



# School and College

# TRANSPORT POLICY

2018/2019







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## SECTION A Details of the policy

### A1. Why we have a school and college transport policy

- a. The purpose of the policy is to meet the County Council's legal duties to provide education transport to qualifying pupils and students, and to provide whatever additional transport assistance the County Council deems necessary to support learners in Lincolnshire.
- b. The Council's main legal duties for children of school age are defined in Section 508B and 509 and Schedule 35B of the Education Act 1996. Its policies, which go beyond the legal duties, are determined by the Council from time to time. The Council's duties in respect of post-16 pupils and students are published annually following guidance issued by the Department for Education (DFE). This document summarises the policy in total. It is not however, a statement of law. See Appendix A for a summary of the legal framework.
- c. When an application for education transport is made, we will use the criteria in this policy to assess entitlement. If transport entitlement is refused, an explanation will be given in writing and there will be an opportunity to appeal.
- d. We will explain and help an applicant to understand any part or all of this policy on request. (Ring 01522 782020)
- e. Some of the terms used in this document are defined in the glossary at the back.

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### A2. Summary of school and college transport policy

- a. Lincolnshire County Council (LCC) provides home to school transport for eligible primary and secondary pupils to their designated school for transport, or to a nearer suitable school, subject to defined legislative and policy criteria for distance, nature of route and age. Children of some families at the secondary stage (i.e. 11-16 yrs) may be entitled to free transport to schools on grounds of low income (see sections **A5 and A6**). This policy does not apply to independent fee paying schools.
  - b. Children's Services (CS) is responsible for determining who is eligible to receive home to school/college transport. The Transport Services Group (TSG) acting on behalf of Children's Services, allocates pupils to the most appropriate and economic transport, and procures, monitors and manages the transport provided.
  - c. Our preferred method of application is online at [www.lincolnshire.gov.uk/schooltransport](http://www.lincolnshire.gov.uk/schooltransport) or a paper application can be requested from the Customer Service Centre. Booklets are produced annually containing a summary of policies and an application form. They are available online at [www.lincolnshire.gov.uk/schooltransport](http://www.lincolnshire.gov.uk/schooltransport) or can be sent to a home address by ringing customer services on 01522 782020.
  - d. The basis of Lincolnshire's policy is:
    - **Distance to school/college**  
Eligibility for home to school/college transport is determined in accordance with our legal duties, by measuring the distance from home to school/college. LCC is not normally obliged to offer transport to school/college where the distance from home to school/college is less than 3218 metres (2 miles) up to age 8 and 4827 metres (3 miles) from age 8. This stipulation does not apply where the route in question is unsuitable for a school age child, accompanied if necessary by a responsible adult, to walk. LCC provides transport to qualifying pupils to their designated suitable school or nearer if the school is over 2 miles at the primary stage and 3 miles at the secondary stage. Transport is only offered from one home address to one school or college site.
- For post-16 pupils and students, the requirement to provide transport is not clearly defined legally, but transport access must be available to post-16 learners. LCC offers transport support to post-16 learners on the same distance criterion as for secondary school pupils, subject to an annual student contribution.

- **Designated transport areas**

LCC operates Designated Transport Areas (DTAs) which are areas around schools and colleges indicating transport eligibility. If you live within the DTA for the school/college you or your child attends, you can normally get transport to that school provided you live further than two miles (at the primary stage) or three miles (at the secondary stage) from that school. There are DTAs for all schools/academies and specifically for primary schools, all-ability secondary schools, grammar schools, colleges of further education and sixth forms. DTA maps are available in Appendix G.

- **Families with a low income**

For secondary age children from families with a low income free transport is available to a wider choice of schools. The duty is that transport will be provided if both of the following **two** criteria are met:

- The school is between 2 and 6 miles from the family home **and**
- It is one of the nearest three secondary schools to the home.

**See Section A5 for details.**

Free transport is also available to secondary-age children from families with a low-income who are attending the nearest school chosen on grounds of religion or belief where the school is between 2 and 15 miles from the family home.

**See section A6 for details.**

- **Special arrangements in some areas of Lincolnshire**

There are some areas of Lincolnshire where special arrangements apply for historical reasons. These do not affect the eligibility criteria already defined and are set out in more detail in Appendix B, and cover Fishtoft Parish, William Lovell School, Grantham area, Lincoln, Louth, Stamford and the Crowland area.

### **School-age Pupils (5-16 years)**

- Parents are asked to consider their transport entitlement when choosing a school place for their child. Where parents choose a further distant school to that of the nearest or designated school they cannot assume transport will be provided to that school. Transport entitlement will be assessed in accordance with this home to school transport policy.

- Where a parent has chosen the nearest or designated school and it is oversubscribed transport may be provided to the next nearest school if this is allocated as the nearest school with a place by school admissions. This will be subject to the school being more than 3218 metres (2 miles) from the home at the primary stage, and 4827 metres (3 miles) at the secondary stage, from their home

- Home to school transport is provided free of charge for eligible children of compulsory school age (5 to 16 years), who are attending their nearest or designated school to their home address, and the school is more than 3218 metres (2 miles) from the home at the primary stage, and 4827 metres (3 miles) at the secondary stage, from their home. (See Section A3)

- Home to school transport is provided free of charge for eligible children who start full-time school before they are 5 years old, provided their 5th birthday falls on or before 31 August of the school year. Midday journeys to support part-time attendance are not provided.

- Eligible children aged 5-16 years with special educational needs and/or disabilities have their transport needs specifically assessed on a case by case basis (see section A4).

- Transport is only provided at the beginning and end of the school day.

- Transport will not be provided for induction/ taster sessions, assessment sessions, work or work experience placements or interviews.

- Children who are subject to shared custody and divide their time between 2 homes will only be entitled to transport provision from one address and only if this falls within the designated transport area and is more than 3218 metres (2 miles) from the home at the primary stage, and 4827 metres (3 miles) at the secondary stage, from their home. Transport will not be provided from 2 addresses.

### **Post-16 Pupils and Students**

- For eligible students aged 16 – 19 (extended to age 21 or 25 for students with learning difficulties and/or disabilities), school or college transport is provided to a DTA school or college or a nearer one, subject to a student contribution, which is reviewed annually. **(See Sections A7).**

- Eligible students aged 16 – 25 who have learning difficulties and/or disabilities may be provided with any special transport arrangements that

LCC considers necessary to meet their needs. **(See Section A8).**

The policy as it applies to different age groups and learners is detailed below.

### A3. School age pupils 5-16 years

- Home to school transport is provided free for children of compulsory school age who attend the nearest suitable and/or designated transport area school to their home address, provided they meet the distance and age criteria below.
- Distances to schools are measured using the shortest route that is available for a child to walk accompanied if necessary by a responsible adult, up to two miles (Primary) or three miles (Secondary). Distances to schools over two or three miles are calculated using the shortest driving route.
- Secondary age children from families with a low-income may be entitled to free transport to one of the nearest three suitable schools to the home address **if** the school chosen is between two and six miles from the home address.
- Secondary age children from families with a low income may also be entitled to free school transport to the nearest school that they attend on the grounds of their parent's or carer's religion or belief if the school lies between 2 and 15 miles from the family home.
- It is for parents to make suitable arrangements for children to get to a transport pick up point unless LCC has determined that the route to the pick-up point is unsuitable to walk. Parents may wish to make sure the child is accompanied as necessary by a responsible adult.
- Where a School has a satellite centre transport will only be provided to the main site of the school as determined by LCC.

### A4. School age pupils and students 5-16 years with special educational needs and/or disabilities (SENDs)

- Pupils with a statement of Special Educational Needs (SENDs) or an Education, Health and Care Plan (EHCP), whether attending a special school or a mainstream school, do not normally have an automatic entitlement to home to school transport. Transport entitlement and provision is assessed against the distance and other criteria outlined in Section A2 and also with regards to needs arising from the nature of the SENDs.
- Pupils with SENDs have their transport needs assessed first against the distance criteria summarised in Section A2. Eligibility for free home to school transport is established if the child is attending the nearest and/or designated suitable school over 2 miles (primary stage) or 3 miles (secondary stage) to their home address. This criterion applies to pupils with SENDs irrespective of whether or not they have a statement of special educational needs or an EHCP.
- Some pupils with SENDs may, by reason of their needs and/or disability, be unable to walk even relatively short distances to school accompanied by a responsible adult. At the time the Statement of educational needs or EHCP is written or reviewed, LCC will determine if the student has an exceptional transport need. Where such pupils attend a school that is within statutory walking distance (2 or 3 miles from the home – see Section A2) and they have been determined by LCC as having an exceptional transport need, they will be entitled to free home to school transport. This provision is only available to the nearest suitable school, as identified by LCC, to meet their needs.
- Pupils with SENDs who do not have a statement of special educational needs or an EHCP may also have a need for transport assistance. Upon the provision of suitable medical evidence supporting the application, these will be considered on an individual basis **(see Section A13).**

- e. Transport to an alternative address may be considered in exceptional circumstances for pupils with SENDs where this is deemed necessary to ensure their attendance at school.
- f. Where a School or College has a satellite centre transport will only be provided to the main site of the establishment as determined by LCC.
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## A5. Transport for secondary pupils from low income families to a school of choice

- a. Secondary age children from families with a low-income may be entitled to free transport to one of the nearest three suitable schools to the home address **if** the school chosen is between two and six miles from the home address. Any parent/carer who thinks they may qualify for this benefit should complete an application form.
- The Guaranteed Element of State Pension Credit
  - The maximum level of Working Tax Credit, as shown on the Tax Credit Award Notice (TCAN) issued in the April prior to the date transport is required.
- b. To qualify for free transport on these grounds, The child should be eligible for free school meals or the parent/carer should be receiving one of the following:
- Income Support
  - Income-based Job Seeker's Allowance
  - Child Tax Credit, with an annual income below an amount determined annually by the government
- Evidence of the above documents may be required to confirm entitlement. If the parent/carer receives Working Tax Credit it will be necessary to supply a copy of all the pages of the Tax Credit Award Notice.
- c. Entitlements to transport on grounds of low income are created for one school year at a time, and reviewed at the end of the school year.
- d. If parents lose the entitlement due to changes in their circumstances, they will need to make their own transport arrangements.
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## A6. Transport for secondary pupils from low-income families to a school chosen on grounds of religion or belief

- a. Children whose families have a low income are entitled to free transport to the nearest secondary school chosen by the parents on grounds of religion or belief, where: the school is between 2 and 15 miles (by the shortest available route) from the family home. Evidence of religious affiliation or belief will be requested.
- The maximum level of Working Tax Credit, as shown on the Tax Credit Award Notice (TCAN) issued in the April prior to the date transport is required.
- b. To qualify for free transport on these grounds, The child should be eligible for free school meals or the parent/carer should be receiving one of the following:
- Income Support
  - Income-based Job Seeker's Allowance
  - Child Tax Credit, with an annual income below an amount determined annually by the government
  - The Guaranteed Element of State Pension Credit
- Evidence of the above documents may be required to confirm entitlement. If the parent/carer receives Working Tax Credit it will be necessary to supply a copy of all the pages of the Tax Credit Award Notice.
- c. If parents lose the entitlement due to changes in their circumstances, they will need to make their own transport arrangements.

## A7. Post-16 pupils and students (mainstream provision)

*(Raising the participation age referenced on page 34)*

a. LCC provides subsidised home to school or college transport for post-16 pupils to their nearest designated school or college, provided that the distance from home to the school or to the college is more than three miles (4827 metres).

b. To qualify, a pupil or student must:

- Live in Lincolnshire
- Be at least 16 years and under 19 years of age (on 1 September in the year the course starts)
- Be attending a full time course (i.e. minimum of 12½ hours of taught study)
- Be attending their nearest or designated school with a sixth form provision, or their nearest or designated college **subject to distance**.

c. Transport provision is conditional upon the payment of a pupil/student contribution which is determined annually by LCC. Details are available at the time of application.

d. Transport provision consists of one return journey a day, at the start and end of the normal school/college day (Mon – Fri), during LCC published term dates.

e. Transport is not provided to Induction/taster sessions, work or work experience placements, assessment centres or interviews.

f. LCC will transport students to Riseholme College where they are accepted to study the following level 2, or above, courses provided the journey is over 3 miles but does not exceed 45 miles (daily journeys will be arranged for the beginning and end of the normal college day on week days only). Transport may also be provided to a college nearer to the student's home address that offers one of the following courses at the discretion of the Local Authority:

- Agriculture
- Environmental studies
- Horticulture
- Arboriculture
- Equine

LCC will also transport students to Access to Music (Lincoln) where they are accepted to study a level 2 or above course provided the journey is over 3 miles but does not exceed 45 miles (daily journeys will be arranged for the beginning and end of the normal college day on week days only).

g. Where an FE College has a satellite centre transport will only be provided to the main site of the college as determined by LCC.

h. The policy does not apply to higher education courses, apprenticeships, internships or traineeships.

i. Transport must be applied for by post-16 students.

j. Post 16 students may be expected to make their own way, up to three miles, to and from a transport pick up point or drop off point. The suitability of walking routes are not considered at the Post 16 phase.

k. Transport is not provided to work placements, assessment centres or interviews.

l. Transport is provided for 2 years unless the notification specifies otherwise. If a 3rd year of transport is required the student must supply evidence from the sixth form or college that the course is a continuation/progression, and the student should normally be aged under 19 (1 September) on the date the course begins its third year. Transport will not be provided for a third year for re-takes.

m. The policy statement for post 16 transport provision is published each year by 31 May, in line with statutory guidelines. It can be accessed at: [www.lincolnshire.gov.uk/schooltransport](http://www.lincolnshire.gov.uk/schooltransport)

## A8. Post-16 learners with special educational needs and/or disabilities (SENDs)

Pupils who have completed Year 11 studies and who stay on at school or join a further education college or a different school to follow a course may be entitled to transport support. The policy is summarised below.

- LCC will provide transport or a travel pass to enable students aged 16-19 years who live in the County to access a recognised course at their nearest or designated school or college that meets their assessed learning needs. This entitlement is normally subject to the school or college being 3 miles or more from the student's home.
- Post-16 learners with SENDs will have their transport needs assessed on an individual basis. This process is initiated during Year 11 by the secondary school the child attends, and the SENDs caseworker.
- The policy for home to school and college transport is written in the light of the guidance issued by the Department for Education (DFE) each year and is published on LCC's website by 31 May each year. For more details see: [www.lincolnshire.gov.uk/schooltransport](http://www.lincolnshire.gov.uk/schooltransport)
- Transport provision is conditional on the payment of a pupil/student contribution, which is determined annually by LCC. Details are available at the time of application. This applies to all post 16 students even if an exceptional transport need is identified.
- Transport support consists of one return journey a day, at the start and end of the college day (Mon – Fri). Transport is not normally offered for part-time attendees.
- Transport support can be provided to up to age 25, where it is considered necessary, to enable a student with SENDs to complete a course begun before the age of 19. This provision is made following individual assessment.
- An initial transport entitlement will normally be given for 2 years. Any further applications for transport must be made annually by post 16 students, or their parent/carer.
- Transport will be provided to one establishment. Where a school or college has a satellite centre transport will only be provided to the main site of the school or college as determined by LCC.

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## A9. Other transport assistance

### a. Transport on denominational (religious) grounds or on grounds of belief

In 2008, the County Council ended its policy of providing assistance with transport for pupils attending a school on grounds of religion or belief (note the exception in section A8). If the child is attending a particular denominational school and it is the nearest suitable or designated school to the child's home address, the child may be eligible under the normal mainstream criteria (see Section A2).

Children who were benefiting from assistance with transport under the policy at the time the previous policy was ended will continue to do so until the child leaves school, and this will be available to any siblings living at the address who join the school while the entitled pupil is still attending. There is now an entitlement to free transport for some secondary age children whose family are on a low income to a school chosen on grounds of religion or belief (**see Section A6**).

### b. Concessionary transport (spare seats)

Concessionary transport is the term given to the provision of spare seats on LCC contracted vehicles for school/college transport which are not needed for entitled children and there is no alternative fare paying service available.

The provision of concessionary seats is made subject to the payment of an annual contribution. The annual contribution is reduced in proportion to the number of school/college days remaining in the year when transport is provided.

The allocation of concessionary seats is normally made only after the main body of entitled children's transport has been arranged. The allocation of seats is made according to the criteria which are set out in Appendix F.

Concessionary applications can be made online at [www.lincolnshire.gov.uk/schooltransport](http://www.lincolnshire.gov.uk/schooltransport).

## A10. Appeal against a decision to refuse home to school transport

Parents/carers who have been refused help with transport to school or college may appeal the decision. There are two stages to the appeal (review) of a decision. The appeal/review process is explained in Appendix C of this document

## A11. Exceptional circumstances

- a. Free home to school transport for pupils aged 5-16, and subsidised home to school or college transport is available to pupils/students aged 16-19 who qualify under the policy criteria outlined in Sections (1) to (9) above. Transport is offered to the nearest or to the designated school or college, subject to the criteria being met, summarised in Section A2.
- b. Free transport can only normally be offered to children/students of school age, who live within the statutory walking distance (2 miles or 3218 metres at primary stage and 3 miles or 4827 metres at secondary stage) if the route to the school is deemed to be unsuitable to walk (see A12 below).
- c. With the exception of the specific instances of low income based entitlement outlined in A5 and A6 above, income or lack of income or non-availability of private transport **is not used as a determinant** of transport eligibility. In this respect parents are advised to check carefully their transport entitlement position before applying for the admission of children to particular schools, if transport provision is an important factor in their decision. See the summary of the policy in Section A2.
- d. LCC is obliged to consider any exceptional circumstances which parents cite in support of their application for home to school transport or subsidised home to school or college transport for post-16 Study. The term 'exceptional circumstances' is not exhaustive and thus parents may bring forward any circumstances they consider to be exceptional and which might prevent them from ensuring that their child attends school. These could include medical or other grounds (either of the child or the parent/carer) where the child is attending their nearest or designated school, or sudden traumatic changes in the family's circumstances arising from factors outside the parents' or child's control and where Children's Services or health professionals support the provision of transport in exceptional circumstances. Evidence to support the provision of transport exceptionally will be required. The final decision is made by the officer in Children's Services Transport Commissioning subject to right of appeal.
- e. Applications for transport in exceptional circumstances should be made on the standard form. Any supporting evidence should be included with the application. The application is considered against the policy, which has provision for certain defined circumstances (e.g. emergency housing provision) and if the application is refused by the Transport Entitlement Officer the parent/carer is entitled to appeal the decision, using the Review Procedure outlined in **Appendix C and Appendix E**.
- f. The following types of circumstances, which is not an exhaustive list, may be argued as exceptional circumstances in claims for transport to a school which is not the nearest/designated one to the home address:
  - Sudden and traumatic changes in family circumstances, outside the control of the family and which could not have been foreseen and which prevent the family making their own arrangements.
  - A change of school due to exceptional circumstances where it is agreed by both the school formerly attended and the receiving school that the change of school is necessary. An application on these grounds should be made and agreed in advance by the Local Authority **before** the change of school. This is known as a 'managed move'. **See Section A21**.
  - Circumstances outside of the control of the pupil or the family which prevent them carrying out their duty to ensure that the pupil travels to school safely.

**However, the following circumstances would not normally be considered as exceptional under the policy:**

- Change of address
- Parent(s) unable or unwilling to transport child to a school or college, or to a pick-up point where transport is not provided by the LCC under an entitlement
- Change of school due to alleged bullying or other problems, unless these have been investigated and a recommendation made to LCC **before** the change of school (a managed move).
- Non-entitlement which arises from a particular school or college choice by the parent/carer or student/pupil
- Loss of employment
- Loss of private transport arrangements
- A request for transport for a sibling unless they qualify under the policy
- Children subject to shared custody whose parents/carer request transport from both addresses.

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## **A12.** Determining available walking routes to school or to a transport pick up point or drop off point (reception to year 11)

- a. Walking routes to a school or to a transport pick-up point are deemed available if they can be used by a pupil, accompanied if necessary by a responsible adult, in reasonable safety. The determination of route availability is made according to the policy. Route availability can be reassessed at any time and if found to be suitable transport provision will be removed with reasonable notice.
- b. See Appendix D for LCC's policy on suitability of walking routes and guidelines on determining route suitability.

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## **A13.** School transport for medical or other related reasons

Transport for medical reasons, in relation to a child or parent, will only be considered if the pupil is attending their nearest or designated transport area school or college.

normally reviewed at least annually, unless it is clear that the condition is to last for an indefinite/ longer period.

- a. Pupils who have medical conditions or needs which are considered as part of their special educational needs will have their transport needs assessed as part of the process of drawing up their statement of special educational needs or EHC plan.
- b. If the pupil is not subject to a statementing process or EHC plan, and has a condition which prevents him/her walking to school, or to a travel pick up point, to attend the nearest or designated school or college, this should be noted on the transport application form.
- c. LCC will provide home to school transport in this case on production of medical evidence that walking is not possible for medical reasons or due to special educational needs and/or disabilities. In these circumstances, transport provision is
- d. There is no exhaustive list of medical conditions that would cause an entitlement to be created exceptionally and each case is considered individually. In general, LCC's policy is guided by its basic responsibility in law to secure the attendance of children by making whatever transport arrangements might be necessary. LCC does not seek to take the responsibility from the parent or guardian in this respect, where an entitlement to home to school or college transport has not been established. Only in the situation where the parent or guardian cannot be reasonably expected to discharge their responsibility would LCC consider providing transport. Chronic conditions such as Asthma, Autistic Spectrum Disorder (including Aspergers Syndrome) and other well-known conditions would not normally constitute a medical condition that would lead to an automatic transport entitlement from LCC.

- e. Any request for transport assistance on the basis of a medical condition should be noted on the application form at the time of applying, or in writing to LCC when the condition is identified. Medical and/or expert evidence will always be sought in support of the application.

### **Temporary medical condition of pupil**

- a. Transport may be provided for a pupil or student who would be entitled to transport under the policy to attend their nearest or designated school or college, if they develop a temporary medical condition which prevents them from walking, cycling or taking the bus. In this case, transport may be provided on a temporary basis to enable the pupil or student to continue to attend school or college.
- b. Temporary medical transport is reviewed and a termination date is set for the transport. Prior to the end date, a review may authorise a further temporary period.
- Medical condition of parent**
- a. Home to school transport is not normally provided for pupils or students on account of the medical condition of the parent or guardian who would normally accompany the pupil to school or to a pick up point.
- b. In exceptional circumstances, transport may be provided for a primary aged child from home to school or to a pick up point for transport if medical evidence is available that the parent(s) cannot reasonably make their own arrangements, which might involve arranging a suitable other adult to accompany their child, if this is deemed necessary. It is generally for the parent or carer to make a judgement that it is necessary for the child to be accompanied.
- c. If the exceptional circumstances warrant transport support, this will usually be given temporarily, with a review date.
- d. If the parent/s cannot be reasonably expected to ensure their children are accompanied to school or to a pick up point, medical evidence would need to be provided to the County Council.

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## **A14. Determining nearest and/or designated school or college**

School/college transport is provided to qualifying pupils and students to their designated or nearer school or college. LCC operates Designated Transport Areas (DTAs) which are based largely on parish boundaries or postcodes, and which indicate the schools or colleges to which pupils and students may receive transport, subject to meeting the criterion on distance. Details of DTAs are in Appendix G. Transport will be offered to the school/college named in the DTA or to a nearer school or college, subject to the distance criterion being met (see section A2).

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## **A15. Progression and number of years entitlement to transport provision or support**

- **Primary school children**  
Transport entitlement is offered to qualifying children whose parents apply at the primary stage until the end of primary school (end of year 6). Transport would not normally be removed before this time unless there was a change of school or a change of address necessitating a new application or in the case of an unsuitable route, the route is subsequently adjudged to be suitable to walk (see Appendix E). Pupils are entitled to make use of transport when they are able to attend school full-time. If transport entitlement is awarded in error, LCC reserves the right to remove the transport entitlement at one term's notice.
- **Secondary school children**  
Transport entitlement to qualifying secondary age children is normally awarded until the end of the secondary stage (the end of Year 11). Transport entitlement would not normally be removed before this time unless there was a change of address or a change of school, necessitating a new application, or if an unsuitable route subsequently adjudged suitable to walk (see Appendix E). If transport entitlement is awarded in error, LCC reserves the right to remove the transport entitlement at one term's notice.

- **Sixth form/further education students**  
Subsidised home to school or college transport is made available on an annual basis for students until age 19 (extended to age 25 for SENDs students). Entitled students are advised to apply for home to school or college transport prior to the beginning of the school or college year in question. To qualify for home to school or college transport the student must meet the distance criterion, be attending the nearest or designated school or college, and be aged under 19 years on the 1st September of the school or college year for which transport is being applied for.

Travel arrangements are made only upon payment of the student contribution. Students are encouraged to research any alternative travel

options from their local transport providers or school or college before choosing to utilise and paying for the transport provided by the Council (see section A7).

- **Students with SENDs aged 18 and over**  
Subsidised travel for post-16 students with learning difficulties and/or disabilities is provided on an annual basis, up to age 19, with the exception that further travel support is provided where necessary beyond the age of 19 until age 25 years for students with SENDs who need to study beyond age 18 to complete a course of study and who began their courses before age 19. LCC's policy in this respect is consistent with guidance on post-16 education travel issued by the DFE.

## A16. Progression and repeat years

Home to school transport entitlement is intended to facilitate progression through the educational phases. Free or subsidised home to school transport is not available for repeat years or to take courses at the post-16 phase which are not considered to be a progression from courses already taken. It is thus

not normally possible to obtain transport support to take a second Level 3 course if this level has already been achieved. This policy does not apply to students SENDs for whom a longer period of study is sometimes necessary provided it is to facilitate progression.

## A17. Train travel

- Transport is provided to pupils and students using the most efficient or cost effective mode of travel that meets LCC's minimum standards in relation to safety and security.
- Train travel is included in the range of options available to us and will be offered where it is the most appropriate solution. There is however, no right to opt for train travel if this is not offered.

## A18. Teaching and Learning Centres (TLCs)

Transport is considered to a number of Teaching and Learning Centres (TLCs) in the County which are intended to provide temporary placements for pupils at risk of exclusion or for alternative provision. Pupils are funded in these settings following negotiations between their local school, the TLC Services and/or the Pupil Re-integration Team at the

County Council. Transport entitlements from home to the placements are made against the normal criteria and will only be considered to the nearest placement that can meet the child's needs and the centre is over the distance criterion mentioned above (See Section A2).

## A19. Children permanently excluded from a previous school

Children permanently excluded from a school must continue to undertake full-time education. In these circumstances transport support may be provided to an alternative setting for the child concerned,

provided the new setting is the next nearest suitable establishment. The placement of pupils is usually supported and agreed by the Council's Pupil Re-integration Team.

## A20. Home Tuition

Where it is deemed appropriate for a child to receive one to one tuition, often referred to as 'home tuition', it may be necessary for the learning to take place at localised centres rather than at the home. In these cases, transport entitlements from home to the placements are made against the normal criteria and will only be considered to the nearest placement that can meet the child's needs and the centre is over the distance criterion mentioned above (See Section A2).

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## A21. Managed moves between Lincolnshire Schools

- a. A managed move is a move by a pupil from one school to another for exceptional reasons, which is arranged and agreed by the Heads of both schools involved in the move, as well as by LCC and the pupil's parents. Managed moves are arranged under the Guidance issued by the Department for Education to local authorities on managing behaviour.

home to school transport for pupils subject to a managed move. In cases like this transport is normally provided only to the next nearest school with a place.
- b. In some circumstances it is necessary to provide
- c. A move of school arranged by headteacher or parents which is not agreed by LCC under the terms of the guidance is not classified as a managed move, and the normal criteria for home to school transport will apply in such cases.

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## A22. Looked After Children and children in care

Looked After Children (LAC) by the local authority often experience sudden changes of placement. In the event that a request or application is received for home to school transport the following will apply:

- Lincolnshire Looked After Children in a temporary placement will be entitled to transport to their current school to ensure continuity of education. Transport provision will be reviewed with the responsible Social Worker regularly throughout the period of entitlement.
- Lincolnshire Looked After Children in a permanent placement will be entitled to transport to a school that has been assessed as suitable by Social Care. Usual conditions regarding the designated transport area school and distance criterion will not apply in these circumstances.
- The Children's Commissioning Manager for Transport will make the final decision as to suitable transport arrangements following consultation with the responsible Social Worker.
- It is the duty of the Social Worker to inform Transport Commissioning immediately of any change in a placement that affects transport arrangements or entitlement.
- Post 16 students, in or leaving care, will not be subject to a charge for transport provision.
- Children looked after by another local authority will not be entitled to free transport provision from Lincolnshire County Council. However, following a request from the other authority's social worker, transport arrangements can be made by the Transport Services Group provided the other authority has approved and agreed to meet the costs of the transport.
- Children subject to a Special Guardianship Order (SGO) are not entitled to the same transport rights as looked after children. Applications for transport will be assessed in accordance with the home to school transport policy.

## SECTION B Procedures, Processes and Guidelines on transport/safety and security

### Section B1. Applying for transport

- A booklet, Going to School in Lincolnshire, is produced by Children's Services and is available online at: <https://www.lincolnshire.gov.uk/parents/schools/school-admissions/contact-details-and-guides/121140.article> to help parent/carers make decisions about their child's education and provides information about school transport entitlement.
- The County Council also publishes, each year, 2 guides to school and college transport:
  - Home to School Transport
  - Home to College Transport
- Home to School and College transport applications are updated and made available around March each year by the Transport Commissioning Team. Applications may be made online at: [www.lincolnshire.gov.uk/schooltransport](http://www.lincolnshire.gov.uk/schooltransport) or a parent/carer can request a paper application by ringing the Customer Service Centre on 01522 782020.
- If a child is applying for a school place through Admissions parents/carers will be able to indicate that they want transport provision by ticking a box on the form accepting an offer of a school place. Where parents choose a further distant school to that of the nearest or designated school they cannot assume transport will be provided to that school. Transport entitlement will be assessed in accordance with this home to school transport policy.
- Requests for transport on grounds of low income based on a particular faith or belief are made on the form and require confirmation from a minister of the religion that the pupil is a regular attendee at the church of the same faith as the school.
- Where transport is requested on medical grounds, supporting evidence is required. If a parent/carer has a medical condition that makes it impossible for them to ensure the primary aged child arrives safely at the bus stop or school, medical evidence is required from the relevant medical professionals. Any fees charged are the responsibility of the parent/carer.
- Completed forms are to be returned to the Transport Commissioning Team.
- Defined policy and legislative criteria are applied by the Transport Commissioning Team to determine the eligibility status of each applicant.
- If any doubt exists about the measurement and safety of a route to school or to the transport pick up point, the route is assessed to determine its suitability.
- All applicants are notified of the eligibility decision in writing (letter or e-mail).
- Where an annual payment or contribution is required, the payment must normally be received by LCC before the transport arrangements are put in place. The contribution can be paid as follows:
  - In full;
  - In three instalments;
  - In six instalments;
  - For the academic year 2017/18 the council is looking to introduce the option for payments on-line via direct debit in 10 instalments. At the time of going to print this option was not live, but it is hoped this will be available imminently.

## B2. Time guidelines for processing application

- a. After receipt of a valid application, the Transport Commissioning Team aims to process applications and make a decision on the application within 5 working days. At busy periods (July – September), this guideline is dis-applied if it cannot be reasonably met, but as far as possible a valid application is processed quickly.
- b. The County Council’s Transport Services Group also operates a 5 day guideline for transport provision, which is dis-applied during busy periods. We advise that transport is applied for in good time, to ensure that there is sufficient time to allow for transport provision to be made,

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## B3. Length of Journey

where appropriate. here are no legally-binding guidelines regarding the length of journey to and from school or college, other than the requirement that the LA must provide non-stressful transport. However, the previous guidelines of 45 minutes for a single journey at the primary stage and 75 minutes at the secondary stage continue to be applied. For pupils making long journeys, normally to special schools or to college, the County Council will strive, wherever possible to

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## B4. Pick up/Drop off points

meet those guidelines where feasible. Pupils may be required to make their own way from their home to a transport pick up point for the onward journey to school. The reverse may be true for the end of the school or college day. At present pupils may be expected to make their own way to a pick up point, accompanied if necessary by a responsible adult, up to 1 mile at the primary stage, two miles at the secondary stage, and three miles at the post-16 stage. Pupils of school age (Reception to Year 11) are only expected to walk routes to a pick up point that is designated as suitable to walk (see

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## B5. Pupils’ safety when walking to school or to or from a transport pick up/drop off point

section A12 above). Where pupils eligible for transport of school age have to make their own way to or from home to a transport pick up point or a school, the County Council is not normally responsible for ensuring their specific safety en route. Parents or carers are expected to take responsibility for ensuring their children’s reasonable safety in these circumstances. If the route from home to school or home to a pick up point for eligible children (5-16 yrs) is considered unsuitable to walk, then the County Council will arrange transport from a point nearer or at the home address to remove the need to walk. Route suitability is determined by the County Council, using its criteria published in this policy document

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## B6. Safety on school transport

(See Appendix D).

### a. Legal duties and responsibilities

The County Council is responsible for the safety of all pupils and children on its contracted transport operations. In arranging and providing home to school transport, the County Council works with its transport partners and other key stakeholders to ensure its operations meet or exceed all statutory health and safety requirements, and promote a culture of safe

transport. These partners include the police, the Lincolnshire Road Safety Partnership (which also includes the police), schools, our transport operators and contractors, the Health and Safety Executive and others.

### b. Max Respect

Max Respect is the name of the County Council’s initiative to promote safety awareness and good behaviour on buses and school transport. Max

Respect is a toolbox of initiatives, programmes and training and development highlighting the need to promote good behaviour and safety awareness concerning young passengers. Further information and details can be accessed from the Max Respect website:

[www.lincolnshire.gov.uk/maxrespect](http://www.lincolnshire.gov.uk/maxrespect)

### c. Seatbelts

Seatbelts are compulsory in all cars on public roads and all private vehicles, including numbers with up to 16 seats and must be worn in these vehicles.

Seatbelts are not compulsory on coaches or public transport vehicles and are not fitted on trains, but the County Council promotes the use of seatbelts whenever they are fitted in vehicles. Where seatbelts are fitted the County Council expects them to be used and may refuse to provide transport if a passenger refuses to use one.

### d. Child Protection and Disclosure and Barring Service (DBS) checks. (Previously Criminal Records Bureau)

The County Council has a legal duty to ensure that children are protected from harm by others whilst they are in the care of the Council. This duty specifically applies when they are being transported to and from school.

In order to enhance child protection en route to school, the County Council requires all drivers and escorts of children on contracted vehicles to be checked by the Disclosure and Barring Service (DBS) at enhanced level, at least every three years. Drivers and escorts (passenger assistants) are offered training and development to enable them to discharge their duties well, and there are procedures for registering concerns and complaints should these arise. Passenger assistants are employed to help where this is needed

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## B7. Pupil conduct issues

a. The ongoing management of pupil conduct that arises on home to school transport is a time-consuming function for the County Council. Approximately 21,000 pupils are provided with home to school transport each year, which involve around 9 million journeys annually. Problems can and do arise relating to pupil conduct. In response to this, the Transport Services Group has developed Max Respect, a toolbox of actions, initiatives and guidelines aimed at encouraging and rewarding good behaviour on home to school transport. For further details see

[www.lincolnshire.gov.uk/maxrespect](http://www.lincolnshire.gov.uk/maxrespect)

b. The County Council has invested in CCTV

on many of the buses used for home to school transport. The purpose of the investment is to help ensure the safety and security of passengers. Unless the film footage is needed to verify reported incidents it is deleted shortly after being recorded.

c. Pupils behaving in an unacceptable manner can be issued with a warning or in serious or repeated cases, be suspended from home to school transport (the purpose of suspension is to protect other passengers).

d. When a transport provider is requiring payment for the cost of damage caused by a pupil, this will be the responsibility of the parent/carer.

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## B8. Driver conduct issues and safeguarding

a. Max Respect has been extended to incorporate issues relating to driver training and conduct. All drivers are now offered specialised training in issues relating to conduct, with training updated regularly. Drivers of all contracted vehicles are required to hold valid DBS checks. The County Council has produced a Driver's Pack which summarises the roles and responsibilities of drivers, children and others involved in the provision of home to school transport. Regular training and updating is offered to drivers of

contracted services and to passenger assistants. b. Where an allegation is made against a driver the situation is fully investigated in accordance with legal guidelines. If a child protection issue arises this is investigated immediately under the control of the Lincolnshire Safeguarding Children's Board. The County Council's Child Protection Officers and the police would normally be involved in the investigation if the allegations involve improper conduct against a child as distinct from allegations about poor driving.

# Appendix A: The statutory background to the Council's Education Transport Policy

## The National Policy

The Education Act of 1996, as amended by the Education and Inspections Act of 2006, section 508, 509 and Schedule 35B puts forward the statutory requirements that all councils within England responsible for school transport must follow regardless of the circumstances.

A council has a statutory duty to make such travel arrangements as it considers to be necessary to ensure an eligible child's attendance at school. In general terms, under the 1996 Act a Council must provide transport to and from school for a child aged 5 to 16 between its home address and the nearest qualifying school, under certain conditions. It states that children are eligible to free transport if they are attending their nearest qualifying school and their address is located further than the statutory walking distance (2 miles for children up to age 8 and 3 miles for children aged 8-16). The statutory walking distance is disapplied if the child could not be expected to walk a distance due to a disability or learning disability.

Furthermore, children entitled to free school meals and from low-income families are eligible to free transport if they attend a school between 2 and 6 miles and one of their three nearest suitable qualifying schools. If the child attends a faith school and they are from a low-income family, then the distance increases to between 2 and 15 miles. Children from low-income families have been defined in multiple ways within the Councils' home to school transport policies, but generally they can be described as such: in order to be qualified as a child from a low-income family, the parent or carer has to be receiving either Income Support, Income-based Job Seeker's allowance, Child Tax Credit whilst having an income below £16,190 per annum (this figure may change in accordance with government guidance), State Pension Credit or the maximum level (i.e. not reduced to income) of Working Tax Credit. These children are therefore entitled to an additional level of transport assistance.

Paragraph 15 of Schedule 35B of the 1996 Education Act (inserted by the Education and Inspections Act 2006) defines the meaning of a qualifying school and lists them as:

- Community, foundation or voluntary schools;
- Community or foundation special schools;
- Schools approved under section 32(non-maintained special schools);
- Pupil referral units;
- Maintained nursery schools or
- City technology colleges, city colleges for the technology of the arts or academies

Statutory Guidance ("Home to School Travel and Transport Guidance – Statutory Guidance for Local Authorities") issued in July 2014 expands this statutory definition by stating that the duty extends to the nearest suitable school which it describes as the nearest qualifying school with places available that provides education suitable to the age, ability and aptitude of the child and any special educational needs of the child.

In law, a qualifying school is simply a school falling within the list set out in the Act.

A council has discretion to provide transport to those children who do not qualify under the statutory duties (Section 508C of the 1996 Act as amended). The guidance issued to local authorities gives them discretionary powers to provide transport to children who are not automatically entitled to free transport. The guidance states that it is for local authorities to decide whether and if it will apply its discretion and offer transport support to non-entitled learners. Discretionary transport support does not have to be provided free of charge.

## The Local Policy on Home to School Transport

The Home to School and College Transport Policy is published annually by Lincolnshire County Council, in line with statutory requirements. It is amended as required by changes in the law or by decisions taken by the Council to change aspects of the policy. The Council may only amend those elements of the policy which are at its discretion. Statutory requirements in respect of school transport must always be met.

Entitlement to school transport in Lincolnshire is based on the statutory duties outlined above, and

the Council's own policy to provide free transport to a school from an address in a Designated Transport Area (DTA) for a particular school, subject to the walking distance criterion of 2 or 3 miles being met. A DTA is an area around a school, indicating a transport entitlement. The Council has DTAs for:-

- Primary mainstream schools
- Secondary grammar schools
- Secondary non-grammar mainstream schools
- Sixth form centres
- Colleges of further education

## 16 Education & Training

The Council has a statutory duty under Section 10 of the Education and Skills Act 2008 to exercise its functions so as to promote the effective participation in education or training of persons belonging to its area with a view to ensuring that those persons participate in appropriate full time education or training, an apprenticeship, or are in full time occupation and participate in sufficient relevant training, all pursuant to section 2 of the 2008 Act.

The Council also has a statutory duty to publish a Post 16 Transport Policy Statement every year, setting out the arrangements for the provision of transport or otherwise that the authority considers it necessary to make for facilitating the attendance of persons of sixth form age at schools, any institution maintained or assisted by the authority which provides further education or higher education or both, any institution within the further education sector, any 16-19 academy or any other establishment at which the authority secures the provision of education or training.

Post 16 transport to education and training statutory guidance dated February 2014 requires the council, in planning transport provision to take into account its duty to promote effective participation under the 2008 act and the duty under section 2 of that act on young people to participate in education or training up to age 18. To achieve the aim of ensuring access the Council subsidises the cost of Post 16 travel in Lincolnshire to support access to education and training opportunities for learners of sixth form age. This subsidy ensures that the cost of this travel is not a barrier to accessing opportunities, as is required in the guidance issued to local authorities by the department for education.

## Equality Act 2010

The Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 section 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149(7)

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in this section may involve treating some persons more favourably than others.

A reference to conduct that is prohibited by or under this Act includes a reference to:

- A breach of an equality clause or rule
- A breach of a non-discrimination rule

An Equality Impact Analysis (EIA) supports the conclusion that the policy does not breach equality clauses or rules or breach non-discrimination rules. In particular, the specific transport needs of all children are assessed, and a child or young person who did not qualify for transport on distance grounds, would not be expected to make use of a walking route if they could not be expected to walk even a relatively short distance to a school or other educational setting.

## Human Rights

Article 2 of the First Protocol to the European Convention on Human Rights provides that "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the state shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophic aims."

However English case law establishes that this Article is not engaged in relation to considerations of school transport. The Article is concerned with access to educational institutions and the policy does not deny access to any of the educational institutions which are provided within Lincolnshire.

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## APPENDIX B: Special arrangements for transport in some areas of Lincolnshire for secondary schools, grammar schools and colleges of further education

### Fishtoft Parish

Secondary age pupils living in the parish and whose homes are within 3 miles of the Haven High Academy, Boston are not entitled to transport to the Giles Academy, Old Leake.

### Pupils living in some areas served by William Lovell Church of England Academy, Stickney.

If you live in East Fen, Eastville, Midville, New Leake, Sibsey, Sibsey Northlands, Stickford, Stickney, West Fen and Westhouses may be entitled to school transport to go to either the William Lovell Church of England Academy or the grammar stream at King Edward VI Academy, Spilsby, as long as the distance between your address and the school is over 4827 metres (three miles). However if you are from this area and you want your child to go to the other stream at King Edward VI Academy, Spilsby you will be responsible for any transport arrangements and costs.

### Grantham area

If you live in the area served only by the secondary schools within Grantham town, you will be entitled to school transport to any school in the town as long as the distance between your home address and the nearest non selective secondary school within Grantham is over **4827 metre (three miles)**.

### Lincoln

If you live within the city of Lincoln, which is served by a number of secondary schools, you will only be entitled to transport to the nearest school to your home address if the distance between home and school is over **4827 metre (three miles)**.

### Louth

If you live in the area served only by the secondary schools in Louth, you will be entitled to transport to any of these schools as long as the distance between home and the nearest non selective school is over **4827 metre (three miles)**.

### Children living in areas that are served by more than one primary school

For transport purposes primary age children would be expected to attend their nearest school. Transport would only be provided if the nearest school with a place (as allocated by School Admissions) is over two miles from the child's address.

## Schools in the unitary authorities of North-East Lincolnshire and North Lincolnshire

Some Lincolnshire villages near to the boundaries of the authorities mentioned above are closer to schools in those areas than to schools in Lincolnshire. The following arrangements apply:

- i. If you live in Waddingham, Snitterby, Bishop Norton, Hemswell, Harpswell, Glentworth, Willoughton, Blyborough, Atterby, Brandy Wharf or Grayingham, your child may be eligible for transport to Huntcliff School in Kirton Lindsey (phone 01652 648276). However, if you live in the Lincolnshire villages named above and get a place for your child at the Market Rasen De Aston School, you may also get home-to-school transport.
- ii. If you live in Scotter, East Ferry, Scotton or Northorpe, your child may be eligible for transport if offered a place at Queen Elizabeth's High School, Gainsborough or to The Gainsborough Academy or Huntcliff School in Kirton Lindsey (phone 01652 648276).
- iii. If you live in Tetney, Holton le Clay, Waithe, Grainsby or North Thoresby, your child may normally receive transport if offered a place at Toll Bar Academy, Station Road, New Waltham, Grimsby (phone 01472 500505). If you are offered a place for your child in one of the Louth secondary schools, your child may also be eligible for home-to-school transport.
- iv. If you live in Keelby or Riby, your child may normally be eligible for transport to Healing School – a Science Academy, Low Road, Healing, Grimsby (01472 502400) Caistor Yarborough Academy or Caistor Grammar School.

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## APPENDIX C: Guidance for applicants on appealing a decision to refuse home to school or college transport

Lincolnshire County Council's Home to School and College Transport policy sets out the criteria for determining transport entitlement to schools and colleges. The policy meets the requirements of the law and explains other circumstances for which LCC uses its discretion to further entitle children and young people living in Lincolnshire to education transport support. The criteria explained in the policy are applied to all applications.

You will find details of those criteria in the booklet which accompanies the application form or in the policy document available from the County Council (tel: 01522 782020) or on the LCC website at: [www.lincolnshire.gov.uk/schooltransport](http://www.lincolnshire.gov.uk/schooltransport).

Once your application has been considered, you will receive a letter to tell you whether the decision on your transport application – either an acceptance of the application, or a refusal to provide transport, with an explanation of the reason for the refusal.

If you believe that a mistake has been made in considering your application, or there is other information which we were not aware of at the time the application was considered, which would have affected the decision, you can contact us to discuss this at:

- By ringing the Customer Service Centre on 01522 782020. An adviser who is trained to deal with transport queries may be able to help. If not, they will take a message for the Transport Commissioning team to contact you.
- By emailing [SchoolTransportApplications@lincolnshire.gov.uk](mailto:SchoolTransportApplications@lincolnshire.gov.uk) with your query or information. We will get back to you within a short time.
- By writing to: The Transport Commissioning Team at County Offices, Newland, Lincoln. LN1 1YL. We will respond to you within a short time.

### Review of Application (first stage of appeal process)

If, after receiving a decision to refuse your application, you believe that the decision to refuse transport is wrong against the policy or the law and you can evidence this, you may appeal the decision within 20 days of the refusal of transport. Grounds for appealing the decision would be:

- The Council has failed to apply its own policy or the law correctly to an application, and/or
- There are exceptional circumstances (see below) that you feel should be taken into account in considering the application, or
- The refusal is based on the existence of an

'available walking route ' to a school or pick-up point for transport and you are challenging the suitability of the route (see appendix E for details of assessment of route suitability)

An appeal should be made in writing, either on the form reproduced as Appendix E, or by e-mail or letter to the address above, including the pupil's name, your name and the TRA reference number from the decision letter.

At this stage the appeal will be considered by a senior officer of the service, who will not have dealt with the original application, and your application will be looked at again, and the information you have supplied in the letter of appeal considered. A decision on your application will normally be given , in writing, within 20 days.

## Second Review of Application (final stage of appeals process)

You may make a further and final appeal within 20 days of your first appeal if your first stage appeal has not been accepted, if you believe the decision to be wrong against the policy or the law, or you believe that there are exceptional circumstances which have not been considered properly or at all, and which should cause transport to be given.

The second appeal should be in writing, to the same address as before. The second stage appeal will be decided by an independent panel who will consider all the information available to him/her, and ask for information from any relevant source. The earlier decisions will be reviewed and any new information presented in the second stage appeal will also be considered. At this stage you should expect to have to supply evidence in sufficient detail to demonstrate that the Council's earlier decisions were wrong, or that there are exceptional circumstances which mean that the Council should provide the transport where there is no entitlement against the published criteria.

You can supply any information verbally, by telephone, in addition to your written information. This should be done by ringing the Customer Services Centre (01522 782020) and asking to speak to a transport officer, who will take note of your verbal information.

## What are 'exceptional circumstances'?

The term 'exceptional circumstances' is not categorical or exhaustive and circumstances are always considered on an individual basis. Thus

parents/carers may bring forward any circumstances they consider to be exceptional and which prevent them from ensuring that their child(ren) attends school, where there is no automatic entitlement to transport under the published criteria.

The following types of circumstances , which is not an exhaustive list, may be argued as exceptional circumstances in applications for transport to a school which is not the nearest or designated one to the home address over the statutory walking distance from the child's home address:

- Sudden and traumatic changes in family circumstances, outside the control of the family and which could not have been foreseen which prevent the family making their own arrangements.
- A change of school due to exceptional circumstances (i.e. outside the normal primary or secondary transfer dates) where it is agreed by the school formerly attended and the receiving school, as well as by the Council, that the change of school is necessary. This is known as a 'managed move' (see Section A22) and an application for transport on these grounds should normally be made **before** the change of school
- Circumstances outside the control of the pupil or the family which prevent them carrying out their duty to ensure that the pupils travels to school safely, where the school is the nearest with a place in the year group

## However the following circumstances would not normally be considered as exceptional:

- Change of address
- Parent(s) or carers unable or unwilling to transport pupil to a school or college where transport is not provided by the Council under an entitlement
- A change of school due to alleged bullying or other problems, unless these have been investigated and a recommendation made by or to the council before the change under the 'managed moves' policy (see Section A22)
- Non-entitlement which arises from a school choice by the parent/carer
- Loss of employment
- Loss or non-availability of private travel arrangements
- A request for transport for a sibling unless they qualify under the policy
- Children subject to shared custody whose parents /carer request transport from both addresses.

## New Appeals/Review Procedure For Lincolnshire

Application made by Parent/Carer.



Application for education transport refused/route suitability challenge not upheld.



Officer 'A' making decision notifies parent/carer in writing, giving reasons and notifying right to appeal decision within 20 working days of letter.



Parent/Carer challenges decision.



### Stage 1 Appeal

Officer 'B' (a more senior officer than 'A') reviews the decision, considering any additional information supplied by the parent/carer and sends a written notification of the decision, with the reasoning and the right to appeal further if appropriate, within 20 working days of the date of the letter.



Stage 1 Appeal upheld - transport entitlement notified and transport arranged.

Stage 1 Appeal not upheld and parent/carer chosen to escalate the appeal to the next stage.



### Stage 2 Appeal (20 - 40 days)

Appeal panel (not including Officers 'A' or 'B') considers written and verbal representation from parent/carer. Appeal panel members are suitably qualified.



Decision letter notifying of the result is sent within 5 working days, giving detailed reasons for the decision. If the appeal is not upheld, the panel will consider any other legislative duties or rights in relation to the appeal.



Stage 2 Appeal upheld  
Letter notifies this and transport is arranged within 5 working days.

Stage 2 appeal not upheld.



Letter notifying of discussion, giving detailed reasons and information on escalating the case to the LGO.

# APPENDIX D: Policy on Determining Suitable Walking Routes to School or to a transport pick up point

## Home to School Transport

Lincolnshire County Council has firm policies about entitlement for transport to schools which meet the requirements of the law.

Unless a child qualifies for transport, parents must make arrangements to get their children safely to and from:

- the school, or
- the pick up point to meet the transport

Parents are expected to accompany their children if necessary.

## Is your child entitled to transport?

Parents/carers are able to express a preference for a school that they wish their child(ren) to attend but the County Council will provide or pay for transport only to the school within the designated transport area, or to a nearer suitable school and if the distance between home and the school is:

- 2 miles or more for primary age pupils or
- 3 miles or more for secondary pupils.

The distance is measured by the nearest available walking route from the gate of the property (or where public land borders private land) to the nearest accessible gate of the school or to the nearest pick-up point.

Parents/carers of children who are eligible for transport are responsible for making suitable travel arrangements to the nearest transport pick up point for distances up to:

- 1 mile for primary age pupils
- 2 miles for secondary age pupils
- 3 miles for post-16 students attending 6th form or college

## What if you consider that the walking route is unsuitable?

An available walking route is one that a child of school age (reception to year 11), accompanied by a responsible adult, may use to get to and from school.

Transport will not be provided for post 16 students for distances less than three miles even if the route is determined to be unsuitable for an accompanied school child to walk.

In considering the availability of a route the Council uses the guidelines issued by the Road Safety GB Group and the following factors will be considered:

- If there is a footpath along the entire route it will almost always be determined as suitable.
- Absence of a footpath does not necessarily make the route unsuitable as long as there is room to step off the road to allow traffic to pass and the traffic flow is within the Council's criteria based on nationally approved guidelines.
- Hazardous road conditions such as blind bends or road narrowing will be considered along with the traffic flow.
- Where there is a need to cross the road, the situation will be assessed against the Council's criteria which are based on guidelines produced by Road Safety GB.

### Important:

The County Council does **not** consider the following factors when making a route assessment:

Lonely routes, moral danger, rivers, ditches, dykes and ponds, unmanned level crossings and the absence of street lights or inclement weather.

## What can you do if you do not agree with the decision?

If you consider that the policies of the County Council outlined above have not been applied correctly in the case of your child, you should complete the form reproduced as Appendix E and send it to the address given at the bottom of the form.

The decision concerning the provision of transport will then be reviewed. Clearly not everyone who applies for transport to school and college will be eligible, but it is intended that all children will be treated fairly and equally throughout Lincolnshire.

# APPENDIX E: Appeal form against a decision to refuse home to school or college transport / appeal against designation of a walking route as suitable to walk.

Reference:

Pupil/Student's Full Name	Date of Birth	TRA number from decision letter

I would like my child's application for home to school/college transport to be re-considered for the following reasons, (please tick)

- The decision made regarding the application is wrong according to the policy or the law. (Please refer to the Home to School Transport Booklet)
- There are personal circumstances that apply to the application which should be taken into account.
- The walking route to the school /transport pick-up point is unsuitable and I would like it to be reviewed

Please give further details below, and attach or enclose any other evidence you think is appropriate

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(Continue on further sheet if necessary)

If you are attaching additional evidence please put a tick in the box.

Parent/Carer Name:..... Signed:.....

Address: .....

.....

Date: .....

**Please return to: Transport Services, County Offices, Newland, LINCOLN. LN1 1YQ**

## APPENDIX F Guidelines on the allocation of spare seats ('concessionary seats') on County Council contracted services

Spare seats on County Council contracted transport services (buses and taxis) to school or college may be allocated to pupils and students who have not qualified for free or subsidised transport, subject to there being no fare paying service on the route in question.

A parental or student contribution is payable for concessionary seats. This cost is calculated on a per day basis.

Concessionary seats are not available if:

- The journey to or from school can be made by local fare-paying bus or train services, or
- There would be any additional cost to the County Council in providing the seat.

The seat is offered for the duration of the academic year subject to payment of the contribution and the proviso below. Re-application must be made annually for a second and subsequent years.

It is a proviso in the award of a concessionary seat that it can be withdrawn at short notice if a seat is needed for an entitled child.

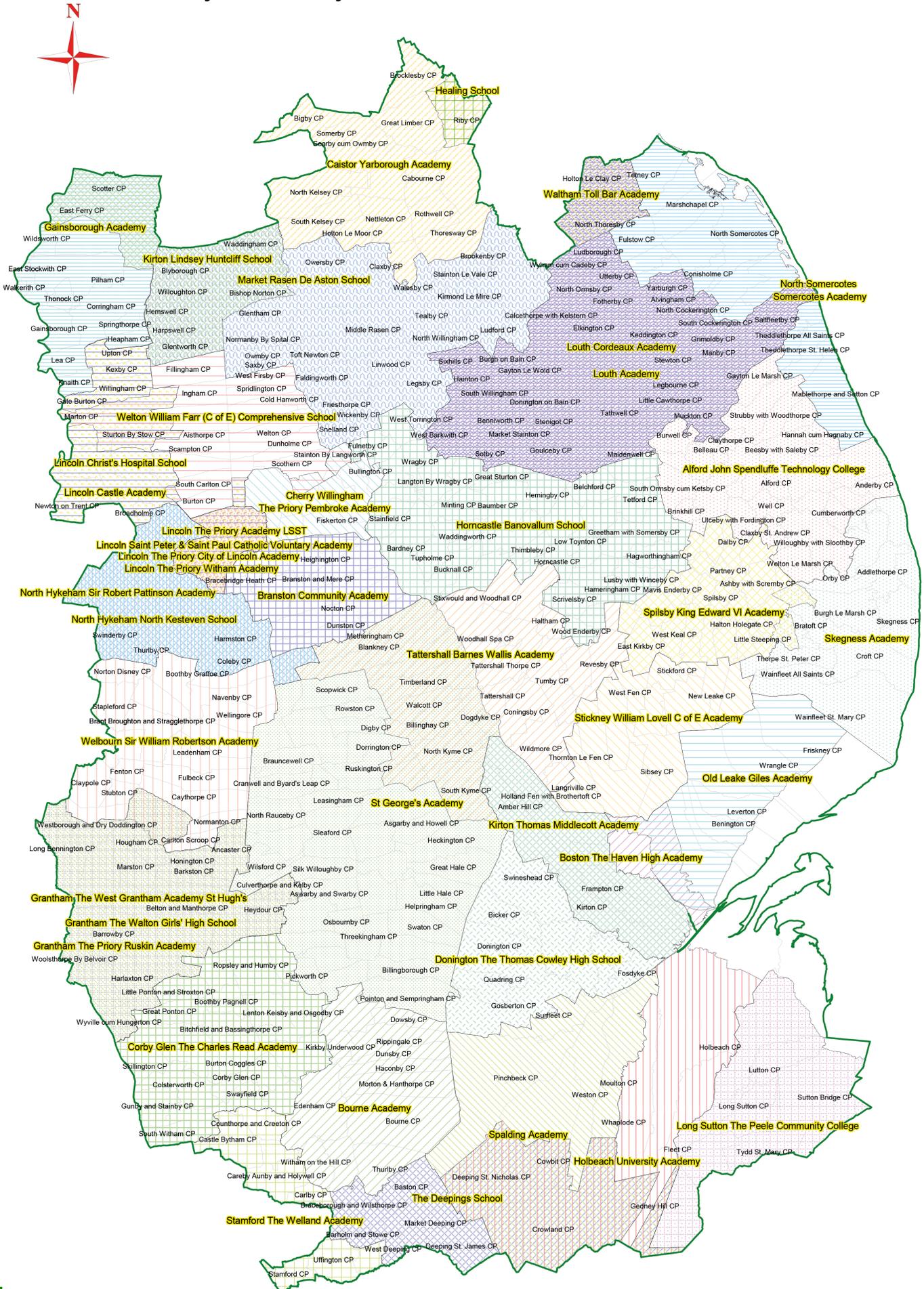
If there are more applications for concessionary seats than there are places available a priority register will be used to allocate places on the following basis:

- 1st Pupils/students living in Lincolnshire
- 2nd Pupils/students who wish to use the transport at both the beginning and end of the school/college day
- 3rd Pupils/students attending the designated or nearest school or college to their home
- 4th Pupils/students who are part way through an exam course
- 5th Those living furthest from their designated or nearest school or college
- 6th Youngest children

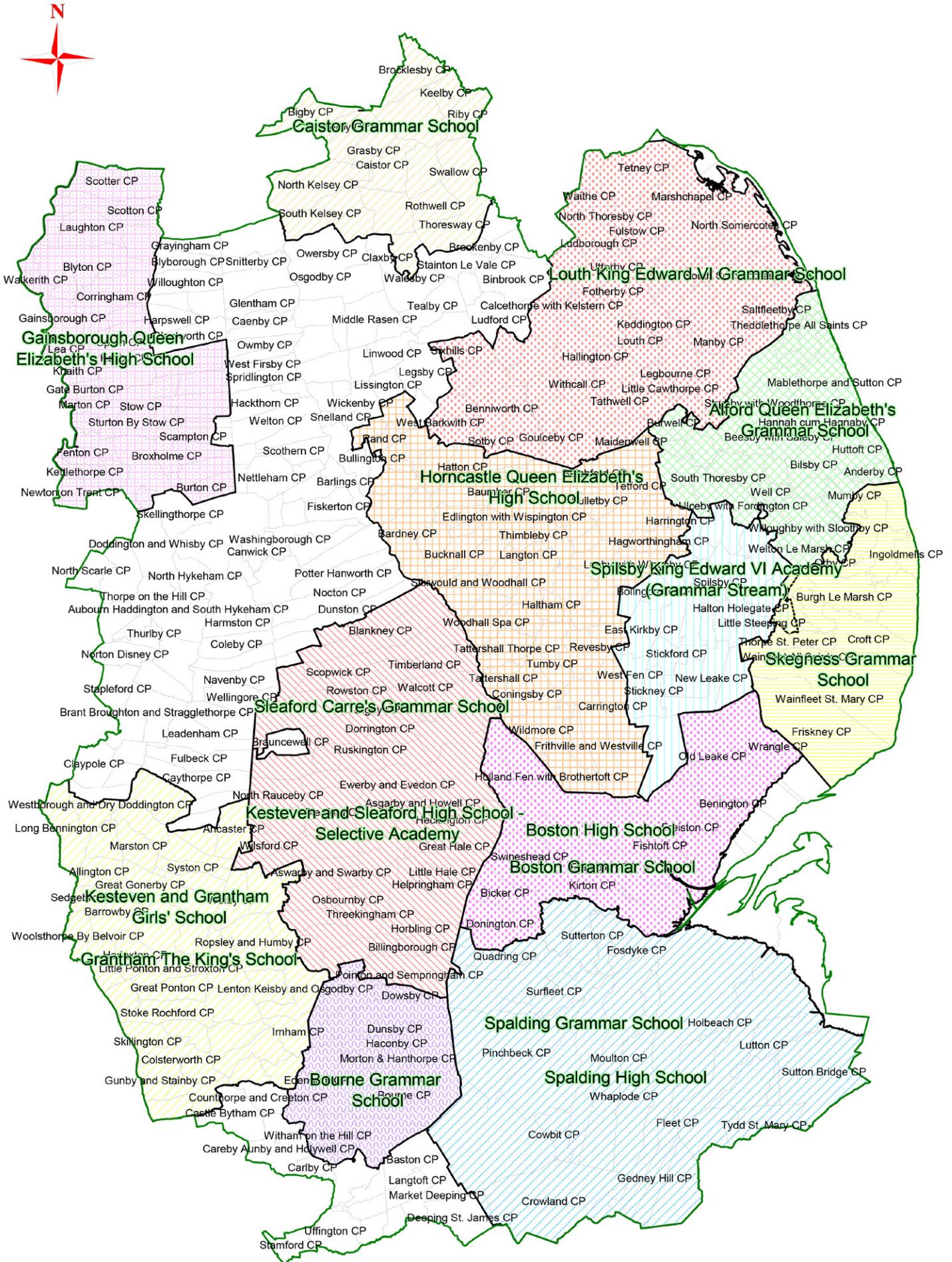
Applications can be made online at [www.lincolnshire.gov.uk/schooltransport](http://www.lincolnshire.gov.uk/schooltransport)

# APPENDIX G Designated Transport Area (DTA) maps

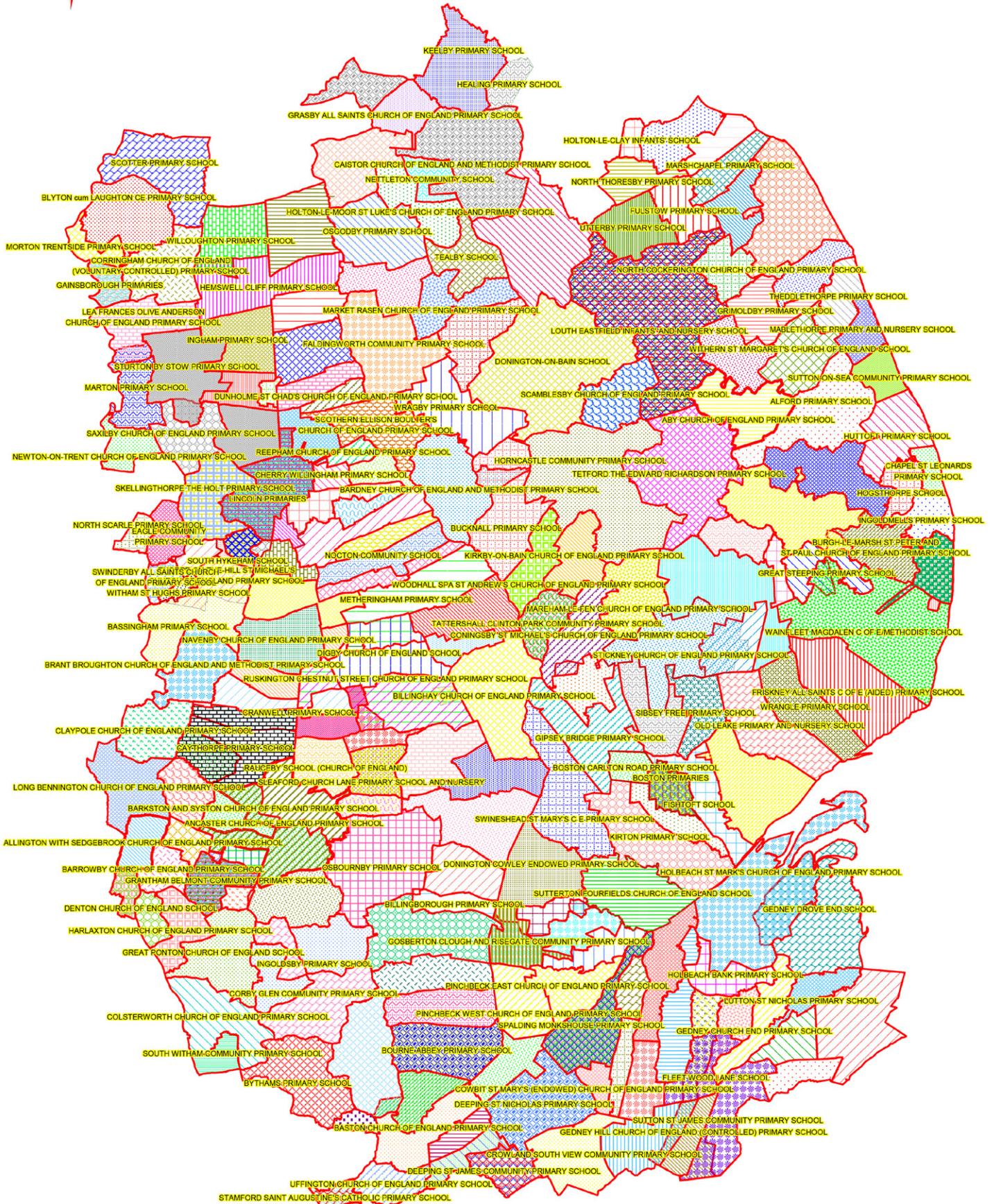
## G i. Secondary all-ability school



## G ii. Secondary grammar schools



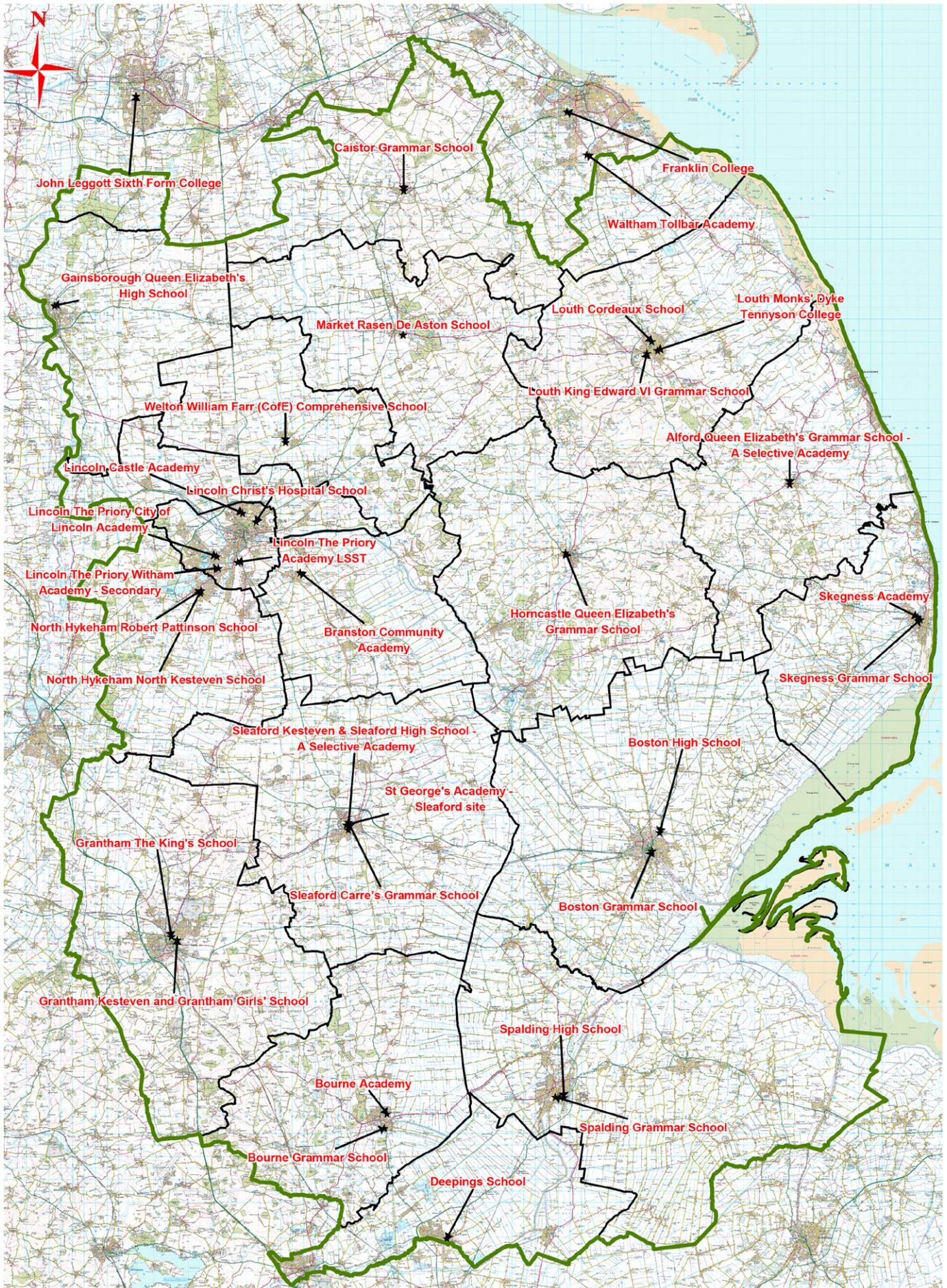
# G iii. Primary schools



## G iv. Colleges of further education



## G v. Designated transport areas (DTAs) for sixth forms



# **GLOSSARY** An explanation of some of the words and phrases used in this policy

**6th form** – Education offered after age 16 in a school with a sixth form.

**Compulsory school age** – This is between age 5 and 16. Children may start school before their 5th birthday provided that their 5th birthday falls in the school year in which they start school.

**Concessionary Transport** – Spare seats on contracted education transport which are offered to non-entitled pupils at a subsidised cost.

**Denominational** – This word is used to describe the religious character of a school. A denominational school is one which has a religious affiliation.

**Designated Transport Area (DTA)** – An area around a school or college from which resident pupils/students can get transport support subject to meeting the criteria for entitlement.

**Designated Transport Area School/College (DTA School/College)** – The school or college to which transport is provided is called a DTA school or college.

**Disclosure and Barring Services (DBS)** – A DBS check is an enquiry made against a police-controlled database recording offences that have been convicted. DBS checks which can be 'standard' or 'enhanced' are made for all staff employed by or on behalf of the County Council where the staffs concerned has any significant contact with children.

**Education Funding Agency (EFA)** – The government agency which funds post 16 education.

**Education and Health Care Plan (EHCP)** – A document setting out the education, health and care needs of a child or young person.

**Eligible pupil/student** – A pupil is eligible for transport when they meet the criteria for the award of transport.

**Exceptional circumstances** – Circumstances which exist or have arisen and could not have been foreseen, and which prevent the parent or carer from meeting their duty to ensure that their child travels to school or to a transport pick-up point. Exceptional circumstances are considered on an individual basis.

**Free/subsidised transport (to school or college)** – Free transport refers to transport for which the parent or child pays no charge or contribution. Subsidised transport refers to transport provided or paid for by the County Council for which a parental or student contribution is charged.

**Further education** – Education offered after age 16 (in a college or sixth form).

**Higher education** – Education which leads to a qualification above level 3 or advanced level e.g. a degree.

**Industry Lead Body (ILB)** – An employer's organisation which sets employment and/or training or entry standards for jobs in the vocational area for which they are responsible.

Lincolnshire County Council (LCC / The County Council) - The Local Authority responsible for providing home to school transport in Lincolnshire.

**Local Authority (LA)** – an administrative body in local government which is officially responsible for the public services and facilities in a defined geographical area e.g. Lincolnshire County Council.

**Low income family** – A family whose total income allows them to qualify for free home to school transport under the criteria.

**Mainstream school or college** – A school or college which is suitable for pupils or students of all abilities.

**Managed move** – A managed move is a transfer of a school-age pupil from the roll of one school to that of another which is brokered by the County Council and arranged and agreed by both schools.

**Max Respect** – Max Respect is the County Council's branded initiative to address issues relating to good behaviour, anti-bullying and pupil and driver conduct. Full details are available at [www.lincolnshire.gov.uk/maxrespect](http://www.lincolnshire.gov.uk/maxrespect).

**Medical condition or need** – A permanent or temporary condition which requires medical assistance and which prevents that child or the parent making their own education transport arrangements.

**Parent or carer** – A person who is the mother or father of the child in question or who has parental responsibilities for the child or who has care of the child under a formal or legal arrangement. Parental Responsibilities is defined in the 1989 Children's Act.

**Pick up point/drop off point** – A designated or recognised place from which school transport begins/ends.

**Primary stage (or age)** – Education offered to children aged 5-11 years.

**Qualifying pupil/student** – A pupil or student who is entitled to home to school or college transport according to the criteria.

**Recognised course** – a course funded by the DFE or LA at post-16 level.

**Religion or belief (in context of education transport entitlement)** – The main indication of a religion is that it has a clear structure and belief system. Belief is defined as a religious or philosophical belief and equates to conviction. Based upon case law, it has to be more than an opinion or idea. A belief must be genuinely held and the burden is on the parent to show that it is the real reason for their action/preference.

**Repeat years** – A pupil or student who repeats a year of work they have already completed which is not appropriate to their actual age

**Responsible Adult** – A responsible adult is a person aged over 18 years who is able to accompany a child of school age to school or to a school transport pick up point. The adult must be capable of making appropriate decisions en route, particularly relating to road safety.

**School of choice (or preference)** – A school of choice or preference is used to describe a school to which a parent has elected to enrol a child. This may not be the nearest or designated school.

**School year** – A school year is 190 days of teaching and must begin after the end of July in any year and end before the end of July the following year.

**Secondary stage (or age)** – Education offered to children aged 11-16 years.

**Shortest Available Route** – A shortest available route is the shortest route a pupil or student may travel (by foot or assisted transport) to a school, college or pick up point, without trespass, in reasonable safety. An available route is one which is capable of being used.

**SLDD** – Students with learning difficulties and/or disabilities.

**Special Education Needs and/or Disabilities (SENDS)** – A pupil or student who has learning difficulties (and/or disabilities) and needs special help.

**Statement of SENDS** – A document setting out the additional help a pupil will receive on account of their special educational needs.

**Suitable route (to walk to school/college or to a pick-up point)** – A route is defined as suitable for a child, accompanied if necessary by a responsible adult, if it meets the criteria laid down by the County Council, and may be used to get to and from school or college or a transport pick-up point.

**Suitable school** – A school maintained by the LA or an academy that is suitable to a child's age, ability, aptitude or any SEN they may have. All schools are obliged to offer teaching across the ability range.

**Teaching and Learning Centres (TLCs)** – Education Centres for school-age children in Lincolnshire providing an alternative provision to that of a school.

**Temporary medical condition** – A medical condition which is expected to end, but which prevents the child or the parent from making their own educational transport arrangements for a limited period.

**Walking distance** – Defined for the purposes of assessing home to school or college transport as two miles at the primary stage, and three miles at the secondary and further education stage. If a pupil or student lives within the walking distance to a school or college they could attend, they will not usually qualify for transport, unless the route is unsuitable. (See suitable route).

## Raising of the participation age (RPA)

The government has increased the age to which all young people in England must continue in education or training, requiring them to continue until their 18th birthday.

Raising the participation age (RPA) does not mean young people must stay in school. They will be able to choose one of the following options post 16:

- Full-time education, such as school, college or home education
- An apprenticeship
- Part-time education or training if they are employed, self-employed or volunteering full-time (which is defined as 20 hours or more a week).

These changes do not affect any entitlement to transport support under the County Council's policy. All post 16 students will still be required to pay the contribution since the changes do not require full time study beyond the school leaving age.



If you would like to request a copy of our Transport Policy Booklet in an alternative language or format please call 01522 782060

If you have any comments or suggestions please contact us.

Lincolnshire County Council  
County Offices  
Newland  
Lincoln  
LN1 1YL  
Tel: 01522 552222  
Fax: 01522 552288  
Minicom: 01522 552055  
Website: [www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk)

