

# AGENDA

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**Meeting:** Appeals Panel (School Transport)

**Place:** Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

**Date:** Monday 6 September 2021

**Time:** 2.00 pm

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## **Covid-19 safety precautions for public attendees**

To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place. **You must contact [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk) no later than 5pm on Thursday 2 September 2021 if you wish to attend this meeting.** Places will be allocated on a first come first served basis and all requests may not be accommodated if there is high demand. **Please note that only the Part 1 agenda items are open to the public.**

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Wear a facemask at all times (unless due to medical exemption).

Maintain social distancing.

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Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## **Membership:**

Cllr Allison Bucknell  
Cllr Tamara Reay

Cllr Tony Jackson

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

## Part I

### Items to be considered while the meeting is open to the public.

1 **Election of Chairman**

To elect a chairman for this meeting.

2 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

3 **Minutes** (*Pages 5 - 6*)

To approve and sign as a correct record the minutes of the meeting held on 2 July 2021.

4 **Meeting procedure** (*Pages 7 - 10*)

The Chairman will explain the attached procedure to those present.

5 **Exclusion of the press and public**

To agree that in accordance with section 100A (4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item no. 6 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

## Part II

### Item(s) during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

6 **School transport appeal**

To consider and determine a school transport appeal in the Royal Wootton Bassett area.

6a **Transport Officer's Report** (*Pages 11 - 16*)

6b **Appellant's Appeal Submission and Supporting Evidence** (*Pages 17 - 28*)



## Appeals Panel (School Transport)

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MINUTES OF THE APPEALS PANEL (SCHOOL TRANSPORT) MEETING HELD ON 2 JULY 2021 AT THE CROWN COURT, SALISBURY GUILDHALL, THE MARKET PLACE, SALISBURY, SP1 1JH.

**Present:**

Cllr Tony Jackson, Cllr Elizabeth Threlfall and Cllr Paul Oatway QPM

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1 **Election of Chairman**

Cllr Paul Oatway QPM was elected as Chairman for this appeal only.

**Cllr Oatway QPM in the Chair**

2 **Declarations of Interest**

There were no declarations of interest.

3 **Meeting procedure**

The Chairman outlined the meeting procedure as detailed in the agenda.

4 **Exclusion of the press and public**

The panel considered whether or not to hold the meeting in closed session and it was:

**Resolved**

To agree that in accordance with section 100A (4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item no. 5 because it was likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

5 **School transport appeal**

The panel heard representations and replies from the Transport Officer and the appellant and asked questions of the parties involved. Upon consideration of this information, it was,

**Resolved:**

**That the appeal be upheld.**

(Duration of meeting: 10.00 - 11.00 am)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

## School Transport Appeal

### The Hearing Process

1. Panel Members will hold a pre-meeting prior to the appeal to discuss any issues or queries regarding the case. They will also be asked to consider which Member will be nominated to be Chairman. The Clerk and a Legal Officer (if required) will be in attendance for the pre-meeting.
2. Item 1 - The Democratic Services Officer will open the meeting and call for a nomination for Chairman which should be seconded. One of the Panel members will be elected to chair the hearing. The Clerk will hand over to the Chair to proceed through the agenda.
3. The elected Chairman will introduce the members of the Panel and Officers to the appellant.

**Note: The Appellants name will not be used in the public session.**

4. Item 2 - The Chairman will ask for any declarations of interest to ensure there are no conflict of interest issues.
5. Item 3- The Chairman will outline the hearing process as detailed within the agenda pack.
6. Item 4 – The Chairman will move into Closed session ‘Exclusion of Press and Public’ and the public meeting will then end.
7. The meeting will then move on to the hearing, which is conducted in private.
8. Those present at the private hearing will be:
  - The 3 Panel members,
  - An officer from the Passenger Transport Unit, or for Special Educational Needs transport appeal cases a representative of the Director – Families & Children’s Services, usually the SEN Transport Officer,
  - A Democratic Services Officer, who will act as the clerk to the panel,
  - The Appellant (accompanied by someone if agreed),
  - A representative of the Legal Section as required,

- Any other officer of the Council as appropriate.

**9. Officer Report** - The Chairman will ask the Transportation/SEN Officer to explain the reasons why the application for transport assistance has been declined.

**10. Panel Questions** - The Panel will then ask questions of the Transportation/SEN Officer for clarification and information

**11. Appellant Questions** - The Appellant or their representative can ask questions of the Transportation/SEN Officer for clarification and information.

**12. Appellant's Case** - The Chairman will ask the Appellant or their representative to present their case. No new information should be introduced.

**13. Officer Questions** - The Transportation/SEN Officer, can ask questions of the Appellant for clarification and information

**14. Panel Questions** - The Panel will then ask questions of the Appellant for clarification and information.

**15. Summary** - Both the Transportation/SEN Officer, and the Appellant and/or their representative, will be given the opportunity to sum up.

**16.** The Chairman will thank all for attending and advise the Appellant that the clerk will telephone them later the same day with the decision. A formal decision letter will follow within 10 working days, usually by email.

**17.** The Transportation/SEN Officer and the Appellant (and their representative) will be asked to leave the hearing so that the Panel can consider the information and make a decision.

**18.** The Clerk to the Panel will remain in the meeting but only to record the proceedings and decision made. The Legal Officer will remain (if in attendance) to provide any further legal advice to the Panel.

## **Deliberation in closed session**

### **The Decision**

1. Each appeal will be considered on its own merits.
2. The decision will take full account of all submissions and information submitted to the panel and the Council's policy for home to school transport.



- 3.** The Appellant and the Transportation/SEN Officer will be notified of the decision in writing as soon as possible and in any event within 10 working days of the hearing.
- 4.** If the appeal has been upheld contact will be made by the Transportation/SEN Officer to make the necessary arrangements.
- 5.** There is no right of appeal against the decision of the panel.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**January 2019 edition**

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**Home to School  
Travel Support Policy**

**EDUCATION TRANSPORT**

Wiltshire Council  
County Hall, Bythesea Road, Trowbridge BA14 8JN

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**Please read this document carefully and retain it for future reference**

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## CONTENTS

	page
Definitions	4
<b>Section 1 Transport for Compulsory Education (5 to 16 years)</b>	<b>5 - 9</b>
General Criteria	5
Route Safety	5
Extended Rights for Low Income Families	5
Shared Sites	6
Spare Seats Scheme	6
Arrangements for when the Designated School is Full	7
Federation of Small Schools	7
Fuel Allowances	7
Medical Conditions	7
Salisbury Grammar School	7
General Exceptions	8
Permanent School Closure	8
Fair Access Panel	8
Transfer Owing to Alleged Bullying	8
Temporary Housing	9
Continuity of Education	9
Review of Entitlement Decision	9
Induction Days	9
Extended School Day	9
Independent Schools	9

## CONTENTS continued

	page
<b>Section 2 – Post 16 Transport (16 to 19 years)</b>	<b>10</b>
Raising the Participation Age	10
Wiltshire’s Post-16 Transport Scheme	10
Post-16 Transport Policy Statement	10
Refund of Post-16 Transport Charge	10
Defaulted Payments	11
<b>Section 3 - Special Educational Needs (SEN)</b>	<b>12 - 13</b>
Pupils aged 4 years and above	12
Post-16 pupils (16-19)	12
19 to 24 year old students	13
<b>Section 4 – Operational Issues</b>	<b>14</b>
Failure to Present a Valid Pass – Three Strikes	14
Antisocial Behaviour	14
Changes to School Start and Finish Times	14
Travel Times	14
Distances to Pick up Points	14
Feeder Transport	15
<b>Section 5 – Complaints and Appeals</b>	<b>16</b>
Complaints Procedure	16
Appeals Procedure	16
Acts of Parliament and Official Guidance	16
<b>Appendices</b>	
1    Assessment of safe walking routes to school	17 - 18
2    School Transport – General Policy for assessing an available route	19
3    Road Safety GB Guidelines	20 - 21
4    Spare Seats Scheme Terms and Conditions	22 - 23

## Definitions

- a) The ‘**council**’ means Wiltshire Council as the Local Authority (LA) for Wiltshire (and includes the committees and panels authorised to deal with education transport matters)
- b) The ‘**closest**’ school means the school which is the closest one to the home address when using the shortest available walking route (for routes under 3 miles) or the shortest available driven route (for route of 3 miles or more). This could include a school which is not within the administrative boundary of Wiltshire Council, i.e. within the boundary of another local authority.
- c) The ‘**designated school**’ means the school designated by the council for school transport purposes, for pupils living within a certain area.

**NB the designated school for transport entitlement may differ from the designated school for admissions purposes. This is because the transport entitlement is allied to the pattern of provision relating to when the school was within LA control (if it has since become responsible for its own admissions and has chosen to change its admissions catchment area).**

- d) The ‘**preferred school**’ means a school which the parents of a pupil/student have expressed a preference that the pupil/student attends, rather than the designated school.
- e) A ‘**qualifying school**’ is one that has one of the following statuses:
- community, foundation, voluntary aided and voluntary controlled
  - academy including free schools, studio schools, University Technical Colleges and alternative provision academies
  - community or foundation special schools (for children with special educational needs only)
  - non-maintained special schools (for children with special educational needs only)
  - pupil referral units
  - city technology colleges and city colleges for the technology of the arts.
- f) The pupil’s/student’s ‘**home**’ is the place where the pupil/student is normally resident with his or her parent(s) or legal guardian. In Wiltshire, this is the person named as the recipient of child benefit for that child). In cases where joint custody legal residence orders are in place, the above shall continue to apply. For measurement of distances, and determining the designated school for transport entitlement purposes, the council will consider this address only.
- g) The ‘**statutory walking distance**’ (for pupils under eight years of age) is up to two miles from home to school. For pupils who are aged eight years or more, the statutory walking distance is up to three miles, measured by the shortest available walking route.
- h) The ‘**shortest available route**’ is measured from the gate of a pupil’s or student’s home to the nearest school or college gate. Where no gate is present, the measurement will be taken at the point where the public highway meets the school or home boundary and pedestrian access is available.
- i) Distances are measured initially by using Geographic Information System (GIS) software. If the measurement is disputed, walked available routes up to three miles, are measured using a walking wheel) and driven routes, beyond three miles, are measured using a vehicle which has an integral measuring device. Routes beyond three miles can be measured by walking wheel where it is practicable to do so.

**Subject to these clauses, the council will have regard to this statement of general policy**

## SECTION 1 Transport for Compulsory Education (5 to 16 years)

### General Criteria

1. Free transport is provided if a child aged less than eight years old lives at least two miles from and attends the closest-school to the home address. For children aged eight to fifteen years old, free transport is provided if the home address is at least three miles from the closest school. All applications for transport for children aged four to fifteen must be made in writing using an Under-16 Transport application form, available from schools, online at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk) or on request from the council by calling 0300 456 0100.
2. In addition to providing free transport to the closest school (subject to the age and distance criteria above) free transport is also available to the designated school (for transport purposes) subject to these same criteria. See paragraph c) in Definitions on page 4 (above).

### Route Safety

3. The council will provide free transport to the closest or designated school if the distance from home to school is less than the statutory walking distances and if the council considers the route to school to be unsafe to walk. Please refer to **Appendices 1-3** of this policy for further details.

### Extended Rights for Low Income Families

4. The extended provisions of the Education and Inspections Act 2006 apply for families in receipt of either:
  1. Free School Meals (FSM)  
or
  2. Working Tax Credit (WTC), and who receive the maximum award for their case.
5. For pupils aged eight or more, but less than eleven and who qualify for free school meals or their parents receive maximum working tax credit, the statutory walking distance is two miles.
6. For pupils/students of secondary school age, the extended provisions allow free transport for pupils from lower income families, as defined above, to one of the three nearest qualifying schools between two and six miles from their home.
7. For attendance of a denominational (faith) secondary school, the extended provisions allow pupils/students from low income families (defined above) who qualify for transport assistance on grounds of their parents' religion or belief, to receive free transport if they live between two and fifteen miles from their nearest denominational school. The law requires councils to consider applications for transport to schools of all faiths, religions and non-religions. In Wiltshire, weekly attendance at a relevant place of worship is expected of regular worshippers. (e.g. where transport is requested to a Roman Catholic school, proof of regular attendance at a Roman Catholic church is required).

**NB: These extended provisions will apply for the whole of the academic year in which the family is receiving either FSM or maximum WTC, but will cease after that time.**

## Shared Sites

8. In specific instances, if a school shares the same site or campus as another and if it also shares the same transport arrangements, free transport can be given if the other school is the one designated for the pupil's address for transport entitlement purposes. This situation occurs where the following schools share sites or are very close to one another:
- (i) Chippenham: Sheldon / Hardenhuish Schools
  - (ii) Salisbury (Laverstock): Wyvern College / St. Edmunds C.E. Girls / St. Joseph's R.C. Schools
  - (iii) Trowbridge: Clarendon / John of Gaunt / St. Augustine's R.C. College.

This assistance is subject to the following clauses:

- a) Roman Catholic pupils who live outside the Trowbridge or East Salisbury Secondary areas cannot receive assistance with transport to John of Gaunt / Clarendon College or Wyvern College / St Edmund's School.
- b) If a pupil receives transport to a school which is not designated to their address for transport entitlement purposes under this 'Shared Site' agreement and the designated school is closed for the day, it is the parent's responsibility to make and pay for the arrangements for transporting the pupil to school.
- c) If schools on the same campus do not share the same start and finish times, transport will be arranged for the designated school's start and finish times. This could result in some students attending a preferred school on the same site as the designated school, having to wait after the end of their school day to access the bus or the bus leaving the campus before the preferred school's finish time.
- d) Where no suitable transport exists for attendance at the school which is not the designated one, this will not be arranged specifically nor will season tickets be purchased for use on public service buses.

## Spare seats scheme

9. If spare seats are available on vehicles contracted to the council, they may be allocated to pupils/students who are not entitled to free transport. Charges for this will vary and are published in the council's Schedule of Charges and on the website. Spare seat places must always be paid for in advance. The offer of a spare seat place is made on the understanding that any seat allocated, must be relinquished if, at a later date:
- (a) the seat is required for a pupil/student who is entitled to free transport or one with a higher priority, e.g. older children or siblings of children already travelling
  - (b) the service is withdrawn when the transport requirements in the area are reviewed;
  - (c) the service is converted to a fare paying bus. (Spare seat places cannot be offered on vehicles where fares can be paid).

If a spare seat is withdrawn, the responsibility of ensuring the child can attend school remains with the parent.

If transport is required for only a few journeys per week, the minimum charge applicable will be half the full rate for that journey.



The full terms and conditions of this scheme are at **Appendix 4** and are also published separately on the Wiltshire Council website.

### **Arrangements for when the Designated School is Full**

10. If there are no spaces available at the closest school suitable for the age of the child, free transport can be provided to the next closest school with places available, if the normal distance or route safety criteria are met. If there is time for an appeal for a place at the local school to be conducted before the child is due to start, then it would be expected that such an appeal takes place before transport would be offered to the next closest school with places available.

### **Federation of Small Schools**

11. When small schools federate (join under one headteacher), the general criteria for free transport shall apply. If pupils are taught on two sites, split by key stage, these will be treated as separate schools for the purposes of transport entitlement which will be reviewed when pupils transfer from one site to another.

### **Fuel Allowances**

12. An allowance for the cost of motor fuel will be offered if parents are willing to provide transport and it is cost effective for the council to do so. When this is agreed for an applicant above statutory school age, a deduction will be made from the annual reimbursement to the parent, to cover the equivalent of their contribution to the Post-16 Transport scheme. Payments are usually made by monthly BACS transfer.

### **Medical Conditions**

13. The council may provide door to door transport, temporarily, if a pupil/student attending his/her designated or closest school which is within statutory walking distance, has a temporary disability, for example a broken leg, which prevents him/her from being able to walk to school or use a bus. In addition, pupils who suffer from a longer term medical condition may receive help with transport to enable them to attend school.
14. If the parent has a medical condition which prevents him/her accompanying the child to and from school and there is no other responsible adult available to do so, free transport can also be considered.
15. After obtaining parental consent, enquiries will be made through the school, the family GP and/or consultant, to confirm the necessity for special transport provision, before arrangements are made. Free or assisted transport will be provided only if this is required from door to door.

### **Salisbury Grammar schools**

16. New applications for transport to either of the Salisbury grammar schools will incur a charge, unless the low household income provisions of the 2006 Education and Inspections Act are applicable or it can be demonstrated that the school attended is the closest school to the applicant's address. It will be possible to pay the charge in instalments, if the application is received by 30<sup>th</sup> June, for the following academic year. Further details regarding payment will be provided on application. Applicants are advised to contact their local bus company to find out if cheaper alternatives are available.

## General Exceptions

17. The council has a legal obligation to consider all requests for home to school transport based on any individual circumstances provided. Free transport can sometimes be provided as an exception to the normal policy. However, it must be demonstrated and agreed that it would be in the best interests of the child for the council to assist with transport costs. The potential cost of offering such provision over the period of the child's attendance at their current (or intended) school will also be a significant factor in determining whether assistance can be offered. In some cases, if an exception cannot be agreed by the Education Transport Entitlement Manager, the request may be referred to the Appeal Panel for members to consider.
18. In considering any application on behalf of a pupil or student in relation to transport to and from a school or college, the council will:
- i. consider an application from a Wiltshire resident fairly and equitably on its own merits, according to the provisions of the policy, to see if the applicant is eligible for help with transport to school/college.
  - ii. make a judgement as to whether there is a duty to provide free transport to facilitate attendance.

In doing so, the council shall have regard (amongst other things) to:

- iii. the age of the pupil or student
- iv. the nature of the route or alternative routes which he or she could reasonably be expected to take
- v. the wish of the parent for the pupil or student to be provided with education at a school or institution in which the religious education provided is that of the religion or denomination to which the parent adheres.

## Permanent School Closure

19. If a school closes and the next closest school is named as the new designated school for pupils in that area, free transport will be provided according to the general criteria, i.e. the qualifying distance or route safety criteria will apply.

## Fair Access Panel

20. Where a school place has been agreed by a local Fair Access Panel (FAP) at a school which is not the local one, free transport can sometimes be provided if the normal distance or route safety criteria are met. If the place has been offered through a 'Fresh Start' agreement between two schools, free transport will not be provided by the council and transport costs should be met from funds transferring with the student from one school to the other.

## Transfer Owing to Alleged Bullying

21. If a pupil has transferred from a local school to one which is further away, owing to allegations of bullying, free transport will not usually be provided to the new school. However, if all discussions with the previous school have not resolved the matter and the Education Welfare Service has been involved, the transport request can be considered further. In cases of alleged

physical assault, it would be expected that the police would have recorded this and a crime number issued before any transport request could be considered.

### **Temporary Housing**

22. If a family has had to move to emergency or temporary accommodation, free transport can sometimes be provided to ensure children can continue to attend school in the area they have moved from. Advice from the local authority housing options adviser will be sought and it must be demonstrated that there is a real intention for the family to move back to the area of the school attended, at the earliest opportunity.
23. Assistance is usually offered in the form of a short term bus pass. For children who are too young to travel alone by bus, a pass can sometimes be offered for the parent to accompany the child, although this will not extend to enabling the parent to return home after dropping the child off at school and then returning to collect the child at the end of the school day.

### **Continuity of Education**

24. Free transport is not generally available if a pupil/student attending the designated school for transport entitlement purposes, moves out of the area of that school, where (s)he is already undertaking a particular examination course e.g. GCSE or 'A' level (i.e. years 10 or 11, 12 or 13). However, requests will be considered if the low income criteria in paragraph 4 are met and the house move is confirmed as a result of a decision which is not of the parent's making.

### **Review of Entitlement Decision**

25. If entitlement to free or assisted transport has been granted, and it is identified subsequently that this was provided in error or in cases where the nature of the route may have changed since free transport was granted (possibly owing to improvements made to the highway), transport may be withdrawn. A reasonable notice period for withdrawal of transport is one term (based on three terms per year). In some instances a greater notice period may be possible.

### **Induction Days**

26. The council has no responsibility to provide free transport for attendance at induction days before a child starts their new school. However, in some cases. If an existing contract vehicle has space, temporary agreements can be made on an individual basis. Please contact Passenger Transport on (01225 713365 for specific advice.

### **Extended School Day**

27. Schools are encouraged to provide sessions before the start and after the end of the normal school day. However additional transport is not provided by the council for children who wish to attend such sessions, even if a school has arranged to provide scheduled classes as part of the standard curriculum without prior agreement with the council, to re-arrange transport.

### **Independent Schools**

28. Free transport is not provided for children who attend a 'mainstream' school which is not funded by central or local government. However, for some children with special educational needs (SEN) please see Section 3.

## SECTION 2

## Post-16 Transport (16 to 19 years)

### Raising the Participation Age

29. The 2008 Education and Skills Act sets out the expectation that sixteen to eighteen year olds must remain in some form of education or training. However, councils are not obliged to provide free transport for students aged sixteen or more remaining at school or college in full time study. In Wiltshire, transport can be applied for via the council's post-16 transport scheme. A charge is applicable for this scheme with a significant discount for students from low income households.

### Wiltshire's Post-16 Transport Scheme

30. The council will normally provide assistance with transport for young people over statutory school age attending full-time courses if they attend, and live at least three miles from their designated sixth form or Further Education (FE) college. Post-16 Transport can also be provided for a student to study at a preferred school or college, if the cost is the same or less (for the council) than to the designated FE College.
31. Transport assistance is usually offered in the form of a bus pass, for which the applicant must pay a financial contribution. The charge for this is published in the council's Schedule of Charges, available on request. Students in families whose gross annual household income is below £20,819, as determined by a current Tax Credit Award Notice (TCAN), can apply for a pass priced at an even greater discounted rate. Payment by seven monthly instalments is available for applicants who submit an instalment mandate by 30 June prior to the start of the academic year.
32. If the designated school or college is unable to offer the course necessary for the student's entry to a specific Higher Education course and subsequent career aim, the council may provide transport to a different establishment, providing the student proves the necessity for this. The application form gives details of how this proof can be obtained. All applications for post-16 transport must be made in writing on a Post-16 Transport Application form available from sixth forms and colleges, online at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk) or from the council by calling 0300 456 0100.
33. Owing to the significant increase in the council's standard charge rate in recent years, applicants are strongly advised to contact their local bus company about purchasing a season ticket direct rather than from the council, as this may be cheaper. This is especially relevant if the council's standard charge is applicable and the student attends classes / lectures less than five days per week. Please call (01225) 713365 for contact details of your local bus company.

### Post-16 Transport Policy Statement

34. The Education and Skills Act 2008 places a duty upon Local Authorities to publish a policy statement which gives details of travel options available to students in further education. This includes details of any support with travel costs provided by the Local Authority, colleges and other bodies. The Statement for Wiltshire can be found on the council website under Transport to sixth form and colleges' in 'Related Documents'. Alternatively, please call 0300 456 0100 for a hard copy version.

### Refund of Post-16 Transport Charge

35. If a student surrenders their bus pass, having made alternative transport arrangements or ceased studying part-way through a course, a partial refund of the post-16 transport charge can be offered. This will be considered only in cases where a current bus pass is returned to the

council and received in the Passenger Transport Unit. No refunds will be provided for passes returned after April in the current academic year.

### **Defaulted Payments**

36. If a post-16 bus pass is paid for in instalments by direct debit and one or more instalments has not been paid when due, reminders will be issued for outstanding payments to be made. If outstanding payments are still not received, steps will be taken to retrieve the bus pass and no further passes will be provided until all outstanding payments are made. Any outstanding payments are liable for recovery via legal action.

## SECTION 3

## Special Educational Needs (SEN)

### Pupils aged 4 years and above

37. Children and young people with a Education, Health and Care Plan (EHCP) have the same entitlement to transport under legislation or policies agreed by Wiltshire Council as any other Wiltshire pupil.
38. Children and young people with a EHCP-who are of compulsory school age, are eligible for free travel assistance if:
- they are attending the nearest appropriate school to their home as named in Part Four of their EHCP
- and
- the distance between their home and school, measured by the shortest walking route, is more than two miles (for pupils up to the end of the school year in which they have their eighth birthday), or more than three miles (for pupils from the beginning of the school year in which they have their ninth birthday)
- or
- if they live within 'statutory walking distance' but because of their SEN they could not be reasonably expected to walk to school. These will be considered on a case by case basis and factors such as receipt of higher level Disability Living Allowance (DLA) can be used to assess the level of need. When considering these cases, relevant professional evidence will be required.
39. All school travel assistance is subject to regular review. For children and young people with a EHCP, transport should be included as part of their Annual Review.
40. If parents/carers choose to send their child to a school other than the nearest appropriate school (or maintain a school place after moving to a new home where there is a new nearest appropriate school), they must take full responsibility for their child's travel arrangements.

### Post 16 pupils (16-19)

41. For students with special educational needs(SEN)/learning difficulties and disabilities (LDD) continuing in full time education beyond the age of 16 either in school or college who are able to travel independently, please refer to Section 2 of this document.
42. For students with SEN/LDD who continue in full time education either in school or college beyond the age of 16 and who are unable to travel independently, a subsidised travel scheme is also available. There is no free travel available, and the level of contribution required is linked to the household income.
43. Wiltshire Council will normally provide assistance through this scheme for students who:
- live three miles or more from their school/college.
  - attend a full-time course at their designated school or college, or attend a specialist college where funding has been approved by the Local Authority or Education Funding Agency.
  - are aged 16 or over but under 19 at the start of the course.
44. Consideration may also be given to those students who do not meet the criteria outlined above, but whose Special Educational Needs make travel assistance necessary. Every case will be

considered individually and factors such as receipt of higher level DLA can be used to assess the level of need. When considering these cases, relevant professional advice will be required.

45. Consideration will also be given to the provision of travel assistance to the preferred establishment when the cost of the transport to the council is no more than to the nearest appropriate establishment.
46. Students who have a EHCP or who may have had one whilst at school, do not automatically qualify for assistance under this scheme and must apply to ensure that they meet the eligibility criteria.
47. Wiltshire Council encourages students to be able to travel independently wherever possible. The Community Connecting team-currently provides travel support to individual students to enable them to access public transport.
48. The nature of travel assistance provided will vary according to the changing needs of the individual student and will be provided in the most inclusive, sustainable and cost effective way.

### **19 to 24 year old students**

49. For students who remain in full time college placements and who are aged 19 to 24, the responsibility for funding and eligibility for travel provision rests with the SEND team and should be identified during the transition process. Further details can be found in the SEND Transport Policy.

## SECTION 4

## Operational Issues

### Failure to Present a valid bus pass - Three Strikes

50. If a pupil or student does not present their bus pass to the driver when asked, a note of their name will be taken. After three instances of a pass not being presented, the pupil or student will be excluded from transport until they are able to present a valid pass. This is known as the Three Strike rule.

### Antisocial Behaviour

51. The council will not tolerate poor or anti-social behaviour on school transport. This can compromise the safety of all passengers and the driver. By working with schools to identify culprits and agree sanctions, such behaviour will result in a warning letter being issued initially.
52. Subsequent poor behaviour can result in a temporary exclusion from transport. In extreme cases, exclusion from transport can result immediately and the council reserves the right to make permanent exclusions if appropriate.
53. A school transport behaviour code is issued with all bus passes. This provides more details about expected levels of behaviour and the consequences of poor behaviour. In addition, schools have the power to address unacceptable behaviour by pupils and students even when this occurs away from the school grounds and regardless of whether school uniform is or is not worn.

### Changes to School Start and Finish Times

54. The council aims to work effectively with schools in providing transport for Wiltshire children. However, in cases where a change in start and/or finish times is introduced by a school and additional cost is incurred in providing transport to that school, the council will seek to charge the additional cost back to the school.

### Travel Times

55. Generally, for mainstream pupils and students travelling by bus, the following travel times should be achievable:
- 45 minutes – primary school
  - 75 minutes – secondary school
  - 90 minutes – sixth form or college
56. However, there may be instances where these times will be exceeded and therefore they cannot be considered mandatory and should be used as a guide only.

### Distances to Pick-up Points

57. For pupils and students who have to make their own way to or from the nearest bus pick-up point, the following maximum distances will not be exceeded for that part of the journey.
- ½ mile – primary school
  - 1 mile – secondary school
  - 3 miles – sixth form or college



## **Feeder Transport**

58. Pupils and students, whose journey to the nearest appropriate bus pick-up point exceeds those distances stated above, will qualify for additional assistance with transport. This may be in the provision of a feeder arrangement such as a taxi but where possible, parents will be offered a reimbursement of fuel costs for that part of the journey.

## SECTION 5

## Complaints and Appeals

### Complaints Procedure

59. Complaints about poor behaviour by the driver or passengers should be referred to Passenger Transport on (01225) 712852.
60. Complaints about the service timings or vehicle breakdowns and other disruption should be referred to Passenger Transport on (01225) 713365.
61. Complaints about transport entitlement or policy decisions should be made in writing to the Education Transport Entitlement Manager, Passenger Transport Unit, Wiltshire Council, County Hall, Trowbridge BA14 8JN.

### Appeals procedure

62. In instances where the criteria stated in this policy are not met in full and free or assisted transport cannot be offered, a parent or guardian may wish to appeal against a decision to refuse help made by a transport entitlement officer. Additional information can then be submitted for the request to be reconsidered. This will be reviewed by the Education Transport Entitlement Manager. If the request is refused again, the applicant may wish to pursue the matter further. At this point the final stage of the appeal process will be invoked. This involves a formal appeal to the Education Transport Appeal Panel.
63. Formal appeals are heard by a panel of three councillors. The preparation for the appeal can take up to six weeks. Appellants are asked to submit an appeal form to start the appeal process. Appeal forms are available from the Democratic Services team. Parents or their representatives can present their own case. The panel's decision is final unless subsequent information warrants a further appeal. For more information about the appeals process please contact the Democratic Services team on (01225) 713035.

### Acts of Parliament and Official Guidance referred to in this policy

The following Acts of Parliament are adhered to in this policy:

*1996 Education Act: s444, s508A–9A*  
*2006 Education and Inspections Act*  
*2008 Education and Skills Act*

The Department for Education publishes official guidance in conjunction with these Acts as follows:

*Home to School Travel and Transport Guidance – July 2014*  
*Post-16 Transport to Education and Training – February 2014*

Road Safety Great Britain publishes guidance in relation to the assessment of walking routes to school:

*Assessment of Walked Routes to School – December 2011*

December 2018

## ASSESSMENT OF SAFE WALKING ROUTES TO SCHOOL

1. The initial assessment is carried out by two Officers from the Education Transport Team of the Passenger Transport Unit.
2. The general policy for assessing an available route is attached at **Appendix 2**.  
An available route is one along which:
  - it is reasonably practicable for a pupil/student to walk; and
  - a pupil/student, accompanied as necessary, can walk with reasonable safety.

In assessing the safety of a particular route, consideration is given solely to dangers related to traffic and highway conditions. The potential for molestation and other concerns regarding personal safety are not considered in the assessment. The availability of a pavement or footpath will normally be taken to provide a safe route for that part of the journey.

The availability of an accessible verge onto which the pupil/student (and accompanying adult as necessary) can step, when vehicles are passing, will normally be taken to provide a safe route for that part of the journey. On routes where there is neither pavement, footpath nor verge, consideration should be given to:-

- (a) width of carriageway
- (b) traffic speed
- (c) composition of traffic
- (d) visibility (e.g. sharp bends with high hedgerows or banks).

Consideration should be given to the accident data for the route, with particular regard to the effect on pedestrian movements. Where the road has to be crossed, the availability of facilities to assist such crossings should be considered. In assessing the safety of a particular route, regard should be given to the age of the pupil/student and any other relevant circumstances.

3. The Road Safety GB guidelines at **Appendix 3** are used in the assessment procedure.
4. As a result of the inspection, the two officers make a recommendation as to whether transport is to be provided. In making their decision, there are two main considerations:-
  - (a) Could the pupil/student walk to school unaccompanied, with reasonable safety?  
  
*If the answer is "yes", then there would normally be no case for the provision of free transport.*  
  
*If the answer is "no", then (b) below should be considered;*
  - (b) Could the pupil/student walk to school accompanied by an adult, with reasonable safety?  
  
*If the answer is "yes", then there would normally be no case for the provision of free transport;*  
  
*If the answer is "no", provision of free transport should be considered but the matter should be referred first to the Area Highways Engineer to investigate*

*whether any cost-effective road improvements could be made as an alternative to the provision of free school transport.*

5. If, after the inspection, the officers are unable to make a recommendation, a Road Safety Officer will be asked to assess the safety of the route using the same guidelines for assessment. A decision is made then as to whether free transport should be provided. If it is decided that free transport should be provided, the Director responsible for Passenger Transport will notify the parents and make the necessary arrangements (if the Area Highways Engineer is not able to carry out cost-effective road improvements as in 4(b) above).
6. The Road Safety Officer will be asked to assess the safety of the route, using the same guidelines, if the parent is dissatisfied with the outcome of the Officers' initial assessment. If the Road Safety Officer upholds the recommendation of the Officers' initial assessment, then the parent is informed of their right of appeal to the relevant panel or committee.
7. The parent can appeal against a decision that the route is available for the child/student to walk to school (citing the reasons for doing so), to the Education Transport Appeal Panel. Panel members can decide to confirm the officers' decision or they can walk the route themselves using the guidelines. As a result of this assessment the panel members will consider, at their next meeting, whether free transport should be provided on grounds of route safety.

**SCHOOL TRANSPORT  
GENERAL POLICY FOR ASSESSING AN AVAILABLE ROUTE**

1. In deciding whether it should provide free transport to enable pupils/students to attend school, the Council has to determine the distance to school by the nearest available route.
2. There are two stages.
3. The first stage is to decide what is an available route.
4. In *Rogers v Essex County Council* (1986) the House of Lords held that for a route to be available it must be a route which:-
  - 4.1 it is reasonably practicable for a pupil/student to walk along; and
  - 4.2 a pupil/student, accompanied as necessary, can walk along with reasonable safety.

This involves taking any dangers or hazards into account: the Council has to make a judgement. However, the presence of public transport cannot be considered at this stage.
5. The second stage is to measure the nearest available route from home to school.
6. If the nearest available route is below two or three miles, as appropriate, there is no absolute obligation to provide free transport but the Council has to consider whether or not there is a duty to provide free transport having regard to its policy.
7. If the nearest available route is more than two or three miles, as appropriate, the Council has a duty to provide free transport.
8. The Director responsible for Passenger Transport will decide whether a route is available under the terms of paragraph 4 above. In cases of dispute he may refer the matter to the relevant panel or committee.
9. The Director responsible for Passenger Transport, in deciding whether a route is available, will refer to guidelines in the Council's Policy on Education Transport.
10. Where the Council decides a route is available under the terms of paragraph 4 which is less than two or three miles, and a parent requests free transport on grounds that it is dangerous for an unaccompanied pupil/student but it is not practicable for the parent to accompany the pupil/student to school, the Council may point to the existence of a public bus service to make the journey to and from school safely alone.

**ROAD SAFETY GB (RSGB) GUIDELINES**

The Road Safety GB guidelines are used to assess the safety of routes in the light of such factors as traffic and highway conditions, on the assumption that a pupil/student is accompanied by a responsible adult.

The following procedure is taken from the guidelines:

**THE ROUTE ASSESSMENT PROCEDURE**

- 1 In assessing the safety of an 'available route' consideration is given only to the potential risk created by traffic, highway and topographical conditions, not personal safety.
- 2 It is essential that each case be considered objectively on its merits.
- 3 It is assumed that the child is accompanied as necessary by a responsible parent or carer.
- 4 Where there is a footway or roadside strip of reasonable width and condition, public footpath or a bridleway, this will normally be assumed to provide an available route for that part of the journey.
- 5 Where a verge exists, on a lightly trafficked or narrow road, which can be stepped on to by the child and accompanying person when vehicles are passing, it can normally be assumed to provide an available route for that part of the journey. This is what is referred to in these guidelines as a 'step-off'.
- 6 These guidelines assume that the walker will cross the road to utilise the footway or roadside strip.
- 7 Many available routes may lie along roads that have neither footway or verge. On such roads, consideration must be given to the width of the carriageway, traffic speed and composition (such as frequent long/heavy goods vehicles) and to visibility (i.e. sharp bends with high hedgerows or other obstructions to visibility).
- 8 Where road crossings are necessary, the availability of any facility (e.g. central refuges, pedestrian crossings, traffic signals etc) to assist such crossing should be taken into consideration. Where no crossing facilities exist, an assessment of the risks which may be generated by crossing the road (bearing in mind the traffic speed and flows, sight lines etc.) should be made. A separate assessment is required for each crossing point. (Refer to appropriate form on page 8 of guidelines).
- 9 A plan showing the length of route should be attached to each assessment.

## ROUTE ASSESSMENT SUMMARY

### Assessment of Walked Routes

For a route to be classified as NON-HAZARDOUS there needs to be:

#### Both

**A** A continuous adequate Footway on roads which carry normal to heavy traffic.

**or** Step-offs on roads which are lightly trafficked but have adequate sight lines to provide sufficient advance warning.

**or** on roads with a low traffic flow, no step-offs, but sufficiently good sight lines to provide adequate advance warning.

**and B** If there is a need to cross roads there must be:

- Crossing facilities (Zebra, Pelican, Puffin\* or Toucan\* crossings)
- Pedestrian phases at traffic signals (including necessary refuges)
- School Crossing Patrols
- Traffic calming (sufficient to enable safe road crossing)
- Pedestrian refuges

**or** Sufficient gaps in the traffic flow and site lines to allow enough opportunities to cross safely.

If a crossing manoeuvre is required on the route, the available visibility at the location should allow for a vehicle to stop given the 85 percentile speed of the flow of traffic and the stopping distances required for vehicles as stated in the Highway Code. (see *Typical Stopping Distances pages 28-29*)

The following definitions are also used in the guidelines:

**Footway** An adequate footway is defined as one “that is of adequate usable walking width for the circumstances”.

**Step Off** The term “Step Off” refers to the facility for pedestrians to be able to step clear of the roadway onto a reasonably even and firm surface.

Such a “Step Off” must be capable of being accessed quickly and easily by pedestrians who may be in charge of small children or prams/pushchairs.

**Visibility** The term “Visibility” means the horizontal distance of unobstructed vision when measured from the eye point of a driver (usually taken as being 1.05 metres from the road surface).

Further, this distance must be equal to, or greater than the appropriate minimum overall stopping distance as shown in the table in the Highway Code given the known 85 percentile speed of traffic on the road.

*\*Puffins and Toucans not specifically named in RSGB guidelines*

## Wiltshire Council Passenger Transport Spare Seats Scheme Terms and Conditions

### Overview

Where spare seats exist on school bus or taxi contracts arranged by Wiltshire Council, they can sometimes be made available at a charge to pupils who would not be entitled to free transport to that school. Any offer of a spare seat is subject to agreement of the following conditions:

#### No Guarantee Basis

- The allocation of a spare seat **does not** guarantee it will be available for the whole term or year.
- If a spare seat needs to be subsequently re-allocated to a student who is entitled to free or assisted transport through another scheme, the spare seat holder may be required to give up the place, sometimes at short notice, possibly 1 week. In such cases the council will issue a pro-rata refund of any payment made for that term.
- Spare seats may be withdrawn if the vehicle size is reduced, the vehicle re-routed, or if the contract is converted into a fare paying service.
- Transport can also cease if those children entitled to free transport on that vehicle no longer use the route or get moved onto another vehicle.
- Parents need to ensure they have an alternative arrangement in place to get their child to and from school until a Spare Seat place is allocated to them and paid for or if one is not made available. No reimbursement will be made for any additional costs incurred for this period.
- Parents must ensure they can get their child to and from an existing pick-up or set down point. Transport cannot be diverted from an existing route for spare seat passengers.

#### Timing of Allocation

- The timing of allocation of spare seats is at the discretion of the allocating transport officer. This will generally depend on anticipated demand for seats for children entitled to free or assisted transport.
- To allow for any late applications for entitled students, allocation may not take place for up to three weeks **after** the start of the academic year. No reduction in the full term charge will be given where transport is not available until after the start of term.

#### Priority of Allocation

- If there are not enough spare seats on a vehicle, for the number of applications received, the following priority order will be implemented:
  1. Students resident in Wiltshire who had a spare seat in the previous school term
  2. earliest date received (after 1<sup>st</sup> April) for new requests from Wiltshire residents (including siblings of those already travelling)
  3. new applications for older year groups will get priority over new applications for younger year groups (Wiltshire residents only)
  4. non-Wiltshire residents
  5. students requiring transport am or pm only



6. students requiring transport for a few am **or** pm journeys per week. Please note, the minimum charge for transport used in this way is 50% of the full seat charge
- In deciding whether spare seats exist on a particular vehicle, the council will have regard to the number of pupils entitled to free transport who are or may need to be allocated to that vehicle. Although in some cases, a vehicle may travel with empty seats it does not necessarily mean those seats can be allocated as spare seats.
  - On any given day there may appear to be spare seats as children may be absent from the bus owing to sickness or other temporary reasons. It may also be necessary to reserve a number of seats on a vehicle, in the knowledge that some students who are entitled to free or assisted transport have not yet made an application.

## Payment

- When a spare seat is offered, payment **must** be made in full and a bus pass issued if required, for the agreed period, **before** the student can travel.
- Payments must be made payable to Wiltshire Council by cheque (or by credit/debit card over the phone, quoting student ref no) upon receipt of the 'request for payment' letter. Please write the name of the child and the school attended on the reverse of any cheque submitted.
- Failure to make payment before the period of travel will result in the student being refused access to the vehicle.
- Where payment deadlines are not met over a series of three payment periods, the offer of a spare seat may be withdrawn.

## Charges

- The charge for a spare seat applies for each school term, based on three terms per year. The rate is dependent on whether the child attends a primary school, secondary school or sixth form and the distance from home to school.
- Charges are listed on the Wiltshire Council website [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk) under Transport to Primary and Secondary school - FAQs – Spare Seats.
- A discount can be applied if transport is required morning or afternoon only.

## Conditions of Use

- Any bus pass issued is valid only for use on the school bus route printed on the pass. It **cannot** be used to travel on any other routes or local bus services.
- Where issued, a bus pass must be available for inspection at all times of travel. Students unable to show a valid pass will be refused travel.
- The council's transport behaviour code, issued with the bus pass, must be adhered to while using the transport. Misbehaviour may result in the offer of a spare seat being withdrawn.
- Any pass which becomes lost must be replaced immediately. The current charge for this is £10, with cheques made payable to Wiltshire Council.
- No reimbursement will be given in cases where transport is not provided owing to vehicle breakdown, adverse weather or non attendance due to additional holidays, sickness or study leave.

December 2018

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