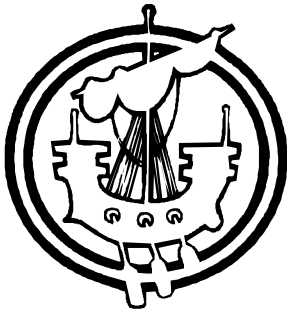


Department of Education



Consultation Document

Consultation on:	Home to School Transport policy
Summary:	The policy updates and further defines the rules for home to school transport within the Western Isles
Deadline:	29 th July 2005
Consultees:	Head teachers, teachers, school board members, Parents.
Public Access:	Website
Responses to:	Jennet Gordon Department of Education Council Offices Sandwick Road Stornoway Isle of Lewis HS1 2BW email - transportconsult@cne-siar.gov.uk

Murdo Macleod, Director of Education

16 May 2005



COMHAIRLE NAN EILEAN SIAR

Roinn an Fhoghlaim

Department of Education

Ag Amas air Adhartas - Aiming for Advancement

HOME TO SCHOOL

TRAVEL

DRAFT POLICY

May 2005

1. PUPILS QUALIFYING FOR ASSISTANCE WITH HOME TO SCHOOL TRANSPORT

- 1.1 Pupils who may qualify for assistance with home to school transport (subject to the further qualifying criteria set out later in this policy) will be:
- All Primary and Secondary age pupils, who are ordinarily resident in the Western Isles
 - Any Primary and Secondary pupils who are not ordinarily resident in the Western Isles but who will be temporarily resident in the Western Isles for a period in excess of six weeks
 - All children or young people with records of needs (or their equivalent) requiring special assistance with travel up to the age of 19 years.
- 1.2 Mature students attending any of the Comhairle's Presenting Centres will not be entitled to assistance with transport under this policy.
- 1.3 Pre school or younger children will not be entitled to assistance with transport from home to pre school under this policy unless they are the subject of separate special arrangements approved for children with special educational needs. The Comhairle is not obliged to fund pre school transport but provides pre school groups with discretionary funding to enable the development of local transport schemes. (In addition, some limited assistance with bus fares is available, under Comhairle policy, for parents of pre-school children who are on a low income.)

2. STANDARD QUALIFYING DISTANCE FOR FREE ASSISTANCE WITH HOME TO SCHOOL TRANSPORT

- 2.1 The Comhairle's policy is that, with the exception of pupils who are the subject of a placing request, no pupil shall be required to walk more than 1610 metres (one mile) in the course of their journey to or from their catchment area school (referred to afterwards for convenience as "free home to school transport".)
- 2.2 This rule is qualified by the requirement that where a home accesses an unadopted road, transport will only be provided from the nearest public road and pupils will be required to walk to this road even if the distance exceeds 1610 metres.
- 2.3 The distance between school and home shall be measured from the main exit from the pupil's house on to the road to the exterior gate or main entrance to the school at the main road measured by the shortest route by road and/or publicly maintained footpath.
- 2.4 Where the distance between a pupil's home and the catchment area school is disputed or where the measurement of distance is on the border of approval, the Comhairle may at its discretion award free home to school transport within a further limited tolerance of 30 metres (ie for distances of 1581 metres to 1610 metres) where, in their judgment, topographical features may give rise to any doubt about the accuracy of the measurement. This discretion will always be exercised to the advantage of the school pupil.

3. GAELIC MEDIUM OR OTHER SPECIFIC EDUCATIONAL REQUIREMENTS

- 3.1 Where a parent ¹ sends their child to the nearest Gaelic Medium school (even as a result of a placing request) that school shall be held to be their catchment area school even where it is not their nearest school. Similarly, where an agreed course of education is only available at a particular school, that school shall be held to be the catchment school even where it is not the nearest school.

4. PLACING REQUESTS

- 4.1 Parents sending their children to a school other than the normal catchment area school (as a result of a placing request) shall fund the transport where necessary including paying a fare on any relevant public service.

5. PROVISION OF NON ENTITLED TRANSPORT ON EDUCATION SERVICES

- 5.1 Where free home to school transport is not provided, pupils may take advantage of spare capacity which exists on any relevant dedicated education service but may be required to pay the relevant fare for use of the service. Where the spare capacity becomes unavailable at short notice, the Comhairle may, at its discretion, make alternative provision for a period of up to two weeks to enable pupils and parents to make alternative arrangements.
- 5.2 Pupils who are not entitled to free school transport will be required to pay a fare when using scheduled service routes.

6. SAFETY OF PUPILS NOT ENTITLED TO FREE HOME TO SCHOOL TRANSPORT

- 6.1 Where the safety of a walking pupil is in question, parents have the primary responsibility for ensuring their child's safe arrival at school. Where the parent of a pupil who is not entitled to free home to school transport maintains that it is not safe to walk to the pupil's school, the Education authority will take a decision on the matter in light of:
- The responsibilities of the parents
 - The age of the pupil (s)
 - The nature, type and volume of traffic
 - The width of the carriageway
 - The presence or otherwise of footpaths
 - The presence of lighting
 - The presence of crossing facilities
 - The existence of a public service

¹ All references in this policy to "Parents" shall be held to include guardians or carers unless specifically noted otherwise.

- The presence of high bankings, ditches or other roadside features
 - Any temporary road conditions which may exist at the time
 - Any home to school travel plans in operation in the vicinity (see 15.1)
 - Any other factors which may exceptionally be relevant.
- 6.2 The views of the Comhairle's Road Safety Officer will be specifically sought in each case to ensure a consistent source of advice on relative road conditions.
- 6.3 Any decision to award free home to school transport on safety grounds as above will be time limited and for not longer than one year. The parents will be advised of the time limit of the award and of the specific grounds on which the award was made. The circumstances will be reviewed annually (see 6.4 below) and the parent advised of any change or non award following the review.
- 6.4 Where any route (or part route) to school is designated as unsafe to the extent that no pupil of a particular age could be expected to walk whether supervised or unsupervised, that route (or part route) will be designated as such until road circumstances change. Any further pupils required to travel on that route or part route will be afforded free transport where the circumstances of the designation are relevant. Any such routes will be kept under annual review by the Comhairle and changes in circumstances formally recorded and reported to the Education and Children's Services Committee.

7. PROVISION OF FREE TRANSPORT ON PERMANENT CHANGE OF HOME

- 7.1 Where a pupil continues at a school other than his or her catchment school (on a placing request basis) following a permanent change of address, the Comhairle will provide free home to school transport only in exceptional circumstances and only in cases where, in the view of the relevant Head of Service, it is essential that the pupil continue at the placement (original) school for educational reasons. The duration of the provision of free transport will be determined in the circumstances of each case by the Head of Educational Resources having regard to the recommendation of the relevant Head of Service.

8. PROVISION OF FREE TRANSPORT ON TEMPORARY CHANGE OF ADDRESS

- 8.1 Where a pupil experiences a temporary change of address but remains at his or her original catchment area school, free home to school transport from that address will only be provided in wholly exceptional circumstances and where the change of address is outwith the parents' control rather than as a matter of personal choice (eg where a family has been temporarily moved from their home due to fire damage or other unforeseen events.) The duration of the provision of free transport will be determined in the circumstances of each case by the Head of Educational Resources having regard to the recommendation of the relevant Head of Service.

9. PROVISION OF FREE HOME TO SCHOOL TRANSPORT ON MEDICAL GROUNDS

- 9.1 The Comhairle will provide free home to school transport on medical grounds only on the basis of an unambiguous opinion by an appropriate medical adviser that provision of free home to school transport is necessary to prevent injury to a child's

health. The Comhairle reserves the right to seek independent medical advice if judged appropriate in the circumstances of the case.

10. PROVISION OF FREE HOME TO SCHOOL TRANSPORT IN OTHER EXCEPTIONAL CIRCUMSTANCES

10.1 Where there are, exceptionally, other circumstances in which free home to school transport is requested for a pupil travelling to a particular school who would otherwise be non-entitled, the matter will be referred to the relevant Head of Service. Any decision to provide free home to school transport will be evidence based and upon the grounds that to not do so would impact adversely and seriously on the education of the pupil. The duration of the provision of free transport will be determined in the circumstances of each case by the Head of Educational Resources having regard to the recommendation of the relevant Head of Service.

11. NATURE OF TRANSPORT PROVIDED

11.1 Home to school transport will be provided by the Comhairle on the following basis:

- The transport may be an education only contract with school pupils only carried, or may be an integrated service where pupils and members of the public travel together;
- The transport provided will be the most efficient having regard to the numbers of pupils (and members of the public where appropriate), any specific pupil requirements (eg wheelchair accessibility) and the road conditions and may vary from a taxi car to a full size coach;
- Compliance with all relevant legislation and Comhairle guidelines will continue to be a condition of contract for operators providing services;
- Operator compliance with contract conditions will be monitored by the Comhairle's Technical Services Department. This will include regular surveys of client satisfaction and spot checks on route operation, bus standards and journey timings;
- Where agreed with parents and suitable in the circumstances of a particular case, the Comhairle may at its discretion pay a parent a standard mileage rate for them to transport their child to school.

11.2 All Western Isles transport arrangements are reviewed annually prior to the start of the new academic year and on the basis of information provided by schools on latest pupil numbers and locations. Pupils who are entitled to free school transport will be provided with the appropriate bus pass and details of their route and operator in August of each year. Pupils moving home or school in the course of the year will be issued with new passes as required where they are entitled to free transport.

11.3 Changes to scheduled services may be required at any time in the academic year to cater for pupil or other changes. Any such changes to routes or operators will, except in emergencies or other exceptional circumstances, be advised to pupils and parents with at least 14 days notice.

12. TIMING OF TRANSPORT

12.1 The times of home to school transport will be determined having regard to the following criteria:

- The need for effective integration where possible with public services but having regard to the opening times of the schools attended by relevant pupils;
- The length of the journey for school pupils. No pupil shall ordinarily be expected to travel for more than one hour (except with the consent of the pupil and the parent) and the Comhairle will aim to limit all journeys for primary pupils to no more than 30 minutes. Secondary pupils with a journey time in excess of one hour will be offered the opportunity to take up approved lodgings during the week, which will be funded by the Comhairle;
- The waiting time required at the beginning and end of the school day. No pupil dependant on the provision of free home to school transport shall be required to arrive earlier than and leave later than 30 minutes at the beginning or end of the school day. In normal circumstances, the Comhairle will aim to contain all waiting times to a maximum of 20 minutes.

13. PUPILS WITH SPECIAL EDUCATIONAL NEEDS

Pupils with Special Educational Needs who may qualify for assistance with transport

13.1 All children and young people with special educational needs between the ages of 2 and 19 may qualify for assistance with transport to an appropriate educational facility including pre school, primary or secondary school or higher or further education facilities. Provision of free transport will be dependent on the further factors set out below.

Responsibilities of parents

13.2 Many children with special educational needs are able to attend their local catchment school and the Comhairle expects many of these pupils to be able to take advantage of existing education transport or for parents to be able to make the appropriate arrangements where there is no entitlement to free home to school transport. This can be an important factor in developing a child's independence, life and social skills.

13.3 Entitlement to free home to school transport for pupils with special educational needs will be determined by relevant staff from the Comhairle's Inclusion and Early Years service. Decisions will have regard to parents' primary responsibility for ensuring their child's safe arrival at school but the Comhairle acknowledges that some pupils will have a level of physical, learning or behaviour difficulty such that they are unable to access mainstream travel arrangements provided in accordance with the first part of this policy. In these circumstances, provision of assistance with transport may be appropriate.

13.4 Decisions on the provision of assistance with transport for pupils with special educational needs will be made by the Education Department's Inclusion and Early Years Service in consultation with parents, pupils and other relevant professionals. Decisions will be evidence based and will follow an individual assessment of need taking into account all the factors relevant to each individual case including medical, psychological and social reports where relevant. Factors taken into account will include:

- Medical/health related needs
- Mobility
- Wheelchair where used (type and anchorage arrangements)
- Special seat belts/chairs
- Access
- Behaviour
- Safe handling and lifting requirements

13.5 Where entitlement is approved, assistance will be provided in the least restrictive way possible and in accordance with local travel facilities. A risk assessment of the mode of travel will be undertaken and control measures put into place where necessary. Alternatives which the Comhairle might approve include paying for or providing could include:

travel training support to enable pupils to learn to use public transport or to travel independently

paying a parent with mileage expenses to transport the pupil themselves

providing a walking travel escort

providing an escort to accompany a pupil on public transport

providing transport from a pick up point

providing home to school transport.

13.6 The following questions, for example, might be considered when determining a travel solution:

Is the pupil able to walk or cycle on their own?

Would the pupil be able to walk or cycle if given some support / training?

Is the pupil able to use public transport on their own?

Would the pupil be able to use public transport if given some support / training?

- 13.7 In most cases when transport is provided, pupils will be collected from and returned to their home or an authorised alternative address close to their home. Parents will be responsible for ensuring that pupils are ready for pick up a minimum of 5 minutes before the pick up time and must be available (or make arrangements) to receive them promptly to avoid unnecessary delays to drivers and other pupils or transport clients, where relevant. Where appropriate, certain pupils may be picked up from a designated point and in these cases, parents will be responsible for their child travelling to and from the pick up point.

Payment to parents

- 13.8 The authority may in some circumstances make payments to parents to provide home to school transport using their own vehicles. Payments may be made where:

- The pupil is otherwise eligible for assistance with travel;
- There are no existing travel arrangements which could accommodate the pupil;
- The needs of the pupil are of such complexity that transport provided by the parents is the most appropriate travel solution.

The authority will require the school to certify the pupil's attendance before paying any mileage allowance.

Review of special educational needs requirements

- 13.9 Individual pupil requirements will be reviewed regularly, and at least annually. This will be repeated whenever there is a change in their needs, in order to assess whether the level of provision remains appropriate. A review period will also be stated in the risk assessment.

Residential placements

- 13.10 Where a pupil with special educational needs is placed by the Comhairle in a residential placement (either within the Western Isles or on the UK mainland), travel to and from that school for the pupil shall be provided free of charge by the Comhairle. The Comhairle shall also, at its discretion, provide assistance with relevant travel by the parents of the pupil concerned, including travel to accompany the pupil on journeys to and from the residential placement and travel to allow participation in pupil centred activities such as parents' evenings and case conferences. The Head of Inclusion and Early Years will be responsible for determining entitlement in all such cases.

- 13.11 Where a pupil with special educational needs is placed in a residential or other school other than at the direction of the Comhairle (eg where a parent makes individual arrangements for their child with a specific provider), the Comhairle will not be obliged to meet any consequent travel costs for the pupil or their parent but may at its discretion contribute to those costs where, in the view of the Head of Inclusion and Early Years, the travel is justified having regard to the educational or other needs of the pupil.

Disability Living Allowance (HRMC)

13.12 The parents of some pupils may be in receipt of the higher rate mobility component (HRMC) of the Disability Living Allowance (DLA). This is the gateway to the Motability Scheme that supplies vehicles, adapted or unadapted, in return for the DLA usually on contract hire terms. If a pupil is the HRMC recipient and the family obtain a vehicle through the Motability Scheme, then the vehicle is expected to be used for the benefit of the disabled pupil. When deciding whether or not to provide travel assistance, the Comhairle will take account of the Motability car where this has been provided for the benefit of the pupil. Similarly, the Comhairle will take account of the HRMC of the DLA where this has been provided for a child but has not been used to obtain a vehicle.

Escorting policy for pupils with special educational needs

13.13 Where the Comhairle has decided to provide travel assistance it will, in addition, consider whether it is necessary to provide an escort to supervise the pupil's journey. Decisions on the provision of escorts will be taken by the Inclusion and Early Years Service in consultation with the Comhairle's Transport section, parents and other relevant professionals. The decision will take account of:

- The age of the pupil
- The method of transport
- The particular needs, disabilities, or medical condition of the pupil.

Changes to transport arrangements

13.14 Where the authority decides, at any time to vary agreed transport arrangements, they will, except in exceptional circumstances, consult with parents and other professionals on the matter and give parents at least 14 days notice of the change

Travel during the school day

13.15 This policy covers home to school transport at the beginning or end of the school day. Travel outside this, where for example pupils are required to take part in particular curriculum activities or where a pupil wishes to take part in an after school activity will be considered separately by the Education Department's Inclusion Service.

Pupils travelling to respite care

13.16 Transport to school will normally be provided to children who are placed in planned respite care within the Western Isles.

Special Educational Needs – specific service standards

13.17 Specific Service standards for special educational needs transport provision are set out at Annex 1.

14. APPEALS AGAINST NON-PROVISION OF FREE HOME TO SCHOOL TRANSPORT

- 14.1 Parents may appeal against all decisions not to award free home to school transport to pupils or to provide transport which the parents or pupils believe to be unsuitable in the circumstances of their case.
- 14.2 All such appeals will be to the Service Appeals Panel of the Comhairle's Audit and Scrutiny Committee.
- 14.3 All appeals will normally be heard by the Service Appeals Panel within 28 days of the appeal being lodged or of relevant information being obtained from the appellant if later.
- 14.4 The parents (and/or their representatives – or exceptionally pupils) will be invited to attend the Service Appeals Panel if they wish to present their case in person. The Service appeals panel will also seek the views of officers of the Comhairle and may seek the views of any other parties whose evidence would be material to the appeal.
- 14.5 In the event of an appeal being allowed, the Service Appeals Panel will specifically include a time limit against each award to indicate when they wish the case to be revisited.
- 14.6 The Education Department and the Technical Services Transportation Section will review each such case at least three months before the expiry of the award and in the event of changed circumstances, the education authority will write to the pupil's parents (copied to the local member) indicating that the education authority is of the view that free transport provision will no longer be appropriate on the expiry of the original decision.
- 14.7 If this decision is disputed, the parents will have the opportunity to make a fresh appeal against that decision to the Service Appeals Panel.

15. SAFER ROUTES TO SCHOOL

- 15.1 The Scottish Executive have published guidance on "How to Run a Safer Routes to School Scheme" which is intended as a tool kit of measures for everyone involved in the journey to school. Safer Routes to School, or a *school travel plan*, is a multi-disciplinary school based approach which aims to improve safety and remove barriers to walking and cycling to and from school. There are many advantages if more children are able to walk or cycle to school safely:
- the physical exercise can help to improve children's health, and active children are more likely to become healthier active adults
 - the environment and safety around schools can be improved because of less traffic
 - for many children it is their first opportunity to travel independently and an important part of personal and social development
 - children learn efficient travel habits
 - there are opportunities for parents and Councils to save money.

- 15.2 The Comhairle endorses the aims of the “Safer Routes to School” initiative and will support schools in the development of school travel plans for pupils who are not entitled to free home to school transport.

ANNEX 1

SPECIAL EDUCATIONAL NEEDS TRANSPORT - SERVICE STANDARDS AND HEALTH AND SAFETY

1. The Comhairle will be responsible for managing risks in the provision of transport for pupils with special educational needs and as part of the Comhairle's arrangements for managing health and safety at work. A formal risk assessment will be undertaken on an individual basis for all proposed transport solutions for pupils with special educational needs.
2. All standards and requirements for vehicles will be set out in contract or service level agreements where in-house vehicles are used. All operators must comply with vehicle licensing, insurance and taxation requirements as well as the Vehicle Construction and Use Regulations.
3. All vehicles will be required to have a means of communication, such as mobile phones, available for use in emergencies.
4. Journeys will minimise stress and will reflect the Comhairle's standard for the maximum time that pupils should be on vehicles, but having regard to the individual needs of the pupil.
5. Essential information and contact details will be carried on vehicles and known to drivers and escorts. In the event of an emergency, pupils will normally remain on vehicles unless it is unsafe for them to do so.
6. All drivers and passenger assistants will have enhanced Disclosure Scotland clearance prior to working with pupils.
7. All drivers and passenger assistants will carry photo identification at all times.
8. All minibus drivers will be required to undertake Minibus Awareness Training (MiDAS) and that training will be updated every four years. Similarly, all passenger assistants should be trained in Passenger Transport Assistant Training (PATs). Additional training may be also required such as Minibus Emergency Evacuation Procedures (MEEP), Conflict Resolution, Safe Handling, First Aid and working with children with particular medical conditions or disabilities.
9. Drivers and Passenger Assistants should know what to do in the case of a medical emergency. They should not generally administer medication but where it is agreed that a driver or passenger assistant will administer medication (for example, in an emergency) they must receive training and support and fully understand what procedures and protocols to follow. They should be clear about roles, responsibilities and liabilities.
10. Where pupils have life-threatening conditions, specific care plans should be carried on vehicles. These should be agreed with the school, parents or carers and the responsible medical practitioner for the pupil concerned. They will specify the steps to be taken to support the normal care of the pupil as well as the appropriate responses to emergency situations.
11. All drivers and escorts must have basic first aid training. Additionally trained escorts may be required to support some pupils with complex medical needs. These can be healthcare professionals or escorts trained by them.
12. Some pupils may be at risk of anaphylactic shock. Risks can be minimised by not allowing anyone to eat on vehicles. As noted above, all escorts should have basic first aid training and should be trained in the use of an epipen for emergencies.

13. Vehicle design should allow pupils and escorts to board and alight vehicles safely, where necessary using features such as tail lifts or swivel/slide seats. Special seats or harnesses should be used where appropriate.
14. Drivers and escorts should receive training in safe mobility assistance/handling techniques, wheelchair handling and use of any special equipment required, such as wheelchair clamps, tail lifts and ramps.
15. At schools there should be clearly marked designated drop off/pick up points close to the entrance area with a well-marked, preferably covered walkway supplied with handrails leading to the main entrance area. Larger parking bays should be provided to enable pupils with mobility difficulties to get in and out of vehicles. Kerbs should be dropped between the setting down points and the principal entrance areas.
16. When parking away from the school, appropriate places should be chosen to allow safe entry to and exit from buildings.
17. During journeys, wheelchairs should be held securely to the floor by tracking fitted longitudinally to the vehicle. Escorts should be able to see the faces of all pupils at all times to ensure that they are comfortable and well. It should be possible at all times for able bodied passengers to obtain access from every passenger seat to at least two exit doors, one on the nearside and one on the offside or at the rear of the vehicle.
18. When transport is arranged, parents and carers will be provided with information that:
 - Sets out the time and location that their child or young person will be picked up
 - Clarifies that it is the responsibility of the parent or carer to ensure that the pupil is ready on time – pupils should be ready 5 minutes before the pickup time
 - Specifies the maximum time that a vehicle will be able to wait at a pickup point (where applicable)
 - Specifies the return drop off location and time and makes clear that it is the responsibility of parents and carers to be there
 - States that the parent or carer should contact the Comhairle's Technical Services Transportation Section if their child is not able to travel and give relevant contact details
 - States how parents and carers will be contacted in case of emergency, if their child is ill or should an extended delay or disruption to transport services occur.
19. Where pupils have severe learning difficulties, the Comhairle will endeavour to:
 - Ensure that drivers and escorts are known to parents and pupils, including making an initial visit prior to transporting the child or young person. Their details, including contact numbers, will be in the letter setting out transport arrangements
 - Encourage transport operators to maintain stable staffing over time and to avoid unnecessary changes of personnel, and explain and plan for any changes in advance where possible

- Ensure that journey times are reasonable and that undue stress is not caused by extended periods on vehicle (having regard to the particular circumstances of each pupil.)

