPORT ARRANGEMENTS**

### **8.1 TYPE OF TRANSPORT/PAYMENT OF PARENTAL TRANSPORT ALLOWANCES**

Integrated Passenger Transport will take into account any special requirements and will provide the most appropriate and cost effective means of transport.

Where possible a pass will be issued for an existing service. From September 2019 the authority will issue the first pass free of charge, all replacement passes, will be subject to a fixed replacement fee.

A voluntary parental transport allowance may be offered to parents where this is the most cost effective option and is usually offered where there is no other contracted transport running.

The Authority will promote a parental transport allowance (PTA) for SEND pupils in sole occupancy provision with a realistic enhancement to meet the young person(s) transport needs.

### **8.2 JOURNEY TO WAITING POINT**

Children will be expected to make their own way to a pick-up point. This should normally involve a walk of no more than a mile. Free transport from home to the pick-up point will only be given where the route is unsafe for children to walk, accompanied as necessary.<sup>3</sup>

### **8.3 WAITING POINTS**

The waiting point for transport to school or college will generally be a public stop or station or, in the case of hired transport, a named point which is suitably safe, both for children to wait and vehicles to stop. Integrated Passenger Transport will carry out risk assessments on pick up and set down points, where there are any concerns.

### **8.4 CONNECTING SERVICES**

If children attend primary school and the transport provided needs to meet a connecting service, the driver of the first vehicle will wait with children until the connecting vehicle arrives. If children attend a secondary school this will not normally be necessary. The waiting time between connections will normally be no longer than 10 minutes. The meeting point will,

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<sup>3</sup> Decisions about the safety of walked routes follow the guidelines on the Assessment of Walked Routes to School, published by Road Safety GB in June 2011. These Guidelines assume that the child is accompanied as necessary by a normal caring parent or other responsible person..

where possible, be near a public telephone or building which should have a telephone (e.g. garage, Post Office).

## **8.5 MAXIMUM JOURNEY TIMES**

Transport will be arranged so that children will not normally spend more than 1 hour 15 minutes travelling to a secondary school or 45 minutes to a primary school. Journey times might need to be longer than this in some more rural areas and where road or weather conditions mean that these times are not practical.

Journeys will, wherever possible, be by the most direct route but sometimes journey times will need to be increased to collect other children. If children's journeys are 20 minutes or less the journey time may be increased by up to 75% or a maximum of 15 minutes to collect more pupils. If it is 20 minutes or more children's journeys will not normally be increased by more than 20 minutes.

The exception to this will be during local area reviews or special school reviews, in which all transport arrangements are subject to change. This may result in an increase or decrease of journey times beyond that described above.

## **8.6 ARRIVAL AT AND DEPARTURE FROM SCHOOL**

School transport should arrive at school between 5 and 15 minutes before the official opening time. The picking up/setting down point for children will usually be at the school, especially for primary age pupils. Secondary school pupils and college students using commercial bus or rail services may need to walk for no more than 10 minutes from the bus stop or rail station to the school or college.

Where possible, vehicles should arrive at school no more than 10 minutes before the end of the school day and leave school between 10 and 15 minutes after the official closing time.

## **8.7 BEHAVIOUR ON HOME TO SCHOOL TRANSPORT**

The main responsibility for ensuring good behaviour on home to school transport lies with children themselves. It also lies with parents or guardians, schools, bus contractors/operators and the Local Authority jointly. Integrated Passenger Transport will work closely with schools and contractors to ensure that poor behaviour on transport is dealt with quickly.

If there are complaints that involve pupils, these will normally be investigated through the school. If pupils are found to have behaved in an unacceptable way, then any of the normal range of sanctions used by the school may be applied. This could include exclusion from school. In addition, the following may also be applied:

- Children may be asked to sit at the front of the vehicle for a set period of time.
- Children may be suspended from all school transport services for a period of time. In the case of extreme and persistent behaviour they may be banned permanently from the transport and parents will be expected to ensure that their child attends school.
- The Prevention Service may be asked to visit parents to discuss the problem.
- The police may be asked to investigate and take action as appropriate.

- Parents are expected to meet the cost of repairing any damage caused by their children.

## **8.8 EARLY DEPARTURES/LATE ARRIVALS FROM SCHOOL**

Bad weather - Integrated Passenger Transport will make suitable arrangements to provide transport home from school, if necessary outside of the terms of the existing contract. Contractors will work with the schools in the local area to ensure that severe weather conditions are taken into account when transporting pupils to and from school.

First/last day of term or otherwise - Any additional cost of transport owing to a temporary change in school hours set up by the school is the responsibility of the school though it is expected Integrated Passenger Transport will, where possible, co-operate in making transport arrangements.

## **8.9 CHANGE OF SCHOOL HOURS**

If a school or academy wants to change its school hours it should follow best practice and carry out a consultation at least three months before the planned change, including the Local Authority in the consultation. Good practice suggests that schools can only change the times of the school day at the start of the academic year, i.e. in September.

Where a school or academy alters its hours, unless agreed otherwise by the Local Authority during the required consultation, the school will be expected to meet any additional transport costs.

## **8.10 CO-ORDINATION OF SCHOOL TRAINING DAYS**

There are three common training days agreed across the Authority, which can be found on the NYCC website with the agreed school term and holiday dates for each academic year. Schools with shared transport are encouraged to co-ordinate their remaining two training days to ensure the most efficient use of the transport network and to minimise costs.

## **8.11 VEHICLE CAPACITY**

The LA will make sure that children have their own seat (i.e. that there is one seat per child on each vehicle used).

## **8.12 TAXIS AND PRIVATE CARS (Non-Public Service Vehicles}**

When children are transported using a taxi or private-hire vehicle, that is not a public service vehicle, it must have one seat belt, and where appropriate child car seat or booster seat, for each person carried and be licensed by the relevant District Council.

## **8.13 VETTING**

All drivers and passenger assistants will be 'vetted' which means that they have undergone an enhanced Disclosure and Barring Service (DBS) check and must wear their County Council identification pass.

#### **8.14 PASSENGER ASSISTANTS**

Passenger assistants will be provided in accordance with assessed needs. This will usually only be where children have special transport requirements and need assistance to access the vehicle, or require medical intervention or, in the case of severe behavioural issues, need close supervision.

#### **8.15 INFORMATION AND TRAINING FOR PASSENGER ASSISTANTS AND DRIVERS**

Integrated Passenger Transport will provide contractors with general information and advice to make sure that children's journey are comfortable and safe.

The driver or passenger assistant will need to be provided with information about children if they have exceptional medical or behavioural problems so they can appropriately respond to situations that may arise.

When a contract is awarded to provide home to school transport it is made clear that passenger assistants and drivers may need to attend up to two information and training sessions per year. This will normally be general training but can be specifically related to the special needs of children.

When a passenger assistant is required to provide specialist support or medical intervention they will normally be employed by the authority and will be given specific training relevant to the needs of the child.

#### **8.16 COVER FOR PASSENGER ASSISTANTS AND DRIVERS**

Contractors are asked to try and provide the same driver or group of drivers on contracts, where possible. In some cases the contract may state that the same driver should always be used. Wherever possible the same passenger assistant is also available for the duration of that contract. The passenger assistant should be changed only in exceptional circumstances, for example illness.

#### **8.17 WHEELCHAIR FIXING**

If children travel in a wheelchair this must be to ISO 7176-19;2008 standards and properly fixed in the vehicle in accordance with current Department of Transport guidelines. Integrated Passenger Transport will carry out a risk assessment before setting up transport to make sure that this is done properly and that children are transported safely. For details regarding wheelchair suitability please contact your Occupational Therapist.

#### **8.18 COMPLAINTS**

The Local Authority wants to maintain high standards of reliability in transport it provides for pupils. Integrated Passenger Transport makes sure that complaints by parents and schools are investigated and satisfactorily resolved. Account may be taken of any previous unsatisfactory operation in awarding contracts. A contract will not usually be made with a contractor who has had any other contract terminated for unsatisfactory operation in the 6 months prior to the closing date for tenders or prior to a contract being awarded.

## 8.19 LOCAL AREA REVIEWS/SPECIAL SCHOOL REVIEWS

Integrated Passenger Transport will:

- advise the Director of Children and Young People's Service, the schools and parents, at the earliest opportunity that there will be a review of transport provision in the area.
- at an early stage in the process, circulate to schools and parents information about the review with an invitation to Governing Bodies and parents to submit (written) observations on the review proposals;
- in the event of unresolved objections to the proposals from schools or parents, call a public meeting to air the issues involved to which Headteachers, Governors, Local Members and parents should be invited;
- report to the Executive Members jointly with the Director of Children and Young People's Service, making Members aware of any remaining objections and of any additional costs, policy and wider budgetary implications there would be in meeting them.

## 9.0 CONSULTATION WITH MEMBERS

In addition to joint reports to the Executive Members for Children and Young People's Service relating to area reviews, joint annual monitoring reports will be submitted.

These will include:

- policy issues arising out of legislation or operational/case law or budgetary considerations;
- the current costs of the service and target savings where appropriate;
- policy development proposals where appropriate and related budgetary arrangements;
- the timetable for any reviews to be undertaken in the forthcoming year and appropriate detail about their scope.

## 10.0 APPEALS PROCEDURES

A transport appeal can only be made on the following grounds;

- Eligibility
- Transport arrangements made
- Distance measurement of the walked route
- Safety of the walked route

There is a two stage appeal process when a parent/carer wishes to challenge a decision in relation to statutory transport:

## Stage 1:

A request for a stage 1 review must be made in writing within 20 working days of the initial decision letter. The request:

- Should clearly state the reasons for the challenge and include any new documentary evidence.
- Will be reviewed by two senior officers, the original decision may be upheld, overturned or alternative solutions suggested.
- Where transport assistance is agreed the Authority will make the necessary transport arrangements.
- Where transport is not agreed, parent/carer will be told in writing and parents who are not satisfied with that decision will be informed of the next and final stage of the appeal process.

## Stage 2

A stage 2 appeal must be made in writing by completion of an appeal form within 20 working days of receipt of the stage 1 response:

- The appeals form must clearly state the reasons why parent/carers challenge the stage 1 response and provide any new documentary evidence.
- Stage 2 appeals are heard within 40 days of receipt of the appeal by the Appeals Committee which consists of a small group of elected members of the county council.
- Parent/carers are able to attend the appeal hearing
- Each case is considered on its merits
- The Committee takes into account the policy guidelines but may recommend departure from those guidelines in exceptional cases
- When a decision is made a response will be sent in writing of the decision and the reasoning behind the decision. This decision is final.
- Where the person is unhappy with the outcome they will be advised how escalate it to the Local Government Ombudsman at, [www.lgo.org.uk](http://www.lgo.org.uk) who may investigate to decide whether there has been any maladministration.

Details of the Post-16 appeals process are provided in the Post-16 Transport Policy Statement. Please see link above in Section 7.0

## **11.0 LEGISLATION AND GUIDANCE**

Education Act 1996 and Education and Inspections Act 2006, sections 508A to 509A and schedule 35B

Equality Act 2010

Home to school travel and transport guidance - published by DfE July 2014

Post 16 Transport to Education and Training – DfE statutory guidance for local authorities published October 2017

Children and Families Act 2014

SEND Code of Practice 0-25 years January 2015 (updated May 2015)  
Care Act 2014

24<sup>th</sup> July 2019