



# **HOME TO SCHOOL TRANSPORT POLICY**

**2021/2022**

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## 1. WHAT THE COUNCIL HAS TO PROVIDE BY LAW

Parents have the right to say which school they would prefer their child to go to (under section 86 of the School Standards and Framework Act 1998) but the Council only has to provide help with home to school transport in accordance with our legal duties (as explained below). Your child does not automatically have a right to free transport to the school you want them to attend, and it remains the parent's responsibility to make sure their child gets to school.

The Council's policy on home to school transport is based on the current legal requirements as set out below, and the Council reserves the right to amend this policy if our legal duties are changed by any amendments to the law in the future.

### 1.1 Education Acts

Under *section 508B* and *508C* of the Education Act 1996 we must provide free transport to and from school for your child if they are aged 5 to 16 and the distance between your home and the nearest suitable school is greater than the legal 'walking distance' (see sections 1.2 and 2).

We must also provide assistance to children attending the nearest suitable school, who live within the walking distance but do not have any suitable walking route from home to school (see **Appendix A**) and for children who have a medical condition which means they cannot walk to school (see **Appendix B**).

In addition, under the Education and Inspections Act 2006, we must provide certain extra transport for families who have a 'low income' (see section 1.3).

### 1.2 Walking distances

The law says that we must provide free transport to and from school if your child lives more than the legal 'walking distance' from their nearest suitable school. The walking distances are:-

- For a child under eight years old, a distance of more than two miles (3.218688 kilometres) to the nearest suitable school; or
- For a child aged eight or over, a distance of more than three miles (4.828032 kilometres) to the nearest suitable school.

The general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so.

Please see **section 2** for full details of this criterion and how it may apply to your child.

### 1.3 Families who have a low income

Under the Education and Inspections Act 2006 a pupil may qualify for free home to school transport on 'low income' grounds if the child is in receipt of Free School Meals or their family is in receipt of the maximum Working Tax Credit. For full details see **section 3**.

### 1.4 Special educational and disability needs

We have a separate policy for home to school transport for children who have a SEN statement or (from September 2014) an Education, Health and Care Plan that includes school transport.

## 2. WHAT IF MY CHILD LIVES MORE THAN TWO OR THREE MILES FROM SCHOOL?

There are slightly different rules about home to school transport for families qualifying under the 'low income' rules (see Section 3) but for all other families, the council's only obligation, in terms of distance, is to provide free home to school transport for those children who live further from the nearest suitable school than the relevant 'walking distance'.

### 2.1 Pupils who qualify under the 'walking distance' rules

Pupils will qualify for free home to school transport if:

- They are a Blackburn with Darwen resident; and
- They are aged 5-8 years of age and live more than 2 miles from their **nearest** suitable school; or
- They are aged 8-16 years and live more than 3 miles from their **nearest** suitable school.

The nearest suitable school is defined as the nearest school with places available that provides education appropriate to the age, ability and aptitude of the child (and any special educational needs the child may have).

### 2.2 Pupils attending Denominational Schools

The Council previously provided discretionary transport for pupils to attend denominational schools. Following a consultation in 2011, the Council stopped providing discretionary denominational transport to any new applicants. Since September 2012, no travel assistance has been made available to new pupils attending denominational schools (other than secondary school pupils who qualify under the different rules that apply to 'low income' families) (see below).

Parents still have the right to express a preference for a denominational school, but if there is a nearer suitable school that the child could attend, the Council will not provide home to school transport to the denominational school even if it

is further from your home than the statutory walking distance, unless you qualify under the different rules for 'low income families'.

That decision relates to all transport provision/assistance (including mileage reimbursement).

The Council agreed to continue providing transport to existing pupils who were already using that transport as long as (a) their homes were further from the denominational school than the walking distance and (b) they continued to attend that denominational school.

As a result of this decision:

- Parents of a child who has attended a denominational secondary school since July 2012 or earlier, and who continues to meet the criteria for transport provision under the previous school transport policy, will continue to receive transport assistance to that school for that child until he/she reaches the end of Year 11 (or the end of the academic year in which he/she reaches the age of 16).
- Parents of a child who has attended a denominational primary school since July 2012 or earlier, and continues to meet the criteria for transport provision under the previous school transport policy, will continue to receive transport assistance for that child until he/she reaches the end of Year 6.
- There is no entitlement to travel assistance for any younger siblings to attend any denominational school.

### **3 WHAT IF I HAVE A LOW INCOME?**

If you are on a low income i.e. your child is in receipt of Free School Meals or you are receiving the maximum amount of Working Tax Credit then under the Education and Inspections Act 2006, the Council may have to provide free home to school transport, as set out below.

#### **3.1 Pupils who qualify under the 'low income' rules**

Pupils will qualify for free home to school transport if they:

- Are in receipt of Free School Meals or their family is in receipt of the maximum Working Tax Credit; and
- Reside in Blackburn with Darwen; and
- Are Primary pupils who live more than 2 miles away from their nearest suitable school.
- Are Secondary pupils: who are attending any one of the three suitable secondary schools closest to their home (see 3.2), and these schools are more than 2 but no more than 6 miles away from their home;

**or**

- Are Secondary pupils who live more than 2 but no more than 15 miles away from the school in question, which is the nearest suitable school preferred on grounds of religion or belief. We will ask you to give us proof of your religion or belief to support your claim (**See Appendix C** for definitions of religion or belief).

### **3.2 Working out which are your three nearest secondary schools**

If you have a low income and your child is at secondary school, when assessing your application, the Council will not consider:

- faith schools if you do not want your child to go a faith school;
- single-sex schools where this is not appropriate (i.e. a boys' school if your child is a girl, and vice-versa).

### **3.3 Checking you are still entitled to help**

Each year we will check that you still meet our low income criteria and if your child is still entitled to free transport. If your child is no longer entitled to free transport, this will end at the end of the academic year in which the check was made.

## **4. WHAT HELP MIGHT BE AVAILABLE IF I DON'T QUALIFY FOR FREE HOME TO SCHOOL TRANSPORT?**

Section 1 explains what help we have to provide by law. The Education Act 1996 also allows the Council to provide extra help with travel at our discretion.

If your child is not entitled to transport to school, they may still be able to travel on the school buses we run. However, this depends on whether there are places available on the bus. If places are available, you can buy a season ticket for travelling on the school bus for each school term or for the full school year by contacting the Transport Team on 01254 585003.

Individual fare levels and season ticket costs are based on the cost of the school bus contract and are partly subsidised by the council, so fares are likely to be lower than commercial fare levels.

In addition, some schools have agreed to contribute significantly to the cost of their school transport. Pupils travelling over 3 miles to these schools will benefit from the school's contributions as their daily fares will be further reduced.

However, pupils travelling over 3 miles to schools that do not contribute to the cost of their school transport will pay higher daily fares (although they will still have the benefit of the council's subsidy of these services).

## **5 REASONS WHY YOUR CHILD MAY NOT BE ENTITLED TO HELP WITH TRAVEL COSTS TO AND FROM SCHOOL**

### **5.1 Nearest School**

If you are not on a low income the Council will only consider transport to the nearest suitable school.

If you are on a low income then the Council will only consider transport to one of three nearest suitable schools.

### **5.2 Brothers and sisters**

When you are applying for a school place, you have the right to say if you would prefer your child to go to a particular school. If your child has an older brother or sister at the school you want your child to go to, this is an important part in deciding whether they should be offered a school place, but we will not take this into account when we decide whether your child is entitled to transport.

### **5.3 Family links with a school**

When assessing transport eligibility we will not take into account whether your child currently has family members at a school, or whether members of their family have gone to that school in the past.

### **5.4 Financial circumstances**

We will only consider your financial situation if you are on a low income, as set out in **Section 3**.

### **5.5 Single-sex schools**

We will not agree to provide transport just because you would prefer your child to go to a single-sex school.

## **6 HOW DO I APPLY FOR HELP WITH TRANSPORT TO AND FROM SCHOOL?**

### **6.1 Application form**

You should fill in an application form (E7/10) Travelling Expenses for Primary and Secondary School Pupils available by contacting the transport team on 585003.

### **6.2 Renewing travel passes**

Parents are responsible for renewing their child's travel pass every year.

Passes are only issued for up to one school year and must be renewed each year.

The council's transport team try to assist parents to ensure that eligible children do receive travel passes, so if your child has a travel pass, we will send you a renewal form each year. If your child is in Year 6 just about to start secondary school and we think your child is entitled to a travel pass we will send you an application form. However, if you do not receive a renewal form or an application form, **you** must contact the School Transport Team on 585003 before the start of the school year.

### **6.3 Timescales to apply for a travel pass**

It normally takes us up to 10 working days from the date we receive your application to issue your child's pass, but it may take longer in busy periods such as August and September. We recommend that you apply for your child's travel pass in plenty of time before the start of the school year. If you apply late and do not receive the travel pass by the start of the school year, you may have to pay your child's travel fares until you receive the pass, and we may not be able to refund this money. We will only refund any travel fares you have to pay while you are waiting for your child's travel pass if we have caused the delay.

## **7 HOW WILL YOU ASSESS MY CLAIM?**

### **7.1 The area your child lives in**

To be considered for transport to and from school under this policy, your child must live in the Blackburn with Darwen area (i.e. you pay Council tax to this Council).

### **7.2 Legal walking distances**

If your child goes to the nearest suitable school, we will provide transport if they are:

- under eight years old and the shortest suitable walking route is more than two miles (3.218688 kilometres) from the school; or
- aged eight or over and the shortest suitable walking route is more than three miles (4.828032 kilometres) from the school.

### **7.3 Deciding what is your child's nearest school**

The nearest suitable school for your child will be the one:

- which is the closest to your home;
- which can provide suitable education for their age, ability and aptitude;
- where there is a place available.

#### **7.4 Measuring the shortest suitable walking route**

When working out which is your child's nearest school, we will consider the shortest suitable walking route between your home and the school. This may include measuring along roads and bridleways. We will measure from the nearest boundary entrance of your home (for example, your gate) to the nearest entrance to the school which your child can walk to. We will not include your drive or the drive at the school (if this applies) in the measurement. In most cases we will take the measurement using computerised map measurements. If these measurements are close to the mileage limits, we will measure them on foot using a pedometer.

#### **7.5 Working out whether a place is available**

When we are working out whether places are available at a school nearer to your home, we will consider the total numbers of places available at the school before any places are offered. However, if your circumstances have changed significantly since that time, we will consider whether places are available on the date of your application for help with transport to and from school. If you move into a new area or your child changes schools, we will work out if a place is available at the time you apply for a place at the school.

#### **7.6 If there are places at a school nearer to your home**

If, in line with the preferences you gave on your application for a school place, your child is offered a place at a school which is over the legal walking distance away from your home, but there is a place available at a nearer suitable school which is within the legal walking distance from your home, we will not provide transport to the school your child has been offered a place at.

#### **7.7 If there are no places at a school nearer to your home**

If your child is not going to the nearest suitable school, but there isn't a place available at another school within the legal walking distance from your home, we will review your application for help with transport. When we review your application we will consider:

- your circumstances;
- the preferences you gave on your application for a school place and;
- any available places at other schools.

#### **7.8 If you are offered a school that was not one of your preferences**

If your child is offered a place at a secondary school which is not one of the schools you listed as your preferences on your application for a school place, we will provide transport as long as:

- you meet the walking distance condition; and
- there is no place available at a school nearer to your home

## **7.9 If your child is nearly eight years old**

If you live between two and three miles from your child's primary school and we have been providing transport to their primary school while your child was less than eight years old, we will continue to provide this help until the end of the academic year in which your child turns eight years old.

## **7.10 Compulsory school age**

By law, only children ages 5 to 16 are entitled to transport to and from school. We have extended the help we provide, and we have explained this below.

### **Primary schools**

If your child is under five years old and at primary school, as part of our primary admission arrangements, we will provide transport for them as long as they meet all the other relevant conditions.

### **Pre-school**

We will not provide transport if your child is at nursery school or in a pre-school class.

## **7.11 Independent (private) schools**

We do not provide transport if your child goes to an independent school.

## **7.12 Unsuitable routes**

We use the 'shortest suitable route' to decide the nearest school. If we think that the shortest walking route to a school is not suitable for children even when walking with an adult, we will look for a suitable alternative walking route which is less than the legal walking distance to school. If we cannot find a route that is less than the walking distance we will provide transport. If we cannot find a suitable walking route at all, we will provide free transport to the nearest school. The Council will not consider the suitability of a walking route to a school unless the child goes to their nearest school. In **Appendix A** we have explained our guidelines for assessing suitable walking routes.

## **7.13 Definition of 'home'**

If your child lives in two different homes, for example if you are separated from your child's mother or father and the child spends some of the week at their home, we will only provide transport to school from one home address.

## **7.14 Providing transport to medical or other professional appointments or extra-curricular activities**

If your child is entitled to transport from home to school, their travel pass will not normally cover any extra journeys during the school day. For example, they will not be able to use their travel pass to get to medical or other professional appointments, and we will not refund the cost of fares if your child has to take other transport because he/she takes part in extra-curricular activities.

## **8 HOW DO WE PROVIDE TRANSPORT?**

### **8.1 Travel passes**

If your child is entitled to transport to and from school, we will normally provide them with a travel pass for a bus service or a contracted vehicle.

### **8.2 Travel times**

When we are arranging transport, we will try to make sure that your child does not have to travel more than:

- 45 minutes if they are at primary school; or
- 75 minutes if they are at secondary school.

These are one-way journey times.

### **8.3 Pick-up points**

We will arrange transport from points that are reasonably near to your home and your child's school.

### **8.4 Behaviour**

We have the right to take away your child's travel pass if they seriously or persistently misbehave on the way to and from school.

### **8.5 Replacement passes**

If your child loses or damages their travel pass, you will have to pay a £15 charge (or a £5 charge if your child is eligible for Free School Meals or you receive the maximum amount of Working Tax Credit) for a replacement pass.

If your child's travel pass needs amending due to change of address, school, or bus you will have to pay a £15 charge (or a £5 charge if your child is eligible for Free School Meals or you receive the maximum amount of Working Tax Credit) for a replacement pass. If the Council or school has to make changes to the bus pass then this will be free of charge.

You will have to pay your child's travel fares while you are waiting for their replacement pass and we cannot refund this money.

## **8.6 If your child forgets their travel pass**

If your child forgets their travel pass and has to pay their travel fare, we will not refund this money.

## **8.7 If your child is eligible for free transport but does not want to use the bus**

If your child does not want a travel pass, there are some other options that the Council may be able to offer.

### **Bicycles**

If your child is entitled to free transport but wants to use a bicycle to travel the whole or part of the way to school, the Council may pay you an allowance to help with these costs.

### **Motorbike or car allowance**

If there is no suitable public transport or private transport available and you have to drive your child to school, the Council may refund you reasonable travel costs for the whole or part of the journey if your child is entitled to free transport.

**Please** check how this may affect your driving insurance **and** be aware that it is your responsibility to ensure that you have the necessary insurance in place in respect of this.

## **9 WHAT HAPPENS IF YOU ALLOW MY CHILD TO TRAVEL FREE BY MISTAKE?**

If your child is going to school and we find that we are allowing them to travel free by mistake, we will let you know that we have made a mistake and we will give you notice of when we will stop providing free transport. The notice we give you will be for the rest of the term in which we realise we have made a mistake.

## **10 CAN I APPEAL AGAINST YOUR DECISION? – See Appendix D**

If you believe that you should qualify under this policy or you feel that there are exceptional circumstances such that you should have help with your travel costs even though your child is not eligible under this policy, you can appeal against our decision not to provide help with travel costs or against the arrangements we have made. Please see **Appendix D** for full details.

Agreed by the Executive Member – November 2015.

## **HOME TO SCHOOL TRANSPORT POLICY - APPENDIX A**

### **UNSUITABLE ROUTES POLICY**

In cases where the shortest walking route between home and school is within the statutory walking distance and a parent believes that the walking route to the school could be considered unsuitable the Council will, upon a request from the parent, undertake an assessment of the whole route, or those parts of the route which the parent claims are unsuitable. Routes will not be considered for their suitability if they do not meet the criteria listed below. When considering walking routes the Council will take into account footways, verges, walkable roadside strips, footpaths and bridleways. However, the absence of these does not always render a route unsuitable.

The statutory walking distance criteria are:

2 miles or over for pupils under eight years of age.

2 miles or over for primary pupils aged eight to eleven if the pupil is entitled to Free School Meals or his/her parents are receiving maximum amount of Working tax Credit, (until the end of their Y6).

3 miles or over for pupils over eight years of age.

The Council's assessment of the route will consider the following factors.

#### **Alternative Routes**

If the shortest walking route is felt to be unsuitable, but an alternative route or routes are available which may be classed as 'suitable' and which fall within the statutory walking distance criteria, then assistance with travel costs will not be granted.

#### **Accompanied by a suitable adult**

Parents have the primary responsibility for ensuring their child's safe arrival at school. In all cases when assessing the suitability of routes the Council will assume that the child is accompanied, where necessary, by a parent or other responsible person and is suitably clad.

Therefore the existence of the following factors will not usually make a route unsuitable, although they would be taken into account:-

lonely routes

moral dangers

canals, rivers, ditches, dykes, lakes and ponds

railway crossings

routes without street lighting

The responsibility for the child to be accompanied as necessary rests with the parent.

## **Availability of footway, verge, walkable roadside strip, footpath or bridleway**

If these are available then these parts of the route cannot be considered to be unsuitable.

If the width of the roadside footway/verge/roadside strip falls to less than 1m in width and an alternative footway is not available then traffic counts will be necessary at the points where this happens in accordance with the width of the road as shown in the table below.

Where it is necessary to make road crossings to access an alternative footpath or a footway in excess of 1m width, the volume of traffic on the road at those points will be considered taking into account the 'crossing parameters' set out below.

### **Suitable Crossing Points**

When undertaking the measuring of walking distances to school the Council will take into account suitable road crossing points when assessing the suitability of the route.

Where road crossings are necessary it will be assumed that if the half hour two way traffic flow (one way on dual carriageways) is below 240 vehicles per hour, the road should be reasonably able to be crossed.

Conversely, where the half hour two way traffic flow (one way on dual carriageways) is in excess of 700 the road is assessed as being unsuitable to cross, unless there are 'traffic interrupters' (e.g. traffic lights) which provide suitable crossing gaps at reasonable intervals.

Those assessments will not apply if pedestrian islands are provided.

In cases where central pedestrian islands are provided in the centre of the road to assist pedestrian movements and there are no other pedestrian facilities available (i.e. pelican/zebra crossing), traffic flows will only be taken in one direction.

For roads where the half hourly traffic flow is between 240 and 700 vehicles, the ability of being able to cross the road comfortably four or more times in each five minute period would normally indicate a road which is reasonably able to be crossed by an accompanied child. In cases where central pedestrian islands are available the number of crossings will be taken from the island to the footway and vice versa.

The Council will undertake a half hourly traffic count for both the morning and afternoon during school terms to coincide with the times the route would be walked.

When determining the number of vehicles in any time period the following 'passenger car equivalent values' (PCU's) will be used as multiplication factors.

3 pedal cycles	1PCU
2 motor cycles	1PCU
1 car	1PCU
1 LGV (under 3.5 tonnes)	1PCU
1 Bus/Coach	2PCU
1HGV	2PCU

## Roads without Footways

On roads less than 6.5m in width, where there is no public footpath or walkable verge or refuge points and where the traffic exceeds the maximum vehicle numbers per hour relevant to the width of road shown in the table below, these would be deemed unsuitable routes.

In addition if the proportion of Heavy Goods Vehicles (HGV's) using the route is more than 10% of the highest total traffic volume figure, relative to the road width shown in the table below, the route would be deemed unsuitable.

In undertaking the assessment however, if there are verges which may be 'stepped onto' to avoid vehicles, where there is insufficient road width for the vehicle/s to pass, then these parts of the route are not deemed to be unsuitable, unless the number of vehicles exceeds that which corresponds to the appropriate road width shown in the table below.

A step off or verge is a minimum area that a pedestrian could use as a refuge which is defined as 1.5m in length and 0.5m in depth and relatively level.

Where no 'step-off' exists for any part of the route the number of vehicle using the route will be counted at this point in accordance with the road widths shown in the table below.

Acceptable maximum length of single sections of road without verges or refuge before broken by a verge or refuge	Acceptable number of vehicles per hour by road width			
	>3.5m road Width	3.5>4.5m road width	4.5>5.5m road width	5.5>6.5m road width
10m	201-240	301-360	401-480	501-600
15m	161-200	241-300	321-400	401-500
25m	121-160	181-240	241-320	301-400
35m	81-120	121-180	161-240	201-300
55m	61-80	91-120	121-160	151-200
75m	41-60	61-90	81-120	101-150
120m	31-40	46-60	61-80	76-100
160m	21-30	31-45	41-60	51-75
240m	11-20	16-30	21-40	26-50
300m	6-10	9-15	11-20	13-25
500m	1-5	1-8	1-10	1-12

In order to make the assessment the above table will only compare the number of vehicles at those places on the route where the lack of 'step-off' exists.

Example: 4.5>5.5m road width

There are 3 parts of the route where no verge exists.

Part 1 the gap is 15m there were 200 vehicles counted – route suitable

Part 2 the gap is 120m there were 27 vehicles counted – route suitable

Part 3 the gap is 300m there were 21 vehicles – route suitable

Where HGV vehicles (this includes farm vehicles run on rural roads) in the hourly two way traffic count on the un-verged portions of the route are more than 10 in number or where this constitutes more than 10% of the total traffic volume, then the route would be classed as unsuitable, irrespective of whether the traffic volume was reached.

### **Accident Statistics**

If a particular route meets the above criteria as a 'suitable route', the Council will also take into consideration any significant accident data on the route.

### **Re-imburements and Unsuitable Routes**

Where the Council determines that a route is unsuitable, any claims for retrospective re-imburement of travelling expenses will only be backdated to the date the Council determined the route as unsuitable.

In cases where a pupil chooses not to attend their nearest school, travelling expenses to a more distant school on the grounds that the route to that school is deemed to be unsuitable cannot be considered.

### **Modes of Transport**

For pupils who live a considerable distance from a bus route, mainly in rural areas, the Council may ask parents if they would be willing to take their child to the required bus stop. The Council would reimburse parents for the cost of their petrol.

## **HOME TO SCHOOL TRANSPORT POLICY - APPENDIX B**

### **SPECIAL PUPIL CASES**

The Council will consider all circumstances which are relevant for the purpose of facilitating the attendance of a child at school and assistance with transport/travel costs may be given at the discretion of the Director of Children's Services.

Assistance may be granted in the following circumstances.

#### **Short Term Cases (Up to 12 Weeks)**

##### **Medical Needs of the Pupil**

Short term transport may be considered where a child has a short term medical incapacity. Medical evidence will be sought to confirm that the pupil will not be able to access public transport. In these cases the provision will normally be made for a maximum of 12 weeks. In these circumstances the Council will consider the provision of transport even if the pupil is not attending their nearest school.

If transport is likely to be required in excess of twelve weeks the case will be reviewed by the Transport Officer. If it is decided not to extend the transport support, the parents have the right of appeal to the Transport Appeals Panel.

##### **Children whose Parents are unable to accompany their children to school (due to the parent's medical conditions)**

In exceptional circumstances where it is not possible, due to the medical condition of one or both of the parents/carers, for them to accompany a child to school and it is not possible to make suitable arrangements for a family member or friend to accompany a child to school, transport assistance will be considered. Assistance may be provided where the Council believes that some assistance should be given to ensure that the pupil travels to school safely. Any such assistance is subject to satisfactory medical evidence being provided of the parent's condition/incapacity.

The Council will not consider assistance where one parent is unable to accompany the child to school due to work commitments.

In the above cases transport will be provided for up to a maximum of 12 weeks.

##### **Emergency Transport Provision**

In cases where children have been temporarily re-housed due to unforeseen emergency circumstances, transport assistance may be considered provided the distance criteria is met. Assistance would be offered on this basis where it was considered that a pupil would be unable to attend school without support.

Confirmation of the family circumstances will need to be provided by the local council or other agencies.

Assistance will initially be provided up to a maximum of twelve weeks. If transport is required beyond twelve weeks then the case will be reviewed by a Transport Officer.

### **In Year Fair Access Protocol Pupils**

Pupils who are admitted to schools under these arrangements may receive assistance with public transport costs if the walking distance criterion is met irrespective of whether they are attending their nearest suitable school.

### **Pupils changing schools due to a managed move**

Pupils who are admitted to schools under these circumstances are not considered for assistance under the Home to School transport policy unless they are in receipt of low income.

### **Children In Our Care (CIOC)**

Pupils who are in the care of the Council who are placed in short term foster care and who do not meet the statutory criteria for transport assistance are not considered for transport assistance under this policy. Assistance for such pupils is administered under a separate policy.

## HOME TO SCHOOL TRANSPORT POLICY - APPENDIX C

### TRANSPORT TO SCHOOL ON THE GROUNDS OF RELIGION OR BELIEF FOR FAMILIES WHO QUALIFY UNDER THE 'LOW INCOME' RULES

Section 509(4) of the 1996 Education Act (amended by the Education and Inspections Act 2006) places a duty on local authorities in fulfilling their duties and exercising their powers relating to travel to have regard to a parent's religion or belief. However, the Council only has a duty to provide free home to school transport to denominational schools for pupils who qualify for the extended rights provided for 'low income' families.

Under the Education and Inspections Act 2006, 'religion' means any religion and 'belief' any religious or philosophical belief.

It is acknowledged that the definitions of 'religion' and 'belief' are ultimately determined by the courts and there is a substantial body of case law which exists with regard to these definitions.

The Department for Education (DFE) offer the following advice regarding religion or belief in their *Home to School Transport Guidance 2007*

- a) The definition of 'religion'; includes those religions widely recognised such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha'is, Zoroastrians and Janis.
- b) A religion must have a clear structure and belief system.
- c) Equally denominations or sects within a religion may be considered as religions in this context such as Catholicism or Protestantism within Christianity.
- d) 'Belief' may be understood as equating to 'conviction' and must be more than an opinion or idea. It must be genuinely held and parents/carers bear the burden of showing that it constitutes the reason for placing their child at a given school, or not placing them at a particular school.

The DFE consider that the following examples **do not** meet the requirements for the provision of transport on faith or philosophical grounds:

- the wish to have a child educated at a particular type of school (for example a grammar school)
- the wish for a child to be taught in a particular language
- a belief that a child should be privately educated
- objections to rules requiring that a school uniform be worn
- the belief that a particular school will provide a better level of education

## **HOME TO SCHOOL TRANSPORT POLICY - Appendix D**

### **APPEALING A HOME TO SCHOOL TRANSPORT DECISION**

**There are two stages to this process**

#### **Stage One: Review by a senior officer**

- A parent has 20 working days from receipt of the Council's home to school transport decision letter to make a written request asking for a review of the decision.
- The written request should detail why the parent believes the decision should be reviewed and give details of any personal /family circumstances the parent believes should be considered when the decision is reviewed.
- Within 20 working days of receipt of the parent's written request a senior officer reviews the original decision and sends the parent a detailed written notification of the outcome of their review.

#### **Stage Two: Review by an independent appeal panel**

- A parent has 20 working days from receipt of the Council's stage one written decision notification to make a written request to escalate to stage two.
- Within 40 working days of receipt of the parent's request the Council's Transport Appeals Panel will consider any written/verbal representations from both the parent and officers involved given to them in support of your case and gives detailed written notification of the outcome within 5 working days.
- The Transport Appeals Panel is made up of Councillors independent of the original decision making process.
- Appeal forms are available on the Council's website or by contacting the school transport team on 01254 585003.

### **Local Government Ombudsman**

There is a right of complaint to the Local Government Ombudsman if the complainant considers that there was a failure to comply with procedural rules or if there are other irregularities in the way the appeal has been handled.

How to escalate your complaint will be detailed in correspondence from the Transport Appeals Panel.

**HOME TO SCHOOL TRANSPORT POLICY: FLOWCHART OF THE REVIEW/APPEALS PROCESS**

