

CABINET – 22 JUNE 2010

HOME TO SCHOOL TRANSPORT POLICY

Report by the Director of Children's, Schools and Families

Background

1. Oxfordshire County Council provides either free or subsidised transport to over 14,800 children and young people travelling to school or college. The legal basis for this provision of home to school transport is set out in sections 508A, 508B, 508C, 508D and 509AD and Schedule 35B of the Education Act 1996 (as amended by Part 6 of the Education and Inspections Act 2006) and where appropriate the Equality Act and English and European case law. Local authorities are also under a statutory duty to have regard to the Home to School Transport Guidance issued by the then DfES (now DfE) in 2007.
2. In 2009/10 the Home to School Transport budget was £16,051,210.
3. On 15 December 2009 the Council agreed to consult on possible changes to the discretionary elements within the Home to School Transport Policy. The decision to review these discretionary elements was made in the light of the current difficult financial situation, the continuing impact this will have on local government finances, and the need to ensure that the Home to School Transport Policy is equitable. Officers were asked to consult on proposals for a new policy and report back on the outcome of the consultation early enough for a new policy to take effect for 20011/12.
4. The consultation document stated that if the proposals were adopted there would be a phased introduction from September 2011. Those children for whom free or subsidised transport had been agreed before that date would not be affected by any policy changes. However, it was also explained that those receiving free transport on 'safe route' grounds would, as now, have this financial assistance withdrawn if the route is re-assessed as safe.
5. The proposed Home to School Transport Policy for 2011/12 is set out in Annex A.

Consultation

6. The following possible options for change were consulted upon:
 - (a) The phased ending of the automatic right to free and subsidised travel to faith schools. The consultation document explained that it was proposed still to have regard to any applications made on grounds of religion or belief but that the avoidance of unreasonable public expenditure would be taken into account when considering any application for assistance made on these grounds. It was further

explained that this was likely to lead to a more limited provision of transport assistance than that currently available. The current policy is inequitable since it provides greater support to one particular faith and within that faith greater support to those in a particular geographic area. The proposed new policy does not provide greater support to one faith than another and is therefore more equitable.

- (b) The phased ending of free travel for non-Oxfordshire residents to Chiltern Edge School. The consultation document explained that currently no neighbouring local authority provides free transport to any Oxfordshire residents and that Oxfordshire County Council is acting inequitably in providing assistance to children in part of Caversham while not providing assistance to non-Oxfordshire residents who live within the designated area of any other Oxfordshire school. The proposed new policy does not provide greater support to one group of non-Oxfordshire residents than another and is therefore more equitable.
- (c) The use of free school meals and maximum working tax credit (WTC) as the reasons for exemptions to the concessionary charge for transport. It was pointed out in the consultation document that the relevant parent in receipt of WTC would be the one with whom the child is ordinarily resident.
- (d) Setting the charges for concessionary and post 16 travel at the average commercial fare available at the 3 and 5 mile points.
- (e) Setting restrictions on the mileage allowance to ensure a fair and consistent approach.
- (f) Setting criteria for collaborative learning transport.

7. The consultation also included the following key provisos:

- (a) The phased introduction of any agreed changes from September 2011 to ensure that those children in receipt of free or subsidised transport prior to the introduction of any new policy would not be affected.
- (b) That the cost of Collaborative Learning Transport would be met from the budgets of 14-19 Partnerships and not the Home to School Transport Budget.
- (c) That the decisions regarding the provision of Collaborative Learning Transport should be made by the Partnerships (not the Admissions Team or the Integrated Transport Unit) using the agreed criteria, within cash limited budgets.

8. The consultation document is shown in full in Annex B.

9. On 17 December 2009 at the end of Term 2 a letter was sent to all schools that were likely to be affected alerting them to the County Council's intention to consult on a new Home to School Transport Policy, including the key proposals.
10. The consultation started at the beginning of Term 4 and on 23 February 2010 an item appeared in Schools News. In early March a further notification was sent out by Communications in a group e-mail message to all schools and on 9 March 2010 a reminder appeared in Schools News. Following a request from the Blessed George Napier School the consultation was extended to 26 April 2010 and schools were alerted to this through Schools News. The consultation document was on the public website from 23 February to 26 April 2010.
11. There were 52 responses to the consultation. Of these, 46 were from parents and 6 were from schools or an educational body. Of the parental responses, 41 were from the Bicester/Banbury area.
12. 50 of the responses included comments on the proposals on transport on faith grounds. No opposition to the changes in faith transport came from the area served by St Gregory the Great School. However, 42 comments were received expressing opposition to the proposal to end the current arrangements on faith transport from those living in the area served by the Blessed George Napier School. The table shown in Annex C gives a breakdown of the comments received on the proposals regarding free and subsidised transport provided on faith grounds. The Governors of Blessed George Napier School are particularly concerned by the proposed changes to faith transport and the effect they are likely to have on Catholic families and on the character of the school. This is the faith school that is likely to be most affected by the proposed changes and a statement from the Governors of the Blessed George Napier School, Banbury, setting out their reasons for opposing the proposed changes is attached as Annex D. If the proposed policy is adopted there is sufficient spare capacity in Bicester secondary schools to accommodate any likely increase in the number of children who will need places in the area.
13. The Headteacher of Chiltern Edge School expressed strong opposition to the proposal to end free transport for non-Oxfordshire residents to Chiltern Edge School. The Headteacher stated that he believed that the decision to review the transport arrangements for Chiltern Edge had a seriously destabilising effect on the likely roll for Chiltern Edge School. There were 180 places available in Year 7 at Chiltern Edge School and there are currently 118 children due to be admitted to this year group in September 2010. This prospective entry figure compares with a year group of 115 children in the current Year 7. There were no other comments regarding the ending of free transport for new entrants from the Caversham area of Reading to Chiltern Edge School. Currently no neighbouring local authority provides free transport to any Oxfordshire residents.

14. There were 4 comments from parents and 2 from schools opposing the use of free school meals and maximum working tax credit as the reasons for exemptions to the concessionary charge for transport.
15. There was 1 comment opposing the proposal on reimbursement of travel expenses.
16. 16 parents and 1 school and 1 educational professional opposed the proposal on Collaborative Transport.

Proposed New Policy

17. The proposed Home to School Transport Policy for 2011/12 has been modified to clarify how the local authority will make decisions on assistance with transport in response to the religious and philosophical convictions of parents. The proposed new policy states that any decision to provide assistance on these grounds would need to be compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure (as per para.134 of the Home to School Travel and Transport Guidance issued by the then DfES in 2007).
18. The proposed Home to School Transport Policy for 2011/12 meets current statutory requirements and corresponding statutory guidance.
19. The inequalities of the current policy were addressed in the consultation document and are referred to in this report. The proposed Home to School Transport Policy for 2011/12 removes these inequalities. In addressing these issues the proposed new policy will have an adverse impact on some families, for example those non Oxfordshire residents who live in Caversham and those Catholic families in the Bicester area who receive subsidised travel to the Blessed George Napier School. An Equality Impact Assessment has been completed in respect of the proposed new policy.

Financial Implications

20. Given that there would be a phased introduction of the proposed policy changes to transport provided on faith grounds the maximum savings related to secondary schools would be realised from September 2015 and for primary schools from September 2017. At current prices the proposals on faith transport would save a maximum of approximately £639,000 per annum from the academic year 2017/18.
21. Implementing the proposal on transport to Chiltern Edge School would, at current prices, save approximately £58,000 per annum from 2015/16.
22. Therefore at current prices the total possible savings per year amount to approximately £697,000 from 2017/18.

RECOMMENDATIONS

23. **It is RECOMMENDED that the Cabinet approves the proposed new Home to School Transport Policy, as set out in Annex A.**

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Background Papers: Home to School Transport and Travel Guidance 2007

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June 2010

Proposed Home to School Travel Policy for 2011/12

Introduction

1. The County Council is keen to encourage young people to walk or cycle to school or college or to make use of public transport, but it also provides free transport and some assisted transport as set out in the Home to School Transport Policy set out in this document.
2. The legal basis for the provision of home to school transport is set out in sections 508A, 508B, 508C, 508D and 509AD and Schedule 35B of the Education Act 1996 (as amended by Part 6 of the Education and Inspections Act 2006) and where appropriate the Equality Act and English and European case law. In addition local authorities are under a statutory duty to have regard to the Home to School Transport Guidance issued by the then DfES (now DfE) in 2007.
3. The Home to School Transport Policy applies to young people who live in the County of Oxfordshire. Those who are not resident in Oxfordshire are advised to contact their own home local authority for details of any policy that their home authority may have regarding home to school/college transport.
4. Parents of those aged from 4 (Rising Five's) to 16 need to complete and submit a Transport Application Form if they wish to apply for free or subsidised home to school transport. If they wish to apply for subsidised travel an 'Application for Concessionary Travel on a School Bus' needs to be completed.
5. When, under the Home to School Transport Policy, children and young people are entitled to free transport it is provided by the most cost effective means. This will usually be by the provision of a free bus pass. However, where numbers are small children sometimes have to be transported by taxi. Where parents wish to take their children to school and it is therefore possible to avoid the provision of a taxi the Local Authority may agree to the payment of a mileage allowance. The mileage allowance is provided for the child's journey to school and the return to the child's home. Parents are not provided with a mileage allowance for their own return to home in the morning or their journey to the school in the afternoon, i.e. the LA pays a mileage allowance for two journeys per day rather than four. The mileage allowance is the Revenue and Customs All Car Rate (currently 40p). If through a change in circumstance¹ the payment of the mileage allowance proves no longer to be the cheapest way of transporting the child to school the alternative means of travel will be offered and the parent will be given up to 6 weeks to consider the new arrangement. At the end of that period

¹ For example if a taxi contract is awarded to transport another nearby child to the same school and there is a spare seat in the vehicle.

or when the alternative means of transport is taken up, whichever is the sooner, the mileage allowance will be withdrawn.

6. Where free or concessionary travel has been agreed it is provided for attendance at the beginning and end of the school day and not for extracurricular activities.
7. The responsibility for determining entitlement issues rests with the School Admissions Team since transport decisions relate to the school attended. The responsibility for organising transport rests with the Integrated Transport Unit.
8. Any information regarding Oxfordshire's Home to School Transport Policy obtained from any source other than the Admissions Team of Oxfordshire County Council or the Oxfordshire public website should be disregarded.
9. Buses and coaches used for home to school transport are public service vehicles and are subject to specific safety legislation. This is enforced by an initial inspection and certification of the vehicle followed by subsequent annual checks. Vehicles are also subject to random roadside checks undertaken by the 'Vehicle and Operator Service Agency' (VOSA). VOSA are able to prohibit any vehicle that is non-compliant, i.e. is in a dangerous condition, not roadworthy and/or the driver's hours are irregular. Any Service Provider using sub-standard vehicles may lose their operator's licence.

Statutory Walking Distance

10. In understanding home to school transport and what can and cannot be provided free of charge it is important to understand what is referred to as "the statutory walking distance". This is 2 miles for children who are under 8 years of age, and 3 miles for those of statutory school age who are 8 and over. It is measured along the shortest route along which a child, accompanied by a responsible adult, may walk with reasonable safety. The route may include footpaths, bridleways, and other pathways, as well as recognised roads. All such routes need to be open to the public. When there are issues raised over the possible safety of a walking route the Admissions Team will arrange for an initial assessment by the Integrated Transport Unit and if necessary a full risk assessment by Road Safety.

Distance Measuring for Free Transport for Children of Low Income Families

11. The 2 mile limit is measured in the same way as the "statutory walking distance". However, the 6 mile and 15 mile upper limits are not walking routes. They are measured along routes that are passable using a road route suitable for motorised vehicles.

Home

12. A child's home is considered to be the child's main place of residence during the normal school week. Free transport can only be provided from that one address.

Travel to a Friends Home

13. No seat can be provided on an ad hoc basis to children wishing to travel to the homes of children who are entitled to free transport.

Escorts

14. Escorts are normally only provided when it has been established through the assessment or review process that a child with a Statement of Special Educational Needs has a specific need to be accompanied.
15. Escorts will not normally be provided in any other circumstances.

Parents accompanying children in OCC transport

16. Parents will not normally be able to travel in OCC provided transport.

Assessment of Eligibility for Free Transport on Admission to Primary or Secondary School

17. An assessment of eligibility for free transport is made as part of the normal admissions process for entry to school. Parents are normally notified of the decision in the letter offering a school place.
18. If a child ceases to be eligible during the course of the school term, for example due to moving address, the provision should cease at the end of that term.

Free transport for those of school age (F1 to Year 11)

19. Children within the following categories are eligible for free transport:
 - a. Children attending the designated (catchment) school for their address if the distance from home to school is over the “statutory walking distance” of 3 miles if 8 or over or 2 miles if less than 8 and of statutory school age. This applies whether or not the school was listed on the Common Admissions Preference Form (admissions application form).
 - b. Children attending the nearest available school or educational placement to their address, if the distance from home to school is over the “statutory walking distance” of 3 miles if aged 8 or over or 2 miles if less than aged 8 and of statutory school age. This applies whether or not the school was listed on the Common Admissions Preference Form (CAPF).
 - c. Children who are aged 8 or over and are under 11 years old who are eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit and attend the nearest school if it is over 2 miles from their home.

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- d. Children aged 11 to 16 who are eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit and who attend one of their three nearest suitable schools (or places other than school at which they might receive education under section 19(1) of the Education Act 1996), where they live more than two but not more than 6 miles from that school. The 2 mile distance is measured by “walking route” and the 6 mile distance is measured by road route.
- e. Children attending the nearest available school to their address even if it is less than the statutory walking distance, if it would not be safe for a child accompanied by an adult to walk from the home to the school. This applies whether or not the school was listed on the CAPF. If the route is subsequently determined to be safe the free transport will be withdrawn after the parent will be given up to 6 weeks to consider the new arrangement. At the end of that period or when the alternative means of transport is taken up, whichever is the sooner, the mileage allowance will be withdrawn.
- f. Children aged 11 to 16 who are eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit and want their child to be educated in accordance with their religion or belief and they attend the nearest suitable school preferred on grounds of religion or belief that is over 2 miles but no more than 15 miles from their home. The 2-mile distance is measured by “walking route” and the 15-mile distance is measured by road route.
- g. Children entitled to free transport who then move house during Year 11 and continue to attend their original school subject to the following limits:
 - i. Transport can be provided other than by taxi
 - ii. The distance travelled is no more than 15 milesTaxis will only be used in exceptional circumstances.
- h. Children with a disability who do not have a Statement of Special Educational Need who by reason of their disability are unable to walk even relatively short distances to school and children with a mobility problem caused by a temporary medical condition, for example a broken leg. This assistance is subject to confirmation of the medical reasons for the provision by a GP or consultant.
- i. Children with a Statement of Special Educational Needs where one of the following applies:
 - (i) The school attended is the nearest suitable school or educational placement to their address that has an available place, if the distance from home to school is over the

“statutory walking distance” of 3 miles if aged 8 or over or 2 miles if less than aged 8 and of school age.

- (ii) The school attended is the nearest suitable school or educational placement to their address that has an available place and the distance from home to school is less than the distances set out in h(i) but it would not be safe for a child accompanied by an adult to walk from the home to the school.
- (iii) The children concerned are unable to walk to school by reason of their special educational need or, if disabled, their disability or because of a temporary or long term medical condition. Evidence is required from a GP or consultant.

Free Travel to Out County Residential Schools for those with Special Educational Needs

Out County Weekly Boarding

- 20. The beginning and end of each term of each school week to a total of 76 single journeys per year.

Termly Boarding (3 terms per year)

- 21. Children of 11 or over are entitled to free travel at the beginning and end of each term and half term up to a maximum of 16 single journeys per year.
- 22. Children aged up to 11 are entitled to free travel at the beginning and end of each term and half term, plus 4 discretionary journeys home per year, up to a maximum of 24 single journeys per year.

Termly Boarding (4 terms per year)

- 23. Children of 11 or over are entitled to free travel at the beginning and end of each term and half term up to a maximum of 16 single journeys per year.
- 24. Children aged up to 11 are entitled to free travel at the beginning and end of each term and half term, plus 4 discretionary journeys home per year, up to a maximum of 24 single journeys per year.

Out County 52 Week Boarding (joint placement with other agency)

- 25. All boarders (or parents) are entitled to 12 single trips home per year (broadly relating to term times). Any additional trips will be the responsibility of the other agency.

Payment of parental journeys for those with children at out county residential special schools

- 26. Payment will be made if one of the following applies:

- a. Attendance at their child's annual review
- b. Attendance at any meeting called by the LA at the pupils school
- c. Journeys necessitated by a child's sickness or emergency medical appointments
- d. An agreed journey to visit a new school placement
- e. To attend up to three additional meetings per year at the school (called by the school or requested by the parents) if sanctioned by the LA in advance.

Overnight Accommodation

27. The LA will not normally reimburse the cost of overnight accommodation for parents/carers.

Applications for Transport Assistance on Grounds of Religion and Belief

28. In making decisions on assistance with transport the LA will respect parents' religious and philosophical convictions as to the education to be provided for their children in so far as this is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure (as per para.134 of the Home to School Travel and Transport Guidance issued by the then DfES in 2007).
29. However, a parent will need to satisfy the LA of the genuine nature of the religious and/or philosophical belief and that the application is made in good faith. The burden of proof lies with the child's parent/parents.
30. Examples of acceptable evidence are:
 - a. The provision of a baptismal certificate.
 - b. A statement of atheism.
 - c. A statement of adherence to a particular faith.
 - d. A letter of support from a priest or rabbi stating that the child belongs to a particular congregation.

Normally two pieces of evidence will be required.

31. It is important to note that the LA will take into account the financial consequences of any applications for assistance and that setting up new coach services or taxi routes or specifically continuing them when they could be discontinued in order to accommodate new travellers would normally fall within the definition of "unreasonable public expenditure". However, where there are spare seats on already existing home to school transport routes, or scheduled public transport services, the LA will be able to consider applications for places under the concessionary travel arrangements.
32. The LA will not take into academic grounds for preferring a particular school when making a decision on whether to provide assisted transport on grounds of faith or belief.

33. Decisions on applications for transport assistance on grounds of faith or belief will normally be taken by a panel of three. The chairman will normally be the Service Manager for Admissions.

16-19 Home to School/College Transport

Annual 16 to 19 Transport Policy Statement

34. Details of travel provision for the 16 to 19 age group will be published by 31 May of each year in the 16-19 Transport Policy Statement. This is intended to ensure that young people can make informed choices regarding post-16 education. The Policy Statement can be amended in year in response to complaints or a direction from the Secretary of State. Complaints can be heard by the Appeals Sub-Committee of the Democratic and Organisation Committee (DOC).

Free Travel

35. Students with learning difficulties and/or disabilities who are beyond statutory school age and who are aged 16 to 19, will receive free travel to that placement when they attend the nearest suitable school or educational placement to their home address that has an available place and one of the following applies:
- a. It is over 3 miles from their home to the educational placement.
 - b. It is less than 3 miles from their home to the educational placement but it would not be safe for the young person, even if accompanied by an adult, to walk from home to that placement.
 - c. The young person is unable to walk to the school or educational placement due to their learning difficulty and/or disability, or because of a temporary or long term medical condition. Evidence is required from a GP or consultant.

Subsidised Travel (16-19 age group)

36. Students who do not have learning difficulties and/or disabilities who are beyond statutory school age, are aged 16 to 19, and who attend either a college or a school may use the concessionary travel scheme where it is necessary to enable them to access the designated school or college for their area (lower concessionary charge payable) or to access a non-designated area school or college (higher concessionary charge payable). The concessionary travel scheme makes places available on transport provided for those who are eligible for free home to school transport.
37. Oxfordshire residents aged 16-19 living within the catchment area of Henley College will continue to be eligible for subsidised travel to that college if the college is over 3 miles or if there is no safe walking route

(lower concessionary charge payable). The latter charge will be reviewed on an annual basis.

38. In exceptional circumstances, and only where places on relevant home to school transport routes are unavailable, season tickets on public transport may be provided for travel to the designated college or school from the student's home address at the relevant concessionary charge rate. This is meant to apply where a home to school transport route is full and it would be possible to use public transport and so avoid the unnecessary additional public expense of contracting for additional capacity on that route.

Travel Arrangements for Learners with Learning Difficulties Assessments (aged 19-24)

39. An annual Learning Difficulties and Disabilities Transport Policy Statement will be issued by the LA either with the 16-19 Transport Policy Statement or separately. This document will specify any transport or other arrangements, any payment of travel expenses and concessionary schemes which the LA plans to make available to this group of learners in the following academic year to publication. The Policy Statement will also set out the arrangements for facilitating boarding provision outside both the further education and higher education sectors. Complaints can be heard by the Appeals Sub-Committee of the Democratic and Organisation Committee (DOC).

The Concessionary Travel Scheme

40. Concessionary seats are spare seats on home to school transport routes. These are routes that are operated for the benefit of those who are entitled to free transport to and from school. The key points regarding this scheme are set out below:
- a. The Council cannot guarantee that a young person will keep the seat for longer than two terms
 - b. Fare prices are reviewed annually
 - c. The parent, or in the case of Years 12 and 13 must complete an application form for concessionary travel
 - d. Parents are required to pay for two terms travel in advance
 - e. The price charged covers a return journey for every school day of the relevant period
 - f. There will be no rebates for those deciding to travel for less than the maximum number of possible journeys per term, for example there is no rebate if a young people decides to use his/her bus pass for morning travel and returns by some other private means in the afternoon

- g. If a seat is available a bus pass will only be issued on receipt of a completed application form, and correct payment
- h. No guarantee can be given that the bus will continue to run throughout a young person’s time at a school, or that the place on the bus will not be withdrawn at some future date if the place is required for a young person who is entitled to free travel
- i. The concessionary charge will be waived for those eligible for Free School Meals or for those whose parents are in receipt of the maximum level of Working Tax Credit
- j. When there are more requests to pay for seats on a particular route than there are seats available they will be allocated in the descending order of priority shown in Table 5.

Table 5. Priority for Concessionary Places

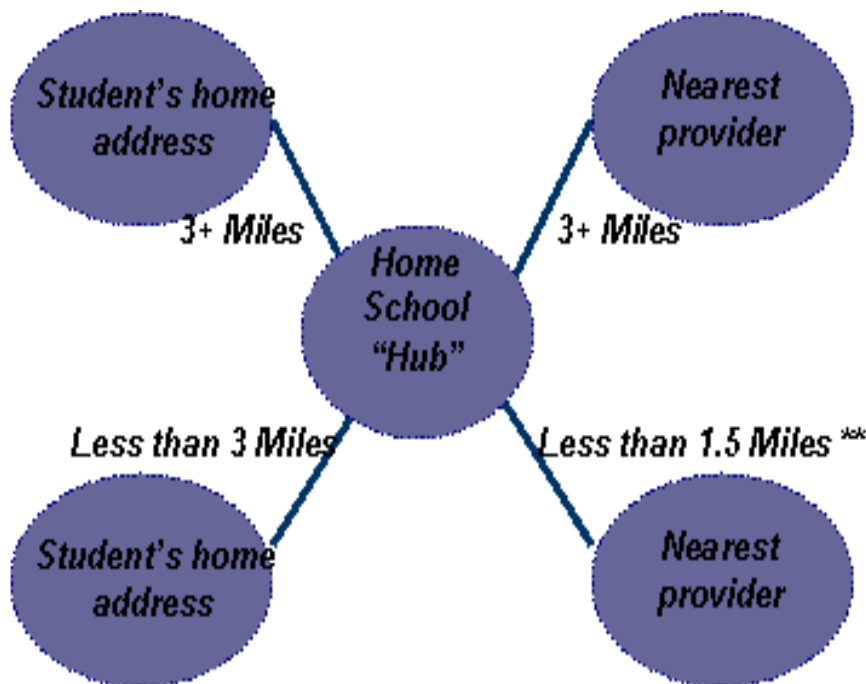
Priority	Category
1.	Those with a Statement of Special Educational Needs naming the school
2.	Looked After Children
3.	Years 12 and 13
4.	Children in receipt of Free School Meals or whose parent/parents are in receipt of the maximum of Working Tax Credit
6.	Those who travelled on the route the previous term
7.	By year group, in ascending order of priority from F1 to Year 11
8.	Those living closest using the shortest designated public route on the County Council’s Geographic Information System

Collaborative Learning Transport

- 41. The cost of collaborative learning transport is met from the budgets of 14-18 Partnerships, not the Home to School Transport Budget and decisions on provision will be made by those Partnerships.
- 42. Transport assistance to access collaborative learning opportunities is determined by distance as set out below:
 - a. Any arrangement applies to the nearest provider of that course
 - b. If a single journey from the home school to the nearest course provider is over 3 miles then transport will be provided

- c. If journey from home to home school is less than 3 miles but the distance from the home school to the nearest provider is over 1.5 miles then transport will be provided from home school to the provider only
 - d. If the distance from the student's home to school is over 3 miles but the distance from the home/school to the nearest provider is less than 1.5 miles (safe/reasonable walking distance) then transport will not be provided to continue on to the provider
 - e. If a pre-existing route from the child's home to their nearest provider is available then a place may be offered on that transport if the distance is over 3 miles (with the consortium paying for concessionary places). If the distance is less than 3 miles and a concessionary place is available the student must apply and pay as set out in the Home to School Transport Policy
 - f. If a course runs over 2 hours of the normal school day then transport will be provided to the child's home but only if that child is living over 3 miles from their home school.
43. Diagram 1 illustrates how the Home to School and Collaborative Learning Transport Policy would affect the normal journey for a student to their nearest provider.

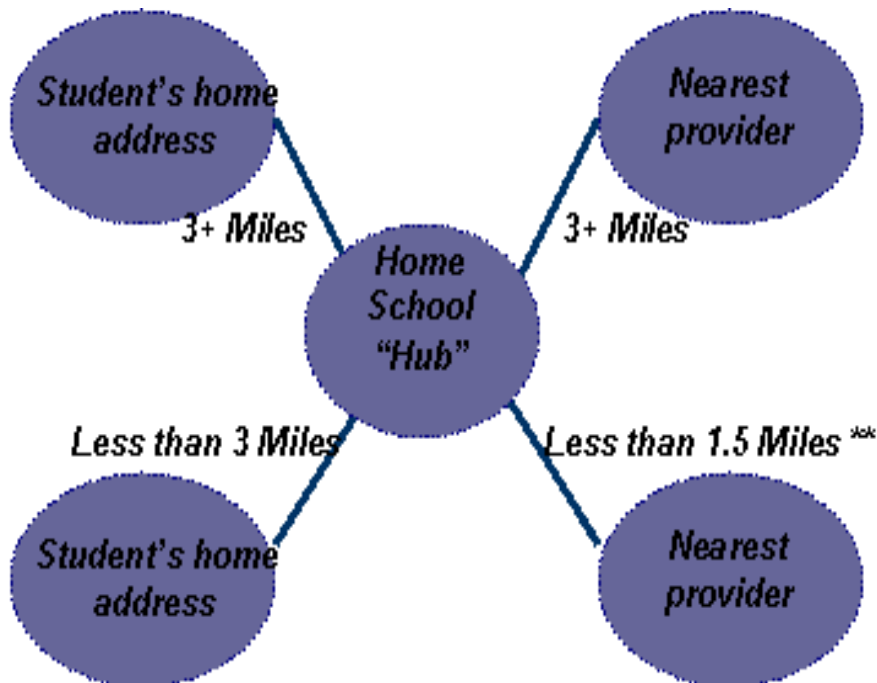
**Diagram 1
"Hub & Spoke"
Journey Criteria Model A**



*** If this journey is greater than 1.5 miles then transport would be provided on the grounds that it is not a reasonable journey time.*

44. Diagram 2 illustrates when a student would not normally be eligible for transport but a seat on a concessionary bus route is available from close to their home address to the nearest provider. If the journey is over 3 miles the relevant consortium may apply for and pay for the seat. If the journey is less than three miles then it would be the responsibility of the parent to apply and pay for the seat.

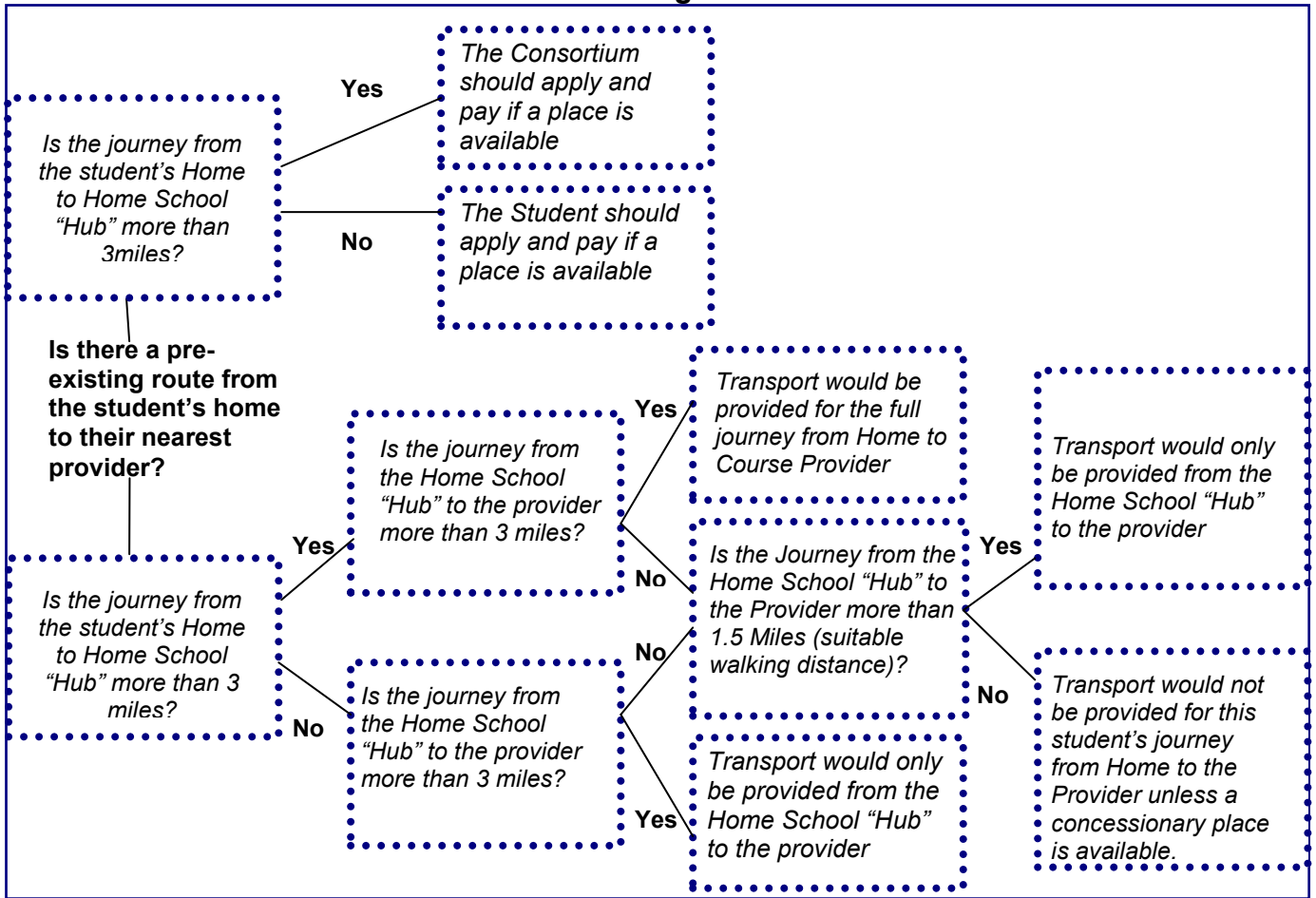
**Figure 2
Concessionary Travel
Journey Criteria Model B**



*** If this journey is greater than 1.5 miles then transport would be provided on the grounds that it is not a reasonable journey time.*

45. Diagram 3 expresses the criteria in a flow diagram.

**Diagram 3
Flow Diagram**



Transport Appeals

- 46. Parents can request an appeal to the Appeals Sub-Committee of the Democratic and Organisation Committee (DOC) regarding decisions taken by officers within the Admissions Team or the Integrated Transport Unit should they have cause for complaint or disagreement concerning the eligibility of their child for travel support.
- 47. The Clerk to the Appeals Sub-Committee will not be a member of the Admissions Team or the Integrated Transport Team.
- 48. The Appeals Sub-Committee hearings will be organised as soon as possible following the request from parents to lodge an appeal. The timing of the appeal will depend upon the availability of councillors.
- 49. A representative of the Admissions Team will present the LA's reasons for not providing transport and appellants can present a case in writing and /or in person (if the parent wishes, accompanied by a friend). The format of the appeal is set out below:
 - a. Presentation of the LA's case by the LA representative

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- b. Committee members and the parent are able to ask questions of the LA representative
 - c. Presentation of the parent's case
 - d. Summing up by the LA representative
 - e. Summing up of the parents case
 - f. Both the LA representative and the parent/parents friend leave the hearing together.
 - g. Consideration of the case by the Appeals Sub-Committee
 - h. The Appeals Sub-Committee makes a decision as to whether to uphold or refuse the appeal
50. The decision of the Appeals Sub-Committee will be considered binding by the LA and there is no further right of appeal.
51. The LA will not consider requests for a further transport appeal within the school year unless there has been a significant change of circumstance.

Consultation Document on Home to School Transport

January 2010

Introduction

Oxfordshire County Council provides either free or subsidised transport to over 14,800 children and young people travelling to school or college. The legal basis for this provision of home to school transport is set out in sections 508A, 508B, 508C, 508D and 509AD and Schedule 35B of the Education Act 1996 (as amended by Part 6 of the Education and Inspections Act 2006) and where appropriate the Equality Act and English and European case law. In addition local authorities are under a statutory duty to have regard to the Home to School Transport Guidance issued by the then DfES (now DCSF) in 2007.

Oxfordshire expects to spend approximately £16.5 million on home to school transport in 2009/10.

On 15 December 2009 the County Council agreed to consult on possible changes to the discretionary elements within the Home to School Transport Policy. The decision to review these discretionary elements was made in the light of the current difficult financial situation in the UK, the continuing impact this will have on local government finances, and the need to ensure that the Home to School Transport Policy is equitable. Officers were asked to consult on proposals for a new policy and report back on the outcome of the consultation early enough for a new policy to take effect in 20011/12. The following possible options for change are shown below:

1. The phased ending of the automatic right to free and subsidised travel to faith schools. It is proposed to still have regard to any applications made on grounds of religion or belief but this is intended to be a more limited provision of transport assistance (Proposals 1 and 2).
2. The phased ending of free travel for non-Oxfordshire residents to Chiltern Edge School (Proposal 3).
3. Using free school meals and maximum working tax credit as the reasons for exemptions to the concessionary charge for transport (Proposal 4). Wherever the consultation document refers to 'whose parents are in receipt of the maximum level of Working Tax Credit', the relevant parent in receipt of WTC is the one with whom the child is ordinarily resident.
4. To set the charges for concessionary and post 16 travel at the average commercial fare available at the 3 and 5 mile points (Proposal 5).
5. Restrictions on the mileage allowance (Proposal 6).
6. Establishing criteria for collaborative learning transport

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There will be a phased introduction of any agreed changes from September 2011. Those children for whom free or subsidised transport has been agreed before that date will not be affected by any policy changes. Those receiving free transport on safe route grounds will, as now, have this financial assistance withdrawn if the route is re-assessed as safe.

The cost of collaborative learning transport is met from the budgets of 14-19 Partnerships, not the Home to School Transport Budget, and decisions on provision will be made using the agreed criteria within cash limited budgets. The Partnerships and not the Admissions Team or the Integrated Transport Unit will be responsible for applying the criteria.

It would be helpful if any comments could be made on the form attached at Appendix 1 which should be returned to:

The Admissions Team
County Hall
New Road
Oxford
OX1 1ND
Telephone: 01865 815175
Fax: 01865 783198
E-mail: admissions.schools@oxfordshire.gov.uk

It would be particularly helpful if comments could be sent as an e-mail attachment.

The consultation closes on 1 April 2010.

Section 1

The Current Home to School Transport Policy

Free transport is provided in the following circumstances:

1. Children attending the nearest suitable school or educational placement to their address that has an available place, if the distance from home to school is over the “statutory walking distance” of 3 miles if aged 8 or over 2 miles if less than aged 8 and of school age. This applies whether or not the school was listed on the Common Admissions Preference Form (CAPF).
2. Children who are aged 8 or over and are under 11 years old who are eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit and attend nearest suitable school or educational placement to their address that has an available place if it is over 2 miles from their home.
3. Children attending the nearest suitable school or educational placement to their address that has an available place even if it is less than the statutory walking distance, if it would not be safe for a child accompanied by an adult to walk from the home to the school. This applies whether or not the school was listed on the CAPF.
4. Children aged 11 to 16 who are eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit and who attend one of their three nearest suitable schools (or places other than school at which they might receive education under section 19(1) of the Education Act 1996), where they live more than two but not more than 6 miles from that school. The 2 mile distance is measured by “walking route” and the 6 mile distance is measured by road route.
5. Children aged 11 to 16 who are eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit and want their child to be educated in accordance with their religion or belief and they attend the nearest suitable school preferred on grounds of religion or belief that is over 2 miles but no more than 15 miles from their home. The 2 mile distance is measured by “walking route” and the 15 mile distance is measured by road route.
6. Children with a disability who do not have a Statement of Special Educational Need who by reason of their disability are unable to walk even relatively short distances to school and children with a mobility problem caused by a temporary medical condition, for example a broken leg. This assistance is subject to confirmation of the medical reasons for the provision by a GP or consultant.
7. Children originally entitled to free transport that move house during Year 11 and continue to attend their original school subject to the following limits:

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- a. Transport can normally be provided other than by taxi
 - b. The distance travelled is no more than 15 miles.
8. Children attending the designated (catchment) school for their address if the distance from home to school is over the “statutory walking distance” of 3 miles if 8 or over or 2 miles if less than 8 and of school age. This applies whether or not the school was listed on the Common Admissions Preference Form (admissions application form). The designated school for a particular address is not always the nearest school to that address, if it is there would be a statutory entitlement to free transport.
9. Children attending their nearest available maintained faith school on grounds of faith if the distance from home to school is:
- a. More than 2 miles but less than 6 miles for children of school age who are less than 8 years old.
 - b. More than 3 miles but less than 10 miles for children aged 8 or over and of statutory school age.

The above measurements are based on walking routes.

There is a proposal to discontinue this provision.

10. Children who are non-Oxfordshire residents who live in the part of the Caversham area of Reading that is within the designated area for Chiltern Edge School, if the distance from home to school is more than 3 miles.

There is a proposal to discontinue this provision

11. Children with a Statement of Special Educational Needs where one of the following applies:
- a. The school attended is the nearest suitable school or educational placement to their address that has an available place, if the distance from home to school is over the “statutory walking distance” of 3 miles if aged 8 or over or 2 miles if less than aged 8 and of school age.
 - b. The school attended is the nearest suitable school or educational placement to their address that has an available place and the distance from home to school is less than the distances set out in 11a, but it would not be safe for a child accompanied by an adult to walk from the home to the school.
 - c. The children concerned are unable to walk to school by reason of their special educational need or, if disabled, their disability or because of a temporary or long term medical condition. Evidence is required from a GP or consultant.

12. Post 16 students with learning difficulties and/or disabilities who attend the nearest suitable school or educational placement to their address that has an available place when one of the following applies:
- a. It is over 3 miles from their home.
 - b. It is less than 3 miles from their home to the educational placement but it would not be safe for the young person, even if accompanied by an adult, to walk from home to the placement.
 - c. The young person is unable to walk to the school or education placement due to their learning difficulty and/or disability, or because of a temporary or long term medical condition. Evidence is required from a GP or consultant.

Subsidised travel

13. Oxfordshire residents aged 16-19 living within the catchment area of Henley College are eligible for subsidised travel to that college and are currently subject to a charge of £240. The latter charge is reviewed on an annual basis.
14. Post 16 students who do not have learning difficulties and/or disabilities who attend either a college or a school may use the concessionary travel scheme where it is necessary to enable them to access the designated school or college for their area (lower charge payable) or to access a non designated area school or college (higher charge payable). The concessionary travel scheme makes places available on transport provided for those who are eligible for free home to school transport.
15. Catholic pupils attending the Blessed George Napier School, Banbury, who live more than 10 miles from the school and are resident in one of the parishes shown in Table 1. There is a proposal to discontinue this provision.

Table 1. Subsidised Travel to The Blessed George Napier School

Chipping Norton Area	Bicester Area
Rollright	Cottisford
Chastleton	Hethe
Cornwell	Fringford
Over Norton	Stratton Audley
Salford	Godington
Chipping Norton	Middleton Stoney
Kingham	Bucknell

Churchill	Caversfield
Sarsden	Bicester
Chadlington	Launton
Spelsbury	Chesterton
Heythrop	Wendlebury
Enstone	Merton
	Adderbury
	Blackthorn
	Arcott

16. The fare charged is the lowest fare available under the concessionary travel scheme, currently £80 for two terms (£240 per annum). The details of the concessionary fares scheme are set out below.
17. The provision of a concessionary fares scheme that enables any spare seats on home to school routes to be made available at subsidised rates to children with no entitlement to free travel. Under current practice parents who are receiving one of the benefits set out in Table 2 do not have to pay the relevant charge.

Table 2. Exemption from the Concessionary Charge

Serial	Benefit
a.	Income support
b.	Free school meals
c.	Council Tax Benefit
d.	Housing Benefit

18. If there are fewer concessionary places than there are applicants they are allocated in the priority order shown in Table 3.

Table 3. Priority for Concessionary Places

Priority	Category
1.	Those with a Statement of Special Educational Needs naming the school
2.	Looked After Children
3.	Students in receipt of benefit who live under the statutory walking distance (places will be allocated by year group and in date order of the application being received)
4.	Students in receipt of benefit who live outside the

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	designated area (places will be allocated by year group and in date order of the application being received)
5.	Students who live under the statutory walking distance (places will be allocated by year group and in date order of the application being received)
6.	Students who live outside the designated area (places will be allocated by year group and in date order of the application being received)

19. If there are insufficient places within one of the categories listed in Table 5 seats are allocated according using the following priority order:

1. Students in Year 11
2. Students in Year 13
3. Students in Year 7
4. Students in Year 8
5. Students in Year 9
6. Students in Year 10
7. Students in Year 12

20. Waiting lists are used when all seats on a vehicle have been allocated. Children in Public Care take priority and all other applications are allocated in date order of receipt at the Integrated Transport Unit.

21. Current charges payable under the concessionary fares scheme are shown in Table 3.

Table 3. Charges 2009/10

<i>Pre 16 Charges</i> Under 3 miles	£ 240 per annum (£80 per 2 terms)per two terms
Over 3 miles	£447 per annum (£149 per two terms)
<u>Post 16 Charges</u> Designated area school or college	£ 240 per annum (£80 per 2 terms)per two terms
Non designated	£447 per annum (£149 per two terms)

area school or college	
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Escorts

22. Escorts are normally only provided when it has been established through the assessment or review process that a child with a Statement of Special Educational Needs has a specific need to be accompanied.
23. Escorts will not normally be provided in any other circumstances.

Free Travel to Out County Residential Schools for those with Special Educational Needs

Weekly Boarding

24. The beginning and end of each term of each school week to a total of 76 single journeys per year.

Termly Boarding (3 terms per year)

25. Children of 11 or over are entitled to free travel at the beginning and end of each term and half term up to a maximum of 16 single journeys per year.
26. Children aged up to 11 are entitled to free travel at the beginning and end of each term and half term, plus 4 discretionary journeys home per year, up to a maximum of 24 single journeys per year.

Termly Boarding (4 terms per year)

27. Children of 11 or over are entitled to free travel at the beginning and end of each term and half term up to a maximum of 16 single journeys per year.
28. Children aged up to 11 are entitled to free travel at the beginning and end of each term and half term, plus 4 discretionary journeys home per year, up to a maximum of 24 single journeys per year.

52 Week Boarding (joint placement with other agency)

29. All pupils (or parents) are entitled to 12 single trips home per year (broadly relating to term times). Any additional trips will be the responsibility of the other agency.

Payment of parental journeys for those with children at out county residential special schools

30. Payment will be made if one of the following applies:
 - a. Attendance at their child's annual review
 - b. Attendance at any meeting called by the LA at the pupil's school

- c. Journeys necessitated by a child's sickness or emergency medical appointments
- d. An agreed journey to visit a new school placement
- e. To attend up to three additional meetings per year at the school (called by the school or requested by the parents) if sanctioned by the LA in advance.

Overnight Accommodation

- 31. The LA will not normally reimburse the cost of overnight accommodation for parents/carers.

Section 2

Proposed Changes

Proposal 1

A phased ending of:

- a. **Free travel to faith schools**
- b. **Subsidised travel on faith grounds for children who live more than 10 miles from the school and are resident in one of a series of parishes (listed in Table 3) in the Chipping Norton and Bicester areas to the Blessed George Napier School, Banbury**

Currently 274 children receive free transport to a faith school. In addition 291 children receive subsidised travel. This gives a total of 565 children receiving free or subsidised travel on faith grounds. None of these children would be affected by the proposed change, which would only apply to those due to start at the schools concerned from September 2011.

There are also 7 children who receive free transport to a faith school because it is the nearest school to their address with an available place. This is a statutory entitlement to free travel and is not subject to change.

9 primary schools and two secondary schools would be affected by the ending of free travel on faith grounds.

The current estimated full year cost of travel provided on faith grounds for the 2009 -2010 financial year, the projected income from non entitled travellers and the estimated overall unit cost per traveller are shown below:

- a. £681,880 for contracted coach/bus/taxi routes
- b. £19,710 for mileage claims
- c. £17,499 season tickets on public service transport
- d. An income of £80,175
- e. A unit cost of £1,116.98 per traveller

The County Council would work with the schools to facilitate more locally organised transport during the phasing in of the new arrangements.

If agreed, this arrangement would be implemented from September 2011. Proposal 2 sets out the arrangements that would replace the current free and subsidised arrangements for faith travel.

Proposal 2

To consider written representations from any parents who have religious or philosophical convictions for their children's attendance at a school when determining whether free or subsidised transport can be provided to a particular school.

Oxfordshire County Council will respect parents' religious and philosophical convictions as to the education to be provided for their children in so far as this is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure' (as per para.134 of the Home to School Travel and Transport issued by the then DfES in 2007). It would be necessary for a parent to satisfy the decision maker of the genuine nature of the religious and/or philosophical belief and that the application is made in good faith. The burden of proof would lie with the parent/parents and would need to be greater than the simple provision of a baptismal certificate, or statement of atheism, or statement of adherence to a particular faith, or letter of support from a priest or rabbi stating that they belong to a particular congregation although these may form part of the evidence provided.

It would also be insufficient simply to prefer a particular school on academic grounds.

Only small numbers of children are likely to receive assistance.

Decisions will be taken by a panel of three. The chairman will normally be the Service Manager for Admissions.

Proposal 3

A phased ending of free transport to Chiltern Edge School for those children who are not resident in Oxfordshire

There are three Oxfordshire secondary schools with designated (catchment) areas that extend beyond the county boundary. Currently Oxfordshire does not provide any transport assistance to non-residents attending two of these schools. However, it does provide free transport to 259 children from the Caversham area of Reading to Chiltern Edge School. This arrangement was agreed between the then Berkshire County Council and Oxfordshire County Council in 1992 and in 1995, after a phased transfer of responsibility, Oxfordshire assumed full responsibility for the cost of transport. This raises the issue of equity over the approach to all non-Oxfordshire residents attending an Oxfordshire school. Oxfordshire's statutory duties in relation to school travel relate only to those eligible children who live in Oxfordshire.

The ending of free transport for Reading children attending Chiltern Edge School may affect recruitment to the school but it would not alter the availability of places for Reading children (approximately 75% of the pupils at the school are non-

Oxfordshire residents although only some of these receive free transport). This would not affect those already in receipt of free transport and would apply to those due to start at the school from September 2011.

The current estimated full year cost of travel providing free transport to children from Caversham, Reading, to Chiltern Edge School for the 2009/10 financial year, the number benefiting from this provision and the estimated overall unit cost per traveller are shown below:

- a. The cost of the provision in 2009-10 is expected to be £57,784
- b. There are currently 104 pupils resident in Caversham, Reading, who receive free transport from Oxfordshire
- c. The unit cost is £555.62
- d. With a phased introduction it is estimated that at 2009/10 prices there would be a saving of £57,784 after 5 years

The County Council currently purchases seats on transport arranged by Chiltern Edge School rather than using contracted transport. This means that there is no loss of income by ending this provision.

The phased ending of the current provision of free transport to Chiltern Edge School would make the transport policy more equitable but the savings would not be fully realised until 2016. No other non Oxfordshire residents receive free travel to an Oxfordshire school from Oxfordshire County Council and no neighbouring local authority provides Oxfordshire residents with free transport to any school inside or outside Oxfordshire.

If this proposal is adopted the County Council would work with the school and parents to facilitate extending the locally organised travel arrangements that the school currently has for those who are not entitled to free travel.

Proposal 4

The use of free school meals and maximum working tax credit as the only criteria for waiving the concessionary charge

Exempting those in receipt of free school meals, or whose parent is in receipt of maximum working tax credit, from the concessionary charge for transport would be consistent with the approach adopted by the Department for Children Schools and Families for assessment of low income households. The relevant parent in receipt of WTC is the one with whom the child is ordinarily resident.

This change would simplify the policy and reduce time spent on administration. There would be little detrimental impact on families and no significant cost implications.

Proposal 5

To set the charges for concessionary and post 16 travel at the average commercial fare available at the 3 and 5 mile points.

Under this proposal concessionary places would continue to be made available on home to school transport routes. The cost of the travel would still be relatively low for most families, those on low incomes would continue to benefit from free travel, those not entitled to free travel would continue to have access to subsidised travel but there would be a small reduction in the financial pressure on the Local Authority's transport budget.

The relevant charge would be determined by the distance from the home to the school concerned, as measured by the Local Authority's Geographic information System using the shortest designated public route. As now the Local Authority would not determine charges by a measurement from the pick up point the child would use.

The comparative average costs of the current concessionary fare and those of a season ticket covering a comparable distance are set out in Table 4.

Table 4. Comparative Costs

Type of Charge	Current Concessionary Charges	Current Average Season Fare	Potential Additional Income
Lower	£ 240 per annum (£80 per 2 terms)per two terms	£270 per annum (£90 per two terms)	£30 per annum
Upper	£447per annum (£149 per two terms)	£516 (£172 per two terms)	£69 per annum

Proposal 6

Restrictions on the mileage allowance

Under this proposal parents will only be offered the option of transporting their children to school in their own car if it is the cheapest alternative for the Local Authority. If through a change in circumstance² the payment of the mileage allowance proves no longer to be the cheapest way of transporting the child to school the alternative means of travel will be offered and the parent will be given up to 6 weeks to consider the new arrangement. At the end of that period or when the alternative means of transport is taken up, whichever is the sooner, the mileage allowance will be withdrawn.

The mileage allowance will be provided for the child's journey to school and the return to the child's home. Parents will not be provided with a mileage allowance for their own return to home in the morning or their journey to the school in the afternoon, i.e. the LA will pay a mileage allowance for two journeys per day rather than four. The mileage allowance is the Revenue and Customs All Car Rate (currently 40p). Where free or concessionary travel has been agreed it is provided for attendance at the beginning and end of the school day and not for extracurricular activities.

The relevant charge will be determined by the distance from the home to the school concerned, as measured by the Local Authority's Geographic information System using the shortest designated public route. The Local Authority will not determine charges by measurement from the pick up point the child would use.

Proposal 7

Collaborative Learning Transport

It is proposed to meet the cost of Collaborative Learning Transport from the budgets of 14-19 Partnerships rather than the Home to School Transport Budget and decisions on provision will be made by those Partnerships.

The proposed arrangement is that transport assistance to access collaborative learning opportunities will be determined by distance as set out overleaf:

- a. Any arrangement applies to the nearest provider of that course.
- b. If a single journey from the home school to the nearest course provider is over 3 miles then transport will be provided.

² For example if a taxi contract is awarded to transport another nearby child to the same school and there is a spare seat in the vehicle.

- c. If journey from home to home school is less than 3 miles but the distance from the home school to the nearest provider is over 1.5 miles then transport will be provided from home school to the provider only.
- d. If the journey from home to school is less than 3 miles but the distance from the home /school to the nearest provider is over 1.5 miles then transport will be provided from home/school to the provider only.
- e. If the distance from the student's home to school is over 3 miles but the distance from the home/school to the nearest provider is less than 1.5 miles (safe/reasonable walking distance) then transport will not be provided to continue on to the provider.
- f. If a pre-existing route from the child's home to their nearest provider is available then a place may be offered on that transport if the distance is over 3 miles (with the consortium paying for concessionary places). If the distance is less than 3 miles and a concessionary seat is available the student's parent must apply and pay as set out in the Home to School Transport Policy.
- g. If a course runs over 2 hours of the normal school day then transport will be provided to the child's home but only if that child is living over 3 miles from their home school.

Section 3

Proposed Home to School Travel Policy for 2011/12

Introduction

2. The County Council is keen to encourage young people to walk or cycle to school or college or to make use of public transport, but it also provides free transport and some assisted transport as set out in the Home to School Transport Policy set out in this document.
2. The legal basis for the provision of home to school transport is set out in sections 508A, 508B, 508C, 508D and 509AD and Schedule 35B of the Education Act 1996 (as amended by Part 6 of the Education and Inspections Act 2006) and where appropriate the Equality Act and English and European case law. In addition local authorities are under a statutory duty to have regard to the Home to School Transport Guidance issued by the then DfES (now DCSF) in 2007.
3. The Home to School Transport Policy applies to young people who live in the County of Oxfordshire. Those who are not resident in Oxfordshire are advised to contact their own home local authority for details of any policy that their home authority may have regarding home to school/college transport.
4. Parents of those aged from 4 (Rising Five's) to 16 need to complete and submit a Transport Application Form if they wish to apply for free or subsidised home to school transport. If they wish to apply for subsidised travel an 'Application for Concessionary Travel on a School Bus' needs to be completed.
5. When, under the Home to School Transport Policy, children and young people are entitled to free transport it is provided by the most cost effective means. This will usually be by the provision of a free bus pass. However, where numbers are small children sometimes have to be transported by taxi. Where parents wish to take their children to school and it is therefore possible to avoid the provision of a taxi the Local Authority may agree to the payment of a mileage allowance. The mileage allowance is provided for the child's journey to school and the return to the child's home. Parents are not provided with a mileage allowance for their own return to home in the morning or their journey to the school in the afternoon, i.e. the LA pays a mileage allowance for two journeys per day rather than four. The mileage allowance is the Revenue and Customs All Car Rate (currently 40p). If through a change in circumstance³ the payment of the mileage allowance proves no longer to be the cheapest way of transporting the child to school the alternative means of travel will be offered and the parent will be given up to 6 weeks

³ For example if a taxi contract is awarded to transport another nearby child to the same school and there is a spare seat in the vehicle.

to consider the new arrangement. At the end of that period or when the alternative means of transport is taken up, whichever is the sooner, the mileage allowance will be withdrawn.

6. Where free or concessionary travel has been agreed it is provided for attendance at the beginning and end of the school day and not for extracurricular activities.
9. The responsibility for determining entitlement issues rests with the School Admissions Team since transport decisions relate to the school attended. The responsibility for organising transport rests with the Integrated Transport Unit.
10. Any information regarding Oxfordshire's Home to School Transport Policy obtained from any source other than the Admissions Team of Oxfordshire County Council or the Oxfordshire public website should be disregarded.
9. Buses and coaches used for home to school transport are public service vehicles and are subject to specific safety legislation. This is enforced by an initial inspection and certification of the vehicle followed by subsequent annual checks. Vehicles are also subject to random roadside checks undertaken by the 'Vehicle and Operator Service Agency' (VOSA). VOSA are able to prohibit any vehicle that is non-compliant, i.e. is in a dangerous condition, not roadworthy and/or the driver's hours are irregular. Any Service Provider using sub-standard vehicles may lose their operator's licence.

Statutory Walking Distance

10. In understanding home to school transport and what can and cannot be provided free of charge it is important to understand what is referred to as "the statutory walking distance". This is 2 miles for children who are under 8 years of age, and 3 miles for those of statutory school age who are 8 and over. It is measured along the shortest route along which a child, accompanied by a responsible adult, may walk with reasonable safety. The route may include footpaths, bridleways, and other pathways, as well as recognised roads. All such routes need to be open to the public. When there are issues raised over the possible safety of a walking route the Admissions Team will arrange for an initial assessment by the Integrated Transport Unit and if necessary a full risk assessment by Road Safety.

Distance Measuring for Free Transport for Children of Low Income Families

11. The 2 mile limit is measured in the same way as the "statutory walking distance". However, the 6 mile and 15 mile upper limits are not walking routes. They are measured along routes that are passable using a road route suitable for motorised vehicles.

Home

12. A child's home is considered to be the child's main place of residence during the normal school week. Free transport can only be provided from that one address.

Travel to a Friends Home

13. No seat can be provided on an ad hoc basis to children wishing to travel to the homes of children who are entitled to free transport.

Escorts

14. Escorts are normally only provided when it has been established through the assessment or review process that a child with a Statement of Special Educational Needs has a specific need to be accompanied.
15. Escorts will not normally be provided in any other circumstances.

Parents accompanying children in OCC transport

16. Parents will not normally be able to travel in OCC provided transport.

Assessment of Eligibility for Free Transport on Admission to Primary or Secondary School

17. An assessment of eligibility for free transport is made as part of the normal admissions process for entry to school. Parents are normally notified of the decision in the letter offering a school place.
18. If a child ceases to be eligible during the course of the school term, for example due to moving address, the provision should cease at the end of that term.

Free transport for those of school age (F1 to Year 11)

19. Children within the following categories are eligible for free transport:
 - a. Children attending the designated (catchment) school for their address if the distance from home to school is over the "statutory walking distance" of 3 miles if 8 or over or 2 miles if less than 8 and of statutory school age. This applies whether or not the school was listed on the Common Admissions Preference Form (admissions application form).
 - b. Children attending the nearest available school or educational placement to their address, if the distance from home to school is over the "statutory walking distance" of 3 miles if aged 8 or over or 2 miles if less than aged 8 and of statutory school age. This applies whether or not the school was listed on the Common Admissions Preference Form (CAPF).

- c. Children who are aged 8 or over and are under 11 years old who are eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit and attend the nearest school if it is over 2 miles from their home.
- d. Children aged 11 to 16 who are eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit and who attend one of their three nearest suitable schools (or places other than school at which they might receive education under section 19(1) of the Education Act 1996), where they live more than two but not more than 6 miles from that school. The 2 mile distance is measured by “walking route” and the 6 mile distance is measured by road route.
- e. Children attending the nearest available school to their address even if it is less than the statutory walking distance, if it would not be safe for a child accompanied by an adult to walk from the home to the school. This applies whether or not the school was listed on the CAPF. If the route is subsequently determined to be safe the free transport will be withdrawn after the parent will be given up to 6 weeks to consider the new arrangement. At the end of that period or when the alternative means of transport is taken up, whichever is the sooner, the mileage allowance will be withdrawn.
- f. Children aged 11 to 16 who are eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit and want their child to be educated in accordance with their religion or belief and they attend the nearest suitable school preferred on grounds of religion or belief that is over 2 miles but no more than 15 miles from their home. The 2-mile distance is measured by “walking route” and the 15-mile distance is measured by road route.
- g. Children entitled to free transport who then move house during Year 11 and continue to attend their original school subject to the following limits:
 - i. Transport can be provided other than by taxi
 - ii. The distance travelled is no more than 15 milesTaxis will only be used in exceptional circumstances.
- h. Children with a disability who do not have a Statement of Special Educational Need who by reason of their disability are unable to walk even relatively short distances to school and children with a mobility problem caused by a temporary medical condition, for example a broken leg. This assistance is subject to confirmation of the medical reasons for the provision by a GP or consultant.

- i. Children with a Statement of Special Educational Needs where one of the following applies:
 - (i) The school attended is the nearest suitable school or educational placement to their address that has an available place, if the distance from home to school is over the “statutory walking distance” of 3 miles if aged 8 or over or 2 miles if less than aged 8 and of school age.
 - (ii) The school attended is the nearest suitable school or educational placement to their address that has an available place and the distance from home to school is less than the distances set out in h(i) but it would not be safe for a child accompanied by an adult to walk from the home to the school.
 - (iii) The children concerned are unable to walk to school by reason of their special educational need or, if disabled, their disability or because of a temporary or long term medical condition. Evidence is required from a GP or consultant.

Free Travel to Out County Residential Schools for those with Special Educational Needs

20. Out County Weekly Boarding

The beginning and end of each term of each school week to a total of 76 single journeys per year.

21. Out County Termly Boarding

Children of 11 or over are entitled to free travel at the beginning and end of each term and half term up to a maximum of 16 single journeys per year.

Children of 11 or over are entitled to free travel at the beginning and end of each term and half term, plus 4 discretionary journeys home per year, up to a maximum of 24 single journeys per year.

22. Out County 52 Week Boarding (joint placement with other agency)

All boarders (or parents) are entitled to 12 single trips home per year (broadly relating to term times). Any additional trips will be the responsibility of the other agency.

23. Payment of parental journeys for those with children at out county residential special schools.

Payment will be made if one of the following applies:

- a. Attendance at their child's annual review
- b. Attendance at any meeting called by the LA at the pupils school
- c. Journeys necessitated by a child's sickness or emergency medical appointments
- d. An agreed journey to visit a new school placement
- e. To attend up to three additional meetings per year at the school (called by the school or requested by the parents) if sanctioned by the LA in advance.

24. Overnight Accommodation

The LA will not normally reimburse the cost of overnight accommodation for parents/carers.

16-19 Home to School/College Transport

Annual 16 to 19 Transport Policy Statement

25. Details of travel provision for the 16 to 19 age group will be published by 31 May of each year in the 16-19 Transport Policy Statement. This is intended to ensure that young people can make informed choices regarding post16 education. The Policy Statement can be amended in year in response to complaints or a direction from the Secretary of State. Complaints can be heard by the Appeals Sub-Committee of the Democratic and Organisation Committee (DOC).

Free Travel

26. Students with learning difficulties and/or disabilities who are beyond statutory school age and who are aged 16 to 19, will receive free travel to that placement when they attends the nearest suitable school or educational placement to their home address that has an available place and one of the following applies:
- a. It is over 3 miles from their home to the educational placement.
 - b. It is less than 3 miles from their home to the educational placement but it would not be safe for the young person, even if accompanied by an adult, to walk from home to that placement.
 - c. The young person is unable to walk to the school or education placement due to their learning difficulty and/or disability, or because of a temporary or long term medical condition. Evidence is required from a GP or consultant.

Subsidised Travel (16-19 age group)

27. Students who do not have learning difficulties and/or disabilities who are beyond statutory school age, are aged 16 to 19, and who attend either a college or a school may use the concessionary travel scheme where it is necessary to enable them to access the designated school or college for their area (lower concessionary charge payable) or to access a non designated area school or college (higher concessionary charge payable). The concessionary travel scheme makes places available on transport provided for those who are eligible for free home to school transport.
27. Oxfordshire residents aged 16-19 living within the catchment area of Henley College will continue to be eligible for subsidised travel to that college if the college is over 3 miles or if there is no safe walking route (lower concessionary charge payable). The latter charge will be reviewed on an annual basis.
28. In exceptional circumstances, and only where places on relevant home to school transport routes are unavailable, season tickets on public transport may be provided for travel to the designated college or school from the student's home address at the relevant concessionary charge rate. This is meant to apply where a home to school transport route is full and it would be possible to use public transport and so avoid the unnecessary additional public expense of contracting for additional capacity on that route.

Travel Arrangements for Learners with Learning Difficulties Assessments (aged 19-24)

29. An annual Learning Difficulties and Disabilities Transport Policy Statement will be issued by the LA either with the 16-19 Transport Policy Statement or separately. This document will specify any transport or other arrangements, any payment of travel expenses and concessionary schemes which the LA plans to make available to this group of learners in the following academic year to publication. The Policy Statement will also set out the arrangements for facilitating boarding provision outside both the further education and higher education sectors. Complaints can be heard by the Appeals Sub-Committee of the Democratic and Organisation Committee (DOC).

The Concessionary Travel Scheme

30. Concessionary seats are spare seats on home to school transport routes. These are routes that are operated for the benefit of those who are entitled to free transport to and from school. The key points regarding this scheme are set out below:

- a. The Council cannot guarantee that a young person will keep the seat for longer than two terms
- b. Fare prices are reviewed annually
- c. The parent, or in the case of Years 12 and 13 must complete an application form for concessionary travel
- d. Parents are required to pay for two terms travel in advance
- e. The price charged covers a return journey for every school day of the relevant period
- f. There will be no rebates for those deciding to travel for less than the maximum number of possible journeys per term, for example there is no rebate if a young people decides to use his/her bus pass for morning travel and returns by some other private means in the afternoon
- g. If a seat is available a bus pass will only be issued on receipt of a completed application form, and correct payment
- h. No guarantee can be given that the bus will continue to run throughout a young person's time at a school, or that the place on the bus will not be withdrawn at some future date if the place is required for a young person who is entitled to free travel
- i. The concessionary charge will be waived for those eligible for Free School Meals or for those whose parents are in receipt of the maximum level of Working Tax Credit
- j. When there are more requests to pay for seats on a particular route than there are seats available they will be allocated in the descending order of priority shown in Table 5.

Table 5. Priority for Concessionary Places

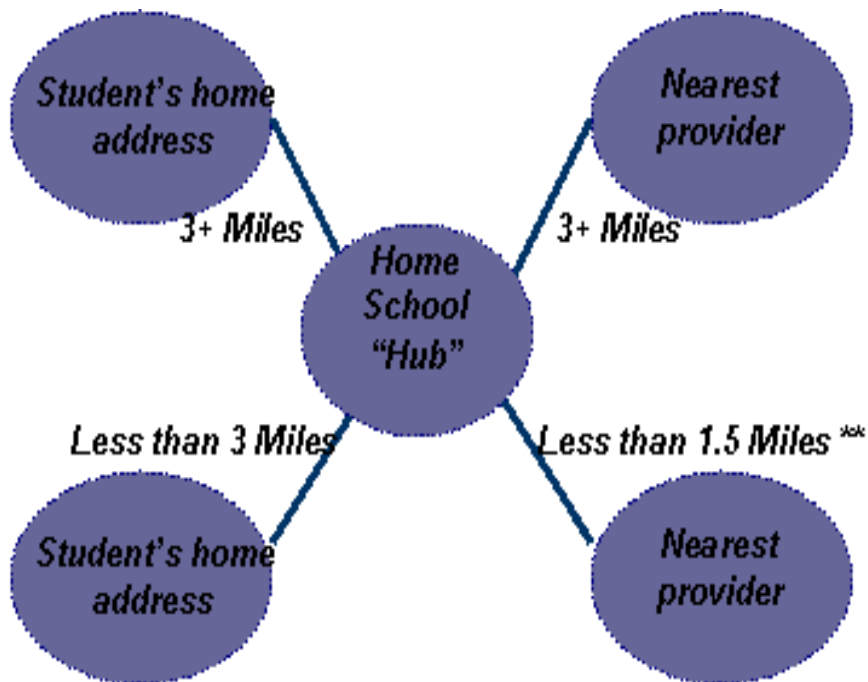
Priority	Category
1.	Those with a Statement of Special Educational Needs naming the school
2.	Looked After Children
3.	Years 12 and 13
4.	Children in receipt of Free School Meals or whose parent/parents are in receipt of the maximum of Working Tax Credit
6.	Those who travelled on the route the previous term

7.	By year group, in ascending order of priority from F1 to Year 11
8.	Those living closest using the shortest designated public route on the County Council's Geographic Information System

Collaborative Learning Transport

31. The cost of collaborative learning transport is met from the budgets of 14-18 Partnerships, not the Home to School Transport Budget and decisions on provision will be made by those Partnerships.
32. Transport assistance to access collaborative learning opportunities is determined by distance as set out below:
 - a. Any arrangement applies to the nearest provider of that course
 - b. If a single journey from the home school to the nearest course provider is over 3 miles then transport will be provided
 - c. If journey from home to home school is less than 3 miles but the distance from the home school to the nearest provider is over 1.5 miles then transport will be provided from home school to the provider only
 - d. If the distance from the student's home to school is over 3 miles but the distance from the home/school to the nearest provider is less than 1.5 miles (safe/reasonable walking distance) then transport will not be provided to continue on to the provider
 - e. If a pre-existing route from the child's home to their nearest provider is available then a place may be offered on that transport if the distance is over 3 miles (with the consortium paying for concessionary places). If the distance is less than 3 miles and a concessionary place is available the student must apply and pay as set out in the Home to School Transport Policy
 - f. If a course runs over 2 hours of the normal school day then transport will be provided to the child's home but only if that child is living over 3 miles from their home school.
33. Diagram 1 illustrates how the Home to School and Collaborative Learning Transport Policy would affect the normal journey for a student to their nearest provider.

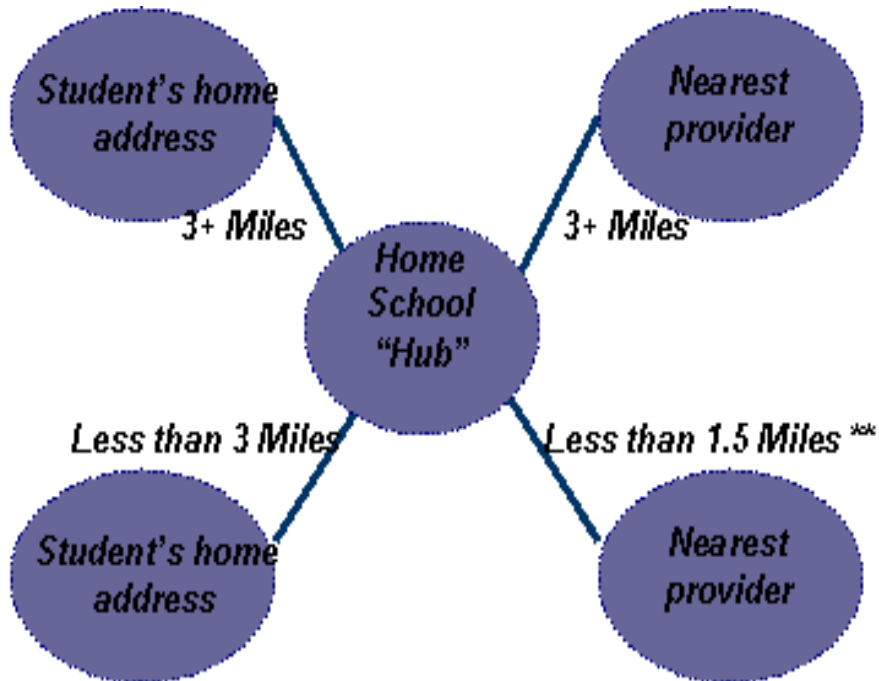
**Diagram 1
"Hub & Spoke"
Journey Criteria Model A**



*** If this journey is greater than 1.5 miles then transport would be provided on the grounds that it is not a reasonable journey time.*

34. Diagram 2 illustrates when a student would not normally be eligible for transport but a seat on a concessionary bus route is available from close to their home address to the nearest provider. If the journey is over 3 miles the relevant consortium may apply for and pay for the seat. If the journey is less than three miles then it would be the responsibility of the parent to apply and pay for the seat.

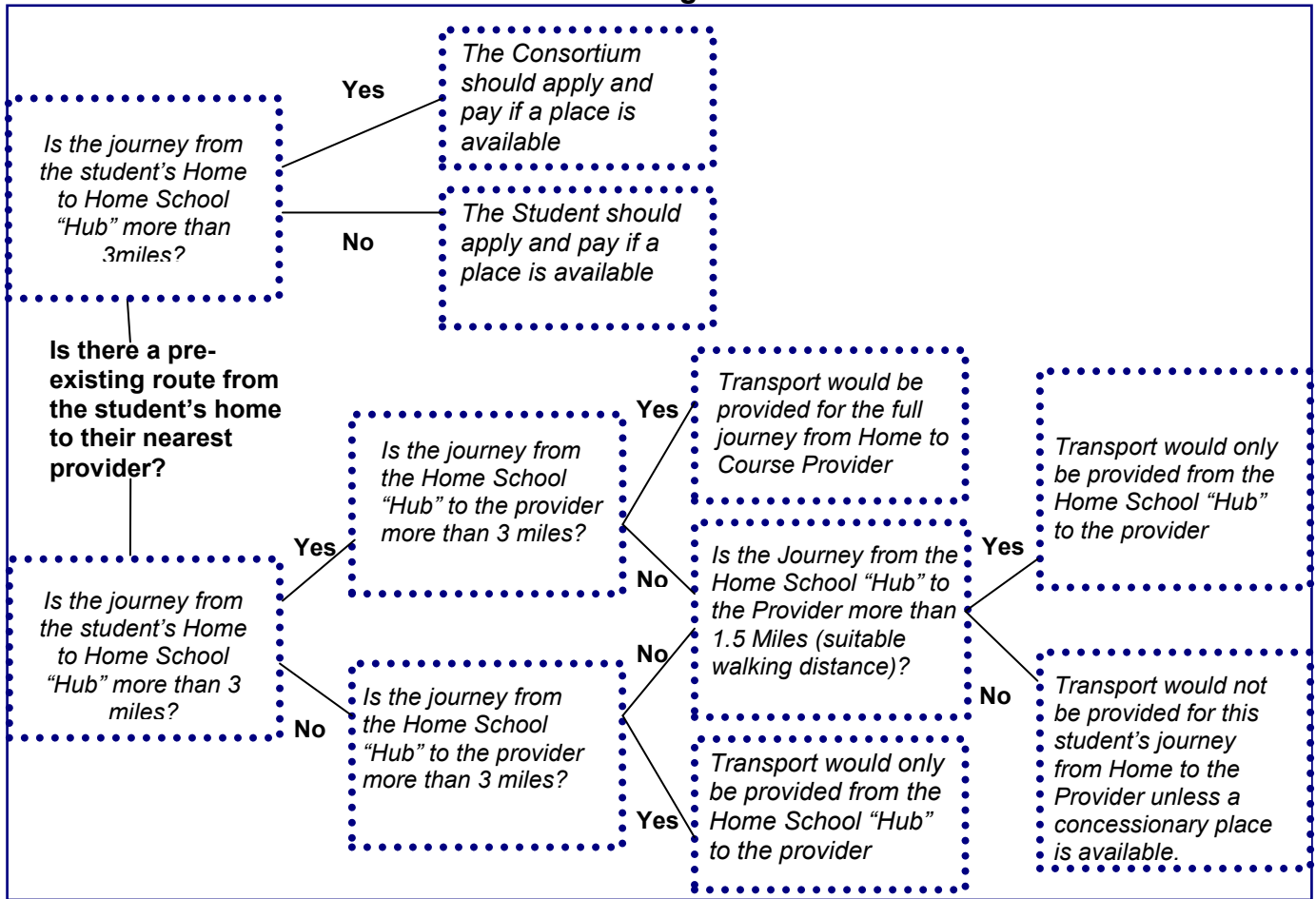
Figure 2
Concessionary Travel
Journey Criteria Model B



*** If this journey is greater than 1.5 miles then transport would be provided on the grounds that it is not a reasonable journey time.*

35. Diagram 3 expresses the criteria in a flow diagram.

**Diagram 3
Flow Diagram**



Transport Appeals

36. Parents can request an appeal to the Appeals Sub-Committee of the Democratic and Organisation Committee (DOC) regarding decisions taken by officers within the Admissions Team or the Integrated Transport Unit should they have cause for complaint or disagreement concerning the eligibility of their child for travel support.
37. The Clerk to the Appeals Sub-Committee will not be a member of the Admissions Team or the Integrated Transport Team.
38. The Appeals Sub-Committee hearings will be organised as soon as possible following the request from parents to lodge an appeal. The timing of the appeal will depend upon the availability of councillors.
39. A representative of the Admissions Team will present the LA's reasons for not providing transport and appellants can present a case in writing and /or in person (if the parent wishes, accompanied by a friend). The format of the appeal is set out below:
 - a. Presentation of the LA's case by the LA representative

- b. Committee members and the parent are able to ask questions of the LA representative
 - c. Presentation of the parent's case
 - d. Summing up by the LA representative
 - e. Summing up of the parents case
 - f. Both the LA representative and the parent/parents friend leave the hearing together.
 - g. Consideration of the case by the Appeals Sub-Committee
 - h. The Appeals Sub-Committee makes a decision as to whether to uphold or refuse the appeal
40. The decision of the Appeals Sub-Committee will be considered binding by the LA and there is no further right of appeal.
41. The LA will not consider requests for a further transport appeal within the school year unless there has been a significant change of circumstance.

Comments Sheet

Consultation on Home to School Transport Policy

Please use this form to make any comments you may have regarding the proposed policy changes and then return it by email to admissions.schools@oxfordshire.gov.uk or by hard copy to The Admissions Team, County Hall, New Road, Oxford OX1 1ND.

It would be particularly helpful if comments could be sent as an e-mail attachment.

Contact name	
Type of organisation (if a school please state type e.g. voluntary aided), if applicable	
Parent (please delete as appropriate)	Yes/No
Contact address	
Contact telephone number	
Date	

Proposal 1

The phased ending of free travel to faith schools

Agree Disagree Neither agree nor disagree

Comments

Proposal 2

To consider written representations from any parents who have religious or philosophical convictions for their children's attendance at a school when determining whether free or subsidised transport can be provided to a particular school.

Agree Disagree Neither agree nor disagree

Comments

Proposal 3

The phased ending of free transport to Chiltern Edge School for those not resident in Oxfordshire

Agree Disagree Neither agree nor disagree

Comments

Proposal 4

The use of free school meals and maximum working tax credit as reasons for waiving the concessionary charge

Agree Disagree Neither agree nor disagree

Comments

Proposal 5

To set the charges for concessionary and post 16 travel at the average commercial fare available at the 3 and 5 mile points.

Agree Disagree Neither agree nor disagree

Comments

Proposal 6

Restrictions on the mileage allowance

Agree Disagree Neither agree nor disagree

Comments

Proposal 7

Collaborative Learning Transport

Agree Disagree Neither agree nor disagree

Comments

Reasons cited for opposition to the changes to faith based transport

Reasons offered	Parents 20 people responded	Schools 4 responses	Total	Remarks
Environmental impact	14		6	Over time, if the proposed policy is adopted, there may be a potential increase in car use
Impact on the character and sustainability of BGN	5	1		Over time, if the proposed policy is adopted, fewer children from the Bicester area may attend The Blessed George Napier School
Difficulty of proving religious conviction	18	2		Most parents are expected to be able to give sufficient proof of their faith The avoidance of unreasonable public expense is the key to understanding this part of the proposed new policy.
Contrary to the Human Rights Act	8	1		The proposed policy was checked by the County legal services before publication and meets legal requirements.
Contrary to the Equalities Act	4			The proposed policy was checked by the County legal services before publication and meets legal requirements.
Financial hardship	14			Those on low incomes will not be affected.
Lack of capacity in Bicester secondary schools	6			There is significant unused capacity in the two Bicester secondary schools. This amounts to approximately 500 places.
Commitment made at the opening of BGN	4	1		No legally binding commitment was made at the opening of BGN
Commitment made at the opening of St Joseph's	1			No legally binding commitment was made at the opening of St Joseph's
Reduces parental choice of school	3	2		Home to school transport is not normally provided on grounds of parental choice for

				any other type of school
Discrimination against Catholics	1			This is untrue. Catholic families have received more favourable treatment than those attending non faith schools. Those Catholic families in the Bicester area have received more favourable treatment than Catholic families living in the area served by St Gregory the Great.
Result of poor investments	2			These comments may refer to the problems encountered with Icelandic banks. There is no direct correlation between home to school transport policy and investments.

Statement from the Blessed George Napier School

History of Catholic Education in North Oxfordshire

- Blessed George Napier School was opened in 1961 and has, for the last 40 years, served the local Catholic population including Bicester and surrounding rural areas. The closure of the flourishing St Mary's All-Age Catholic School in Bicester (established 1883) at the time that we opened created a situation in which pupils had to be bussed to Banbury to continue their Catholic education and a moral and tacit commitment to providing Catholic families with a school of a religious character was thus established.
- Although there have been challenges to the funding of the subsidised funding over the last 40 years, this commitment has been honoured by the local authority.
- BGN has served North Oxfordshire in providing a secondary education in the context of a strong religious faith for not only Catholic children but also those of other denominations and other faiths who recognise the ethos, moral and community values which we hold dear.
- Catholic parents actually pay twice to exercise their right to choose a school of a religious character as they pay through taxes and again through their contributions to the Diocese and the Catholic Education Service.
- We reject the suggestion that we won't see an immediate change to our intake as this proposal will affect the confidence and well-being of families in St Mary's RCP School who feel that they cannot commit themselves to the expense in future years and for future children and so will not choose BGN School for the older children.

Principle of parental Choice

- There are only 2 VA secondary schools of a religious character in the whole of Oxfordshire and so parental choice is already limited. We believe that the proposal to cut funding for buses drastically limits this choice, not for the affluent parents who could afford to continue to send their children to BGN, but directly discriminates against the lower and middle income families who do not qualify for Free School Meals or Working Tax Credits but for whom the transport costs would be prohibitive.

Cost Implications

- We challenge the assertion that £600,000 will be saved to the LA through this proposal. This is not a true saving as:
 1. There will still be transport required by a significant number of pupils from the outlying areas accessing education in Bicester or Banbury;
 2. For some pupils BGN School will still be their nearest school but as they are living at a distance greater than 3 miles from the school will still qualify for funding;

3. Even though it is stated that there are 500 school places in Bicester these do not exist at the present time and although there may be capacity to expand, this will involve the LA in considerable expense requiring huge additional staffing and new buildings or refurbishment.

Environmental Concerns

- This proposal runs contrary to local, national and European government policy in terms of environmental issues as a very significant number of parents will continue to exercise their right to choose a school of religious character and will, in the absence of the provision of public transport, drive their children to school.