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Introduction

This policy is for parents and other people with parental responsibility e.g. carers and guardians (all referred to as 'parent' within this document). The policy explains when Torbay children will be entitled to travel assistance to and from school. The policy applies to all children living in Torbay from the time they start primary school up to the age of 16. This includes children with special educational needs or disabilities (SEND), whether they attend a mainstream school, a special unit attached to a mainstream school or a special school.

Generally it is your responsibility to ensure that your children attend school and this includes making the necessary travel arrangements. The council also has some legal duties to assist children in certain circumstances.

The rules

Generally your child is only entitled to transport assistance if he or she is attending the closest suitable school. The exception to this is where a family is on low income, when a broader rule applies.

Travel assistance given because of distance from home to school

If your child is attending the closest suitable school and is

- aged 7 or below and lives more than 2 miles away by the shortest safe walking route
- aged 8 or above and lives more than 3 miles away by the shortest safe walking route

they will be entitled to free travel assistance, usually in the form of a bus pass.

Additional assistance given for families on low income

If your child is attending the closest suitable school and is

- aged between 8 and 11 and lives more than two miles from the school
- aged 11 or above and attending any of the three closest secondary schools and it is between 2 and 6 miles from your child's home address
- attending St Cuthbert Mayne School on faith grounds and the school is between 2 and 15 miles from your child's home address

they will be entitled to free travel assistance, usually in the form of a bus pass

Travel assistance given because of unsafe walking routes

If your child is attending the closest suitable school and

- aged 7 or below and there is no safe walking route shorter than 2 miles
- aged 8 or above and there is no safe walking route shorter than 3 miles
- the walking route is unsafe even when your child is accompanied by a responsible adult

they will be entitled to free travel assistance. The type of assistance will vary depending on the location.

Travel assistance given because of a child's special educational needs or mobility issues

If your child is attending the closest suitable school and is

- aged 7 or below and unable to walk to school because of their special educational needs or mobility issues, even though they are accompanied by an adult and the distance is less than 2 miles or
- aged 8 or above and unable to walk to school because of their special educational needs or mobility issues, even though they are accompanied by an adult and the distance is less than 3 miles (or 2 miles for a low income family)

they will be entitled to free travel assistance. The type of assistance will depend on the nature of the special educational need or mobility issue. Travel requests in this category will be individually assessed.

We might also decide, in exceptional circumstances, to give your child free travel assistance outside of these rules.

How we apply the rules

We use a flow-chart to help us decide if your child is eligible for travel assistance. You can see this in the appendix.

How we decide whether your child is attending the closest suitable school

The closest suitable school is the school nearest to your child's home address that can meet your child's needs. The school must take children of the same age as your child and must be able to offer a curriculum that is suitable for your child. For primary aged children, any primary school will be 'suitable' unless your child needs to attend a special school due to their special educational needs and/or disabilities and the local authority has agreed that this is the closest school that can meet their needs.

For secondary aged children, any comprehensive secondary school is a 'suitable' school unless your child is unable to attend a mainstream school due to their special educational needs and/or disabilities and the local authority has agreed that a special unit or special school is the closest school that can meet their needs.

For children of grammar school ability, a grammar school is also a suitable school.

If you choose to place your child at a school other than the closest school to your child's home address that could meet their needs, you will be responsible for transporting your child to school. The council will not provide transport if a place was available in a nearer school at the time you applied (for in year applications) or on the National Offer Day (for applications into reception or Year 7).

If you move to a different address served by a different school after the closing date for applications to reception or Year 7 you can change your school preferences. This

new application will be used to assess whether your child is entitled to travel assistance. If you move further away and do not change your preferences even though there is a closer school that could give your child a place, s/he will not be entitled to travel assistance.

If when you apply for a school place you do not request the closest school and it has places, or you turn down an offer of a place at a closer school within walking distance, and then apply for another school later in the same school year when other closer schools are full, your child will not be entitled to travel assistance.

How we measure distances

Walking routes may include walking along footpaths, alley ways etc. that are not accessible to cars and other vehicles. We measure the distance from the point where your property meets the public road to the nearest gate or entrance to the school that children are allowed to use, along the shortest safe walking route. We use a digitised mapping system to make this measurement. We measure walking distances up to 2 miles or 3 miles depending on your child's age and on whether you are a low income family. For longer distances we measure the driving distance along roads and we ignore footpaths.

How we decide on your child's home address

Your child's home address is the address where he or she normally lives during weekdays. If there is shared care, the address we use will be the one that was used for your admission application. If this address is no longer relevant, parents will be asked to agree on one of their addresses to be used as the home address. This address cannot be the address of another family member or a childminder.

How we decide whether you are a low income family

To count as a low income family, you must provide evidence of your financial circumstances. Evidence must be recent i.e. not more than three months old. You must provide evidence to show one of the following:

- You receive income support
- You receive income-based job seekers allowance
- You receive the guarantee element of state pension credit
- You receive support under part VI of the Immigration and Asylum Act 1999
- You receive employment support allowance (income based)
- You are in receipt of income based free school meals (NOT universal free school meals available for all Key Stage One children)
- You receive universal credit and your net family income is under £7400 per year
- You receive the maximum level of working tax credit*
- You receive child tax credit but are not entitled to working tax credit and your household income is less than £16,190 per year *

*You will need to send us a copy of your full tax credit award statement for the forthcoming financial year.

How we decide if your child's walking route to school is unsafe

We will look at factors such as footpaths, lighting and road crossing points. If you and we disagree about the safety of a walking route, the Council's Highways department will make the final decision. We will review the safety of a walking route if changes are made to the roads or footpaths along the route. When we decide if a route is safe, we assume that a responsible adult will be accompanying your child. We would not expect young people over the age of 16 to be accompanied.

If your child is not attending the closest suitable school they will not receive travel assistance even if the route is unsafe for them to walk.

How we decide if your child is entitled to transport because of their special educational needs, disability or mobility issues

Children do not automatically receive free travel assistance because they have an Education, Health and Care Plan.

We assess all requests individually where children live closer than the normal walking distance and/or where you do not think they can travel by public transport. You must give as much detail as possible on your application form and we will need to see substantial recent evidence from medical or other professionals to show that your child is unable to walk and/or unable to travel on public transport.

You will need to pay any fees charged by medical or other professionals for letters. If this is difficult, we may be able to get the information in another way e.g. if you give permission for us to talk directly to your child's medical professionals. If there is no other way than a letter the council may contribute to the cost if you are on a low income.

How we decide if you are able to accompany your child to school

You will normally be expected to accompany your child to school if they need to be accompanied. We will not provide travel assistance if the only reason you cannot accompany your child is because of work, childcare arrangements, or social arrangements. Transport eligibility will be based on the child's needs only.

If you are not physically fit enough to accompany your child, we will need up to date medical evidence to prove that you are unable to walk the distance from your home to the school. We will keep this under regular review. We will also ask if there is another family member or carer who could accompany your child.

How we decide if your child is attending St Cuthbert Mayne School on faith grounds

When you apply for a place at St Cuthbert Mayne School, you can choose to complete their supplementary form. This form gives information about your child's religious worship and is sent to their church minister to sign and comment. The school will then decide if you meet the criteria for admission on faith grounds.

Reasons why we might give travel assistance outside of the main rules

We sometimes give discretionary travel assistance in exceptional circumstances, for example:

- if you normally accompany your child to school but are unable to due to a medical problem (we will need robust and recent evidence from a medical professional that you are unable to walk to school with your child)
- if you are placed in emergency temporary accommodation by Torbay Council's Housing Team and will shortly be returning to the area where you used to live

Where your child is not attending the closest suitable school, support will be temporary and for a short period only. For any assistance given in exceptional circumstances we will keep reviewing your circumstances.

Travel assistance we give to pre-school and nursery aged children

If you have a pre-school child attending Mayfield School we will provide home to school transport if your child's home address is more than two miles from the school. They must either have an Education, Health & Care Plan or be attending the school for assessment purposes. We will normally expect you to accompany your child. Transport will be for a full morning or afternoon session.

If your child is in the reception year at school even though they haven't reached the legal age for having to attend school, we will treat them the same as other children under the age of 8.

The types of travel assistance we provide

Normally children who are given free travel assistance are given a bus pass. If your child is unable to travel by public transport then we may provide door-to-door transport. This will usually mean that your child is collected and taken to school by taxi or minibus, but we may instead provide an escort to walk with your child. If your child is travelling by taxi we will expect you to accompany them where they need to be accompanied. However, you will not be allowed to accompany your child on a taxi or minibus shared with other children.

Sometimes we provide a fuel allowance for you to drive your child to school yourself. The type of assistance will depend on

- your child's needs
- the availability of transport that we can use to transport your child
- the cost effectiveness of a particular type of transport
- whether your child can behave well enough to travel in a vehicle with other children

When we give a fuel allowance, this is paid at a published rate that may go up or down. It is usually paid at the end of each half-term and the amount will depend on the number of days your child has actually attended school. We will look at school register entries to check this.

We understand that many children like familiarity and routine, but from time to time we may need to change the vehicle your child is travelling on or to put them on a vehicle with different children. We will let you know in advance if we need to make a change to a route.

Where a number of children are travelling together in a vehicle, or where a child has complex behaviour or medical needs that may affect them on their journey, we may ask a passenger escort to accompany the vehicle. Again, there may be times when we need to change the school escort on the route.

We will need regular information about your child's height and weight so that we can fit the correct booster seats into vehicles. We may ask for your help in completing a risk assessment for your child before we start to transport them. We will provide special equipment if it is identified in the risk assessment. If your child has a medical protocol we will ask you to share this with us so that we can keep your child safe.

Some children travelling on door-to-door transport can be helped to use public transport for their journey to school through Independent Travel Training. Some schools provide this training for children where it is suitable. If your child has successfully completed their independent travel training we will expect them to use a bus pass rather than having door to door transport unless their journey is unusually complicated or long.

We are not able to collect from or deliver children to addresses other than their home address.

Brothers and sisters of a child who is being given transport will not be given travel assistance unless they meet the criteria for assistance, even if they attend the same school.

Travel assistance we give to wheelchair users

If your child needs to use a wheelchair we will make every effort to transport him or her in the normal wheelchair. To do this we will need to be able to find a vehicle that can accommodate the wheelchair safely. If we cannot do this we will offer you a fuel allowance to transport your child to school yourself. If you plan to buy a new wheelchair for your child, you **must** contact us to check whether we will be able to transport the chair. We have to inspect and tag wheelchairs before we can transport them so you must let us know as soon as possible if your child's chair is due to change. It can take several weeks to find a suitable vehicle that is compatible, especially for a large chair.

What time of the day travel assistance is provided

We only provide door to door transport at the published start and end times of the school day. We do not provide transport for children to travel between sites during the school day, or for them to attend medical appointments, outings etc. We do not provide early transport if a child has to go home during the school day because of illness. We are not able to alter transport times because of part-time timetables, exam timetables, parent meetings etc. We are not able to alter transport times because of after-school activities or for work experience.

We do not provide transport for attendance at transition, taster, open or induction days at a different setting. If your child attends different sites on different days, we will provide transport to the main school site only and the school will be responsible for ensuring your child can get to other sites.

Occasionally we will agree there is a need for a phased induction /transition to a school requiring transport arrangements outside of normal school hours. In these cases we will make arrangements with you and the school for a set period of time. This will normally be for a maximum of two weeks.

Travel assistance we provide for students in residential special schools

If your child is a weekly boarder at a residential school that the council has agreed as the closest suitable school, we will provide transport or give you a fuel allowance for a journey from home to school on Monday mornings and school to home on Friday afternoons (and start and end of term if these are on different days).

If your child boards for longer periods, we will normally either provide transport or give you a fuel allowance for a journey from home to school at the start of each half term and from school to home at the end of each half term.

What happens if a school closes unexpectedly

If a school closes unexpectedly, e.g. due to bad weather, if your child has door to door transport the transport team or your child's escort will try to contact you to tell you about the closure. You should check the school's web site for up to date information.

What we do if your child misbehaves on transport

If your child misbehaves when travelling to or from school on transport arranged by the council, we may withdraw travel assistance for a while. If the poor behaviour continues we may only be able to offer you a fuel allowance for you to transport your child yourself. The council's code of conduct on home to school transport can be seen at the end of this policy, and it is on every application form.

Travel assistance we provide for post-16 students including SEND students

There is no automatic right to travel assistance for post-16 students. Torbay Council does give assistance in certain circumstances. This is explained in the council's [post-16 transport statement](#).

How you can apply for travel assistance for your child

Applications can be completed via our online portal at <https://www.torbay.gov.uk/schools-and-learning/school-transport>. Alternatively, you can phone the transport team to ask for a paper copy. The telephone number is 01803 207688.

You must reapply for travel assistance each year, even if your child is already being given travel assistance. We will reassess your application each year in case your circumstances have changed. We will also reassess your child's transport during the school year if they change their school or their home address.

There is a deadline date in June each year for you to send your application to us to ensure transport is in place for the beginning of term in September. If you apply later than this we will still assess your application but transport may not be in place for the start of term. You will be responsible for getting your child to school and the council will not refund the cost of any transport you put in place while we process your application.

We can only assess your application based on the information and evidence you provide so you should give as much detail as possible on your application form.

How you can appeal if we refuse your request for travel assistance

If we have refused transport and you believe that;

- we have used the wrong information to assess your application or
- we have not taken all your circumstances into account or
- we have made a mistake in our calculations

you will have the right to appeal against the decision. There is a time limit for your appeal. You must send it to us within 20 working days (4 weeks) of the date of the letter telling you that travel assistance has been refused.

A panel of senior officers will review your application and look at any additional evidence you send to us. If the decision is still to refuse travel assistance, you will be able to make a second appeal to a panel of Councillors. Again, there will be a deadline of 20 working days from the date of the letter refusing your request for you to send in your appeal. Details of the appeal process and appeal forms are on Torbay Council's web site at [Appealing against a decision - Torbay Council](#) or you can phone the transport team on 01803 207688 to ask for a paper copy of the appeal forms.

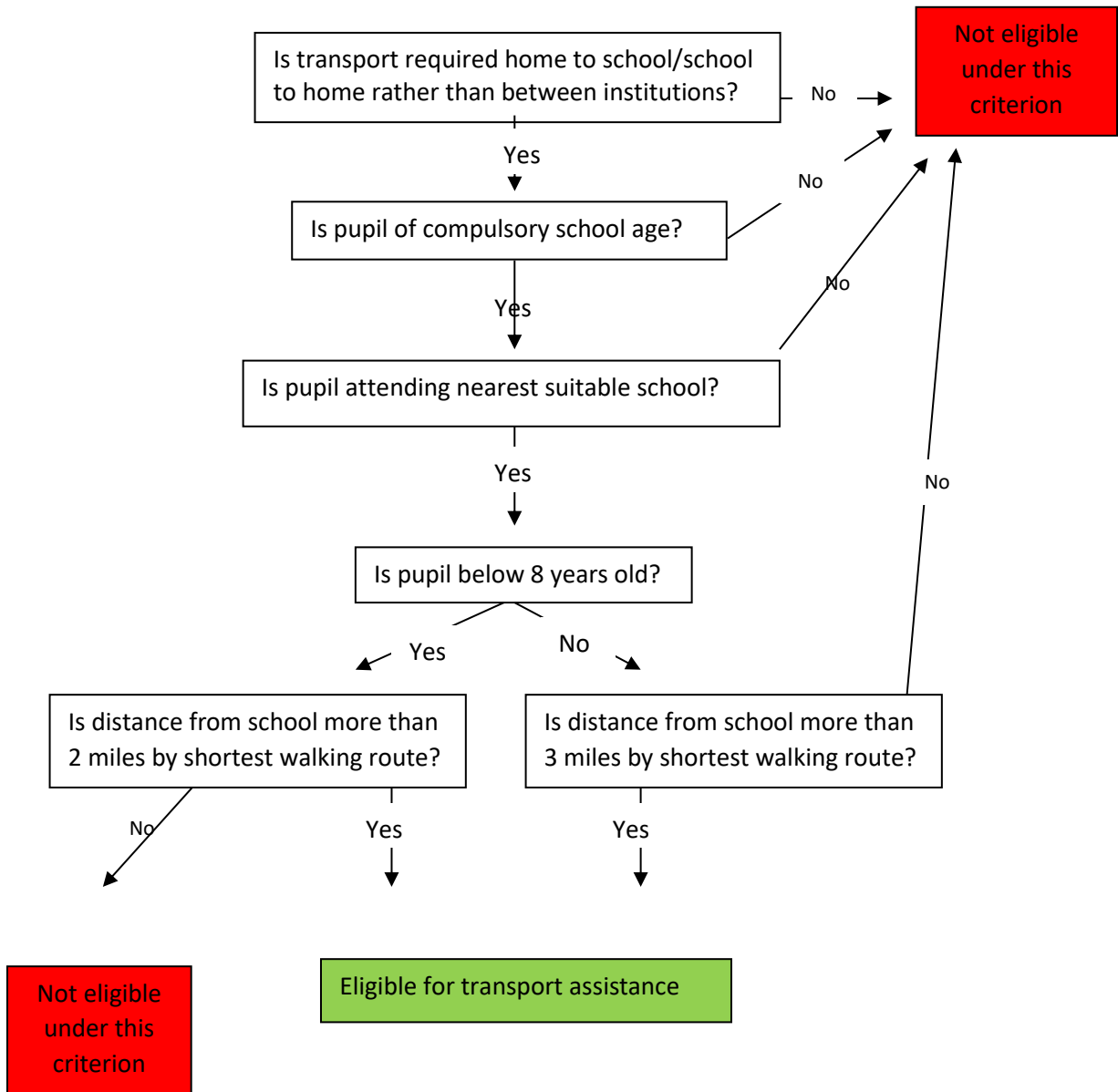
If you believe we have failed to comply with procedural rules or that there are other irregularities in the way an appeal has been handled you may have the right to refer your application to the Local Government Ombudsman. If you believe that the decision made by the independent appeal panel is flawed on public health grounds you may apply for a judicial review.

How you can complain if you are not happy with the service we have given you

First, talk to transport staff to see if you can resolve your concerns informally. If you are not able to do this you can complain formally using the council's complaints procedure. This can be found at [Make a complaint - Torbay Council](#) or you can phone the transport team on 01803 207688 and ask for a complaints form.

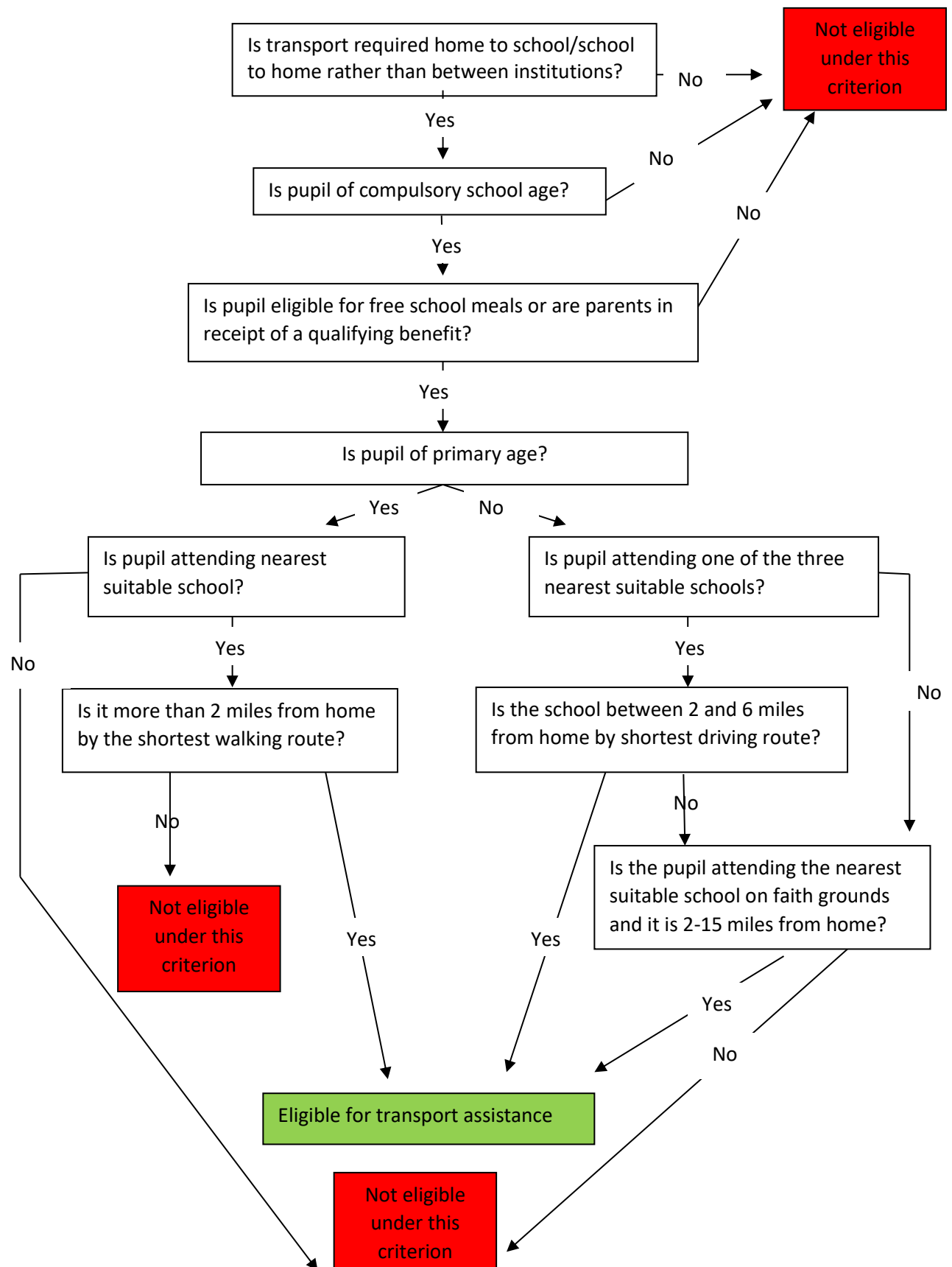
APPENDIX A

ELIGIBILITY ASSESSMENT FOR ENTITLEMENT TO TRANSPORT ASSISTANCE –
STATUTORY WALKING DISTANCE



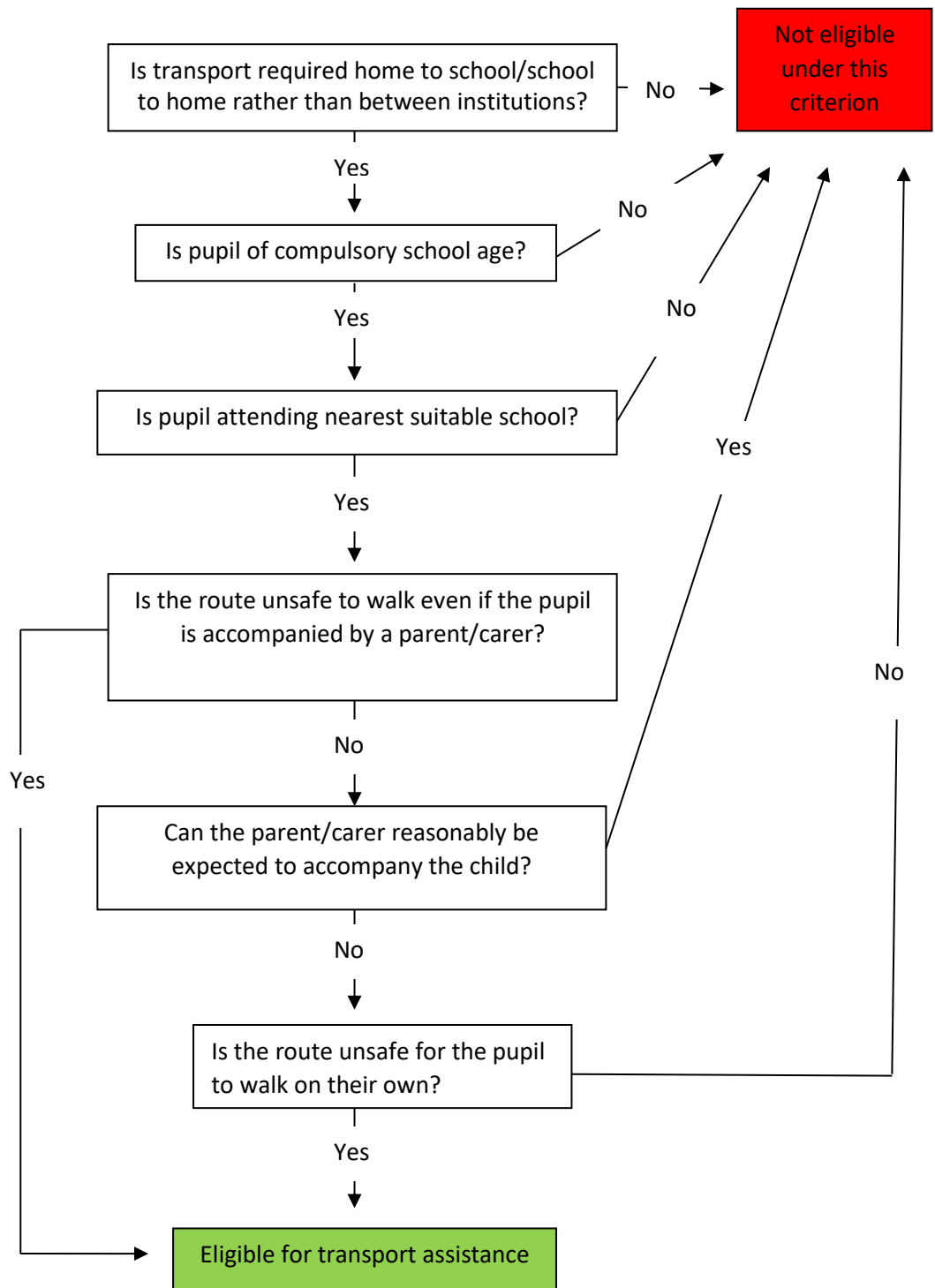
EXTENDED RIGHTS ENTITLEMENT TO TRANSPORT ASSISTANCE

Use if NOT eligible through statutory walking distance for pupils aged 8 and over



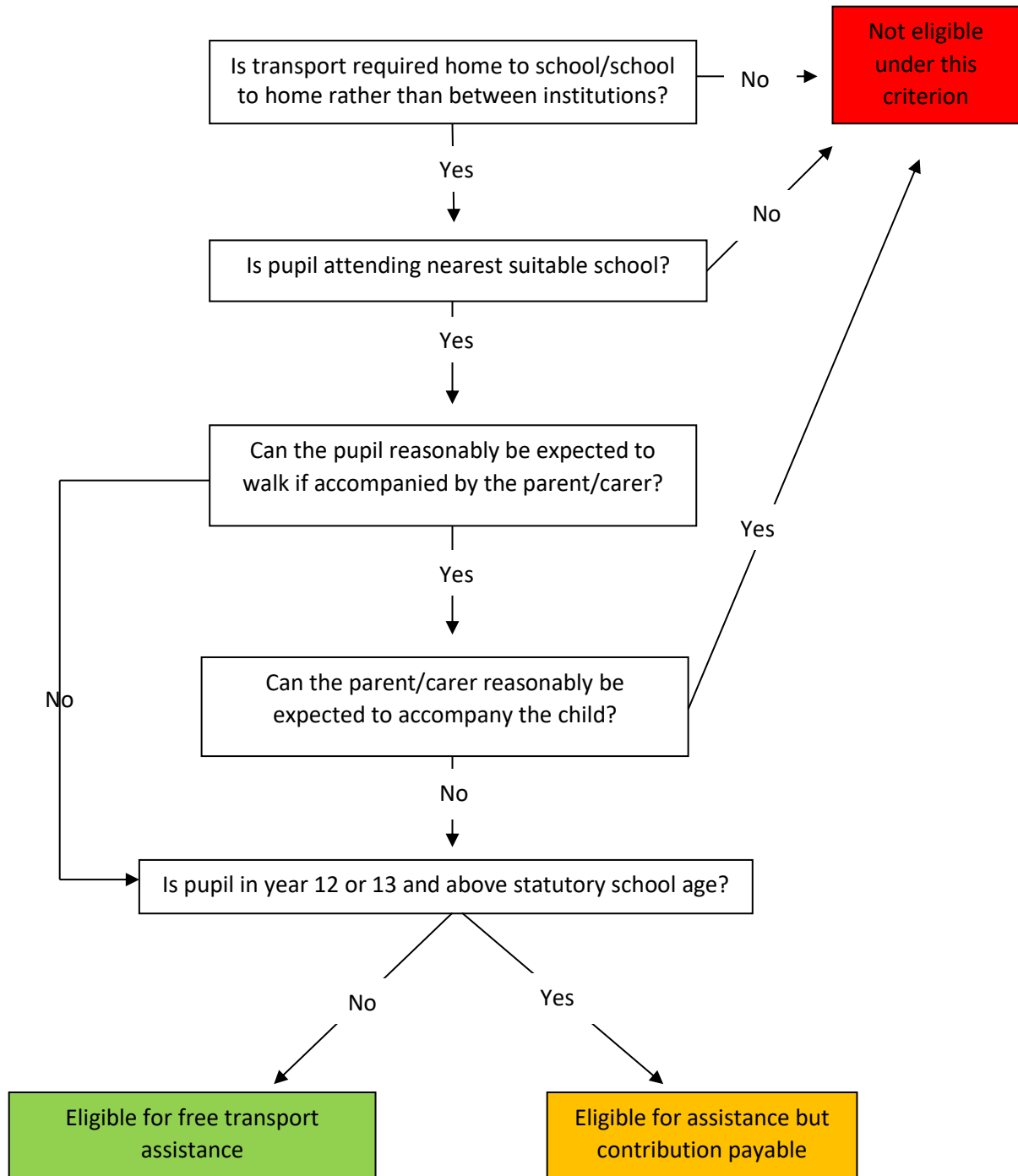
UNSAFE ROUTE ENTITLEMENT TO TRANSPORT ASSISTANCE

Use if NOT eligible through statutory walking distance or extended rights



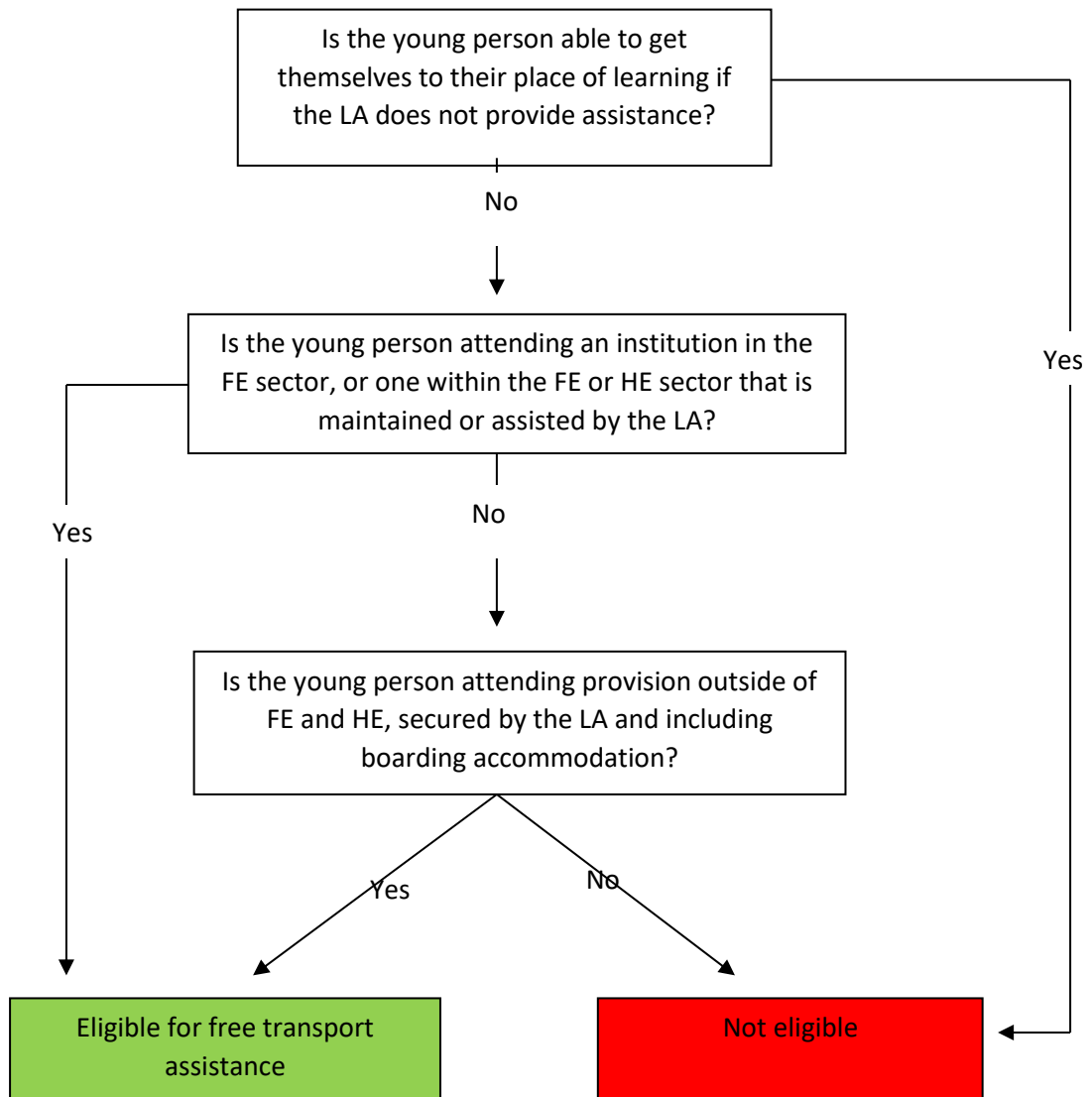
SEND ENTITLEMENT TO TRANSPORT ASSISTANCE – up to age 18

Use if NOT eligible through statutory walking distance or extended rights



SEND ENTITLEMENT TO TRANSPORT ASSISTANCE – age 19-24

Only for young people with an Education, Health & Care Plan



APPENDIX B**HOME TO SCHOOL TRANSPORT – CODE OF CONDUCT**

By accepting transport assistance arranged by Torbay Council's transport team, students and their parents or carers agree to follow the expectations stated below.

If a student's behaviour does not follow these guidelines, transport arrangements will be reviewed. In serious cases, the transport team has the right to end transport provision and it will then be the responsibility of the parents or carers to ensure the child gets to school. Parents or carers will also be responsible for the cost of repairs if deliberate damage has been caused to transport.

STUDENTS

- You must behave safely at all times so must not distract the driver, throw anything, or try to open the doors or windows
- You must not annoy the other passengers or the escort on a taxi or minibus by your behaviour and must not swear or use abusive language
- You must not bully other passengers
- On vehicles with seatbelts or harnesses, you must always wear your seatbelt or harness, keep it fastened and stay in your seat throughout the journey
- If there is an escort, you must always follow their instruction
- You must not take any dangerous or unsuitable items onto the transport
- You must not cause any damage to the transport
- You must not eat, drink or smoke on the transport and must not drop litter
- You must take all your belongings with you, with assistance where necessary, when you get off
- If you have a bus, coach or rail pass, you must always have it with you and show it when you travel. If you lose your pass, you will not be able to travel unless you pay the fare.

PARENTS AND CARERS

Your child is expected to follow what is stated above. If your child misbehaves or causes any damage on transport to school, or is excluded from school, it will be your responsibility to organise their travel back home.

BUS PASS HOLDERS

- You must make sure your child gets to the appropriate pick up point in time
- if your child loses their pass, they will not be able to travel unless they pay the fare; a replacement bus pass will cost £10

TRAVEL ON TAXIS AND MINIBUSES

You must make sure your child is ready 5 minutes before the expected pick up time. Transport will only wait for 5 minutes after the stated pick up time and if it is missed, it is your responsibility to get your child to school

You must make sure your child is delivered to the vehicle and that a responsible person is at home when the child is dropped off.

Your child's transport can only be changed by the transport team so please do not ask the driver or escort to change the journey.

If the transport does not arrive contact the transport team or the escort (if there is one)

If your child is ill and will not need transport, please contact the transport team or the escort if there is one, as soon as possible

If you move home you must inform the transport team as this may affect eligibility for transport or transport may need to be rearranged. Also update the team if your contact details change.