

Neath Port Talbot County Borough Council

Home-to-school Travel Policy

This policy needs to be read in conjunction with The Learner Travel (Wales) Measure 2008; The Learner Travel Statutory Provision and Operational Guidance 2014; The Learner Travel Information (Wales) Regulations 2009; The Safety on Learner Transport (Wales) Measure 2011: and the All Wales Travel Behaviour Code

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Neath Port Talbot County Borough Council

Home-to-school Travel Policy

Context

1. Neath Port Talbot County Borough Council¹, as the local authority for the area is responsible for assessing the suitability of travel for learners between home and places of education and training.
2. This policy reflects the home-to-school travel duties and requirements that fall to the Council by virtue of the Education Act 1996; The Learner Travel (Wales) Measure 2008; The Learner Travel Statutory Provision and Operational Guidance 2014; The Learner Travel Information (Wales) Regulations 2009; The Safety on Learner Transport (Wales) Measure 2011: and the All Wales Travel Behaviour Code.
3. The Learner Travel (Wales) Measure 2008² sets out the legal framework specifically related to travel and transport provisions for learners travelling from home-to-school in Wales. The following paragraphs summarise some of the provisions of that Measure. The Measure should be referred to in full for further detail and this policy should not be relied on in place of the wording of the Measure itself.
4. The Measure places a duty on the Council to:
 - Assess the needs of learners who are ordinarily resident in its area for suitable travel arrangements each day to and from the relevant places where they receive education or training.
 - Provide free suitable transport or pay the whole of the reasonable travel expenses for learners of compulsory school age who are ordinarily resident in the Council's area and receive primary education at a maintained school, pupil referral unit, independent school named in their Special Educational Needs Statement or non-maintained special school, where there is no safe available walking route of less than **2 miles** from their home to their place of education and the Council has not made arrangements for them to become a registered pupil at a nearer suitable place of education or for suitable boarding accommodation.

¹ Hereafter referred to as the 'Council'

² Hereafter referred to as the 'Measure'

- Provide free suitable transport or pay the whole of the reasonable travel expenses for learners of compulsory school age who are ordinarily resident in the Council's area and receive secondary education at a maintained school, pupil referral unit, independent school named in their Special Educational Needs Statement or non-maintained special school, where there is no safe available walking route of less than **3 miles** from their home to their place of education and the Council has not made arrangements for them to become a registered pupil at a nearer suitable place of education or for suitable boarding accommodation.
 - Where the child is looked after by the local authority, provide free suitable transport or pay the whole of the reasonable travel expenses if the applicable distance criterion (above) is met, regardless of whether or not the Council has made arrangements for them to become a registered pupil at a nearer suitable place of education.
 - Make suitable travel arrangements (namely, provide free transport, an escort, payment of the whole of their reasonable travel expenses or payment of an allowance) to children of compulsory school age who are ordinarily resident in the Council's area where the Council considers that the arrangements are necessary to facilitate their attendance for education or training.
5. The above travel arrangements must facilitate the attendance of the child each day at the relevant place where they receive education or training. It can be provided only for the purpose of attending a relevant place to received education or training. The travel arrangements do not cover any travel during the day between relevant places or different sites.
 6. Where the Council is not under a duty to make travel arrangements for particular learners who are ordinarily resident in the Council's area or who are receiving education or training in its area the Council has the power to provide assistance (namely, transport, an escort, payment of the whole or part of their reasonable travel expenses or payment of an allowance) to them on a discretionary basis. The Council is permitted to charge for such travel arrangements.
 7. When exercising the above functions, the Council has a duty to promote access to education and training through the medium of the Welsh language. Further, it has a duty to promote sustainable modes of travel.

Principles underpinning policy provision

8. The Council will comply with the Measure, by making suitable travel arrangements for all learners who are entitled to them. These learners, who meet the criteria set out below, generally will receive free transport at the start and end of the school day between a location reasonably near to their home and a location reasonably near to their school. As set out below, in some circumstances the Council instead will pay the reasonable travel expenses in full.
9. In addition, the Council will exercise its discretion lawfully to make travel arrangements for specified categories of other learners. These learners, who meet the criteria set out below, generally will receive transport at the start and end of the school day between a location reasonably near to their home and a location reasonably near to their school. The specified categories (set out in full below) include children who meet the applicable criteria in respect of preferences for English-medium schools, Welsh-medium schools and voluntary aided faith schools. Depending on the category (as set out below) suitable transport will be provided to these learners for free or for a fee equivalent to £260 per year.
10. Note that no discretionary travel arrangements will be made for children who do not attend their nearest suitable school because of a preference for bilingual education. Only preferences for Welsh-medium or English-medium schools will give rise to a right to transport under this policy. Travel arrangements made by the Council will not discriminate between different categories of learners including those of the same age with learning difficulties, a disability or who are 'looked after' by a local authority, whether they are attending maintained schools or another place of learning, identified in the Measure as a 'relevant place'.
11. The Council will comply with the public sector equality duty under the Equality Act 2010 and learner travel arrangements will not discriminate against groups with protected characteristics.
12. In providing home-to-school travel, the travel behaviour code will be applied.
13. The Council will endeavour to provide efficient and cost effective transport to eligible learners and will make every effort to ensure that this is maintained at

all times. This could include either a ticket for use on a local bus service, a place on a contracted vehicle, parental allowance or cycle allowance

14. The Council will support initiatives which are designed to ensure that as many of our learners as possible become confident users of public transport and other sustainable travel modes such as walking or cycling by the time they leave school.
15. The Council's transport arrangements will support sustainable modes of travel and the Council reserves the right to vary provision in order to achieve cost effectiveness.
16. The Council will provide transport from reasonably near the learner's home to reasonably near the learner's school. Depending upon age and ability learners may be required to walk to a central pick-up/drop-off point.
17. Where details relating to the implementation of the Council's home-to-school travel policy are not specifically covered in this policy document, the Council will defer to the provisions within The Learner Travel Statutory Provision and Operational Guidance 2014.

Eligibility

18. The Council is statutorily required to provide free home-to-school transport to eligible learners and can also exercise its discretionary powers to provide travel assistance to learners who do not have a statutory entitlement in order to support and promote access to education.

Eligibility: statutory entitlement

19. In meeting its statutory duty to eligible learners the Council will provide transport, (namely, provide free transport, an escort, payment of the whole of their reasonable travel expenses or payment of an allowance) to learners of compulsory school age who meet any one of the following criteria.
 - a. The learner is of primary school age and lives **2 miles** or further from the nearest suitable primary school. The distance is measured by the shortest available walking route.

- b. The learner is of secondary school age and lives **3 miles** or further from the nearest suitable secondary school. The distance is measured by the shortest available walking route.
- c. There is no available walking route between the learner's home and the nearest suitable primary/secondary school.
- d. An individual learner's assessment of travel needs determines what assistance with travel is required.

e. Looked After Children

The Authority has a responsibility as a corporate parent for Looked After Children (LAC). All efforts are made to provide continuity and stability for those children as far as school provision is concerned. If Social Services decide that the child should continue to attend their normal school, free home to school transport will be provided to maintain attendance at the child's normal school where the carer's home is further than 2 miles away in the case of a primary school child or 3 miles in the case of a secondary school child. This arrangement will also be made available for those children who are being cared for at addresses in neighbouring Authorities. However Social Services should be mindful of the recommended maximum travel times/ distances when deciding the needs of the child. Public transport will be used whenever possible. Transport provided for LAC children will be funded by Social Services.

- 20. In addition, the Council is required to make suitable travel arrangements (namely, provide free transport, an escort, payment of the whole of their reasonable travel expenses or payment of an allowance) to children of compulsory school age where the Council considers that the arrangements are necessary to facilitate their attendance for education or training.
- 21. The Council is responsible for providing assistance with transport only for those learners who are ordinarily resident within the Council's area.

Eligibility: discretionary provision

- 22. In addition to meeting the statutory entitlement of learners, the Council will exercise its discretionary powers to provide transport, (namely, provide free

transport, an escort, payment of the whole of their reasonable travel expenses or payment of an allowance) to learners who meet any of the following criteria.

- a. The learner is attending the catchment area English-medium community primary school and the distance between home and school is **2 miles** or further, or there is no available walking route. The distance is measured by the shortest available walking route. In effect, this ensures that children attending the catchment area English-medium primary school have access to travel arrangements, even though the English-medium catchment area school is not their nearest suitable school;
- b. The learner is attending the catchment area English-medium community secondary school and the distance between home and school is **3 miles** or further, or there is no available walking route. The distance is measured by the shortest available walking route. In effect, this ensures that children attending the catchment area English-medium secondary school have access to travel arrangements, even though the English-medium catchment area school is not their nearest suitable school;
- c. The learner will attain the age of 5 years during the course of the school year and lives **2 miles** or further, or there is no available walking route between home and the nearest suitable or catchment area English-medium community primary school. The distance is measured by the shortest available walking route.
- d. The learner has proof of dual residency and travels to school from more than one place of residence on a regular and ongoing basis. Transport will be provided from either residence provided that the learner is attending the catchment area English-medium community school/nearest suitable school from the main place of residence and the distance between the main residence and school is **2 miles** or further for primary age learners and **3 miles** or further for secondary age learners or there is no available walking route.
- e. The learner is attending the catchment area Welsh-medium community primary school and the distance between home and school is **2 miles** or further, or there is no available walking route. The distance is measured by the shortest available walking route.
- f. The learner is attending the catchment area community Welsh-medium secondary school and the distance between home and school is **3 miles** or

further, or there is no available walking route. The distance is measured by the shortest available walking route.

- g. The learner is attending the nearest denominational primary school (in accordance with their preferred religious denomination) and the distance between home and school is **2 miles** or further, or there is no available walking route. The distance is measured by the shortest available walking route.
- h. The learner is attending the nearest denominational secondary school (in accordance with their preferred religious denomination) and the distance between home and school is **3 miles** or further, or there is no available walking route. The distance is measured by the shortest available walking route.
- i. The Learner Travel Measure (Wales) 2008 requires local authorities to consider the needs of learners who are aged 16- 19 years; however there is no requirement for local authorities to provide school or college transport free of charge to any learner who is more than compulsory school age. The Authority, however, uses its discretionary powers and will provide transport for learners over compulsory school age who meets the criteria of minimum distance or lack of a suitable/available route. There will be a standard charge for this service of £100 p.a. unless the learner continues to have a statement of special educational needs and meets the other criteria set for free transport.

Under discretionary arrangements, pupils aged 16-19 years may purchase a seat on existing home to school travel routes. However, the Council will assess whether an establishment provides a reasonable range of courses suitable to the abilities, aptitudes and requirements of an individual learner. Transport will only be provided to an educational establishment which is not the nearest if, in the judgement of the Council, there is a considerable variation between the learner's course and the course on offer at the nearest establishment.

- 23. The Council is responsible for providing assistance with transport only for those learners living within the Council's area.

‘Travel’ and ‘transport’

24. In this policy the meaning of ‘travel’ and ‘transport’ is consistent with the use of these terms in the Learner Travel (Wales) Measure 2008 and the Safety on Learner Transport (Wales) Measure 2011 respectively.
25. Travel refers to all modes of travel, which includes walking whilst transport only relates to vehicle transportation and, therefore, excludes walking.

Nearest suitable school

26. Determining a learner’s nearest suitable school is the responsibility of the Council.
27. The Council decides which school is a learner’s nearest suitable school on the basis of the education or training provided being suitable with regard to the age, ability and aptitudes of the learner and any learning difficulties he or she may have.
28. The nearest suitable school applies to the catchment area English-medium, Welsh-medium, Voluntary Aided(Faith) mainstream school or Special school

Catchment area school

29. Determining a learner’s catchment area school is the responsibility of the Council.
30. A catchment area school is a community school designated by the Council to serve a particular geographical area and a particular language designation, i.e. English-medium/Welsh-medium. Normally this will be the nearest suitable community school to a learner’s home address. However, and particularly in relation to Welsh-medium schools, this may not always be the case.
31. A catchment area affords priority for admission to a school and, as such, is part of the arrangements for school admissions.

32. The list of English-medium and Welsh-medium and Voluntary Aided (Faith) catchment area community schools is published in appendix X. Information on the specific areas served by catchment area schools is available on the Council's website, www.npt.gov.uk.

School day

33. School day in this policy refers to any day on which there a school is in session. The start and end times of a school day are determined by the Council. In relation to detailed interpretation of the school day the Council defers to the provisions within The Learner Travel Statutory Provision and Operational Guidance 2014.

Categories of school

34. There are 3 categories of school maintained by the Council. These comprise:
35. **Community schools** -these are schools funded and maintained entirely by the Council. Staff are employed by the Council, although the governing body has responsibility for some employment functions. The Council is the admission authority.
36. **Community special schools** –these are schools is a school funded and maintained entirely by Council for pupils with special educational needs. Staff are employed by the Council, although the governing body has responsibility for some employment functions. The Council is the admission authority.
37. **Denominational (Voluntary aided) schools** - these are schools where the governing body is both the employer and admission authority and has a responsibility to the relevant Diocesan Education Authority. The premises are held on trust by a foundation, in the case of this Council's area, either by the Roman Catholic Church or the Church in Wales.

Language of learning

38. In the Council's schools the language of learning is either English or Welsh

English-medium schools

39. In the Council's English-medium schools learning and normal business is conducted principally through the medium of English with Welsh being taught as a second language. English medium schools can be community, community special or voluntary aided.

Welsh-medium schools

40. In the Council's Welsh-medium schools learning and normal business is conducted principally through the medium of Welsh, in line with the definition of a Welsh-medium school as set out in the Welsh Government's publication: 'Defining schools according to Welsh medium provision – Oct 2007'. The Council's Welsh-medium schools are community schools.

School admission

41. The Council is responsible for admissions to community and community special schools. Responsibility for admission to a voluntary aided school rests with the governing body of the relevant school.

Community schools and home-to-school travel

42. Admission to a community school does not necessarily confer an entitlement to assistance with transport.

43. Where a parent expresses a preference for a community school which they wish their child to attend and which is not the catchment area school then, if the application for admission is accepted, transport will not be provided unless the preferred school is nearer than the catchment school serving the area and the relevant distance criterion of this learner travel policy is met.

44. If a parent has been unable to secure a place for their child at the catchment area community school or nearest suitable school then free transport will be

provided to the next nearest available suitable school, providing the relevant distance criterion of this learner travel policy is met.

Community special schools and home-to-school travel

45. Admission to a community special school does not necessarily confer an entitlement to assistance with transport. Travel entitlements will be identified in the learner's statement of special educational needs and eligibility reviewed annually.

Denominational (Voluntary aided) schools and home-to-school travel

The Authority must have regard to parental wishes regarding religious education when considering the provision of free home to school transport. The Authority has decided to exercise its discretion, having regard to parental wishes, and will therefore provide free home to school transport (namely free transport or wholly funded reasonable travel expenses) for pupils, attending the nearest school of their denomination preference or that of their parents, subject to the distance criteria being met, (2 miles for pupils in Primary education and 3 miles for pupils in Secondary education)

Walking distances and available walking routes

Subject to the outcome of an individual learner's assessment of travel needs, there will be no entitlement to assistance with home-to-school travel if the distance from a learner's home to the catchment area school (and by default the nearest suitable school) is less than:

- a. 2 miles for primary school age pupils;
- b. 3 miles for secondary school age pupils; and
- c. an available walking route that is shorter than the specified distance has been identified (which may include a public footpath, a roadside strip of reasonable width and condition, or a bridleway).

62. This is applicable to all pupils, including those with a statement of special education needs.

63. A route is considered to be available if it is safe (as far as reasonably practicable) for a learner without a disability or learning difficulty to walk the route alone or with an accompanying adult if the learner's age and levels of understanding so require.
64. The Council determines walking distances and routes to school in line with the requirements of the Measure and the Welsh Government's guidance on the risk assessment of walked routes to school as set out in The Learner Travel Statutory Provision and Operational Guidance 2014.
65. The distance between home and school is measured from where the boundary of the home meets the public highway to nearest pedestrian access gate to the school.

Special Educational Needs (SEN)

66. The Council will make suitable arrangements for learners with special needs to attend school including arrangements, as necessary, for home-to-school travel. An assessment of a learner's level of travel need will inform the type/level of transport that may need to be provided. The entitlement will be reviewed on an annual basis.

Living within the Council's area

67. A learner is considered to be 'living' in the Council's area if he/she is ordinarily resident within the County Borough of Neath Port Talbot. For the purposes of this policy document, ordinary residence is defined as 'where a learner usually lives, or if under 16, where those with parental responsibility for the learner live.'
68. 'Living' means more than occasionally visiting. If a learner has no ordinary residence they will be treated as being ordinarily resident at the place at which they are for the time being resident. When determining a person's ordinary residence in particular circumstances, the Council will follow the arrangements set out in Section 19 of the Measure.

Looked After Children (LAC)

69. A Looked After Child is a child in the care of the local authority, or who is provided with accommodation by a local authority, under the child care responsibilities of a local authority's social services.
70. In determining the home-to-school travel entitlements of a Looked After Child the statutory eligibility criteria of this learner travel policy for age and distance will apply. However, the catchment area school/nearest school criteria will not apply, as this will allow the Council to ensure that a Looked After Child is placed according to their individual needs and circumstances with the minimum of disruption; ensuring continuity in education with friends or siblings while maintaining child wellbeing.
71. Depending on the learner's travel needs assessment, public transport will be used where appropriate.

Dual residency

72. Where a learner travels to school from more than one place of residence on a regular and ongoing basis, the Council will provide assistance with transport from either residence provided the school is the nearest suitable school from the main residence and the and the relevant distance criterion of this learner travel policy is met.
73. Proof of dual residency must be provided.
74. A temporary residence, such as staying with relatives on a short term basis, does not qualify for assistance with transport.
75. If either residence is in another local authority's area then responsibility for transport rests with that local authority.

Payment of mileage allowance

76. Where a statutory entitlement to school transport exists or the Council's discretion has been exercised, in certain circumstances the Council may agree to offer a petrol allowance where the parent/carer of a learner transports the learner themselves.

77. If a mileage allowance has been agreed with the parent/carer the rate would be for two return journeys per day based on a maximum of the current HMRC rates. This meets the reasonable travel expenses in full.
78. Any agreement will be subject to the parent/carer having a driving licence, MOT(if applicable) and evidence of appropriate insurance (either class 1 business use or a letter from their insurers waiving the need for class 1 business use to transport their child for an allowance).

Sale of spare seats on school transport

79. The Council's priority in allocating seats on contracted vehicles will be to accommodate, in the first instance, learners eligible for free transport. Where spare seating capacity arises the Council may offer seats for sale to learners who are not eligible for assistance with transport. If available, a spare seat may be purchased for the fee of £260 per year.
80. Such offers will be made on a termly basis, an arrangement which either the Council or the learner/parent/carer may terminate by giving six weeks' notice.
81. In order to accommodate a learner with an entitlement to free transport, it may be necessary to rescind the decision to sell a spare seat. The passenger transport officer in consultation with the Head of Service will take this decision.
82. Further information on the purchase of spare seats can be obtained from:

Passenger Transport Section;
The Quays,
Brunel Way,
Baglan Energy Park
SA11 2GG

Child car seats

86. Whilst the use of child car seats is not mandatory in taxis, the Council requires contract vehicles to be fitted with appropriate child car seats for learners under 12 years of age or below 135cm in height.

Travel Code

87. An 'All Wales Travel Behaviour Code' (Travel Code) sets out learners' responsibilities and required standards of behaviour when travelling between home and school.
88. Learner safety is very important. The Council expects learners to behave responsibly and safely when travelling to and from school or college, whether travelling by bus, train, taxi, contract vehicle, bicycle, walking or any other way.
89. Learners travelling by bus to school or college are required to follow the rules in the School Bus Travel Behaviour Code and the Council may withdraw transport if they are satisfied that a learner has failed to comply with the Code.

Absent parents/carers

90. Vulnerable learners such as very young children or some children with Special Educational Needs who have no one to meet them when they arrive at their destination will be kept on the vehicle so that other learners on the route are not delayed. The Council will be informed by the bus driver of such an event and arrangements will be made for the learner to be collected by the parent/carer at the end of the route. If a parent/carer cannot be contacted either the social services duty officer or police will be contacted for assistance.

Passenger assistants

91. Home-to-school transport routes will be assessed on an individual basis but passenger assistants will not normally be provided on mainstream routes for either secondary or primary pupils.
92. It will be the responsibility of the parent/carer to ensure that the learner gets onto the bus safely and is met off the bus after school.

93. However, passenger assistants may be employed to support pupils on certain routes. The decision to employ a passenger assistant on a specific route will be determined in accordance with The Learner Travel Statutory Provision and Operational Guidance 2014 based on the assessment of the individual needs of the learners.

Applying for assistance with home-to-school travel

94. Application forms for assistance with home-to-school transport will be made available at schools and colleges and on the Council's website.
95. Applications may be made online at www.npt.gov.uk/admissions or alternatively an application form may be downloaded and sent to the Council either electronically or in hard copy at the addresses detailed on the form.
96. Provided the learner's home address and the school attended do not change, re-applications are not required unless the learner is entering Sixth Form.
97. The Council will confirm whether an application for school transport has been successful within 15 working days of receiving the application form. Successful applicants will receive details of pick-up times and locations during the summer holidays for a September start or as soon as possible for applications received during the course of the school year.
98. Unsuccessful applicants have the right of appeal.

Appealing against a home-to-school travel decision

99. Where an application for transport assistance has been refused, the Council will write to the applicant within 10 working days explaining the decision and giving details of the appeals process.
100. An applicant may appeal against a refusal on the following grounds:
- that the appellant believes that local authority has not applied the policy correctly; and/or
 - that the appellant is able to cite any special/exceptional circumstances which they believe should be considered.

107. Appeals should be made in writing setting out the reasons for the appeal, and providing copies of any supporting information.
108. An independent officer panel will consider the appeal against the home-to-school transport policy and make a decision based on the information provided.
109. The appellant will be notified of the outcome of their appeal in writing within five working days of their appeal being considered, provided no further information is required to support the decision.
110. Full details of the Appeals process can be obtained by writing to the address below.

School Transport Appeals Panel,
Director of Education, Leisure and Lifelong Learning,
Port Talbot Civic Centre,
Port Talbot
SA13 1PJ

111. If appellants are not happy with the way an appeal was conducted, they can make a complaint to the Public Services Ombudsman for Wales. The Ombudsman investigates written complaints about the way an appeal was conducted, not the decision.

References

The Education Act 1996
The Learner Travel (Wales) Measure 2008
The Learner Travel Statutory Provision and Operational Guidance 2014
The Learner Travel Information (Wales) Regulations 2009
The Safety on Learner Transport (Wales) Measure 201
The All Wales Travel Behaviour Code (The Travel Code)