

School and College Transport in West Sussex

1 Introduction

- 1.1 Parents have a duty to ensure that their children attend school and to make any necessary transport arrangements, including arranging for them to be accompanied where necessary.
- 1.2 Parents are responsible for their children from the time they leave home until they are received on the school premises and after they leave.
- 1.3 In certain circumstances the Local Authority (in this case West Sussex County Council) has a duty to make arrangements for the provision of transport to and from school as it considers necessary.
- 1.4 This policy sets out the legal background and the circumstances in which the Authority will make transport arrangements.

2 Legal Background

- 2.1 The basic duty to make transport arrangements is imposed on the Local Authority by Sections 508 and 509 of the Education Act 1996 (as amended).
- 2.2 When determining the policy, local authorities must also “have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure” (Section 9 of the Education Act 1996).
- 2.3.1 Section 444 of the Act imposes a duty on parents to ensure that their children attend the school at which they are registered and also defines the walking distances to be applied. Should a parent be prosecuted for a child’s non-attendance, a justifiable defence would be that the school at which the child is a registered pupil is not within walking distance of the child’s home, and that no suitable arrangements have been made by the local authority.
- 2.3.2 The walking distances to be applied are:
 - 3.218688 kilometres (two miles) in relation to a child who is under the age of eight and
 - 4.828032 kilometres (three miles) in relation to a child who has attained the age of eight

in each case measured by the nearest available route.

3 Entitlement to Free School Transport

3.1 Children of Statutory School Age

- 3.1.1 Transport arrangements are made for children who are of statutory school age and who live beyond walking distance of their nearest appropriate or catchment school (the school designated by the Authority to serve their address).
- 3.1.2 A child reaches statutory school age at the beginning of the term following their fifth birthday. School leaving age is the end of the academic year in which the child reaches the age of 16.
- 3.1.3 The nearest appropriate or catchment school is one which offers an efficient full time education suitable for the age, ability and aptitude and any special educational needs of a child and at which the Local Authority is able to arrange admission.
- 3.1.4 Where the nearest appropriate or designated school is unable to admit a pupil because the relevant year group is full, transport arrangements will be made to the next nearest appropriate school with an available place, provided it is beyond statutory walking distance from the child's home address.

3.2 Walking Distance

3.2.1 Section 444 of the Education Act 1996 defines walking distance as two miles for a child under the age of eight years and three miles for a child who has attained the age of eight.

- 3.2.2 Walking distance is measured by the nearest available route between home and school using metalled roads, footpaths and any such walkable track.
- 3.2.3 Routes are measured from the gate or access to the pupil's home, or the end of their property nearest to the public highway, to the nearest gate or access to the school/college campus.
- 3.2.4 The courts have defined an available route as one "along which a child, accompanied as necessary, can walk and walk with reasonable safety to school. It does not fail to qualify as 'available' because of dangers which would arise if the child is unaccompanied". Guidance in respect of the availability of a safe route is outlined in Appendix 1 – extract from the Pupils' Panel, 7 March 1989.
- 3.2.5 A route that is regarded by the Authority as too hazardous for a child to walk, accompanied as necessary and having regard to the age of the child, would not be considered as available.

3.3 Children from families on low income

3.3.1 Assistance with transport is available to children from families on low income (where the child is eligible for free school meals or the family receives working tax credit at the maximum level for the case) as follows:

a) Children up to the end of Year 6

- The school attended is the nearest appropriate or catchment school and the home to school walking distance is two miles or more, measured by the shortest available walking route.

b) Children from Year 7 to Year 11

- The school attended is one of the three suitable schools nearest to the child's home and
- The home to school walking distance is two miles or more, measured by the shortest available walking route and
- The school attended is less than six miles from the child's home, measured by the shortest road route.

3.3.2 Help is also available for secondary school aged children from families on low income, as specified above, where:

- The child attends a school for reasons of religion or belief
- The home to school walking distance is two miles or more, measured by the shortest available walking route and
- The school attended is not more than 15 miles from the child's home, measured by the shortest road route and
- There is no suitable alternative school nearer to the child's home.
- Evidence to support grounds of religion or belief will be required and the Authority will be guided by the Equality Act 2006 with regard to definitions.

3.3.3 Evidence to support a financial assessment will be required at the time of application. Assistance will continue for the duration of the school year. A fresh application must be made each year to confirm that the eligibility criteria are still met.

3.4 Parental Preference

3.4.1 Where a child attends a school which is not the nearest appropriate or catchment school, on the grounds of parental preference, the parents are usually responsible for making their own transport arrangements and for all transport costs. Exceptions are included in Section 4.

3.4.2 If the nearest appropriate or catchment school becomes full after the parent has expressed a preference for an alternative school, free transport to the alternative school will not be provided.

3.5 Children below statutory school age

3.5.1 Children who have not reached statutory school age are not entitled to free transport. However, assistance will be given at no charge where

- The child would be entitled to free transport on attaining statutory school age and
- A spare seat is available on an existing contract vehicle.

In such a case, the concessionary assistance will continue as long as the spare seat is available.

3.5.2 Where a child would not be entitled to free transport on attaining statutory school age, but a place is available on an existing contract vehicle, an application may be made under the concessionary seat scheme (see paragraph 4.12) for which a charge shall be made.

3.6 Children with Special Educational Needs

3.6.1 Whenever possible, a child with special educational needs, with or without a statement, will be treated no differently from a child who does not have special educational needs.

3.6.2 The Authority will consider assisting with a child's transport, regardless of the home to school distance, if the needs of the child are such that s/he is unable to walk to school.

3.6.3 The full policy in respect of children with a statement of special educational needs is included in this document as Appendix 2.

3.7 Transport to Horsham Secondary Schools

3.7.1 The usual transport policy is applied, as set out in this document. However, where reference is made to the "nearest appropriate or catchment" school, it is necessary to refer to the relevant school within the Horsham Community Designated Area.

3.7.2 The relevant school for a child depends on his/her place of residence within the Horsham Community Designated Area as divided by the north-south line. Maps for illustrative purposes are attached as Appendices 3 and 4.

3.7.3 Subject to the distance criteria above, all pupils living west of the line within the Horsham Community Designated Area shall receive free transport to any of the three Horsham secondary schools.

3.8 Transport to High Schools in Worthing

3.8.1 The arrangements for assistance with transport for children resident in Worthing are as set out in this document except that where reference is made to "catchment" school, the term 'nearest school within the area' applies.

Other assistance

4.1 Transport to Denominational Schools

4.1.1 With effect from September 2011, the County Council no longer assists pupils with transport to church aided schools. Pupils in Year 11, in September 2011, who previously qualified for free transport, are not affected by this change and should continue to receive free transport until July 2012.

4.1.2 Pupils from low-income families may qualify for help as explained in 3.3 above.

4.1.3 School contract coaches serving church aided secondary schools (Bishop Luffa CE School, Holy Trinity CE School, St Wilfrid's Catholic School and St Paul's Catholic College) will continue to operate until July 2012. Parents may pay for concessionary seats if their children do not qualify for free transport as explained in 4.1.1 and 4.1.2 above. The charge is £450 p.a. Any third chargeable pupil in a family receives a 50% discount and younger chargeable siblings are discounted by 100%.

4.1.4 Where a pupil attends a church aided school which is the nearest appropriate school and is beyond statutory walking distance from the child's home, free transport will be given.

4.2 Post 16 Students (who are continuing a course of study which they started before September 2011)

4.2.1 Students attending sixth forms, sixth form colleges or colleges of further education will only be entitled to transport or assistance when the student has learning difficulties or a disability or the family is on low income. Low income families are those in receipt of one or more of the following:

- Income Support.
- Job Seeker's Allowance (Income Based).
- Employment and Support Allowance (Income Related)

- Child Tax Credit and have an annual Inland Revenue assessed income of less than £X (figure provided each year by HMRC).
- Guarantee element of State Pension Credit.
- Disabled Person's Tax Credit

4.2.4 Students must also satisfy all the following conditions to receive assistance:

- and the course is full-time of at least one year's duration
- Students must be under 19 on 1 September before the course begins and
- The student has lived in the United Kingdom, for reasons other than education, throughout the three years ending 31 August prior to the course commencement date and has settled status in the United Kingdom.
- The student should not be repeating a previous course including any terms not completed successfully and
- The student meets the distance criteria set out in Section 3.2 and
- The course is at the nearest maintained school or college to the student's home address.

4.2.3 Students from families who do not meet the low income criteria in 4.2.1 above, but who meet the criteria in 4.2.2 and who are eligible for a full £30 per week Education Maintenance Allowance, will be able to receive a travel bursary to cover their essential and most economical travel costs over £400 per annum.

4.2.4 Students from families who do not meet the low income criteria in 4.2.1 above, but who meet the criteria in 4.2.2 and who face long and awkward journeys where their essential and most economical travel costs amount to more than £550 per annum, will be able to receive a travel bursary to cover their essential and most economical travel costs over £550.

4.2.5 Subject to meeting the criteria in 4.2.1 and 4.2.2 above, if a student attends a sixth form of a school which is not the catchment or nearest appropriate school, assistance will be given if:

- The 'A' level course required is not available at the designated or nearest appropriate school **and** the course is an **essential** requirement for the further or higher education course or career that he or she wishes to follow or

- The further education course required is not available at the appropriate level at the catchment or nearest appropriate school.

4.2.6 Where a student attends the nearest appropriate or catchment school or college, and makes the relevant application, a concessionary place on a contract vehicle shall be given, if no alternative public transport is available.

4.2.7 If a student, who attends the nearest appropriate or catchment school or college, is unable to access suitable transport within 1.5 miles from their home, transport will be provided, for which a charge shall be made.

4.2.8 Assistance with travel to Programme Led Apprenticeships or E2E programmes is not considered under this scheme.

4.3 Post 16 Students (who are starting in Year 12 or starting a new course of study.)

4.3.1 With effect from September 2011, the County Council will not normally help students who do not have special educational needs. Students who do not meet the eligibility criteria below, may apply to their school or college for help through the establishment's 16-19 Bursary Fund. More details about this are available directly from the school or college attended.

4.3.2 Students of sixth form age with special educational needs, who are starting a new course appropriate to their needs (or starting in Year 12) may be entitled to help with transport to school, sixth form college or college of further education. Normally this will mean that the student will have either a statement of special educational needs or a section 139a assessment of needs.

4.3.3 Students with special educational needs will be provided with free transport in the following circumstances:

- i. Where the proposed further education course, or a course appropriate to the level of needs, is at the nearest maintained school/college to the student's home address **and**
- ii. The course is full-time **and**
- iii. The shortest available walking route from home to school/college is three miles or more, or the transport needs are specifically detailed in the learning disability statement **and**
- iv. The student has lived in the United Kingdom, for reasons other than education, throughout the three years ending 31st August before the course begins and has settled status in the United Kingdom **and**

- v. The student has learning difficulties or a disability (evidence will be required, see notes) and is attending a course appropriate to the student's needs **and**
- vi. The family is in receipt of one or more of the following (evidence of benefits received must be sent with the application):
 - Income Support
 - Job Seeker's Allowance (Income Based)
 - Employment and Support Allowance (Income Related)
 - Child Tax Credit with an annual Inland Revenue assessed income below £X (figure provided each year by HMRC)
 - Guarantee element of State Pension Credit.

4.3.4 Where a student meets i to v of the above criteria but not vi, parents will be charged £360¹ per year towards the cost of the transport.

4.3.5 The County Council expects students to travel by public transport where it is available. It is understood that some students are not able to use public transport and some may need independent travel training to enable them to start using buses or trains.

4.3.6 Students who are eligible for a Disabled Person's Bus Pass, which offers free travel on bus services, will be expected to apply for the pass and to use it to get to and from school or college if able and if there is an available bus service.

4.3.7 Travel assistance is not normally provided for retakes or repeat periods of study. It does not cover the cost of journeys to placements of any kind; students or their parents are expected to meet these costs.

4.3.8 Assistance with travel to Programme Led Apprenticeships or E2E programmes is not considered under this scheme.

4.4 Transport to other than the catchment or nearest appropriate school

4.4.1 Where a pupil attends a maintained school on grounds of parental preference, the responsibility for transport and costs rest with parents.

4.5 Travel to school in another Authority's area

4.5.1 A pupil living in West Sussex will be given assistance with transport to a school in another Authority's area where it is over the qualifying distance and:

¹ Subject to review

- The school attended is the nearest appropriate to the pupil's home or
- The pupil moves home, subject to the criteria in Section 4.9 below.

4.6 Medical

4.6.1 In exceptional circumstances, free transport may be provided temporarily or permanently where a child's medical condition affects his ability to walk to school.

4.6.2 Assistance will be given only where a child is attending the nearest appropriate or designated school.

4.6.3 In such cases, assistance is given at the discretion of the Director of Learning and will be subject to satisfactory medical evidence, which would include reports from consultants, psychologists and other professionals.

4.7 Excluded pupils

4.7.1 If a child is permanently excluded from school, free transport will be given to an alternative school where:

- The alternative is the nearest appropriate school with an available place (not including the school from which the pupil has been excluded) or
- The alternative has been designated by the Authority and
- The alternative is beyond statutory walking distance from the pupil's home address.

4.8 Managed Moves

4.8.1 Where a parent instigates a managed move, they will usually be responsible for arranging transport and its costs.

4.8.2 Where a managed move is instigated and organised by the Headteachers and the Authority, transport normally will be the responsibility of the parent but, in exceptional circumstances, assistance may be given where agreed beforehand.

4.9 Moving home

4.9.1 Where a pupil attends the nearest appropriate or catchment school and moves home to an area served by another school, assistance, subject to reasonable costs, may be given if:

- The new address is within West Sussex and the pupil continues to attend the same school and

- The pupil has been following for at least one term a course leading to a public examination (i.e. years 10 or 11) and
- The journey is considered reasonable for the student.

4.9.2 A reasonable journey is one which does not exceed 1¼ hours each way, or 2½ hours aggregated, by public transport. The journey time is taken from the time a child leaves home to the start of the school session and includes walking and waiting at bus stops/railway stations. Similarly, in the afternoon, the journey time is measured from the end of the session to the time a child arrives at home, again including walking and waiting times.

4.9.3 Any assistance agreed will be limited to the duration of the course.

4.10 Children in Care (LAC)

4.10.1 Children in the care of a local authority or a fostering agency are treated no differently from other children with regard to eligibility for assistance with transport. The parental responsibility for transport costs rests with the body that cares for the child (e.g. the County Council social care team).

4.11 Children living in temporary accommodation

4.11.1 Where a family is housed in temporary accommodation, the parent will normally be responsible for transport and any associated costs.

4.11.2 In exceptional circumstances, at the discretion of the Director of Learning, help will be given on a short-term basis where the journey time and costs are reasonable (see 4.9.2 for guidance on what is regarded as a reasonable journey).

4.12 Early transfer to secondary education or sixth form/college

4.12.1 Where a pupil transfers to secondary school or sixth form/college early, assistance will not normally be given except:

- Where the usual eligibility criteria are met and
- The educational need is established and confirmed by the Director of Learning.

4.13 Concessionary seat scheme

4.13.1 Where there are spare seats available on contracted or county council-owned vehicles, the concessionary seat scheme allows children, who are not entitled to free transport, to take up the spare capacity.

4.13.2A charge, which is publicised annually, for the concessionary seat is made and is payable on a termly or monthly (by direct debit) basis.

4.13.3Places are given as a concession and may be withdrawn at short notice if required by a pupil with an entitlement, or if the vehicle is no longer needed, or if a smaller vehicle is contracted. In such circumstances, parents are responsible for making their own arrangements.

4.13.4Concessionary seats are given for a maximum of one academic year at a time. Parents must make a new application for each academic year.

4.13.5Where there are more applications than seats available, the following order of priority will be used:

- i) children attending the nearest appropriate, catchment or nearest appropriate denominational school – those living furthest away having highest priority;
- ii) children attending an alternative school – those living nearest to the school attended having the highest priority.

4.13.6If a concessionary seat is given under 4.13.5, it will not be withdrawn during a school year in favour of a child who has a higher priority.

4.13.7If a concessionary place is given to a sixth form student who attends the nearest appropriate, catchment or nearest appropriate denominational school and who lives three miles or more from the school, it will not be withdrawn where there is no alternative public transport available.

4.13.8The charges are set each year for those attending their nearest appropriate school and/or who live within statutory walking distance of the school. A higher level of charge applies to pupils and students as follows:

- Pupils and students living in another catchment area
- Sixth form students who live more than three miles away.

5 General Principles and Practices

5.1 Access to Transport

5.1.1 It is the responsibility of parents to ensure that children get to and from bus stops, stations or other pick-up points in safety.

5.1.2 Parents should make contingency plans in the event of transport not turning up or where there are unavoidable delays.

5.1.3 Children will not be expected to walk more than one mile (one and a half miles for post 16 students) at either end of the journey to access transport arranged by the Authority.

5.2 Pupils with more than one residence

5.2.1 Where pupils have more than one residence, such as when parents are separated and care jointly for their children, transport will be provided from just one address. Normally, this will be the one registered with the school as the home address, at which the child would spend most of the time during school days. Where parents claim that the care is split 50-50 during term time, transport shall be given from the address of the parent who receives the child benefit.

5.2.2 Assistance with transport will not be given to or from an alternative address for reasons such as childcare.

5.3 Transport granted in error

5.3.1 Where transport has been granted to a pupil by mistake, the error shall be rectified.

5.3.2 Transport shall be withdrawn at the end of the term (as a minimum) in which the error is discovered and the parent notified. In such circumstances, parents will always be given as much notice as possible and this will be a minimum of one half term.

5.4 Closure or reorganisation of a school

5.4.1 In general, when a school closes or is reorganised, only pupils who live beyond walking distance (see paragraph 3.2.1) from their new school will receive assistance with transport, provided it is still the nearest appropriate or catchment school for their home address.

5.4.2 The Authority may use its discretion to provide transport assistance to pupils affected by the closure or reorganisation of a school as follows:

- Pupils must be in attendance at the school affected at the time of its closure or reorganisation and
- Must live closer to the school being closed/reorganised than the new school and
- Must continue to live in the previous school's catchment area.
- Assistance would be for a period determined by the Authority up to the time that a child transfers to the next phase of education.

5.4.3 The usual policy will apply to all pupils, including younger siblings of those affected, following the closure/reorganisation.

5.4.4 Children who live in the area of a new school that has been established, but who receive assistance with transport to the school serving the area previously, will continue to be entitled whilst at that school.

5.7 Change of session times

5.7.1 Governing bodies are expected to consult fully with the Authority and other interested parties regarding proposals to change school session times.

5.7.2 If a Governing Body decides to change the school session times with the direct result that the Authority incurs additional transport costs, the extra expense may be charged to the school's delegated budget.

5.8 After school activities and work experience

5.8.1 At its discretion, the Authority provides some late buses to schools with a predominantly rural catchment area not served with public transport. With effect from September 2011, the financial responsibility for late bus transport rests with school governing bodies.

5.8.2 Late buses are designed to be flexible serving main village points and do not offer the same service as the regular home to school transport. Parents are responsible for making any necessary arrangements to collect children from points that may be different from the usual bus stop. In some cases this could be more than one mile from the usual bus stop.

5.8.3 Special arrangements will not be made or funded for children attending work experience.

5.9 Other

5.9.1 Special arrangements will not be made or funded by the Authority if children have to be taken home early or come to school late, for example as a result of illness or medical appointments.

5.9.2 The Authority is not responsible for providing transport because a parent is unable, for any reason, to accompany a child if considered necessary by the parent. In certain cases the parent may wish or need to contact other agencies for assistance.

5.9.3 In the event of transport failing to operate, refunds to charges or reimbursements will not normally be made.

5.10 Appeals

5.10.1 Parents who are dissatisfied with a decision regarding their child(ren)'s eligibility for free school transport or assistance are advised to discuss the matter first with the School Transport Team in the Transport Co-ordination Group.

5.10.2 If still dissatisfied, parents are advised to write to the Director of Learning, asking for the matter to be reconsidered and explaining the reasons. This is stage one of the appeal process.

5.10.3 In exceptional circumstances, or if the matter cannot be resolved satisfactorily by officers, the case will be referred to a panel of members. This is stage two of the appeal process.

6 Operational Principles and Practices

6.1 Mode of Travel

6.1.1 Where a child is entitled to transport or assistance, it will be by one or more of the following, as appropriate:

- A rail or bus season ticket
- A free place on a contract or school bus
- A mileage allowance to cover fuel costs (based on the Authority's lease car mileage rate)
- By taxi or voluntary car driver, in exceptional cases only, usually for children with severe disabilities
- A contribution towards the cost of travel.

6.1.2 It is for the Authority to determine the most suitable, cost-effective means of transport between home and school.

6.1.3 Where appropriate, parents may be offered the mileage allowance to undertake transport themselves. An allowance will not be paid to parents who choose to transport their own child, where an alternative is available.

6.1.4 Parents who also transport other entitled children may, by agreement with the Authority, be treated as voluntary car drivers and receive a higher mileage rate.

6.2 Lost Tickets

6.2.1 Parents are responsible for the cost of replacement tickets. Parents will be notified of any such conditions in relation to the issue and use of tickets.

6.3 Changes in Travel Arrangements

6.3.1 Transport arrangements are kept under review and may be changed from time to time. This includes the mode of travel.

6.3.2 Advance notice of changes will be given to parents, although this may not always be possible, such as in the case of emergency sub-contracting or an unavoidable change of contractor for other reasons.