



**Home to School Transport  
Policy for Children of  
Compulsory School Age  
Derbyshire County Council  
January 2023**

## Contents

<b>1. Introduction .....</b>	<b>3</b>
<b>2. Home to school transport assistance for children of compulsory school age .....</b>	<b>4</b>
2.1 Choice of school .....	4
2.2 General eligibility criteria .....	4
2.3 Home to school transport assistance for families on low incomes .....	6
2.4 Transport assistance to faith schools .....	7
2.5 Distance measurement .....	7
2.6 Unsafe routes .....	8
2.7 Spare seats .....	8
2.8 School re-organisation .....	9
2.9 Applying for transport assistance .....	9
2.10 What type of transport assistance will be offered? .....	10
2.11 Acceptable journey time .....	11
<b>3. Transport assistance for children with special educational needs, disabilities or mobility problems and discretionary transport assistance .....</b>	<b>11</b>
3.1 Home to school transport assistance for children of compulsory school age with special educational needs and/or disabilities or mobility problems .....	11
3.2 Children below compulsory school age .....	14
3.3 Discretionary transport assistance for ineligible children of compulsory school age .....	14
3.4 Independent travel training .....	15
3.5 Transport to residential placements .....	15
3.6 Children moving school for reasons other than changing home address .....	15
3.7 Children moving to different place of learning due to behaviour issues .....	16
<b>4 Post-16 transport .....</b>	<b>16</b>
<b>5 Request for review/appeal .....</b>	<b>16</b>
5.1 Stage One: Review by a senior officer .....	16
5.2 Stage Two: Review by an independent appeal panel .....	17
APPENDIX A .....	19
APPENDIX B .....	21
APPENDIX C .....	23
APPENDIX D .....	24

**If you would like this document in another language or reading format e.g. large text, please contact the Authority on telephone number 01629 536771.**

## 1. **Introduction**

This policy explains the entitlement to transport assistance for Derbyshire-resident children, including children with special educational needs and/or disabilities. It sets out the criteria for eligibility for transport assistance, how parents and carers may apply, how decisions are made and the type of assistance that may be available and how parents and carers may have decisions they are unhappy with reviewed.

In developing and implementing this policy, the following principles have been applied:

- The policy should be applied fairly, and consistently.
- Wherever possible, children's independence should be promoted.
- Value for money should be secured.

The policy is intended to provide clarity for parents and carers in a wide range of circumstances and to ensure that children with special educational needs and/or disabilities are appropriately supported. However, it is the legal responsibility of parents to ensure that their child of compulsory school age receives a suitable full-time education, either by regular attendance at school or otherwise (*Education Act 1996, Section 7*).

Extensive consultation with parents, carers and children has informed this policy and in support of the policy an Equality Impact Assessment has been undertaken to ensure that it does not unfairly disadvantage any group or individual.

The scope of this policy includes all travel assistance provided to eligible children by Derbyshire County Council ("the Authority") for the purpose of facilitating the child's attendance at the school or other place of learning at which they are a registered pupil.

The Authority has a duty to ensure that all arrangements make the best use of its resources.

This policy applies to all children of compulsory school age who are resident within the county of Derbyshire, excluding those living within the area of Derby City Council.

## **2. Home to school transport assistance for children of compulsory school age**

Home to school transport arrangements will be made for Derbyshire-resident children of compulsory school age\* who meet any of the Authority's home to school transport eligibility criteria, as explained below in sections 2.2 (walking distance), 2.3 (low income families), 2.6 (unsafe routes) and 3.1 (SEND or mobility issues). In law, there is no requirement for local authorities to make home to school transport arrangements for children who are below compulsory school age.

(\*Compulsory school age is defined as beginning from the start of the first school term commencing after the child's fifth birthday (or on their fifth birthday). A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen).

### **2.1 Choice of school**

The offer of a school place does not give a guarantee of home to school transport assistance from the Authority. Parents have a right in law to express a preference for the school at which they wish education to be provided for their child (*School Standards and Framework Act 1998, Section 86*); however, this does not automatically carry with it a right to assistance with transport to get the child to and from the school concerned in the event they are successful with their preference.

### **2.2 General eligibility criteria – walking distance**

In Derbyshire, home to school transport arrangements will be made for children of compulsory school age who met any of the following eligibility criteria until they complete their studies at the end of year 11.

Children of compulsory school age attending a maintained school, or an academy will be eligible for assistance with transport from the Authority if they meet the following criteria:

- The child attends the normal area school, or a school closer than the normal area school, or the nearest suitable school as determined by the Authority; and
- The child lives beyond the statutory walking distance from that school.

The statutory walking distance\* is 2 miles for children under the age of eight and three miles for children aged eight and above (*Education Act 1996, Section 444(5)*). A school's normal area is determined by the Authority, or in the case of faith schools, by the relevant diocesan body in partnership with the Authority, or in the case of an academy school by the academy trust.

(\**Walking distance* includes the distance travelled by mobility aids where it is reasonable to expect the individual to use such aids given the SEND or mobility issues).

In the exceptional circumstances of a child being educated outside their normal chronological age group, any transport application will be assessed according to the age of the majority of children with whom they are educated. For example, a child who is repeating Year 11 due to sickness or other unavoidable cause will not cease to be eligible for transport assistance simply because they are no longer of compulsory school age. In these circumstances, any transport assistance for which they were eligible will continue to be provided until the child completes Year 11.

Whilst not exhaustive, the list below indicates cases where there will not usually be an entitlement to transport assistance from the Authority, with the exception of children in the care of the Authority:

- To access breakfast or after school clubs including out of school activities.
- To work experience, taster or open days.
- To part-time provision off the school site organised by the school.
- For transfers between educational establishments during the school day.
- To and from temporary addresses including friends and child minders where these arrangements are made by the family.
- To and from medical appointments.
- Following detention.
- At times to suit the convenience of family arrangements.
- For late arrival or early departure, for example due to illness or medical appointments.
- For shorter than normal days e.g., during the exam season.

- For a child whose level of attendance is a cause of concern, but for whom no eligibility criteria are met.
- For students on exchange visits.
- Where the behaviour of a young person is not acceptable to the driver of the vehicle and places other passengers at risk. In these circumstances, parents will be required to make alternative arrangements (See Appendix C).

### **2.3 Home to school transport assistance for families on low incomes**

The Education and Inspections Act 2006 introduced additional right to transport assistance for families with low incomes under the term '*Extended Rights*'.

Children aged 8 – 10 years or aged 11 years and at Key Stage 2 who are entitled to free school meals or whose families get the maximum level of working tax credit are entitled to transport assistance to the nearest suitable school where the distance from home is more than two miles. This distance is measured by the shortest available route (see section 2.5, '*Distance measurement*', below).

Children aged 11-16 years who are entitled to free school meals or whose families get the maximum level of working tax credit are entitled to transport assistance to any one of the three nearest suitable schools where the distance from home is between two and six miles. Where the school is preferred on grounds of religion or belief, the distance is between two and fifteen miles if the school is the nearest appropriate school. Parents will be required to submit evidence to support religious or philosophical belief. Such evidence may include a letter or reference from a priest / minister / other religious leader of a place of worship attended by the parent and/or child.

Distances of up to three miles will be measured by the shortest available route (see section 2.5, '*Distance measurement*', below). Distances of over three miles linked to low income entitlement will be measured along road routes which are suitable for motorised vehicles.

Eligibility for transport assistance may be checked annually. If a child is no longer eligible for transport assistance, their parent(s) will be required to meet the child's transport costs. Should a family's circumstances change, parents will need to inform the Authority's School Admissions and Transport team at the earliest opportunity in order for the child's eligibility for assistance to be re-assessed.

## **2.4 Transport assistance to faith schools**

Following consultation with relevant stakeholders, from September 2015, the Authority no longer provides a transport subsidy to faith schools. Protection was given for pupils in Years 6 and 11 for the academic year 2015/2016 but the Authority has not contracted any buses to provide transport to faith schools since July 2016.

However, the Authority still has a duty to provide transport assistance for those pupils who are entitled to such assistance on distance or low-income grounds (see sections 2.2 and 2.3, above).

The Authority gives a grant to a hardship fund which is to be administered by the relevant Diocesan authorities. These grants are intended to be used in support of families and pupils particularly disadvantaged by the changes. In particular those identified as particularly vulnerable, which include pupils living some distance from others travelling to the school and without an alternative means of transport, and families with an income just above the threshold for entitlement to free transport on the grounds of low income for whom the costs may be prohibitive. Applications will be dealt with by the relevant Diocesan authority directly.

## **2.5 Distance measurement**

Home to school distance is measured from the child's residential address, from the established pedestrian access point for the property nearest to the school - for example, the front gate - to the nearest approved entry point to the school site.

Distances will normally be measured by the 'shortest available walking route', which is defined as the shortest route along which a child, accompanied as necessary, may walk safely. As such, the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads.

Distances of over three miles linked to low income entitlement will be measured along road routes which are suitable for motorised vehicles.

Measurements are made from a single permanent address at which the child resides, deemed to be the residence at which the child resides during the normal school week. Where the child subsequently moves address, their eligibility for transport assistance will be re-assessed. Where the child shares equal time between different parental addresses, eligibility will normally be assessed from the property nearest to the school attended.

Since September 2014, distance measurements for all new applicants are determined by means of a computerised GIS mapping system using Ordnance Survey information. Distance measurements for existing users

may include routes and distance measurements already held on file by the Authority.

## **2.6 Unsafe routes**

Transport assistance will be provided if the Authority considers that the route(s) which a child could reasonably be expected to walk to a school which would otherwise be within statutory walking distance is/are unsafe to walk. The assessment criteria are set out in Appendix A.

In determining whether a route is unsafe to walk, the Authority will consider whether the child could reasonably be expected to walk the route if accompanied. If so, the Authority would normally expect the child to be accompanied by an adult or other responsible person as necessary. Arranging this is the responsibility of the child's parents or carers. The Authority would also consider, if appropriate, alternative safe routes which are under statutory walking distances.

In exceptional cases (e.g., where the child's parent(s) has/have a disability which prevents them from being able to accompany the child), the Authority may agree that it would not be reasonable for the parent(s) to accompany the child, in which case transport assistance will be provided. Applications for school transport can be made online at [www.derbyshire.gov.uk/get2school](http://www.derbyshire.gov.uk/get2school)

## **2.7 Spare seats**

Where the Authority provides contract vehicles, spare places may be offered on request and on a temporary basis for children who are not entitled to transport assistance based on the criteria in sections 2.2 and 2.3. For 22/23 where a child takes up a spare seat a charge will be made of £438 per annum for a secondary age pupil and £394 per annum for a child of primary school age. This charge will increase by the rate of inflation in the September of each year.

The Authority reserves the right to determine the allocation of these spaces based on the demand and space available at the time and to determine charges.



The Authority cannot guarantee the spare seat place for the duration of the child's attendance at that school and will make every effort to give a minimum of one week's notice should a place have to be withdrawn at any time. There is no appeal against withdrawal of concessionary transport, as from the outset, this offer does not commit the Authority to future assistance.

The facility for children who are not entitled to transport assistance from the Authority to pay to use spare seats does not apply to buses which charge a daily fare for travel.

## **2.8 School re-organisation**

If a child has to move school after a school re-organisation or closure, and they lived in the normal area of their former school, they will only be offered transport to their new designated school if they meet the general eligibility criteria. Transport for those who do not meet the general eligibility criteria will only be provided if it has been agreed as appropriate under the school closure/ re-organisation plan.

## **2.9 Applying for transport assistance**

When a child is due to start full time school for the first time or transfer at the normal transfer time between schools, parents/carers will receive a letter or e-mail advising them of the school at which the child has been offered a place. This letter / e-mail will include information relating to home to school transport.

If a child is either offered a place at a secondary school or already attends a primary school in another Local Authority's area, a letter will be sent to the child's home address from the School Admissions and Transport Team advising about the process for applying for transport, and where to find more information.

**Primary age children:** families who believe their child may be entitled to transport assistance should apply online or submit a form X78.

**Secondary age children:** with the exception of children falling into the following category, families who believe their child may be entitled to transport assistance should apply online or submit a form X78

**Year 6 pupils transferring from junior/primary school to a secondary school:** where it is identified that a child in Year 6 is entitled to receive transport assistance, the Authority will notify parents by letter in April, prior to the child's transfer to secondary school in September. In this case, a separate application is not necessary, and parents/carers should only contact the Authority if the transport assistance is not required.

Parent/carers who do not receive a letter by 30 April should apply to the

Authority if they believe that their child may be entitled to assistance with travel. The application should be completed by the end of May, prior to the child's transfer to secondary school in September. Applications for school transport can be made online at [www.derbyshire.gov.uk/get2school](http://www.derbyshire.gov.uk/get2school) or by completing form X78 available from the School Admissions and Transport Team.

**Other circumstances:** applications for transport to support new admissions or changed circumstances at other times of the year should be made online on the Derbyshire County Council website or using the application Form X78 available from the School Admissions and Transport Team.

In normal circumstances, when the parent/carer of a child who is eligible for transport assistance submits an application to the Authority, it may take up to 15 working days before provision is in place and parents/carers will therefore be expected to make and fund their own travel arrangements during this time. If further information or investigation is required, additional time may be required before the provision can be put in place.

Transport applications are assessed on the basis of the information supplied, so if a child's circumstances change it will be necessary for the parent/carer to notify the Authority and re-apply if appropriate. The stored information is verified with schools by the School Admissions and Transport Team twice yearly.

In the event that the Authority has provided assistance with transport in error, the provision will be withdrawn following a six-week notice period. The Authority reserves the right to recover from parents the cost of any transport wrongly provided on the basis of false or inaccurate information given by the applicant, or failure by the applicant to notify the Authority of a change of circumstances.

## **2.10 What type of transport assistance will be offered**

Transport assistance will normally be provided through a place on a school bus, public bus or train, or by reimbursement of a parent's mileage expenses at a rate of 45 pence per mile, based on one return journey a day. A child's journey to school may include one or more changes of transport, where connection times and overall journey times, are reasonable. For complex journeys, the Authority will discuss provision with the family to determine the most suitable arrangements.

In the event that a child loses their bus/rail pass, parents/carers will be charged for a replacement by the Authority (N.B. a separate fee from the bus/rail company may also be incurred). Parents/carers must send a letter to the child's school confirming that the pass has been lost and payment for a replacement pass will need to be included. Children will not normally be issued with more than one replacement pass each school year.

Children will normally be expected to walk up to a mile, accompanied as necessary, to the designated pick-up point (e.g., a bus stop) for the service vehicle to school.

### **2.11 Acceptable journey time**

Where transport is provided, the recommended maximum journey time is 45 minutes each way for children of primary school age and 75 minutes each way for children of secondary school age. In practice, the Authority attempts to minimise these times as much as possible in the interests of the child. Acceptable journey times for children with special educational needs and/or disabilities may be adjusted according to individual need.

## **3. Transport assistance for children with special educational needs, disabilities or mobility problems and discretionary transport assistance**

### **3.1 Home to school transport assistance for children of compulsory school age with special educational needs and/or disabilities or mobility problems**

The majority of Derbyshire-resident children for whom an Education, Health and Care Plan (“EHCP”) is maintained do not receive or require specialised travel assistance from the Authority. Where a child lives within statutory walking distance (see section 2.2, above) of the school named within their EHCP, and is able to walk to school, accompanied as necessary, the Authority expects parent/carers to make arrangements for their child in the same way as parents of children without SEND.

Transport arrangements will be made for both children of compulsory school age with SEND and children with mobility problems (defined as children suffering from a temporary medical condition or injury which temporarily restricts their mobility) whose school is within statutory walking distance of their home address only if the Authority is satisfied that the child concerned cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs and/or disability. Eligibility for such children will be assessed on an individual basis to identify whether they have any particular transport requirements.

Where a parent/carer submits an application for temporary transport assistance on the basis of a child’s temporary mobility problems, they will be required to submit supporting evidence in the form of an independent opinion

from a registered medical practitioner which, in the view of the Authority, demonstrates that the child cannot reasonably be expected to walk to school because of their medical-/injury-related mobility problems.

The Authority's decision in this regard is final, subject to a parent/carer's right to request a review of the decision (see Section 4 below).

Where transport assistance is provided, the Authority will ensure that children are able to travel in safety and reasonable comfort and that journey times are kept to a minimum.

Where a child is eligible for transport assistance due to their SEND or mobility problems, transport assistance will be provided to and from the nearest suitable school.

If the child is attending a school of parental preference and the Authority considers that there is a suitable school with a place available in the child's year group which is nearer to the child's home, he/she will not be eligible for transport assistance to the more distant school unless:

- an EHCP is maintained for the child; **and**
  - the Authority is satisfied that, once the additional transport costs to the more distant school have been taken into account, the child's attendance at the school would not be incompatible with the efficient use of the Authority's resources, or the avoidance of unreasonable public expenditure (*Children and Families Act 2014, Section 39(4)(b)(ii); Education Act 1996, Section 9*).

Otherwise (i.e. if the Authority is satisfied that, once the additional transport costs to the more distant school have been taken into account, the child's attendance at the more distant school *would* be incompatible with both the efficient use of its resources and the avoidance of unreasonable public expenditure), the Authority may agree to name the preferred school in the child's EHCP on the condition that the parents/carers are responsible for all costs relating to travel from home to school.

The provision of transport to children with SEND or mobility problems will be reviewed annually.

Where a child with SEND or mobility problems is eligible for transport assistance and is unable to access the home to school transport arrangements generally available to children in their local area, then alternative transport arrangements will be made. The nature of any such arrangements is at the discretion of the Authority, having regard to the needs of the child concerned.

If the Authority agrees to provide transport assistance, it will be provided in a safe and cost-effective manner, taking account of the child's specific needs

and with regard to the best use of the Authority's resources from the range of options below:

- **Re-imbusement of mileage costs:** Parents may consent to support their child in travelling to school, either through accompanying their child in place of a passenger assistant or by driving their own car. In these cases, the Authority may remunerate the costs of travel by paying a mileage allowance, currently 45 pence a mile based on one return journey a day.
- **Escorted public transport:** It may be possible for a child to travel on public transport if they have some assistance. Where parents are unable to accompany their child, or do not consent to do so, the Authority may provide a passenger assistant.
- **Contract vehicles:** In exceptional circumstances, the Authority may provide a contracted vehicle to transport a child to and from school. Vehicles are provided by suitably qualified, registered providers working to contractual standards set by the Authority. Whenever possible, children will travel together in minibuses that are adapted to meet the needs of the children travelling on them. Each route will be planned on the basis of school start and finish times and the shortest possible route for all children travelling on a vehicle. Children will be picked up and dropped off at a convenient location, within a reasonable distance from their home, in many cases from recognised bus stops.
- **Home pick-up:** This will only be made where deemed essential due to the child's significant needs.
- **Taxis and private hire vehicles:** Under very exceptional circumstances, the Authority may transport pupils in separate taxis or private hire vehicles based on the assessed needs of the child.

Passenger assistants may be provided at the discretion of the Authority. The circumstances in which passenger assistant may be provided include where:

- The child is under 8 years of age.
- The child has a disability which makes it necessary to provide an escort for health and safety reasons, or
- The child has emotional or behavioural difficulties which would give rise to concerns for the well-being of either the child him/herself or for other occupants of the vehicle if there were no passenger assistant present.

### **3.2 Children below compulsory school age**

As children who are below compulsory school age do not fall within the statutory eligibility criteria for home to school transport assistance, the Authority will not normally provide such assistance for pre-school children. Where a pre-school child is the subject of an Education, Health and Care Plan, or is undergoing a statutory assessment of their educational, health and care needs, transport provision may be considered but is only likely to be agreed in exceptional cases.

The decision to make discretionary travel arrangements for children below compulsory school age rests with the Authority and decisions will be made on a case-by-case basis. Transport assistance, if agreed, will usually be in the form of parental reimbursement at a rate of 45 pence per mile, based on one return journey per day.

### **3.3 Discretionary transport assistance for ineligible children of compulsory school age**

The Authority has discretionary powers to go beyond its statutory duties and provide transport assistance for children who do not meet any of the eligibility criteria set out in Section 2 of this policy, above (*Education Act 1996, Section 508C*).

Requests for transport assistance submitted by the parent/carers of children who do not meet any of the eligibility criteria will be considered on a case-by-case basis. Parent/carers will be required to submit along with their application such evidence as the Authority might reasonably require in order to make a decision as to whether to exercise its discretionary powers to provide transport assistance. For example, where a parent/carer submits an application for discretionary transport assistance on the grounds of extreme financial hardship, documentary evidence of their monthly incomings/outgoings (e.g. bank / building society statements, utility bills, etc.) must be submitted for the Authority's consideration.

Where the Authority agrees to provide transport assistance on a discretionary basis, parent/carers may be required to make a financial contribution to the overall cost of any transport provided. Alternatively, the Authority may decide to pay all or part of the reasonable home to school travel expenses incurred by the parent/carer of the child concerned.

A decision by the Authority not to offer transport assistance on a discretionary basis is final, subject to the parent/carers right to request a review of the decision in accordance with Section 5 of this policy, below.

### **3.4 Independent travel training**

The Independent Travel Training scheme is aimed at children and young people who may face difficulty with using public transport to help them live more independently.

Travel Trainers work on a one-to-one basis with a child or young person to gain independence on a specific route to and from school or college.

For child or young person to be eligible for Independent Travel Training, they need to be:

- in Year 8 or above at school; and
- eligible for and in receipt of transport assistance from the Authority.

Please phone 07805745341 or email [lift-derbyshire@natstar.ac.uk](mailto:lift-derbyshire@natstar.ac.uk) for more details.

### **3.5 Transport to residential placements**

Where an eligible child attends a residential school, transport will be arranged by the Authority, or the parents will be reimbursed the cost of making their own arrangements as follows:

- Weekly basis – journeys at the beginning and end of each school week.
- Termly basis – journeys at the beginning and end of each term, up to a maximum of 12 journeys.
- 38- or 52-week placements – a maximum of 12 journeys per school year.

Parents/carers are expected to make independent transport arrangements when returning their child to school following illness, for medical appointments and for exclusions where these journeys are additional to normal transport arrangements.

### **3.6 Children moving school for reasons other than changing home address**

If a child moves to another school or place of learning for any reason other than a house move, transport assistance will not normally be offered unless the general eligibility criteria (see sections 2.2. and 2.3) are met.

In these circumstances, parent/carers will be required to explain why it is considered necessary for the child to move to another school and to submit evidence in support of their application. Such evidence may include a letter from the head teacher of the child's previous school which confirms his/her understanding of the reason why the child has been withdrawn from the school.

### **3.7 Children moving to different place of learning due to behavior issues**

Where, following exclusion from school, a child has been placed in an alternative establishment for provision of their education (e.g. a support centre maintained by the Authority, or other alternative provision), their eligibility for transport assistance to the relevant educational establishment will be determined in accordance with sections 2.2 and 2.3, above.

## **4 Post-16 transport**

Statutory eligibility to free home to school transport ends when a child ceases to be of compulsory school age (see section 2, above).

There is no automatic entitlement for Post-16 transport provision for learners of sixth form age and the Authority must decide what arrangements it considers necessary, as a local response to transport needs, which complies with legal requirements.

In accordance with the statutory requirement to do so, the Authority publishes a separate annual Post-16 Transport Policy Statement which defines our transport policy for learners over age 16. This can be viewed at <https://www.derbyshire.gov.uk/education/schools/your-child-at-school/travel/post-16-college-travel/post-16-travel-to-school.aspx>

## **5 Request for review/appeal**

Where transport assistance is refused, or if parents/carers wish to challenge a decision about the transport assistance offered by the Authority, a two-stage review / appeals process will be followed.

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

A parent/carer has 20 working days from receipt of the Authority's transport decision to make a written request asking for a review of the decision by completing a review form (Appendix D), which can be obtained from the School Admissions and Transport Team (see Appendix C for details).

The written request should detail why the parent/care believes that the decision should be reviewed and give any details of any personal and/or family circumstances the parent/carer believes should be considered when



the decision is reviewed. The parent/carers request should be accompanied by any necessary supporting evidence. In the matters of route distance, correction of administrative errors and withdrawal of a temporary seat, the final decision rests with the Authority (subject the parent/carers right of appeal under Stage two of the review/appeals process).

Within 20 working days of receipt of the review form, a senior officer of the Authority will review the original decision and send the parent/carer a detailed written notification of the outcome of their review, setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed, e.g. Road Safety GB);
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about how the parent can escalate their case to stage two of the review / appeals process (if appropriate).

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

If they are dissatisfied with the outcome of the review of their case, a parent/carer has 20 working days from receipt of the Authority's stage one written decision notification to make a written request to the School Admissions and Transport Team (see Appendix C) to escalate the matter to stage two.

Within 40 working days of receipt of the parent/carers request, an independent appeal panel will meet to consider written and (if the parent/carer wishes to attend the panel meeting) verbal representations from both the parent/carer and officers involved in their case.

Whist employed by the Authority in a capacity unrelated to School Admissions and Transport, the independent appeal panel members will be independent of both the original decision-making process and the stage one review by a senior officer. This will ensure that a balance is achieved between meeting the needs of the child and his/her parents/carers and the Authority, and that road safety requirements are complied with and no child is placed at unnecessary risk.

Within five working days of the independent appeal panel meeting, the panel will send both the parent/carer and the School Admissions and Transport Team a detailed written notification of the outcome of the appeal, setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed, e.g. Road Safety GB);
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about the parent/carers right of complaint to the Local Government and Social Care Ombudsman (N.B. the Ombudsman can only investigate a complaint if there has been a failure to comply with procedural rules or if there are any other irregularities in the way the appeal has been handled; he/she will not investigate the merits of the panel's decision).

**APPENDIX A****Walking Route Assessment Criteria**

- A. In assessing the safety of a route, consideration will be given only to danger relevant to traffic/highway conditions.
- B. It is essential that each case be considered objectively on its merits.
- C. It is assumed that the child will be accompanied as necessary by a caring parent or other responsible person and will be suitably clothed and wearing suitable footwear.
- D. Where a footway or roadside strip, public footpath or bridleway exists of reasonable width and condition, this will normally be assumed to provide a safe route for that part of the journey.
- E. Where, on a lightly trafficked or narrow road, a verge exists which is not easy to walk on, but which can be stepped onto by the child and accompanying person when vehicles are passing, it will normally be assumed to provide a safe route for that part of the journey.
- F. Many routes may lie along roads having neither footway nor verge. On such roads, consideration should be given to the width of the carriageway, traffic speed and composition (such as frequent heavy goods vehicles) and to visibility.
- G. The absence of street lighting is not in itself a measure of the availability of a safe route, although where children are unable to step off the road surface it could become a significant factor.
- H. Consideration should be given to the relevant accident record of the route, with regard to the effect on pedestrian movement; and;
- I. Where road crossings are necessary, the availability of facilities to assist such crossings (e.g. pedestrian/'Zebra' crossings) should be taken into consideration, as should the extent of visibility.

**Please note:** any routes found to be unsafe for a child to walk, accompanied as necessary, will be referred to the County Highways Authority to look at cost effective adjustments.

**Assessment:**

Officers of the Authority will use the above factors to assess whether a route is safe to walk. There will normally need to be a combination of factors present for the route to be unavailable for an accompanied child to walk. A route will not normally be considered unsafe just because a short length of it is difficult. It is reasonable to expect special care to be taken by the child and, where necessary, parent places.

## APPENDIX B

### **Behaviour code of conduct for provided transport**

Derbyshire County Council is committed to providing safe and reliable transport to and from educational establishments and places of learning in the County.

A number of bus services now have CCTV fitted and partnerships have been established with some schools and bus operators to help deal with problems. The County Council also works in partnership with Derbyshire Community Safety Partnerships and/or Safer Neighbourhoods teams and will, where necessary, utilise the range of legislative enforcement powers available to help stop anti-social behaviour. Parents are responsible for ensuring their own child understands the consequences of misbehaving on provided transport.

#### **Step 1**

Where a child misbehaves, drivers will normally speak to the child about their behaviour. If problems remain the details will be reported to the school or place of learning and to the County Council. Once a pupil has been reported, a verbal warning will normally be given by the school or place of learning. Schools and places of learning should include within their School Behaviour Policy conduct which takes place on the journey to/ from their establishment as well as behaviour within the school or place of learning, and may also impose additional sanctions under the terms of the Behaviour Policy where this is appropriate.

In cases of more serious misconduct, Step 2 will immediately apply.

#### **Step 2**

Where a pupil is a persistent offender, or commits a serious offence, a written warning will be issued as follows. Either:

- A letter will be sent home informing parents/guardians of their child's behaviour along with a warning that further misbehaviour will result in the child being banned from the transport provided for a temporary period, or
- A letter will be sent home informing parents/guardians that an immediate ban from the transport provided has been imposed for a specific period. Pupils may also be asked to sign an acceptable behaviour contract before they are allowed to return to the transport provided.

In very serious cases the right to travel on transport arranged by the Authority may be withdrawn completely.

Warning letters may be issued by the School or place of learning or the County Council.

A serious offence includes any type of behaviour which endangers the safety of other passengers, drivers and members of the public. It also includes criminal damage or vandalism to the transport vehicle provided.

Serious cases may also be reported to the police, to be dealt with by way of criminal proceedings.

Parents/carers should be aware that where bans are imposed the travelling arrangements and costs will be the parent's responsibility and the County Council will not offer alternative transport or assistance.

Parents and carers of pupils who cause damage to transport vehicles will be liable for any costs incurred by the company. The County Council will support the transport company and will encourage police involvement if necessary.

## APPENDIX C

### **Contact details for specialist staff dealing with transport**

School Admissions and Transport Team - Tel: 01629 537479 or email [admissions.transport@derbyshire.gov.uk](mailto:admissions.transport@derbyshire.gov.uk) for assessment/eligibility queries.

### **Family Information Service**

Tel: 01629 535793

### **School Transport Team (school bus provision)**

Tel: 01629 536739

### **Special Needs Transport Team**

Tel: 01629 536727

Online applications for transport assistance can be made at <http://www.derbyshire.gov.uk/get2school>

## TRANSPORT REVIEW FORM

Please complete fully using block letters on this page and complete in black ink or type.

### Child and Parent Details:

<b>Name of Child:</b>	
<b>Child's Date of Birth:</b>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Full Name of Parent or Carer:</b>	
<b>Parent Carer Telephone Number (Day):</b>	
<b>Parent Carer Telephone Number (Evening):</b>	
<b>Parent Carer Telephone Number (Mobile):</b>	
<b>Parent Carer Email Address:</b>	
<b>Does your child have an Education, Health, and Care Plan (EHCP)?</b>	
<b>School to which transport is requested?</b>	
<b>Date started or due to start at the above school?</b>	
<b>Please list other schools attended (if any):</b>	

### Details of other child family members (e.g., Brothers and Sisters):

Name:	Date of Birth:	School / College Attended:



**Other Adults That Live In The Household:**

<b>Name of Adult (1):</b>	
<b>Relationship to Child:</b>	

<b>Name of Adult (2):</b>	
<b>Relationship to Child:</b>	

<b>Name of Adult (3):</b>	
<b>Relationship to Child:</b>	

<b>Name of Adult (4):</b>	
<b>Relationship to Child:</b>	

<b>Please explain how your child currently travels to school:</b>

<b>Is the transport assistance required due to a medical condition?</b>  <b>If YES – Evidence must be provided from a medical professional to confirm any medical issues and how these impact you or your child and their ability to get to school.</b> A letter from a GP detailing only what has been reported to them by the patient would not usually be considered sufficient.  <b>Please note:</b> Support for medical assistance is assessed on an annual basis.	Yes	No

<b>OFFICE USE ONLY:</b> <b>Medical Evidence Received?</b>	Yes	No
<b>OFFICE USE ONLY:</b> <b>Date Requested:</b>		

**Other Agencies Involved Supporting Child/Family:**

<b>Organisation:</b>	<b>Contact Name:</b>	<b>Telephone Number:</b>

**Please note:**

- Financial circumstances or normal parental working arrangements will not usually, by themselves, be regarded as exceptional family circumstances.
- Where the parent / carer is unable to accompany the child, then the Authority will consider the availability of immediate family members, friends and neighbours, and the provision of any other assistance or benefit to the family.
- Ensure you have included details of any other agency involvement e.g., social care, housing, etc.

**To enable consideration, you must supply relevant third-party documentation to support the information you provide.**

**Please give full details of why transport assistance is required (grounds for this review):**  
(Continue on a separate page and attach if required)

**I understand the authority may seek advice and information relating to my request from other departments or agencies, including schools, prior to any review.**

<b>Applicant Name:</b>	<b>Applicant Signature:</b>	<b>Date:</b>

Privacy Notice: The information you release to us will be used for transport related purposes and may be shared, [as the law allows](#), with partner organisations. Further details on the Authority's Data Privacy policies and those of partner organisations can be found on the Derbyshire County Council Website [www.derbyshire.gov.uk/privacynotices](http://www.derbyshire.gov.uk/privacynotices), or a hard copy can be provided on request.

**Please return this completed 'Transport Review Form', including supporting evidence:**

**BY EMAIL:**

[admissions.transport@derbyshire.gov.uk](mailto:admissions.transport@derbyshire.gov.uk)

**BY POST:**

Derbyshire County Council, School Admissions and Transport Team, School Road, Off Sheffield Road, Chesterfield, Derbyshire. S418LJ