

Home to School Transport Policy

Date TBC



North
Tyneside
Council

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Home to School Travel Policy

1. Introduction

1.1. Legal Background

The duty for the Council to provide travel assistance to and from school is imposed by the Education Act 1996 (hereafter referred to as 'the Act'). In the case of an 'eligible child', Section 508B of the Act states that the Council must make such travel arrangements as they consider necessary for facilitating the child's attendance at school. Schedule 35B of the Act defines an 'eligible child'. The Council must exercise this duty in a manner which is legal, rational and procedurally proper.

This home to school travel policy (hereafter referred to as 'the policy') has been developed with regard to statutory guidance on the provision of home to school travel. The guidance covers the Council's duties under Section 508A of the Act to promote sustainable travel and transport as well as covering arrangements for the provision of school travel for children and young people. Local authorities must make arrangements, free-of-charge, for eligible children to travel to school.

This policy has been reviewed following statutory guidance issued by the Department for Education in June 2023 and covers travel to school for children of compulsory school age. There is a separate statement in relation to post 16 travel assistance.

Parents are responsible for ensuring their child attends school. This means they must take all the action necessary to enable their child to attend school. For most parents, this includes making arrangements for their child to travel to and from school.

1.2. Policy Outcomes

The policy ensures that eligible young learners of compulsory school age within North Tyneside have access to educational settings during the day as a means of promoting learning, social inclusion, choice and diversity of learning provision.

1.3. Policy Aims

The policy supports a number of local priorities and contributes to the Council's aim of promoting social inclusion and supporting our children and young people to continue to receive an outstanding education by minimising potential barriers to learning. The policy will continue to be reviewed with this in mind.

1.4. Scope of Policy

The policy sets out the Council's arrangements for fulfilling its statutory duties and the exercise of the Council's discretionary powers for home to school travel. This will apply to travel arrangements made at the start and end of the school day but does not relate to travel between sites during the school day. The policy covers provision for primary and secondary schools (including first, middle and high schools) and applies to residents whose home address is within the Borough of North Tyneside.

Pupils who are not yet statutory school age (e.g. children in Nursery class) are excluded from the scope of this policy. Children in Nursery Class may be provided with discretionary support if they are attending their nearest special school for an EHCP assessment.

2. Eligibility for Assistance with Home to School Travel

2.1. Terms of Reference

For the purpose of this policy the term 'nearest suitable school' will be used to mean the nearest school with places available that provides education appropriate to the age of the child, and any identified special educational needs that the child has.

The nearest suitable school for a child with special educational needs may be different than that for other children. The nearest school is determined by distance measured using Q Routes and Q Paths. When considering eligibility for travel assistance, a school must have places available to be considered 'suitable'. In all cases the Council will determine what is the nearest suitable school.

It is a parent/carers responsibility to ensure their child attends school and that a child will be accompanied to school by a parent/carer where necessary unless there is a good reason why it is unreasonable to expect a parent/carer to do so.

For children who divide their time between parents who are separated and have two addresses the Council will assess eligibility for travel assistance based on the parent living nearest to the school attended. In reaching a decision on providing support with travel assistance it will use the eligibility criteria within this Policy.

The Council will not provide travel assistance when the child resides with the parent furthest from school, other than in exceptional circumstances. The Council reserves the right to determine any assistance at its own discretion.

A child may be an 'eligible child' according to Schedule 35B of the Act and therefore qualify for assistance with travel if they meet one or more of the following criteria:

2.2. Distance

The Council will provide free school travel for children of compulsory school age if their nearest suitable school is:

- beyond 2 miles (if below the age of 8 years).
- beyond 3 miles (if aged between 8 and 16 years).

Free travel will not be provided if there are places available in a suitable school closer to home. The Council will determine what is considered to be the nearest suitable school.

Free school travel applies to travel arrangements at the start and end of the school day. It does not relate to travel between educational establishments during the school day.

The Council has previously provided travel assistance to pupils attending special schools or ARPs who had an EHC plan and who lived over 1 mile from their special school / ARP. The statutory requirement is over 2 miles for children up to age 8 and 3 miles for those over 8. The statutory mileage limits will be applied to those starting special schools / ARPs from September 2025. Students already in receipt of transport assistance will continue to receive support until they reach the end of their current phase of education in year 6, (year 11 for Southlands). Woodlawn and Beacon Hill travel arrangements would stop at year 6 and year 11. All primary ARPs would stop at year 6 and all High School ARPs would stop at year 11.

2.3. Low Income

Low-income eligibility criteria are intended to secure access to schools for children for whom a lack of affordable transport could otherwise be a barrier to choice.

Children will meet low-income eligibility criteria if they are entitled to free school meals on grounds of low income, or if parents are in receipt of the maximum level of Working Tax Credit (the level of entitlement to Working Tax Credit is shown on the notice issued by H.M. Revenue and Customs) and if:

- The nearest suitable school is beyond 2 miles but no more than 6 miles (for children from age 8 and under 11 years).
- The school is between 2 and 6 miles (if aged 11-16 years and they are attending one of their three nearest schools).

- The school is between 2 and 15 miles from home (if aged 11-16 years) and has been chosen on the grounds of religion or belief.

There is no discretionary entitlement for a child to travel for free to a parent's choice of faith school on grounds of religion unless the above low-income criteria apply.

The Council has previously provided transport to St Thomas More Academy and St Mary's Catholic High School (Newcastle) under their discretionary power to provide transport to schools with a designated religious character. This provision is being phased out and there will be no further assistance from September 2025, unless statutory criteria apply or there are exceptional circumstances. Students who had travel assistance prior to 2025 will continue to be provided with travel assistance until they finish year 11.

Eligibility for free travel does not guarantee a place at a school, or vice-versa. Parents must still satisfy the admissions criteria for the school they are applying for.

The 2-mile distance limit for low-income eligibility is measured in the same way as statutory walking distances.

In all cases it will be for the Council to determine what constitutes a safe route. If there are any disputes about the suitability of the route identified, the Council may carry out a review of the route to help determine decisions on eligibility.

2.4. Special Educational Needs and Disability

The Council will make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs or disability.

Parents need to ensure their child's school is aware of any mobility or disability issues that would prevent them from walking the statutory mileage limit to school even if accompanied by an adult. This information will be passed to the Home to School transport team by the school or SEND team. Transport assistance may not be provided to a setting if there is a nearer suitable school.

In determining whether a child cannot reasonably be expected to walk for the purposes of eligibility, the Council will consider whether the child could reasonably be expected to walk if accompanied and if so, whether the child's parent/carer can reasonably be expected to accompany the child. A range of factors may be taken into account such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied.

2.5. Children in Our Care

Corporate parenting is one of the Council's statutory responsibilities and the Government's expectation of the Council as a corporate parent includes the expectation that it will 'provide care, a home and access to health and education and other public services to which all children are entitled according to their needs'.

In order to fulfil the Council's corporate parenting role, the Council may provide free transport from home to school for a looked-after child if the child is attending a special school. A child will be deemed looked-after if their circumstances meet the relevant criteria specified in current legislation and statutory guidance.

Foster carers are expected to provide transport to school in accordance with their fostering agreement. Foster carers receive an allowance to cover the cost of caring for a child. Being in receipt of foster care allowance does not affect a child's eligibility for free travel to school, but a local authority may meet their duty in respect of an eligible child by including additional funding in the foster care allowance, provided this is agreed with the foster carer.

If a child has an EHC plan and is a looked-after child under the responsibility of North Tyneside Council, the Council will provide travel assistance to the school named in their EHCP. This may involve agreements with neighbouring authorities and Children's Services.

2.6. Disabled Parents

The Equality Act 2010 places a duty to promote equality of opportunity for disabled people and to eliminate discrimination. The Council is therefore under a duty to review all policies, practices, procedures and services so as not to discriminate against disabled people and to ensure that the needs of disabled people are anticipated during service planning.

If a parent would need to accompany their child on a walking route for it to be considered safe, but the parent's disability prevents them from doing so, the Council may consider providing free home to school travel assistance for the children of the disabled parent.

The Council has a duty to manage its limited resources and reserves the right to challenge any claims of parents that they are unable to support their children's attendance at school. Evidence from an appropriate health professional may be required to support a claim of disability.

2.7. Children with temporary mobility problems

Children with a mobility problem caused, for example, by a temporary medical condition may require assistance in order to facilitate their attendance at school. Where the school is unable to make suitable alternative arrangements for the child's education, at its discretion the Council may choose to provide travel assistance.

Parents / carers will need to demonstrate that they are unable to assist the child to get to school. The request for assistance will need to be supported by written evidence provided by a specialist involved with the child.

2.8. Children unable to walk in safety to school

The Council is under a duty to provide travel assistance (usually in the form of a travel pass), where the nature of the route is such that a child cannot reasonably be expected to walk (accompanied as necessary) in reasonable safety. Therefore, free home to school travel may be provided for children who live within the statutory walking distance of their nearest suitable school where the nature of the route is such that a child cannot reasonably be expected to walk to school (accompanied as necessary) because of the unsafe nature of the route.

In determining whether a child cannot reasonably be expected to walk for the purposes of unsafe route eligibility, the Council will consider whether the child could reasonably be expected to walk if accompanied and if so, whether the child's parent can reasonably be expected to accompany the child. A range of factors may be taken into account such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied.

When determining eligibility, a range of factors will be taken into consideration including:

- the age of the child
- whether potential risks might be mitigated if the child were accompanied by an adult
- the width of any roads travelled along and the existence of pavements
- the volume and speed of traffic travelling along any roads
- the presence of street lighting
- the condition of the route at different times of the year, at the times of day that a child would be expected to travel to and from school

In reaching decisions on suitable safe routes, the Council will not override a parent's legal responsibility to ensure their child attends school regularly and punctually. The fact that parents may face other pressures at this time, such as the need to go to work, is not in itself sufficient reason for the Council to provide travel support. This would apply in cases where the route may be deemed unsafe for young children travelling unaccompanied, but which would be regarded as safe should their parents fulfil their legal responsibilities. In all cases it will be at the Council's discretion to determine whether or not a route is safe and whether or not it is reasonable for parents to accompany their children on the school journey.

2.9. Travel in years 10 and 11

If a child moves house in the final two years of their statutory education (years 10 or 11) and if the new address and the child's school are both in the borough of North Tyneside, assistance with travel (usually a travel pass) may be available to allow the child to continue to attend the same school. Parents/carers' ability to support the child to get to school will be assessed as part of the decision-making process.

This provision is designed to optimise the child's potential educational achievement. This provision is subject to a maximum distance limit of 15 miles between home and school. Any costs over and above this limit would need to be met by parents. Options could include paying a mileage or cycling allowance, or contribution towards public transport costs. Taxi fares will not usually be paid.

2.10. In-Year Fair Access Protocol Placements

The School Admissions Code places a statutory duty on local authorities to operate an In-Year Fair Access Protocol. Children who move from outside the borough into a North Tyneside address without a school place may be placed at a school under the In-Year Fair Access Protocol. Children who re-enter mainstream provision following a period on roll at a Pupil Referral Unit, or after a period of home schooling may also be placed under the In-Year Fair Access Protocol.

Travel assistance for a child in these circumstances will be assessed taking into account distance, income, the child's age and parents / carers ability to support the child. Any travel assistance provided will usually be in the form of a travel pass.

2.11. Managed Moves

In certain circumstances, children may be placed at a school as a managed move as an alternative to permanent exclusion. A managed move does not automatically qualify for travel assistance. Travel assistance will not be allocated to a child placed following a managed move if the school has been chosen by parental preference unless statutory eligibility criteria apply.

2.12. Commissioned alternative provision

Eligibility for children of statutory school age under this policy relates specifically to journeys between home and school. If a school chooses to commission alternative provision for a child on their roll, the child's parents / carers should consent to the decision and should be expected to make and fund any transport arrangements necessary to secure their child's attendance.

If parents / carers are unable to do so, the commissioning school may choose to make and fund any such transport arrangements. The Council will not fund transport for children to alternative provision commissioned by schools.

Transport for permanently excluded children may be supported by the Council only on a discretionary case-by-case basis. Any travel assistance would only be on a temporary basis. Sites with commissioned alternative provision will be expected to work in partnership with the Council to minimise additional transport costs (e.g., arising from modified timetables).

Where a child is registered at two qualifying schools which are not pupil referral units, the local authority's duty to provide free travel to school applies to whichever of the schools the child is attending on any school day on which travel is required.

It is the responsibility of parents / carers to meet other transport needs including travel to and from work experience placements, extra curricula activities or any other arrangements they may enter into with their child's school.

The Council currently provides transport for students to attend Moorbridge and other alternative provision across the borough. Transport is only provided at the start and the end of the school day and will not be provided to accommodate short-term support plans / part-time timetables or transport between sites.

3. Measurement of Routes

3.1. Statutory Walking Distance

The measurement of the statutory walking distances is not necessarily the shortest, safest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, may walk safely. As such, the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads. This will be measured using a recognised system – currently Q Paths.

3.2. Limit for Extended Rights

The 2-mile limit for low-income eligibility will be measured in the same way as the statutory walking distances. However, the 6-mile upper limit to a choice of schools, and the 15-mile upper limit to a school preferred on grounds of religion or belief are not walking routes and should therefore be measured along routes that are passable using a suitable motorised vehicle. In short, the upper limits should be measured along road routes using a recognised system – currently Q Routes.

4. Transport Options

4.1. Getting to School

The Council is under a duty to promote sustainable travel to schools. This will bring health benefits to children through increased activity, for example through walking or cycling. There will also be benefits for the community through improved road safety, reduced traffic congestion and associated noise, air pollution and carbon emissions.

Parents/carers are encouraged to allow their children to walk, cycle, or use public transport instead of using a car for the school journey. If parents/carers choose to drive, they are encouraged to car-share and are urged to drive and park safely.

Parents / carers social or work commitments cannot be taken into consideration when making the necessary arrangements to implement home to school / college transport.

4.2. School Travel Plans

Many schools in North Tyneside have developed school travel plans to encourage children and parents/carers to use sustainable transport alternatives when travelling to and from school. This policy supports the implementation of individual school travel plans by encouraging parents to make sustainable choices for the school journey. Parents/carers are encouraged to contact their local schools to find out about their school travel plan.

4.3. Passenger Assistants

Passenger assistants are employed to supervise and assist children in their care whilst travelling to and from school as a part of their travel package. Passenger assistants may be provided where this requirement has been identified as a part of the assessed needs of the individual child. This will form a part of the transport assessment which identifies individual travel requirements.

5. Service Standards

5.1. Safeguarding Vulnerable Groups

Proper and effective safeguarding of children is of paramount importance. It is the Council's responsibility to ensure the suitability of its employees and any contractors or their employees by undertaking the required safeguarding checks on those whose work or other involvement will bring them into contact with children, or more widely, vulnerable adults. This includes bus drivers, taxi drivers and passenger assistants, as necessary. Checks will be carried out by the local authority through the Disclosure and Barring Service (DBS).

5.2. Code of Conduct for Drivers and Passenger Assistants

Drivers and passenger assistants on coaches, minibuses and taxis provided by the Council for the purposes of home to school travel are subject to a Disclosure & Barring Service check. All such drivers will follow a code of conduct covering general standards of behaviour, safeguarding and child protection awareness. In addition, passenger assistants will follow a dedicated training schedule appropriate to their role. Additional specialist training to meet specific individual needs will be made available to passenger assistants as soon as practicable.

Drivers will make a dynamic risk assessment of situations on transport as they arise. Should the driver assess that action is necessary, including removal of the child from transport or making alternative arrangements for the child to travel, they must seek authorisation for that action from a Home to School Transport Officer before proceeding.

5.3. Code of Conduct for Children

Parents/carers and children themselves are responsible for their behaviour on the school journey. Parents/carers are advised to familiarise themselves with the Council's Behaviour on Transport Protocol, which is available to view on the Council's website.

Inappropriate behaviour will not be tolerated on school transport. The service operators and the Council reserve the right to withdraw travel support or permits from anyone who persistently behaves inappropriately on the school journey. If this happens the Council will not make any other arrangements to support the attendance of the child concerned at school. Responsibility for behaviour, as always, rests with the parent/carer.

The school's disciplinary policy can be reasonably extended to cover the journey to and from school. Head teachers are encouraged to promote high standards of pupil behaviour on the school journey. Disciplinary sanctions may be used for those displaying poor behaviour on the walk, cycle, or journey to school.

5.4. Journey duration

The Council recognises that it is good practice for the maximum journey duration for a child of primary age to be 45 minutes each way and for a child of secondary age, 75 minutes each way. A child's special educational needs or disability may require a shorter maximum journey time.

5.5. Changes to Transport Arrangements

The Council will endeavour to minimise changes to transport arrangements, but sometimes operational factors will mean that changes have to be made to vehicles, drivers or passenger assistants. Where possible, if time allows, the Council will notify parents when changes have to be made in advance.

Transport arrangements can only be made by the local authority, not by parents direct with the provider. Requests for amendments to provision must be made by email to hometoschooltransport@northtyneside.gov.uk or in writing to:

North Tyneside Council
Home to School Transport Team
Quadrant East, Silverlink North
Cobalt Business Park
North Tyneside, NE23 0BY

Amendments are at the discretion of the local authority.

6. Information, Complaints and Appeal

6.1. Publication strategy

The Council's aim is to develop a clear and unambiguous policy framework which is promoted through accessible information. A summary of travel eligibility is included in the Council's Essential Guide to North Tyneside Schools (School Admissions).

The full policy is available on the Council's website:

<https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/Essential%20Guide%202024.pdf>

6.2. Complaints

The Council's aim is to always provide the best possible services. If a complaint is received, the Council will investigate and take corrective action, if necessary. Any complaint about the service provided through the home to school travel policy will be investigated in line with the Council's corporate complaints procedure.

6.3. Appeals

There is a two-stage appeal process for parents/carers who wish to challenge a decision about the following:

- the transport arrangements offered
- their child's eligibility
- the distance measurement in relation to statutory walking distances
- the safety of the route.

Please note that if all parties take the maximum time to respond then the appeal process can take **up to 20 weeks** excluding bank holidays, during which time, parents will need to make alternative travel arrangements for their child.

6.4. Appeals Process

Stage one: Review by a senior officer

A parent/carer has 20 working days from receipt of the Council's decision not to provide travel assistance, to make a written request asking for review of the decision.

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

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

- the outcome of the appeal which will state if the original decision has been upheld or not
- how the review of the original decision was conducted
- information about other departments or agencies consulted
- how the parent/carer can escalate their case to Stage two, if they wish to do so
- what happens next if the original decision to refuse travel assistance is not upheld

6.5. Stage two: Review by an independent appeal panel

A parent/carer has 20 working days from receipt of the Council's stage one written decision notification to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parent/carers request, an independent appeal panel will consider written representations from the parent/carer and from officers involved in the case.

The panel will provide the parent/carer with a detailed written notification of the outcome. The parent/carer will be informed of their right to put the matter to the Local Government Ombudsman, if appropriate.

The independent appeal panel members should be independent of the process to date and ensure a balance between meeting the needs of the parents and the Council. It will consider road safety requirements are complied with and that no child is placed at unnecessary risk.

School travel can sometimes become the subject of disputes between parents and their local authority and of complaints to the Local Government and Social Care Ombudsman (LGSCO). It is not always possible to make a decision that parents are happy with, but we aim to ensure parents are treated fairly and understand how the decision has been reached.

Please note: A Transport Appeal will be dealt with through the Transport Appeal procedure. A complaint will be investigated through the relevant Complaints Procedure.

Should parents/carers continue to be dissatisfied with the decision, the parent will be informed that they have a right to raise the matter with the Local Government Ombudsman (LGO).

Local Government Ombudsman, PO Box 4771, Coventry, CV4 06H
Online complaint available at <http://www.lgo.org.uk>

7. How to Apply for Assistance with Travel

7.1. Application procedure

Applications for assistance with travel will be considered by the Home to School Transport Service in line with this policy. In all circumstances a transport assessment will be made by the Council's Home to School Transport Service in order to determine initial eligibility. For those students who are not eligible for support from the local authority, parents / carers should check all other options available from Nexus.org.uk.

7.2. Application on grounds of distance, low income or unsafe walking route

Parents / carers must complete an application form in relation to travel passes (available on the Council's website or by post if requested) when making an application for assistance on grounds of distance, low income (eligibility for free school meals) or unsafe walking route. Appropriate, documentary evidence, may be required to confirm eligibility on grounds of low income.

Applications for assistance with travel can be made at any time but it is anticipated that the vast majority of applications will coincide with the normal school admissions round. Parents should complete the application form upon acceptance of a school offer.

Parents/carers will need to apply each year for assistance with travel and eligibility may change depending on changes in personal circumstances. The Council's Home to School Transport Service will also review travel arrangements across the year and the Council reserves the right to withdraw support as appropriate.

7.3. Other Applications

For applications on all other grounds including children with an EHCP, permanent exclusions, managed moves and looked-after children with an EHCP / SEND, an application form (Form H2ST) must be completed by school or SEND officer and sent to the Home to School Transport Team. Assessment for eligibility will be undertaken by the Home to School Transport Team. Requests for transport in the above circumstances cannot be accepted directly from parents.

8. Types of Assistance with Travel

Assistance with travel may be through the provision of a travel permit or allocation of a place on a bus, minibus or taxi where applicable. The Council may also offer alternative support which could include payment of a mileage allowance to the parent/carer driving an eligible child to school in lieu of the provision of a travel permit, taxi or minibus.

8.1. Independent Travel Training

For many children, learning to travel independently is an important part of preparing for adulthood and will help them lead fulfilling adult lives. When making travel arrangements for eligible children with special educational needs or disabilities, the Council may take account of how best to support them to develop independence. This may include considering whether a child who would otherwise travel in a taxi, might be able to travel on a public service bus if provided with support to do so.

On receipt of a referral for travel training a North Tyneside Travel Trainer will contact the student to talk through the travel training experience. The trainer will link in with the student's school to develop the training to suit each young person's needs. A risk assessment will be carried out and a training plan will be agreed by all involved.

The learner will follow a plan of supervised and unsupervised travel and activities including using the bus and Metro, staying safe and using shops and services, handling money and being aware of others.

Once the learner has been fully trained, the Travel Trainer will regularly carry out observations and catch ups to ensure they are still travelling safely. If a student is transitioning to another school/college, they can provide further training on their new route. The one-to-one service can be used during 'real time' journeys, during the day and during school holidays (where available). Students can learn new journeys, build confidence in travelling independently and using public transport. Ideally travel training will be undertaken whilst a young person is still at school to prepare them for transition to further education.

9. Policy Changes

Please note this policy was reviewed in 2023/24 and will come into effect for all students starting school in September 2025.

Students who had travel assistance prior to 2025 will continue to be provided with travel assistance for the duration of the phase of education they were in at the start of term in September 2024.

For example, children in a first school from the start of term in September 2024 who have been provided with travel assistance will continue to receive travel assistance until they leave the school at the end of year 4.

Children in a primary school from the start of term in September 2024 who have been provided with travel assistance will continue to receive travel assistance until they leave the school at the end of year 6.

Children in a middle school from the start of term in September 2024 who have been provided with travel assistance will continue to receive travel assistance until they leave the school at the end of year 8.

Children in a high school will continue to be provided with any travel support they are in receipt of at the start of term in September 2024 until they finish year 11.

10. Contact Details

For further information and advice please contact:

North Tyneside Council

Home to School Transport Team

Phone: 0191 643 8726

Email: hometoschooltransport@northtyneside.gov.uk