

Home to School and College Transport Policy 2022/2023

including:

- **Compulsory school age pupils**
- **Pupils with Special Educational Needs and Disabilities**
- **Post 16 students**

Contents

1. INTRODUCTION	4
SECTION 1 Home to School Transport for Pupils of Compulsory School Age	5
2. THE LEGAL FRAMEWORK	5
3. HOME TO SCHOOL TRANSPORT POLICY	8
3.1. General Home to School Transport – Eligibility	8
3.2. Travel Arrangements	10
3.3. Other Schools	10
4. EXCEPTIONS	11
5. ORGANISATION OF TRANSPORT	12
5.1. Types of Vehicles Used	12
5.2. Pick Up Points	12
5.3. Proof of Entitlement	12
5.4. Journey Times	12
5.5. Escorts	12
5.6. Exceptions to the Provision of Free Transport	13
5.7. Transport Granted in Error	13
6. MONITORING OF THE PERFORMANCE CONTRACTS	13
SECTION 2 Home to School and College Transport for Children and Young People 0-25 Years with Special Educational Needs and Disability	14
7. INTRODUCTION AND LEGAL FRAMEWORK	14
7.2. Minimum Level of Transport Provision	14
7.3. Modes of Transport can Include	14
7.4. Maximum Journey Time for Children Travelling on a Daily Basis	15
7.5. Escort Provision	15

7.6. Special Facilities in Vehicle	15
7.7. Escorts	15
7.8. Children and Students aged 16-19 (up to 25 in some cases) with Special Educational Needs and Disability	16
7.9. Further Information	16
SECTION 3 Home to School, College or Provider for Young People over 16 Years Old	18
8. INTRODUCTION AND LEGAL BASIS	18
SECTION 4 Additional Information	21
9. REMOVAL OF TRAVEL ARRANGEMENTS	21
10. APPEALS	21
11. USEFUL CONTACTS	23
11.1. Post 16 Learning Provider Contact Details	24

1. INTRODUCTION

- 1.1. This policy is to support the attendance at qualifying schools of eligible children who are of statutory school age by the provision of free transport. This is set out in Section 1.
- 1.2. Secondly, this policy is also to support the attendance of children and young people with special educational needs and disabilities from 0 – 25 years at schools and colleges through the provision of transport. This is set out in Section 2.
- 1.3. Thirdly, this policy sets out the support that is available to support the attendance of young people over 16 in their schools, colleges and providers, through the provision of transport. This is set out in Section 3.
- 1.4. Finally, Section 4 sets out some general arrangements about removal of travel arrangements, appeals and links for further information.
- 1.5. The legal responsibility for ensuring that a child attends school rests with the parent/carer. The Council has a duty in some cases to support parents/carers with transport to school.
- 1.6. This policy document describes how the Council interprets its duty and applies its powers in the area of home to school or college transport. The arrangements apply only to Children resident in Hull, or deemed by legislation to be the responsibility of the Council.
- 1.7. This policy is written in line with the Corporate Equalities Plan, which seeks to value diversity and promote equality through practice and procedures.

SECTION 1 Home to School Transport for Pupils of Compulsory School Age

2. THE LEGAL FRAMEWORK

- 2.1. The legislation which places a duty on the Local Authority to provide free home to school transport is contained principally in the Education Act 1996 as amended by later legislation including the Education Act 2002 and the Education and Inspections Act 2006.
- 2.2. Local authorities have a duty to provide free home to school transport for eligible children of compulsory school age living in the local authority's area. There is no legal obligation to provide free transport for children who are below or above compulsory school age.
- 2.3. Compulsory school age is defined in section 8 of the Education Act 1996 and in associated regulations. Children reach compulsory school age in the school term in which they reach their fifth birthday.
- 2.4. A child reaches the end of compulsory school age on the last Friday in June in the school year in which the child reaches sixteen years of age.
- 2.5. The principal legal reason for the duty to provide home to school transport is to ensure that the local authority can enforce school attendance. Parents are responsible for ensuring that their child attends school regularly. However, Section 444(3B) of the 1996 Act states that the child shall not be taken to have failed to attend regularly at the school if the parent proves that:

“... the local authority has a duty to make travel arrangements in relation to the child under Section 508(1) for the purpose of facilitating a child's attendance at the school and have failed to discharge that duty.”
- 2.6. Section 508B of the 1996 Act sets out the duty to provide free travel arrangements for 'eligible children' to 'qualifying schools'. Where a child is eligible to free transport, no charge can be made in connection with free travel arrangements in any respect.
- 2.7. Home to school transport only has to be provided to get the child to and from their registered school for the beginning and end of the normal school day. Local authorities are not responsible for providing transport for journeys during the course of the day between educational institutions, to a work placement or to help a child attend a course outside the times of the normal school day.
- 2.8. A local authority is not under a statutory duty to provide free transport for a child below compulsory school age who is on roll in the Reception year group and is attending full time at a school. The obligation to provide free transport for eligible children only takes effect when the child reaches compulsory school age.
- 2.9. The following references represent a basis for the legal framework within which travel assistance is provided:
- 2.10. Case law has considered that Section 509 and Section 444 of the Education Act 1996, together define walking distance and entitlement to transport for Children of compulsory school age.
- 2.11. Section 508B of the Education Act 1996 (inserted by Education and Inspections Act 2006) deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.

2.12. The provisions set out in this policy include places other than schools where a child is receiving education by virtue of arrangements made under Section 19 (1) of the Education Act 1996 by the Local Authority.

2.13. Eligible children

Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (5-16) in an authority's area for whom free travel arrangements will be required.

2.13.1. Statutory walking distances eligibility. The Local Authority must:

- provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is:
 - beyond 2 miles (if below the age of 8); or
 - beyond 3 miles (if aged between 8 and 16)

2.13.2. Special educational needs, disability or mobility problems eligibility. The Local authority must:

- make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability

Eligibility, for such children should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability.

2.13.3. Unsafe route eligibility. The Local Authority must:

- make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk.

2.13.4. Extended rights eligibility. The Local Authority must:

- provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit if:
- the nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11);
- the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);
- the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).

2.13.5. Universal Credit

There is no statutory duty on Local Authorities to consider receipt of Universal Credit itself in determining eligibility for Extended Rights to Home to School Transport under section 2.13.4.

However, currently, pupils in households that receive any level of Universal Credit are eligible for free school meals and it is this eligibility for free school meals specifically that entitles them to extended rights to free home to school transport under section 2.13.4.

A parent who transfers from Maximum Working Tax Credit onto Universal Credit, will retain eligibility for extended rights (subject to distance criteria, etc in section 2.13.1) as they will automatically become eligible to Free School Meals subject to a family registering their eligibility through Hull City Council.

Eligibility under Universal Credit will be reviewed as and when there is further Guidance from the Department for Education.

2.14. Distance

- 2.14.1. Distance measurement for the 2 and 3 mile statutory walking distances. The distance measured is the shortest available route from the point at the child's normal place of residence where the child joins the public road network (for example, the front gate) to the nearest approved entry point to the school site.
- 2.14.2. The distance will be measured on a computerised GIS mapping system using Ordnance Survey information. The courts have defined an 'available route' as one "along which a child accompanied as necessary can 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."
- 2.14.3. The guidelines produced by the Local Authority Road Safety Officers Association will be used to determine whether or not a route is an available home to school walking route. In determining the availability of the route, the Authority will take into account any restrictions on a parent's ability to accompany their child imposed by any disability the parent may have.
- 2.14.4. For children from low income families who are aged 8, but under 11, the distance measurement will be the same as the statutory walking distance.
- 2.14.5. For children from low income families, the 6 mile upper limit and the 15 mile upper limit distance measurement shall be determined using a route suitable for a motorised vehicle. Such a route cannot include any part which cannot be accessed by a motorised vehicle.

2.15. Ordinary place of residence

The child's place of residence will be deemed to be the residence at which the child resides during the normal school week at the closing date for receiving applications for admission to school during the normal admission round. Where the child subsequently moves address the eligibility for free home to school transport will be re-determined.

2.16. Qualifying schools are:

- Academies and free schools
- community, foundation or voluntary schools
- pupil referral units
- city technology colleges, city colleges for the technology of arts and university technical colleges
- qualifying school also includes places other than a school at which a pupil might receive education under section 19(1) of the Education Act 1996.

2.17. Other definitions

- 2.17.1. 'Nearest' is determined in a straight line from the front entrance of the child's normal place of residence to the main entrance of the school
- 2.17.2. 'Suitable' means a qualifying school or other place of education recognised by the Council which provides education appropriate to the age and ability of the child and has a place available at the time of allocation.
- 2.17.3. 'Low Income Family' is defined where a child is entitled to Free School Meals or where one of the child's parent/carer is in receipt of their maximum level of Working Tax Credit. Confirmed eligibility in respect of entitlement to free school meals or maximum level of Working Tax Credit will be for the entirety of the academic year for which the assessment has been made.
- 2.17.4. 'Religion' is defined for the purposes of these duties as 'any religion', a broad definition in line with the freedom of religion guaranteed by Article 9 of the European Convention on Human Rights. It includes those religions widely recognised such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha'is, Zoroastrians and Jains. Denominations or sects within a religion can also be considered as a religion or religious belief such as Roman Catholics or Protestants within Christianity.
- 2.17.5. 'Belief' is defined in line with The Equality Act for the purposes of these duties as any religious or philosophical belief with a certain level of cogency, seriousness, cohesion and importance, and worthy of respect in a democratic society, and not be incompatible with human dignity or the fundamental rights of the child.

Further information in respect of eligibility and/ or religion or belief is available from the Children, Young People and Family Services, **Hull City Council, Brunswick House, Strand Close, Hull HU2 9DB. Tel (01482) 300300.**

3. ELIGIBILITY

- 3.1 The table below shows the eligibility for free home to school travel assistance applied under this policy

	Age / Type of Child (ages at 1st September each	Eligibility	Notes
3.1.1	Children aged under 5 years – see notes	None	Children reach compulsory school age for the school term following their fifth birthday

3.1.2	Children aged from 5 to 11 (Reception to Year 6)	Free transport to the nearest suitable school if it is more than two miles walking distance from home.	
3.1.3	Children aged from 11 up to 16 (Year 7 to Year 11)	Free transport to the nearest suitable school if it is more than three miles walking distance from home.	
3.1.4	Children from low income families aged 11 up to 16 (years 7 to 11)	Free transport to one of the three nearest suitable schools if it is more than two miles by the shortest available walking route and up to six miles away, or the nearest school preferred by reason of a parent/carer's religion or belief if it is more than two miles by the shortest available walking route and not more than 15 miles away.	
3.1.5	Children living within the statutory walking distance but who are unable to walk in safety to school because of their Special Educational Needs, physical disability or mobility problems.	Free transport to the nearest suitable school as determined by the Council.	This includes temporary medical and physical conditions for the duration of that condition and those supported by an Education, Health and Care Plan (formerly a Statement of Special Educational Needs)
3.1.6	Children living within the statutory walking distance but who are unable to walk to school in reasonable safety even when accompanied because of the nature of the route.	Free transport to the nearest suitable school as determined by the Council.	Safety of routes is determined by the Council's Road Safety Officer and can be reviewed on request

Notes: The Council is not required to provide transport support for primary aged children attending schools preferred by reason of a parent's religion or belief.

Transport assistance will normally be via a free bus pass to be used on either commercial service buses or buses which have been specifically contracted for school journeys.

3.2 Travel Arrangements

- 3.2.1. Where a child is entitled to receive free travel assistance this is for the journey at the start and end of the school day. It does not include travel between education institutions during the day, or to placements other than those at which the child is registered.
- 3.2.2. In respect of free transport provided for low income households, the entitlement will be reviewed annually and withdrawn if the household no longer meets the criteria for free transport.

3.3 Other Schools

- 3.3.1. The Council recognises its obligations under the relevant Education Acts to comply with parental preferences regarding choice of school.
- 3.3.2. Owing to the need to maximise the efficient use of resources, however, the Council is only prepared to provide free or subsidised transport, in accordance with the criteria detailed above. The Council considers that any other arrangement would lead to excessive expenditure and would prejudice efficiency in the provision of education and the use of resources.
- 3.3.3. Accordingly parents/carers wishing to apply for places in schools other than those detailed above should do so knowing that free or concessionary transport will not be available, regardless of the distance involved.
- 3.3.4. Although each child's application will be considered individually, in the absence of meeting the detailed criteria or exceptional circumstances relating to such applications, it is not anticipated that the Council will be under any obligation to assist with the cost of transport involved. The Authority does however have an appeals procedure – see Section 4, Part 10, Appeals.
- 3.3.5. A child of compulsory school age with an Education, Health and Care Plan (formerly a Statement of Special Educational Needs) may have transport arrangements agreed. Further information is given in Section 2.
- 3.3.6. Nursery Transport assistance for a child under compulsory school age with an Education, Health and Care Plan (formerly a Statement of Special Educational Needs) will be determined in accordance with Section 2. Other than for a child with an Education, Health and Care Plan, no assistance with transport shall be given to a child under compulsory school age.

4. EXCEPTIONS

4.1. Medical Transport

Children with a medical condition who are fit to attend school but are unable to do so because they are unable to walk or are unable to travel by their normal means of transport may be considered for free transport whilst that condition persists.

Applicants for such assistance are required to complete the exceptional travel assistance application stating the particular reasons for the request which must include written medical evidence (e.g. letter from GP/Consultant/Hospital).

Parents/carers are advised that all cases of transport assistance granted on medical grounds will be reviewed within the time specified when the award is made due to the exceptional nature of its provision.

4.2. Pupil Referral Units (PRUs) and Managed Moves

Children of compulsory school age attending PRUs or in managed moves that are commissioned by the local authority will be considered in line with the eligibility set out in table 3.1. In exceptional circumstances the PRU or recognised educational establishment agreed for the child can apply for assistance. The exceptional travel assistance application for such assistance should be completed by the Head Teacher stating the particular reasons for the request.

For children and young people placed in PRUs or other alternative provision by a school or academy, any support for home to school transport will be the responsibility of the placing school.

4.3. Special Circumstances

Free transport for other reasons may be agreed for exceptional reasons, particularly in cases of children whose education may be severely disrupted because of the effect of being taken into the care of the local authority, are on a temporary traveller site or if their home life has been severely disrupted. Each case will be considered on an individual basis. Applicants for such assistance are required to complete the exceptional travel assistance application stating the particular reasons for the request together with supporting evidence wherever possible, e.g. letter from a social worker.

4.4. Permanently Excluded Children

Free transport may be granted in accordance with statutory criteria for a child who has been permanently excluded from school to facilitate travel to an alternative school or PRU determined by the Council.

5. ORGANISATION OF TRANSPORT

5.1. Types of Vehicles Used

The School Transport Team shall arrange for the use of buses, coaches, minibuses, Hackney Carriages, licensed private hire cars and private cars to facilitate the provision of home to school transport. The mode of travel selected for each child will be at the sole discretion of the School Transport Team.

5.2. Pick Up Points

Children are expected to walk a reasonable distance to the transport picking up point and a similar distance on their return from school. Children are also expected to walk a reasonable distance from the setting down point to the school entrance and a similar distance on the return journey at the end of the school day. The picking up and setting down points will generally be at marked bus stops. Children will be set down in an afternoon at the point where they were picked up. In the interests of road safety the Council's Road Safety Officer or an appropriately qualified officer will be consulted if picking up points are changed or if complaints about the siting of pick up points are received.

5.3. Proof of Entitlement

All children entitled to free travel assistance that travel on contract or service vehicles will be issued with a free travel pass and they must produce this when boarding the transport. A fee is payable for issuing a replacement pass if required.

5.4. Journey Times

Where transport is provided by the Council, the School Transport Team will make all reasonable efforts to ensure children are travelling for the shortest period of time and in most cases arrive at school not more than twenty minutes before the start of the school session time. At the end of the normal school day transport will normally leave ten minutes after the end of the school session time.

Whilst accepting in most cases children will be transported by the most direct route the local authority reserves the right to ensure its resources are used efficiently. Some children therefore may have a longer, indirect journey. In any case no journey shall be expected to be over 45 minutes for a child at primary school and 75 minutes for a child at secondary school.

5.5. Escorts

Escorts are not normally provided for children attending primary and secondary schools.

5.6. Exceptions to the Provision of Free Transport

Free transport will not normally be organised for children staying after normal school session times for extracurricular activities, children attending work experience placements and children attending nursery schools and units.

5.7. Transport Granted in Error

If the local authority grants free travel assistance in error it may withdraw the facility at the end of the academic year after giving one terms notice in writing to the parents.

6. MONITORING OF THE PERFORMANCE OF CONTRACTS

- 6.1. The performance of all home to school transport contracts will be closely monitored by the School Transport Team to ensure efficient safe operation and that the Council is receiving value for money.
- 6.2. The School Transport Team will investigate all complaints in line with the Council's complaints procedure about all home to school transport it organises as quickly as possible.

SECTION 2 Home to School and College Transport for Children and Young People 0-25 Years with Special Educational Needs and Disabilities

7. INTRODUCTION AND LEGAL FRAMEWORK

- 7.1. The Department for Education (DfE) Special Educational Needs and Disability Code of Practice 0-25 Years provides advice to local authorities, schools and other agencies. There is a statutory duty to have regard to the code for all agencies to which it applies. The Code advises that where a parent's preferred school is further from the child's home than another appropriate school, it is open to the local authority to name the nearer school, as this is compatible with the efficient use of resources. Equally it is open to the local authority to name the school preferred by parents provided the parents meet the transport costs.

If it is decided during the assessment process that transport is necessary to meet the child's needs, this should be clarified but will not normally be included in the Education, Health and Care Plan. The Code states that it should only be in the plan in exceptional circumstances.

A record of the transport arrangements should be made and this should be reviewed at least annually, as part of the Plan review, and at other times should circumstances change.

Any specific transport requirement, e.g. special seating, provision of escort, is identified when the referral for transport is made by the Special Educational Needs team.

If transport is not specified as a special educational need, the local authority must consider transport under the general criteria as for other children.

7.2. **Minimum Level of Transport Provision**

The needs of each individual child are specific to the child and when organising home to school transport for that child the School Transport Team will attempt to meet those needs. In many cases where appropriate it will be expected that children will share transport to maximise cost effectiveness.

In all cases the child or student's needs will be reviewed and if necessary, reassessed at each annual review of the Plan where it is decided that:

- a transport need is now required,
- a transport need previously identified should be modified,
- transport is no longer required

7.3. **Modes of transport can include**

Walking Escort (rather than provision of a vehicle), double decker buses, coaches, minibuses, Hackney Carriages, licensed private hire cars and private cars, as well as bus passes. The nature of provision will depend upon individual needs and the efficient use of resources.

7.4. Maximum journey time for Children travelling on a daily basis

The School Transport Team will endeavour to arrange journey times of one hour or less but the age and the general health of each individual child should be taken into account. For children attending out of authority residential schools, journey times will be dependent upon attendance at the school deemed to meet their special educational needs and may exceed one hour.

7.5. Escort provision

For children with special educational needs the provision of an escort will be individually determined. Where it is determined that a child does require an escort that requirement will be reviewed on an annual basis. Children with emotional and behavioural difficulties will not normally be escorted unless requested by the Head Teacher and agreed by the relevant Assistant City Manager.

7.6. Special Facilities in Vehicle

No special facilities will be included in transport arrangements unless individual special or medical needs determine otherwise. These may include tail lifts or ramps for wheelchairs, a facility to restrain wheelchairs to the floor of the vehicle and for securing wheelchair occupant. Only one item of hand luggage will be transported except by prior arrangements.

7.7. Escorts

- 7.7.1. The School Transport Team shall provide an escort, if required, on home to school transport organised for children with special educational needs and disabilities. All escorts will have an “enhanced” DBS disclosure and carry an identification badge at all times.
- 7.7.2. The provision and allocation of escorts to individual routes will be reviewed at the beginning of each academic year and at other times when the need arises. In all cases the final decision lies with the School Transport Team.
- 7.7.3. Escorts are responsible for the care, supervision and reasonable behaviour of children whilst being transported to and from school in line with the school behaviour policy and should oversee the children’s conduct and safety in such a way that the driver is unhindered in his or her duties. They will not normally be expected to leave a vehicle to collect a child from the child’s home or leave a child unsupervised in a vehicle. It is the parent/carer’s responsibility to accompany their child to the vehicle.
- 7.7.4. However, discretion will be used if the parent/carers are genuinely unable to undertake this function themselves.
- 7.7.5. Should an escort find a parent not at home when the child is taken home and they are unaware of an alternative address to take the child they should contact the School Transport Team for further instructions.

- 7.7.6. Guidance and training including emergency aid, shall be provided to escorts by the local authority. More specialist training may be given if required, however escorts will not normally administer medicines. An ambulance will be called in emergencies.
- 7.7.7. It is the responsibility of the escort to report immediately to the School Transport Team any irregularities or changes concerning the operation of the home to school transport route on which they are travelling.
- 7.8. **Children and Students aged 16-19 (up to 25 in some cases) with special educational needs and disabilities**
- 7.8.1. Children and young people over compulsory school age with an Education, Health and Care Plan attending provision may be provided with transport in line with the authority's policy for Post 16 Transport as set out in Section 8.
- 7.8.2. If it is decided during the assessment or review process that transport is necessary to meet the young person's needs, this should be clarified but will not normally be included in the Education, Health and Care Plan. The Code states that it should only be in the plan in exceptional circumstances.
- 7.8.3. A record of the transport arrangements should be made and this should be reviewed at least annually, as part of the Plan review, and at other times should circumstances change.
- 7.8.4. Any specific transport requirement, e.g. special seating, provision of escort, is identified when the referral for transport is made.
- 7.8.5. In exceptional circumstances, travel assistance to an establishment outside the city may be considered, but only where the course offered is not available within the city.
- 7.8.6. There is no requirement for the Authority to provide this transport free of charge. An annual charge will be made, at a rate determined by the Council, to contribute towards the cost of providing the transport. The current rate (2022/23) is £370 per annum.
- 7.8.7. The Post 16 Transport Policy is reviewed annually and published by 31 May each year.
- 7.9. **Further Information**
- 7.9.1. **Contacts**
- The School Transport Team will advise parents of children with special educational needs who are being transported, of the name and telephone number of the contractor (if applicable), the name of the escort (if applicable) and the name and office telephone number of the contact in the School Transport Team organising their child's transport.
- 7.9.2. **Parental Responsibility**
- Should a child be unable to walk, it is the parent/carer's responsibility to carry their child or take a wheelchair between their home and the vehicle. However, should a parent/carer genuinely be unable to undertake this function the escort will assist.
- If a child is deemed to need an escort on a journey then it is the parent/carers responsibility to ensure that the child is taken to and met from the vehicle.

It is the parent/carers responsibility to advise the Education Transport Team of an alternative address to be used in an emergency and or advise of any changes which may affect their child's transport (such as a change of address).

7.9.3. Independence Training

As part of a child or young person's independence training for adult life, schools will encourage pupils and students to travel to school independently. Sometimes this will be done with external support. This will be done in consultation with the parents and will be kept under constant review. Where a child/student does move to independent travel they will be entitled to receive a free bus pass.

7.9.4. Out of Authority Residential Schools

The provision of transport at the beginning and end of each half term period to out of authority residential schools will be coordinated centrally to ensure the most efficient use of resources.

7.9.5. Short Breaks

Some children with special educational needs and disabilities for whom transport is being organised are allocated a short break away from home. The necessary transport to and from school from the placement (instead of home) may be arranged by the School Transport Team. It is the responsibility of the child's social worker to make the initial referral so that arrangements for transport can be arranged.

7.9.6. Home to School Transport Contract Length

Home to school transport contracts for children with special educational needs will be reviewed annually. Although it is accepted that continuity of a home to school contractor is good practice; it is very rare that a contract route remains constant for its full period. Changes may need to be made to either the contracted route, or the contractor, or both.

SECTION 3 Home to School, College or Provider Transport for Young People over 16 Years Old

8. INTRODUCTION AND LEGAL BASIS

- 8.1. Local authorities have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or otherwise that the authority considers it necessary to make, to facilitate the attendance of all persons of sixth form age receiving education or training.
- 8.2. This duty is set out in Section 509AA of the Education Act 1996, and the intention is twofold:
- ensure that learners of sixth form age are able to access the education and training of their choice
 - ensure that, if support for access is required, this will be assessed and provided where necessary
- 8.3 Hull City Council aims to ensure that there are no barriers to accessing education and training opportunities to students of sixth form age resident in Hull (and up to 25 years in certain circumstances).
- 8.4 Hull is a geographically small city with a wide range of education and training providers providing adequate access for almost all post 16 learners. There are commercial public service buses available across that will meet the needs of nearly all learners. The bus companies (mainly EYMS and Stagecoach) offer a range of discounted fares. Details will be on the websites.
- 8.5 **Eligible Providers**
- The authority does not differentiate between providers or institutions in its arrangements. The arrangements provide for learners of sixth form age who are engaged in learning or training at:
- a school or academy
 - a further education or sixth form college
 - an authority maintained or assisted institution providing higher or further education
 - an establishment funded directly by the Education Funding Agency
 - a learning provider that is funded by the local authority to deliver accredited programmes of learning which lead to a positive outcome.
- 8.6 Local schools, colleges and training providers may provide support through various funds, including 16-18 bursary funding. This could be in the form of subsidies or travel cards. Learners will need to contact the provider for details of their schemes. A contact list is included in Section 4.
- 8.7 The authority expects most young people of sixth form age to manage their own transport needs to school, college or provider, including the costs of this. The first place a young person should look to for financial support should be the establishment attended.

8.8 Young people aged over 16 with special educational needs and disabilities

Support is available to young people who have Education, Health and Care Plans aged 16-19 (up to 25 in certain circumstances). Details of this are set out in Section 2, particularly 7.8.

It should be noted that there is a charge for this transport, currently set at £370 (2022/23) and annually reviewed.

8.9 Young People with Exceptional Circumstances

Any young person, particularly a vulnerable young person or one at risk of social exclusion, can apply for assistance with travel using the Exceptional Needs Travel Assistance Request form. All applications for assistance will be considered on their individual circumstances and needs.

It should be noted that there is a charge for this transport, currently set at £370 (2022/23) and annually reviewed.

8.10 Appeals

Any student who wishes to appeal or complain against a decision in relation to support for travel assistance should follow the procedure set out in Section 4, part 10.

There is no appeal against the charge which is set annually by the Council based on the cost of public transport around the city.

SECTION 4 Additional Information

9. REMOVAL OF TRAVEL ARRANGEMENTS

- 9.1. The Department for Education (DfE) Guidance for Schools on SCHOOL DISCIPLINE AND BEHAVIOUR POLICIES states that schools have a statutory power to regulate the behaviour of Children when off school premises.
- 9.2. Any incidents of misbehaviour on home to school transport must be reported by the operator / escort to the School Transport Team at the earliest opportunity, the School Transport Team will then in turn contact the school.
- 9.3. The local authority in partnership with the school may consider withdrawing the provision of travel assistance where it is considered that a child has demonstrated serious or regular misbehaviour whilst using that transport such as
 - to put at risk the driver of the vehicle or other passengers;
 - use of threatening or violent language; or
 - damage to the vehicle.
- 9.4. The withdrawal of travel assistance will be either:
 - Temporary – this is defined as a specified number of weeks; or
 - Permanent – this is defined as the remainder of the school year
- 9.5. The withdrawal of travel assistance (either temporary or permanent) for a particular child shall not imply that travel arrangements were not necessary and should not be provided. The withdrawal would be saying travel arrangements were necessary and had been made, but that the child's behaviour was such that they cannot take advantage of it.
- 9.6. Parents/carers will be informed in writing of any such incident outlining any action to be taken. If a child causes damage on a vehicle this could result in the requirement to pay for any damage caused.
- 9.7. The local authority recognises the obligation of home to school contractors to the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990. However it feels that on no account should a child be put off a vehicle at a point other than the child's school or normal set down point.
- 9.8. Nothing in this policy prevents the operator of a commercial service to exclude a child if they demonstrate poor behaviour as set out above.

10. APPEALS

- 10.1. Any parent/carer who makes an application for free travel assistance under the provisions set out in the Council's Policies and that application is refused will have the right to appeal the decision.
- 10.2. The appeal procedure is set out below.

- 10.3. The parent/carer will be requested to submit a Stage 1 letter of appeal within 20 working days together with supporting evidence if applicable outlining the grounds for appeal. The appeal should be on the basis of:
- Entitlement
 - Distance measurement
 - Route safety
 - Consideration of exceptional circumstances (Section 4)
- 10.4. Upon receipt of a written letter of appeal explaining the exceptional circumstances as to why the Authority should consider providing assistance with transport outside of policy (together with any supporting evidence) the matter will be presented to a more senior officer not involved with the original decision.
- 10.5. The senior officer will review the decision and respond to the parent/carer within 20 working days of receipt of the appeal. If the appeal is rejected at this stage the response will be provided explaining the reasons for the rejection.
- 10.6. If the applicant remains unsatisfied there can be a Stage 2 appeal to an independent panel to determine whether support will be provided. This appeal must be submitted within 20 working days of receipt of the Stage 1 rejection letter.
- 10.7. The documentation including the reasons for the original refusal and any further information will be presented to an independent panel that will consist of Councillors who have had no involvement in the decision making so far. This review will take place within 40 days of the Stage 2 appeal being submitted.
- 10.8. The decision will be either to uphold the original decision and not to provide free travel assistance or to reverse the original decision and provide free travel assistance will be sent within 5 working days of the panel's consideration.
- 10.9. Parents will be advised of the possible escalation to the Local Government Ombudsman or Department for Education in relevant circumstances.

Further information is available from the Children, Young People and Family Services, **Hull City Council, Brunswick House, Strand Close, Hull HU2 9DB. Tel (01482) 300300**

DISCLAIMER

Although the information relating to Home to School Transport arrangements in this policy for the academic year 2022/2023 was correct in relation to that year at 1st February 2022 it should not be assumed that there will be no change affecting these arrangements either before the start of, or during, the academic year 2022/2023 or in relation to subsequent academic years.

11. USEFUL CONTACTS

SEN Transport Coordinators Hull City Council	The Guildhall, Alfred Gelder Street, Hull, HU1 2AA Tel (01482) 615108 Website: www.hull.mylocaloffer.org
School Admissions Team Hull City Council	The Guildhall, Alfred Gelder Street, Hull HU1 2AA. Tel (01482) 613857 Website: www.hull.gov.uk
Special Education Needs Team Hull City Council	Brunswick House, Strand Close, Beverley Road, Hull. HU2 9DB Tel: (01482) 616 364 Website: www.hull.gov.uk
Bus Call	Tel: (01482) 222222 for information on bus services in Hull
Hull City Council	Tel: (01482) 300300 for general enquiries

11.1. Post-16 learning provider contact details for Hull and the East Riding can be found on at www.logonmoveon.co.uk/