

# HOME TO SCHOOL/COLLEGE TRANSPORT POLICY



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in Welsh**

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## 1. **Legal Background**

Cardiff Council has a duty to provide travel assistance in accordance with the Learner Travel (Wales) Measure 2008. In deciding whether to provide free travel assistance the Council is required to take into account:

- the age of the child,
- the nature of the route,
- a parental request that the child is educated at a faith school
- a parental request that the child is educated in Welsh,
- the needs of learners with disabilities or learning difficulties
- particular needs of learners who are children 'looked after' by a local authority.

This list is not exhaustive and the Council must consider each pupil's individual case on its merits, taking into account any representations made.

The methods used by the Council to discharge this obligation are set out in this policy document. It is for the Council to determine the means of travel between home and school.

## 2. **Choice of School**

All addresses in Cardiff will fall within the catchment area of:

- An English Medium Community School\*
- A Welsh Medium Community School

Catchment areas are part of the Council's Admission Arrangements which are agreed by the Council Cabinet each year before 15<sup>th</sup> April following the relevant consultation. The catchment and nearest schools can be found on the Council's website by submitting an address. For Voluntary Aided (denominational) or Foundation schools, parents need to contact schools directly to check the nearest suitable school to their home address. The Council defines "nearest suitable school" as being the nearest Welsh Medium community, English Medium community, Roman Catholic or Church in Wales school depending on the type of school parents have chosen.

Parents are able to express a preference for an English medium, Welsh medium or a denominational school for their child. The child will qualify for free home to school travel assistance to their nearest suitable school as long as the home address is more than the statutory walking distance from the school; (2 miles for a primary school pupil and 3 miles for a secondary

\* Except for the area surrounding St Mary the Virgin CIW Primary School and St Mellons CIW Primary School

school pupil in Years 7 -11). Parents who choose to send their child to a school further away from their address than the nearest suitable school will not be entitled to free travel assistance, even if the child lives beyond the statutory walking distance.

When the nearest suitable school is full and unable to admit a pupil, free travel assistance will be provided to the next nearest suitable school that has room to take the child, as long as the home is 2 miles or more away from the nearest available suitable school for primary school pupils, or 3 miles or more for secondary school pupils.

If the Council considers that the nearest school is not suitable based on individual risk assessments, transport may be provided. In cases where a child has to move schools due to bullying, free travel assistance will only be provided where the Education Welfare Service (EWO) or Cardiff Against Bullying (CAB) have had involvement and assisted with the school transfer. Evidence will need to be provided by the EWO or CAB team/officer to support the request for transport. Pupils will also have to live over the qualifying walking distance from their new school.

### **3. Nursery Pupils**

The Council does not provide free travel assistance for Nursery pupils.

### **4. Looked After Children**

Children looked after by the Authority and directed by the Education Service to attend a particular school will be eligible for free travel assistance to that school even though it may not be the nearest suitable school. This is dependent on the school being over 2 miles walking distance from the home address in the case of a Primary School, or 3 miles in the case of a Secondary School.

### **5. Home Address**

Free travel assistance is provided from/to a pupil's place of ordinary residence (where the pupil normally lives).

Where parents/guardians have shared responsibility for a child and the child is ordinarily resident at more than one address, the Council will provide free travel assistance from both home addresses, as long as both addresses are located over the required qualifying walking distance. In such cases, a fixed schedule is agreed, normally on a half termly basis, whereby the home address is confirmed for each day of the week.

**Documentary evidence such as a court order or child benefit letters will also be required to support the use of more than one address.**

## **6. Pupils Changing Address during Year 10/11**

Pupils studying for their GCSE examinations in year 10 or 11 who change address after commencing their studies in Year 10, will be entitled to free discretionary travel assistance (under Section 6 of the Learner Travel (Wales) Measure) providing the new address is over 3 miles walking distance from their current school.

It should be noted that:

- The current school must be the catchment area school for the previous home address.
- Documentary evidence of the new address will be required.
- If the previous address is outside the catchment area for the current school, attendance at the school will be classed as parental choice and parents will be responsible for any transport costs for the new school.

A check of the address history for the pupil will be undertaken to ensure that the previous home address was in the catchment area of the current school. If the address history shows an address outside the catchment area, free travel assistance will not be provided, regardless of the distance from the new address to the school.

Pupils moving to an address in Wales outside the boundary of the county of Cardiff will be eligible to receive free discretionary travel assistance from the Council concerned (subject to the current agreements between Welsh Councils remaining in place). This will also apply to pupils moving to Cardiff from an address in another County in Wales.

## **7. New Schools**

When a new school opens with a newly defined catchment area, free travel assistance will not be provided for those children whose parents choose to opt for a place at the school previously serving their place of residence. The nearest suitable school for the pupil is dependent upon the age of the child and their home address at the time of application.

## **8. Post 16 Transport**

The Council provides no free travel assistance to any pupil/student over the age of 16 years (age taken on 1 September of the academic year in question).

The only exception to this is in the cases of pupils/students where the statement of educational needs specifically states that travel assistance

must continue to be provided once the pupil/student reaches the age of 16 years.

**9. Medical Conditions**

As stated above, the Council must consider the needs of learners when assessing the need for home to school transport, including any learners with disabilities or learning difficulties. However all schools provide support to pupils with disabilities or learning difficulties and so only in very exceptional circumstances is transport provided, based on medical evidence of specific individual difficulties in travelling to school. The Council considers its obligations under the Equality Act 2010 including the need to make reasonable adjustments where pupils are provided with transport.

**10. Pupils with a Statement of Special Educational Needs (SEN)**

Free transport is provided to pupils who reside over the statutory walking distances from their nearest suitable school (2 miles for a primary school pupil and 3 miles for a secondary school pupil in Years 7 -11) whether or not they have a statement for Special Educational Needs (SEN).

For pupils with SEN, the Council applies the same distance criteria but applies the cognitive age of the child when assessing the qualifying distance, based on advice from an Educational Psychologist.

The nearest suitable school is determined by the type of SEN and the nearest available school which can support this need. For example if a child has a mainstream school named in their statement of SEN then any mainstream school in Cardiff would be considered suitable. However if a child has a specialist resource base with a particular specialism named in their statement, only other schools with specialist resource bases of this type would be considered suitable. As with all other pupils if parents choose to send their child to a school other than the nearest suitable school, the parents are responsible for any transport costs incurred. Free travel assistance is only provided to SEN pupils over the age of 16 years, if their statement of SEN specifically states that travel assistance must continue to be provided once the pupil reaches the age of 16.

**Transport is only included in a statement of Special Educational Needs in very exceptional circumstances where a pupil has specific transport needs.**

**11. Independent Travel Training**

Independent Travel Training is designed to increase independence among young people and is supported by all partners working with young people

receiving free travel assistance from the Council. Individual trainers help pupils access their education provision through independent travel training prior to reaching their school leaving age.

The purpose of the Independent Travel Training programme, is to encourage more learners with SEN to travel independently to their places of learning. This will usually involve training to encourage and assist learners with SEN to travel on public transport, walk or cycle. The Council and its partners are fully committed to the high quality service that supports this training, which contributes towards enabling young people to lead fuller lives. To this end the Passenger Transport Team will, if appropriate, assess a pupil's readiness for Independent Travel Training. Should a pupil be accepted onto the course of training, transport arrangements will continue until the pupil has been successfully trained and assessed as being able to travel safely and independently.

## **12. Length of Journey**

Where possible, the Council adheres to the Learner Travel Operational Guidance issued by Welsh Government. This allows for a maximum 60 minute journey time for secondary school pupils, and a maximum 45 minute journey time for primary school pupils. A walk of 1 mile to the bus stop is deemed to be reasonable.

## **13. Available Routes**

The walking distance is measured by the 'shortest available route'. A route is considered 'available' if it is safe for a child without a disability or learning difficulty to walk the route alone or with an accompanying adult if the pupil's age and levels of understanding requires it.

In accordance with the Learner Travel Operational Guidance, all routes are assessed on the assumption that pupils are accompanied as necessary by a responsible person, but it is for a parent to decide whether or not a child needs supervision on their journey, and this is for the parent/carer to arrange if they are unable to do it themselves.

## **14. Unavailable Routes**

The Council has deemed certain routes to several schools to be "unavailable" by designating them as "unsafe" walking routes. This designation commits the Council to the provision of free home to school travel assistance where there is no alternative route less than the distances above.

**15. Sale of Surplus Seats on Passenger Transport Contract Buses**

Where spare seats arise on an existing contracted bus route, they can be offered for sale. Application forms are available on request from the Passenger Transport Team or from the Council's web site. If the number of application forms received exceeds the number of spare seats available for a particular route, priority will be given to pupils in Years 7 to 11 before consideration is given to applications from sixth form pupils. Places will be allocated on the basis of distance from a pupil's home address to the school, priority given to pupils living furthest away from the school.

There is no guarantee of the continued availability of a surplus seat. If the number of pupils entitled to free transport increases, it may become necessary to displace pupils who have purchased spare seats. In these circumstances families may be entitled to a refund as long as the bus pass has been returned to the Council. Any refund due is calculated on a proportionate basis from the date the pass is received by the Council.

Charges for spare seats are reviewed annually and are payable following receipt of an invoice. Parents are able to pay in full, on a monthly or on a termly basis. Seats are sold on a return journey basis and cannot be sold for one way either to school or home from school. In cases where final pupil numbers have not been received from a school, the Council may not be able to allocate seats to pupils wishing to purchase a place until the Autumn half term, as priority has to be given to those pupils eligible for free travel assistance. Pupils mislaying their bus pass can obtain a replacement from the Passenger Transport Team for a cost of £10.

**16. Measuring the Home to School Route**

The shortest walking route is measured from the boundary of the family's property to the nearest entrance of the school site as determined by the Council's Geographical Information System mapping system.

**17. Bus Passes**

All mainstream pupils in receipt of free travel assistance will be issued with a colour coded photo ID bus pass to travel on a school contracted bus, or on a fare paying commercial bus service. In cases where there is no dedicated school bus, the pupil is issued with a Cardiff Bus IFF card.

Pupils are instructed to carry the pass/card at all times when they travel. To avoid potential overloading, bus companies and drivers are instructed not to let any pupil travel who does not have an appropriate pass/card to travel (No Pass No Travel). Council officers will undertake monitoring



surveys on a regular basis to ensure only eligible pupils are being conveyed.

Places will be allocated by the Passenger Transport Team on the basis of the best route from a pupil's home address to the school. Applications from pupils wishing to switch to another route will be treated on a first come, first served basis, subject to there being sufficient space. Pupils mislaying their bus pass can obtain a replacement from the Passenger Transport Team for a cost of £10.

#### **18. Right to Withdraw Transport**

If it is subsequently found that free travel assistance has been provided in error, e.g. where an incorrect measurement has been taken, the Council has the right to withdraw the transport subject to reasonable notice (normally within 10 working days of the error being discovered).

Where circumstances have changed with the route measurement during an academic year, eg following a review of transport provision where new footpaths are provided, the Council has the right to withdraw free travel assistance at the end of the academic year concerned.

In cases where a pass has been purchased for a spare seat that is no longer available, (for example where the seat is required by a pupil eligible for free travel assistance, the route has been changed or the contract is terminated) the pass will be stopped immediately. In such cases an appropriate refund will be made (see 15. above).

#### **19. Behavioural Problems**

The safety of all pupils is dependent on the standard of behaviour on school transport. If a pupil persistently misbehaves on school transport the Council reserves the right to withdraw the transport provision. Warning letters will be sent to the families of pupils who misbehave, cause damage to the vehicle, cause injury to other passengers or who behave in such a way that might jeopardise safety. The right to travel on the school bus may be withdrawn on a temporary or permanent basis following the process set out in the Learner Travel Operational Guidance.

The Council also retains the right to either suspend or cancel transport in cases where drivers/escorts have received verbal or physical assault from parents /guardians. In such cases the contractors concerned will be encouraged to report such actions to the necessary authorities.

Parents have the right to put forward representations in writing to the Director of Planning, Transport & Environment as to why transport should

not be temporarily/permanently withdrawn. Following the withdrawal of the right to travel on school transport, parents are responsible for ensuring that their child gets to school. Before a temporary ban is lifted an assurance of improved behaviour is required.

## **20. Complaints Process**

Only complaints received in writing from parents by the Council concerning services or vehicles will be investigated. In the event of a complaint being upheld, if needed, necessary and appropriate steps will be taken up with the service provider concerned as a matter of urgency, in accordance with the contract conditions in force at the time.

## **21. Appeals Process**

If a parent thinks that the Council has not applied the policy correctly in refusing free travel assistance for their child, they can challenge the decision using the following appeal process.

There are three stages of appeal.

### **Stage 1**

In the first instance parents should put in writing the details of an appeal with any supporting evidence. The onus will be on parents to collate all relevant evidence. This appeal should be sent either by letter or email to the Passenger Transport Team. Confirmation of receipt of the appeal will be sent to the parent within 5 working days and a formal response will be sent to the parent within 30 working days on any decision.

### **Stage 2**

If the parent/guardian is not satisfied by the decision of the Passenger Transport Team, an appeal can be made in writing to the Director of Planning, Transport & Environment. Confirmation of receipt of this second appeal will be sent to the parent within 5 working days. The Director of Planning, Transport & Environment will provide a formal response within 30 working days. Each case will be judged on its merits against the Council's Home to School/College Transport Policy.

### **Stage 3**

Where the application has been refused by the Director of Planning, Transport & Environment, the parent/guardian has one final course of appeal. The appeal must be put in writing to Committee & Member Services. Confirmation of receipt of this final appeal will be sent to parents within 5 working days and a hearing date set within 30 days.

This appeal will be considered by the Council Appeals Committee. The Committee consists of elected members none of whom have a connection with the Passenger Transport Team. The Committee will consider whether the Council has properly applied the Home to School/College Transport Policy. The decision taken is final and binding on both appellant and the Passenger Transport Team. Parents will be notified of the Committee's decision within 7 days of the appeal hearing. If the appeal is rejected the parent/guardian will be advised that there is no further right of appeal.