



North Tyneside Council

COMMISSIONING AND INVESTMENT

HOME TO SCHOOL/COLLEGE TRANSPORT POLICY

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HOME TO SCHOOL/COLLEGE TRANSPORT POLICY

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HOME TO SCHOOL/COLLEGE TRANSPORT POLICY

1. Introduction

The Council considers that Home to School/College Transport involves a partnership between the Council, Parents/Carers, Transport and Education Providers. The aim of this document is to set out the Council's Transport Policy and to provide guidelines in a clear and comprehensive manner to facilitate consistency of operation. In addition to this policy guidance leaflets are provided for parents/carers, passenger assistants and service providers. Guidance is provided on the procedures to be followed in the provision of Home to School/College Transport. Reference is made to the procedures to be followed in exceptional cases.

The Local Authority has a duty to ensure that suitable travel arrangements are made, free of charge, for certain, 'eligible children' in their area where it is considered necessary to facilitate their attendance at relevant educational establishments. Eligible children are:

- Children/students who are unable to walk to school by reason of their special educational needs, disability, or temporary medical condition
- Children/students who are unable to walk in safety to school because of the nature of the route
- Children/students living outside statutory walking distances (3 miles for children aged 8 or over, or 2 miles for younger pupils), attending their nearest qualifying school which has places available, where no suitable alternative arrangements have been made (for example, where their nearest school is within the statutory limits but has no places available, requiring them to travel to an alternative outside those limits).
- Children/students from low income families, ie those entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit. This applies to:
 - Primary pupils aged between 8 and 11 from low income families attending a qualifying school more than 2 miles, but no more than 6 miles from their home.
 - Secondary pupils aged between 11 and 16 from low income families attending 1 of their 3 nearest qualifying schools more than 2 miles but less than 6 miles from their home.
 - secondary pupils aged between 11 and 16 from low income families attending the nearest suitable school preferred on grounds of religion or belief, where they live more than 2 miles, but not more than 15 miles from that school.

- In North Tyneside pupils attending special schools and units attached to mainstream schools that are unable to make their own way to school due to their special educational needs and/or live further than the minimum distance of 1 mile.

A pupils' home address is considered to be the one that is registered for the purpose of claiming Child Benefit/Working Tax Credit.

Authorities can provide or arrange transport in a number of ways, for example:-

- by providing pupils/students with passes to use on public transport,
- by providing buses for use by school, pupils/students,
- if circumstances warrant, by arranging for them to travel in taxis or hired cars,
- pay a cycling allowance where the parent agrees for their eligible child to cycle to and from school instead of using public transport,
- Provide a passenger assistant to enable an eligible child with or without special educational needs to walk a short distance to school in reasonable safety, instead of making arrangements for a taxi to take them to and from school.
- pay a mileage allowance to a parent driving their eligible child to school,

All mentioned arrangements above require the relevant parental consent.

In the event of parents/carers choosing to fund a place for their child at an independent school not named by the Local Authority in a Statement of Special Educational Needs/Education, Health and Care Plan, parents/carers will also be responsible for any costs incurred in relation to home to school transport.

Independent Travel Programme for Young People in Education

The purpose of the programme is to:-

- Inspire, educate, challenge and support young people who experience difficulty accessing public transport independently
- Extend personal experience through travel training to enhance confidence, self esteem and personal safety
- Develop travel skills in order to access opportunities for education, training, leisure and work.

This programme is commissioned through Beacon Hill School. For further information contact telephone number 643 3000.

2. Legal Context

2.1 Section 508A

Section 508A of the Education Act 1996 (as amended) places a general duty on local authorities to promote the use of sustainable travel and transport.

2.2 Sections 508B and Section 508C

Section 508B of the Education Act 1996 Act (inserted by Education and Inspections Act 2006) deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.

Schedule 35B of the Act defines 'eligible children' – those categories of children in an authority's area for whom travel arrangements will always be required. Under section 508B, these arrangements must be provided free of charge.

Section 508C of the Act provides local authorities with discretionary powers to make arrangements for those children not covered by Section 508 B above.

2.3 Section 509

Section 509AD of the Education Act 1996 (as amended) places a duty on local authorities in fulfilling their duties and exercising their powers relating to travel, to have regard to, amongst other things, any wish of a parent for their child to be provided with education or training at a particular school or institution on grounds of the parent's religion or belief. This duty is in addition to the duty on local authorities to make travel arrangements for children of parents on low incomes who attend the nearest suitable school preferred on grounds of religion or belief, where they live more than 2 miles, but not more than 15 miles from that school considered.

2.4 Section 444

Section 444(4) of the 1996 Act (as amended) describes the circumstances in which a parent of a pupil of compulsory school age will have a defence to the charge of failing to secure that child's regular attendance at school. Under that provision, a parent has a defence if they can prove that their child lives outside the statutory walking distance from school, and that no suitable arrangements have been made for one of the following:

- The child's transport to and from school;
- Boarding accommodation; or,
- Enabling the child to be registered at a nearer school.

Section 444(5) defines walking distance as 2 miles for pupils under 8, and 3 miles for older pupils, in both cases measured by the nearest available route. The Courts have held that a route is available if a child, accompanied as necessary, can walk along it with reasonable safety to school. It does not fail to qualify as 'available' because of dangers which would arise if the child is unaccompanied, but local authorities may take account of parents' capacity to accompany their child. Local authorities can also adopt lower walking distances than the statutory ones, if they so wish.

The Courts have held that the provisions of section 444 of the 1996 Act are relevant in determining whether in a particular case free school transport should be provided under Section 509(1).

The Courts have held that local authorities do not have a duty to provide free transport for pupils whose parents have chosen to send them to a school other than the nearest suitable one, even if it is beyond statutory walking distance. Local authorities may help in such cases if they wish, but it is for each authority to decide

whether or not to do so.

In addition, the Transport Act 1985 permits local authorities outside London, to allow pupils not eligible for free school transport to occupy spare seats on school buses, either free or at a subsidised rate.

2.5 Special Educational Needs (SEN)

The Special educational needs and disability code of practice: 0 to 25 July 2014 explains the issues to be considered by local authorities when providing transport for pupils with special educational needs. It recommends that local authorities have clear general policies relating to transport for pupils with SEN that should be made available to parents. Transport need only be recorded in a Statement/Education, Health and Care Plan in exceptional circumstances where a child has particular transport needs. Where transport is recorded in a Statement/Education, Health and Care Plan it must be provided free of charge.

2.6 Post-16 arrangements

Section 509AA of the Education Act 1996 (inserted by Education Act 2002) places a duty on local authorities and their partners to plan and publish annual transport policy statements locally for pupils over the age of 16. They are required to follow clear criteria about the transport support they will offer to further education (FE) students aged 16-19, to ensure that no student is prevented from accessing or participating in FE due to lack of transport services or support.

The Education and Inspection Act 2006 inserted a new section 508B into the Education Act 1996. Section 508B (1) requires local authorities to ensure that suitable travel arrangements for “eligible children” in their area are made where necessary to facilitate their attendance at “qualifying schools” or other relevant institution where the child is receiving education.

3. Eligible Children of Pre-School and Statutory School Age

3.1 Pre-School Age Children

- a) Pre-school age children attending an education nursery do not qualify for free transport except in cases of the child having a Statement of Special Educational Needs/Education, Health and Care Plan. Where the child is undergoing an assessment in a specialist provision which may lead to a Statement of Special Educational Needs/Education, Health and Care Plan, provision of free transport would then be at the discretion of the Head of Commissioning and Investment or their representative in accordance with the policy as it applies to children with Statements of Special Educational Needs/Education, Health and Care Plan. Provision of transport may also be considered for pre-school children attending specific assessment provision.

- b) Children under 5 years of age attending a reception class during the academic year in which they are five are classed as of statutory school age. They are therefore included in the policy outlined below.

3.2 Primary age

- a) Children of compulsory school age, but under the age of 8 are entitled to free travel arrangements, to their nearest qualifying school more than 2 miles from their home.
- b) Children aged 8, but under age 11 from low income families are entitled to free travel where they live more than 2 miles, but less than 6 miles from their nearest qualifying school.

3.3 Secondary age

- a) Those children aged 11 to 16 from low income families are entitled to have travel arrangements made to one of their 3 nearest qualifying schools, where they live more than 2 miles, but less than 6 miles from that school.
- b) Where a child is attending secondary school in a Year 7 group in advance of their chronological age, for the purposes of school travel, they should be treated as if they had attained the age of 11. Assuming the other relevant conditions were met, they should be treated as being entitled to free travel arrangements to one of their 3 nearest qualifying schools.
- c) In cases where a pupil changes their home address so that the distance between home and school falls outside of the minimum distances outlined above but who does not wish to change school, assistance will not normally be provided except in circumstances of forced change of address to a location outside of their control where there is proven financial hardship. Where the change of address occurs during years 10 or 11 when a pupil is following examination courses, transport will be at the discretion of the Head of Commissioning and Investment or their representative following a written request from parents/carers supported by the child's school.
- d) Where a child is resident outside of North Tyneside Local Authority, or moves house to become resident outside of North Tyneside Local Authority, but attends a North Tyneside school, transport costs are the responsibility of the Authority in which the child is resident in accordance with their transport policy.
- e) Where a child needs to return home unexpectedly during the school day, alternative transport arrangements are a schools/colleges responsibility, including the cost.
- f) In the case of pupils/students attending a provision otherwise than at school as a result of a permanent exclusion or within the Authority's placement of pupils other than at school, the normal Transport Policy should be applied. Possible exceptions to this policy may be considered in cases such as the need to overcome a difficult learning situation. Such exceptions will be at the discretion of the Head of Commissioning and Investment or their representative.

- g) Information about school travel and transport options available to parents will be available 6 weeks prior to a parent/carer applying for a school place.

3.4 Preference for school on grounds of a parent's/carer's religion or belief

- a) Where a child attends the closest mainstream school according to their age and faith which is outside the minimum distances outlined above, the Authority will bear the cost of a free bus pass.
- b) Primary Church of England and Roman Catholic education is provided at a number of schools within North Tyneside as listed in the Essential Guide to North Tyneside Schools. Secondary Roman Catholic education is provided at the following schools within the area – St Thomas More (North Tyneside), St Mary's, St Cuthbert's, Sacred Heart (Newcastle) and St Benet Biscop's (Northumberland). However assistance will only be provided when the student or pupil is attending the nearest school from the above list from their place of residence.
- c) Transport assistance will be provided to children from **low income** families, attending the nearest suitable school preferred on grounds of religion or belief, where they live more than 2 miles, but not more than 15 miles from the school.

3.5 Pupils unable to walk to school by reason of their SEN, disability or mobility problem

Wherever possible, pupils/students with SEN, disability or mobility problems will be treated in the same way as those without such needs. Wherever possible, a child, young person or young adult with SEN, disability or mobility problems will also be encouraged to travel on public transport, especially when this is considered to be a factor in developing their independence, life and social skills. Plans to encourage independent travel should be put in place by the school and parents/carers working in partnership to mutually agreed targets and progress be evidenced at each subsequent Annual Review.

Elected Members, supported by Senior Officers, set the overall budget and framework within which a borough educates pupils/students who have special educational needs. Policies on inclusion, placement criteria and policies on developing independence as a child approaches adult life will all impact on the demand for, and nature of special educational needs transport.

The transport requirement of an individual child with special educational needs will be considered as part of the initial decision about which schools the child should attend. It will also be re-examined regularly, at the annual review meeting about the Statement/Education, Health and Care Plan. In making a placement decision, the Manager of the Statutory Assessment and Review Service will consider the full costs of each potential placement, including the transport costs which, in some individual instances, might be higher than the costs of the child's education.

- a) The provision of Home to School/College transport for pupils with Statements of Special Educational Needs/Education, Health and Care Plans. will be provided in line with the Home to School/College Transport Policy. When transport is required this will be specified in the Statement of Special

Educational Needs/Education, Health and Care Plan and be subject to annual review. This applies to pupils attending both mainstream schools and day special schools up to 19 years of age.

- b) Pupils living outside of the minimum distances but who are following an independence programme including making their own way to school are eligible for a bus pass for use on public transport to facilitate free travel to and from school.
- c) Transport will be provided for pupils attending special schools and units attached to mainstream schools who:
 - are unable to make their own way to school due to their disability or special educational needs and/or
 - live further than the minimum distance of 1 mile.

Please Note: The Local Authority is not responsible for providing transport for a pupil/student if a parent chooses to place their child in an independent school, which is not named by the Local Authority in the child's Statement of Special Educational Needs/Education, Health and Care Plan.

The transport will take into account the need for a passenger assistant, specialist seating and other special requirements resulting from their special educational need, in some cases a risk assessment may be carried out. These services will be provided where it is deemed necessary for the safety of the child and/or others. Transport will be by taxi, minibus or travel permit, to be determined by the Authority, in accordance with the child's individual needs as set out in the Statement/Education, Health and Care Plan and advised by the appropriate Officer. Transport needs will also be included in the review of a child's Statement/Education, Health and Care Plan to consider its continuing appropriateness.

- d) It is the responsibility of parents/carers to meet other transport needs including travel to and from work experience placements, extra curricular activities or any other arrangements they may enter into with their child's school.
- e) Parents/carers social or work commitments cannot be taken into consideration when making the necessary arrangements to implement home to school/college transport.
- f) Transport will be arranged to follow the most appropriate route taking into consideration the sharing of transport where possible. Maximum travelling times per journey within North Tyneside should be no more than 40 minutes.
- g) Where pupils/students attend residential provision outside of the Authority on a termly basis, escorted free transport will be provided in line with the provision outlined in c) above. Agreement to additional transport requests, such as returning from Home to School/College or vice versa outside of official term time, will be at the discretion of the Head of Commissioning and Investment or their representative.

- h) Attendance at a weekly residential provision will be as for c) above on a weekly basis.

3.6 Pupils/Students in Need

- a) A child with acute medical or psychological need may require free transport to be provided to facilitate their attendance at school. In such cases, the request would need to be supported by written professional evidence to determine the extent of the need and the involvement of other agencies. Agreement to the request will be at the discretion of the Head of Children, Young People and Learning or their representative.
- b) Other pupils/students with acute social need may require free transport to be provided to facilitate their attendance. Provision will be the responsibility of Children's Social Care Team, dependant upon individual need in accordance with the Children Act 1989. Children's Social Care Team will continue to exercise their responsibility with families known to them.
- c) Families residing in temporary accommodation such as the Women's Refuge or Bed and Breakfast accommodation may be provided with transport assistance while awaiting rehousing. Parents/carers accompanying young children will be issued with a Travel Pass and bus fares for their child (ren) on a weekly basis, usually in advance. Older pupils/students who can travel independently will be given their bus fares on a weekly basis. Applications will be processed by the Education Placement and Welfare Service and authorised by the Head of Commissioning and Investment. Assistance with travel fares will not be backdated.
- d) Pupils/students requiring respite who have Statements of Special Educational Needs/Education, Health and Care Plans may be provided with appropriate transport as part of their programme. This would only be provided where no additional transport costs would be incurred. Where there is an extra cost, this will be the responsibility of Children's Social Care Team. Transport requirements to facilitate respite for pupils/students who do not have Statements of Special Educational Need/Education, Health and Care Plan will form part of the child's care plan set up by Children's Social Care Team.
- e) Disability of parents may trigger support for them via Adult Social Services but decisions regarding Home to School Transport are bound solely on the needs of the child.

4. Travel Permits

Pupils attending their nearest mainstream school where education can be provided, appropriate to their age, two miles or more, if under 8 years of age, or 3 miles or more if 8 years of age or over, are entitled to a free travel permit. Pupils attending special schools or units will be entitled to a free travel permit if they live 1 mile or over.

Children from low income families, ie those entitled to free school meals/in receipt of their maximum level of Working Tax Credit will also be entitled to free transport if living within the mileage criteria.

5. Post 16 Transport Provision

5.1 School/College Students of Sixth Form Age

Pupils continuing their education full time in a school qualify for student travel assistance unless attending a school in accordance with their Statement of Special Educational Needs/ Education, Health and Care Plan.

a) Medical Conditions

Students with medical conditions which affect their ability to walk or cycle may qualify for subsidised transport at a special rate.

b) General

Support is tenable for the normal period of the approved course and only at the approved establishment. Any change of course or college may invalidate the support and repayments may be due if applicable.

5.2 Transport for Post 16 Students Special Educational Needs

Students who have had a Statement of Special Educational Needs/Education, Health and Care Plan up to the age of 16 or where appropriate up to 19 who wish to attend a Further Education College as a direct continuation of their education may be eligible for free transport if it is appropriate to their needs and specified within an Education, Health and Care Plan.

Some placements for Post 16 students with special needs are made at specialist establishments outside the further education sector. These specialist placements are usually agreed for up to two years. Cases for transport will be considered on an individual basis.

A student with special educational needs or disability may continue to receive help past 21 years of age if on a continuing course of study commenced before the age of 21. However, we do consider a study to be no longer than 2-3 years. Transport assistance will not be afforded to applicants over the age of 24 years prior to the start of the new term.

5.3 General Points

In all cases when considering applications for assistance with transport the LA will take account of transport arrangements, distance, journey times, and the efficient use of resources and whether an appropriate alternative course is available at a nearer college.

There is no facility for the reimbursement of travelling expenses on an individual basis, or for special transport arrangements unless approved in advance.

Students who change course after they have been assessed as being eligible for assisted transport or, who change the address from which they applied, may no longer be eligible for support under the terms of this policy and should notify the LA immediately the change occurs.

6. Procedures

6.1 Pre-school age children

- a) A pre-school age child attending a mainstream resourced provision or special school is entitled to free transport if required as a result of their special educational need. The transport needs of the child should be arranged at the point of agreement to placement at the specialist provision. A Transport Request Form setting out the child's transport needs would then be completed at the school, with the advice of the professionals involved as necessary, and forwarded to the Access Team.
- b) A nursery aged child attending a Child Care Nursery may be provided with assistance at the discretion of the social work team, Children's Social Care Team. Any requests for transport assistance should be made directly to the social worker who will pursue the request.

6.2 Pupils/students with Statements of Special Educational Needs

- a) A child with a Statement of Special Educational Need/ Education, Health and Care Plan, or one who is attending a specialist provision to undergo a special educational needs assessment, may be entitled to free transport.
 - i) as a consequence of their special educational needs, and/or
 - ii) because the distance between home and school exceeds the minimum distances as set out in the Home to School/College Transport Policy.

The details of the transport requirements should be decided by the Manager of the Statutory Assessment and Review Service with the advice of professionals involved as necessary. The completed Transport Request Form should then be forwarded by SEN Officer/school to the Transport and Admissions Officer. The transport needs of pupils/students being assessed should be arranged at the point of agreement to placement at the specialist provision.

- b) Any changes to the transport arrangements would be expected to be considered at the annual review of the Statement/ Education, Health and Care Plan with an amended Transport Request Form sent to the Home to School Transport Officer, if necessary.
- c) Any changes required in between annual reviews should be carried out by submitting an amended transport request form to the Home to School Transport Officer. Urgent changes are at the discretion of the Head of Commissioning and Investment or his/her representative.
- d) Pupils living within the minimum distances set out in the Home to School/College Transport Policy would be expected to make their own way to

and from school unless prevented from doing so as a result of their special educational need. It is recognised that for certain pupils/students, independent travel is not possible. Such pupils/students must be considered individually and according to their individual needs.

- e) A passenger assistant is provided, when necessary, to ensure pupils' safety and to look after them during the journey. This may require the passenger assistant to sit with the pupils/students, for example, in the rear seat of a taxi or it may be appropriate for the passenger assistant to sit in the front. This will be in response to the pupils/student's needs.
- f) Where pupils/students are persistently late in boarding the transport causing delays in the route, this may ultimately result in the withdrawal of transport until the difficulty is resolved.
- g) It is the parents'/carers responsibility to ensure that an appropriate adult is there to access the transport provided and collect their child when they return from school, both on a daily basis or from residential school. Failure to do so could result in the withdrawal of the transport provision until the difficulty is resolved. Where the passenger assistant has found no such appropriate adult available and is unable to leave the child after a second attempt, the passenger assistant would need to seek advice from the School Transport Officer, the child's school or the police, as appropriate.

Pupils/students attending a residential provision as a result of their Statement/ Education, Health and Care Plan recommendation would be provided with free transport as set out above.

6.3 Pupils/Students in Need

- a) Transport arrangements for pupils/students attending a residential provision out of borough as a result of Council action other than as a result of the recommendation of a Statement of Special Educational Need/ Education, Health and Care Plan will be funded by the relevant social work team, Children's Social Care Team.
- b) Families residing in temporary accommodation such as the Women's Refuge or Bed and Breakfast accommodation may be provided with transport assistance while waiting rehousing. Parents/carers accompanying young children will be issued with a Nexus Travel Pass and bus fares for their child (ren) on a weekly basis, usually in advance. Older pupils/students who can travel independently will be given their bus fares on a weekly basis. Application is made to the Education Welfare Officer through the temporary accommodation unit. Completed applications are processed by Customer Service Points.

6.4 Child fare and travel permits

- a) Children who live in Tyne and Wear and are aged 5 to 15 on the 31st August before the start of the current academic year are entitled to an Under 16 Card. This allows them to travel on public transport in Tyne and Wear at concessionary child fares.

The Under 16 Card is used to travel at the concessionary child fare until 7pm Monday to Friday (excluding the month of August). Application forms are available from Nexus and the school.

Pupils can also travel at a concessionary child fare rate anywhere in Tyne and Wear if they have an ease Extra card, which is available to all North Tyneside residents aged 0 -16 free of charge. The scheme is run by North Tyneside Council in partnership with Nexus and local retailers.

- b) Pupils/students of statutory school age (between 5 and 16 years of age) attending a school which is the closest school appropriate to their age which is two miles or more from their home for a child under 8 years of age and three miles or more for a child of 8 years of age or over, are entitled to a free travel permit. Details of how to apply for a permit are set out below – Travel Permit Applications.

6.5 Travel Permit Applications

Application forms can be obtained from Commissioning and Investment North Tyneside Council, Quadrant, Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY. ☎ 0191 6438725. Forms are also available on the Council's website. www.northtyneside.gov.uk

- a) Completed application forms, countersigned by the child's school, with a colour passport photograph are then returned by the school to the Access Team. Permits will then be issued, normally via the child's school.
- b) Permits are issued free of charge in the first instance. Replacement permits can be obtained from the Access Team at a cost of £3.00. These charges are a standard cost to cover administration and apply to the replacement of all permits.
- c) Where the closest mainstream school appropriate to a child's age and faith lies outside of the NEXUS travel permit scheme, assisted travel will be provided to enable the child to travel on local public transport.

6.6 Post 16 Transport Provision (Students with Learning Difficulties or Disabilities)

See section 5.2 Transport for Post 16 Students

7. Review of Decisions

Any parent/carer who makes an application for home to school transport assistance under the provisions set out in this policy and are refused assistance have the right to have their application reviewed. In this event, parents/carers should write to the Head of Commissioning and Investment, Commissioning and Investment, North Tyneside Council, Quadrant, Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY, outlining their concerns and requesting a review of the decision.

Any parent/carer of a child who receives home to school transport assistance under this policy is responsible for and agrees to notify the Admissions and Transport Officer on 0191 6438726 of any change in the child's circumstances which affect the need or provision of Home to School Transport. This includes any periods of absence due to illness or exclusion from school or any revision in either the child's Statement of Special Educational Needs/Education, Health and Care Plan or any other "care plan" dealing with the child's need for access to assisted transport.

8. Home to School/College Transport - A Guide to Parents/Carers

- a) Parents and/or carers shall make sure that the pupil/student is ready for collection at the **agreed** time and at the appointed place.
- b) Where appropriate, pupils/students shall be accompanied by a responsible person until the transport arrives.
- c) Parents/carers must supply information to the School Transport Team in relation to Emergency Contact details.
- d) Parents and/or carers may **wish** to assist or lift their child in and out of the vehicle, **but should be aware that in the event of an accident the parent will be held responsible.**
- e) It is the parent's/carer's responsibility to ensure that an appropriate person is available to help their child access the transport provided and to receive their children when they return from school, both on a daily basis or from residential school. Failure to do so could result in the withdrawal of transport provision until the difficulty is resolved. Where the passenger assistant has found no such appropriate person is available to receive the pupil/student and is unable to leave the pupil/student after a second attempt, the passenger assistant is instructed to seek advice from the Education Welfare Service, Access Team, the pupil's/student's school/college or the police as appropriate.
- f) When the pupil/student is unable to attend school/college, parents/carers shall notify their transport provider or Access Team as soon as possible.
- g) Where the pupil/student is attending a school/college, and starts their journey before 08.30, parents/carers must contact their transport provider directly.
- h) Parents/carers wishing to alter existing transport arrangements i.e. change of pick up or drop off address, must notify the Access Team in writing except in an emergency situation.
- i) The responsibility for cancelling transport due to hazardous conditions should be at the discretion of the transport provider in consultation with the school, college parents/carers, and other appropriate agencies such as the police, weather centre AA and RAC etc, regarding local weather conditions.
- j) Any comments or queries relating to the Home to School/College Transport Service should be addressed to the Access Team Commissioning and

9. Home to School/College Transport – Drivers' Responsibilities

- a) All drivers shall hold a valid vocational driving licence.
- b) All drivers shall declare any criminal convictions or cautions including those that may be spent by virtue of the Rehabilitation of Offenders Act 1974, and will agree for an application to be made by the Access Team for an enhanced disclosure which will be carried out by the Disclosure and Barring Service at a cost to themselves. **All drivers shall within seven days disclose to the Council in writing details of any conviction imposed on him/her.**
- c) All pupils/students with special educational needs have some learning, emotional and/or behavioural difficulties and many children have difficulties with language and communication. The authority will provide training in Disability Equality/Awareness.
- d) It may be necessary for drivers to speak firmly at times, however language shall not be abusive, threatening or intimidating. Under no circumstances, should a pupil/student be taken off a vehicle and left because of behavioural problems. Corporal punishment is not permitted in schools in North Tyneside and neither is it permitted during Home to School/College transport. Only in extreme circumstances – when a pupil/student is placing him/herself or another at risk of significant/serious harm can restraint be considered. Restraint will be reasonable, and only sufficient to contain the situation. **Drivers should be aware that any over restraint could lead to investigation. All incidents of this nature should be reported immediately to the Access Team.**
- e) The ability to relate easily and sensitively with pupils/students, particularly those with **Special Needs**, is essential.
- f) Pupils/students shall not be allowed to enter or leave the vehicle whilst it is in motion.
- g) If provision has been made for the vehicle to enter the school/college grounds then the pupil/student shall be set down and picked up within the school/college grounds. If no such provision has been made, the pupil/student must be set down on the school side of the road with the door from which the pupil/student is to exit the vehicle next to the footpath.
- h) The transport contract includes the responsibility to see the pupil/student safely to the end of their journey. What is needed will depend on the age and ability of the pupil/student and on the local circumstances. Younger pupils or those with Special Needs affecting their vulnerability shall be handed over directly to the care of his/her parent/carer or teacher.
- i) On the homeward journey the driver or the passenger assistant shall ensure that the pupils/students arrive safely at the approved collection point. Where the arrangement is for a pupil/student to be handed over directly to a parent/carer or

the passenger assistant (or driver) shall ensure that this requirement is fulfilled to ensure the pupils/students safety. It is the driver (and passenger assistants) responsibility to make sure the pupil/student safely accesses their destination before leaving them.

- j) The driver shall report any problems immediately to the Access Team. (☎ 0191 6438726). This is particularly important if an unavoidable delay occurs. Should an incident occur on the transport then the driver must report the incident immediately to the Access Team (☎ 0191 6438726) or for more serious matters First Call should be contacted (☎ 0191 6437979).
- k) In the event of there being no persons to receive a pupil/student at home, the driver (or passenger assistant) shall contact the Access Team, for instructions on where to take the pupil/student.
- l) The driver shall at all times be appropriately dressed and behave in a civilised and orderly manner.
- m) It is the responsibility of the driver to ensure that all pupils/students wear a seat belt or appropriate restraint whilst travelling in the front and rear seats of the vehicle. Contractors are also required to purchase appropriate child seats/booster seats in accordance with the current legislation.
- n) The driver shall only pick up authorised pupils/students at the approved points en route, and except where otherwise stated, convey them to school/college in time for the opening of the school/college in the morning and back home again immediately after the close of the afternoon session on each day.
- o) Wheelchairs shall be restrained in accordance with manufacturer's recommendations.
- p) There shall be no smoking in the vehicle.
- q) All drivers shall not sound their horn when collecting children from their homes.
- r) All drivers will drive in a manner appropriate for the conveying of children with special educational needs.
- s) Use of mobile phones are not permitted for the duration of the journey and whilst the vehicle is in motion. It is a criminal offence to use mobile phones whilst driving.

10. Home to School/College Transport - Passenger Assistants Responsibilities

- a) The contractor providing the transport normally appoints passenger assistants and these notes are meant to ensure good practice.
- b) Passenger assistants are responsible for the care and supervision of the pupils/students in their charge.

- c) Many, but not all, pupils/students with special educational needs, learning difficulties or disabilities attending schools/colleges are conveyed daily under arrangements approved and paid for by the Council, who will pay for a passenger assistant to accompany the pupil/student whenever this is necessary. A Passenger assistant will always be needed when more than ten children are travelling together or when a pupil/student has exceptional difficulties.
- d) All passenger assistants shall declare any criminal convictions or cautions including those that may be spent by virtue of the Rehabilitation of Offenders Act 1974, and will agree for an application for an enhanced Disclosure to be made by the Access Team from the Disclosure and Barring Service at a cost to themselves. Passenger assistants are not permitted to work on home to school/college contracts without a valid permit issued by the Access Team.
- e) All pupils/students with special educational needs have some learning, emotional and/or behavioural difficulties and many pupils/students have difficulties with language and communication. The authority will provide training in Disability Equality/Awareness.
- f) It may be necessary for the passenger assistant to speak firmly at times, however language shall not be abusive, threatening or intimidating. Under no circumstances, should a pupil/student be taken off a vehicle and left because of behavioural problems. Corporal punishment is not permitted in schools in North Tyneside and neither is it permitted during Home to School/College transport. Only in extreme circumstances – when a pupil/student is placing him/herself or another at risk of significant/serious harm can restraint be considered. Restraint will be reasonable, and only sufficient to contain the situation. Passenger assistants should be aware that any over restraint could lead to investigation and possible prosecution. All incidents of this nature should be reported immediately to the Access Team. (☎ 0191 6438726).
- g) Men or women can be employed as passenger assistants.
- h) The ability to relate easily and sensitively with pupils/students, particularly those with Special Needs, is essential.
- i) The passenger assistants shall ensure good behaviour is maintained during the journey. Any cases of difficulty should be reported to the Headteacher of the school and the Access Team.
- j) The passenger assistants shall assist pupils getting on and off the vehicle where appropriate.
- k) Pupils shall not be allowed to enter or leave the vehicle whilst it is in motion.
- l) If provision has been made for the vehicle to enter the school/college grounds then the pupil/student shall be set down and picked up within the school/college grounds. If no such provision has been made, the pupils/students must be set down on the school/college side of the road with the door from which the pupil/student is to exit the vehicle next to the footpath.

- m) The transport contract includes the responsibility to see the pupil/student safely to the end of their journey. What is needed will depend on the age and ability of the pupil/student and on the local circumstances. Younger pupils/students or those with special needs affecting their vulnerability shall be handed over directly to the care of their parent/carer or teacher.
- n) On the homeward journey the driver or the passenger assistants shall ensure that the pupils/students arrive safely at the approved collection point. Where the arrangement is for a pupil/student to be handed over directly to a parent/carer the driver or passenger assistants must ensure that this requirement is fulfilled to ensure the pupil's/student's safety. It is the passenger assistants (and drivers) responsibility to make sure the pupil/student safely accesses their destination before leaving them.
- o) The passenger assistants shall report any problems immediately to the Access Team ☎0191 6438726. This is particularly important if an unavoidable delay occurs.
- p) A passenger assistant needs to get to know something of the needs of each pupil/student and so it is important for the same passenger assistants to accompany the same pupils/students whenever possible.
- q) Where possible, pupils/students and passenger assistants shall both sit in the rear seats of the car and the maximum capacity of the vehicle shall not be exceeded in any circumstances.
- r) When acting as an authorised passenger assistant a current identification badge shall be **carried** at all times **and passenger assistants shall produce their badge on request to parents/carers, school teachers, or any authorised officer of the Council.**
- s) In the event of there being no persons to receive a pupil/student at home, the passenger assistant (or driver) shall contact the, Access Team, for instructions on where to take the pupil/student.
- t) The authorised passenger assistant shall at all times be appropriately dressed and behave in a civil and orderly manner.
- u) If a passenger assistant is not available, the contractor is responsible for providing a substitute **who shall be registered with the Council.** The Access Team must be notified immediately to verify suitability – North Tyneside taxi drivers may be used as passenger assistants in emergencies if no authorised passenger assistants are available and that driver has a valid enhanced DBS disclosure.
- v) There shall be no smoking in the vehicle.
- w) Use of mobile phones are not permitted for the duration of the journey and whilst the vehicle is in motion. It is a criminal offence to use mobile phones whilst driving.

Glossary

This policy contains a number of words and phrases that require definition. These are as follows:-

- **'child/children'** – in this policy, 'child' or 'children' refers to those of compulsory school age or below. A child becomes of compulsory school age when he or she reaches the age of 5 and must start school in the term following his or her fifth birthday. Compulsory school age ceases on the last Friday in June in the school year in which the child reaches the age of 16.
- **'eligible children'** – defined on page 1 of the document.
- **Student of sixth form age'** – is someone above compulsory school age but under the age of 19, or who has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.
- **'walking distance'** – is defined in section 444 (5) of the Education Act 1996 as either 2 miles (if the child is under 8 years old), or 3 miles (if the child is 8 years old or older). This is measured by the "nearest available route". The route is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, may walk with reasonable safety.
- **'available route'** – a route will be "available " if it is a route along which a child, accompanied as necessary, can walk with reasonable safety to school. A route will be "available" even if the child would need to be accompanied along it by his or her parent or carer, as long as such accompaniment is reasonably practicable.
- **'religion or belief'** – the Equality Act 2006 defines what is meant by "religion or belief" for the purposes of this Act. Section 44 (a) defines "religion" as "any religion", a broad definition in line with the freedom of religion guaranteed by Article 9 of the European Convention on Human Rights (ECHR). It includes those religions widely recognised in this county such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha'is, Zoroastrians and Jains. Equally denominations or sects within a religion can be considered as a religion or religious belief, such as Catholics or Protestants within Christianity. The main limitation on what constitutes a "religion" for the purposes of Article 9 of the ECHR is that it must have a clear structure and belief system. Section 44 (b) defines "belief" as "any religious or philosophical belief", and Section 44 (c) and (d) state that "lack of religion" and "lack of belief" are also covered by the phrase "religion or belief".

This information can be provided in other languages and alternative formats e.g. Braille, audiotape and large print. For further information please contact:, The Access Team, Commissioning and Investment, Floor 2, North Tyneside Council, Quadrant, Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY. Telephone: 0191 643 8726, Fax: 0191 6432429.