

PERTH AND KINROSS COUNCIL**Lifelong Learning Committee – 31 August 2011****HOME TO SCHOOL TRANSPORT ENTITLEMENT****Report by Executive Director (Education and Children's Services)****ABSTRACT**

This Report seeks approval from the Lifelong Learning Committee to implement the Home to School Transport Entitlement Criteria (attached as Appendix 1) with effect from August 2011.

1 RECOMMENDATIONS

It is recommended that the Committee:

- 1.1 Approves the Home to School Transport Entitlement Criteria attached as Appendix 1;
- 1.2 Authorises its continued implementation from August 2011; and
- 1.3 Instructs the Executive Director (Education and Children's Services) to review and revise all published information for parents, schools and the wider community with regard to the Council's Home to School Transport Entitlement Criteria.

2 BACKGROUND

- 2.1 The Council currently provides school transport for approximately 4000 entitled mainstream pupils for primary and secondary pupils and 150 pupils with additional support needs. Education and Children's Services has responsibility with regard to determining entitlement to home to school transport. The Public Transport Unit of The Environment Service has management control over all operational aspects of school transport provision.
- 2.2 The Committee will wish to note that under provision contained within the Transport Act 1985, the Council is formally required to co-ordinate the provision of school, social work and public transport in order to achieve best value for money from their expenditure on transport, taken as a whole.
- 2.3 The current home to school transport entitlement criteria was inherited from the former Tayside Regional Council in 1996. It was last formally reviewed by Tayside Regional Council in January 1990.
- 2.4 The same entitlement criteria have remained in operation since then as they were considered to be appropriate and still ensured the Council's statutory duties were being met.
- 2.5 Lifelong Learning Committee has a role in hearing appeals relating to home to school transport. The Council's Scheme of Administration sets out the

responsibilities of the Lifelong Learning Committee's Review Sub-Committee. It is delegated to the Review Sub-Committee to consider and decide upon appeals on safety grounds against the refusal or the withdrawal of education transport.

- 2.6 An Internal Audit Report (Report 10/323 refers) which reviewed School Transport Entitlement concluded that it is was necessary and appropriate to review the arrangements for entitlement to school transport and the associated information available for parents and schools.

3 LEGISLATIVE BACKGROUND – EDUCATION (SCOTLAND) ACT 1980

- 3.1 Under section 50(1)(a) of the Education (Scotland) Act 1980 the educating authority has to make arrangements to enable pupils to attend school where they are unable to receive the full benefit of school education because of the remoteness of their home or the conditions under which they are living or other exceptional circumstances. Under section 51 of the Act, the education authority has a duty to provide transport or make a contribution towards the cost of transport of children residing in their area. Where the requirements of those pupils for whom transport is considered necessary have been met, the education authority also has the duty to allow any vacant places in any vehicle used for this transport to be used without charge by other pupils to be selected by the education authority.

- 3.2 In deciding whether or not it is necessary to provide transport or to contribute towards transport costs, the education authority has to have regard to the part of the 1980 Act relating to school attendance. Free school transport must normally be provided for:

- Children under 8 living 2 or more miles away from their catchment school
- Children aged 8 and over living 3 or more miles away from their catchment school

These children are deemed to be living beyond "statutory walking distance" of school. If no arrangements have been made for such children under Sections 50 or 51 of the Act, this would normally be considered as a reasonable excuse for the child not going to school.

In addition, in deciding whether or not to make transportation arrangements, the Education Authority has a statutory duty to have regard, along with other relevant factors, to the road safety of the pupils concerned if school transport arrangements are not provided by the Education Authority.

- 3.3 The 1980 Act was amended in 1996. The impact of this amendment is that the education authority has a statutory duty to have regard, along with other relevant factors, to the safety of the pupils concerned if school transport arrangements are not provided by the education authority. As a result, safety surveys are undertaken as necessary to determine entitlement to home to school transport on safety grounds.

- 3.4 Perth and Kinross Council has based its entitlement criteria on these statutory provisions. However, the Council's entitlement to free school transport is more generous than our statutory duty in relation to the age where a child could be expected to walk up to 3 miles to their catchment school. Perth and Kinross Council provides transport for all primary school pupils living 2 or more miles from their catchment school and therefore does not extend the statutory walking distance to 3 miles when children reach the age of 8 years old.

4 IMPLICATIONS OF THE ENTITLEMENT CRITERIA

Positive aspects for the Council with regard to the criteria include:

- a clear statement on the responsibilities of the various parties involved, including parents.
- the avoidance of any doubt of the Council's policy when parents request transport for their children.
- all children will be considered within the same entitlement framework thus guaranteeing fairness/equality.
- the fact the Council's entitlement to free school transport is more generous than our statutory duty.
- the fact the Council has a comprehensive system for considering requests for school transport on the grounds of road safety.

5 PROPOSALS

- 5.1 It is therefore proposed that the Home to School Transport Entitlement Criteria is widely publicised to ensure that parents and schools are fully aware of the circumstances in which free home to school transport will be provided.
- 5.2 The publication of this criteria will not adversely affect any pupils currently receiving free home to school transport. The criteria for entitlement to free home to school transport will be kept under review.
- 5.3 Education and Children's Services will continue to undertake regular reviews of all applications for free home to school transport and will address any individual issues as necessary.

6 CONSULTATION

The Head of Democratic Services and Head of Legal Services have been consulted in the preparation of this report.

7 RESOURCE IMPLICATIONS

The cost of providing home to school transport to meet our statutory duties, as outlined in the revised entitlement criteria, is £6.177m per annum. This budget is subject to annual inflationary pressures and is demand-led. This budget is contained within the revenue budget for Education and Children's

Services and currently provides home to school transport for approximately 4150 pupils.

8 COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012

8.1 The Council's Corporate Plan 2009-2012 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:-

- (i) A Safe, Secure and Welcoming Environment
- (ii) Healthy, Caring Communities
- (iii) A Prosperous, Sustainable and Inclusive Economy
- (iv) Educated, Responsible and Informed Citizens
- (v) Confident, Active and Inclusive Communities

This report relates to the objectives for Educated, Responsible and Informed Citizens.

8.2 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area:

- Communication and Consultation

9 EQUALITIES IMPACT ASSESSMENT (EqIA)

An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.

The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (Eq1A) with the following outcome:

- i) Assessed as **not relevant** for the purposes of Eq1A

10 STRATEGIC ENVIRONMENTAL ASSESSMENT

Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).

The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 pre-screening has identified that the PPS will have no or minimal environmental effects, it is therefore exempt and the SEA Gateway has been notified. The reason for concluding that the PPS will have no or minimal environmental effects is that there is no significant change to the existing home to school transport entitlement criteria.

11 CONCLUSION

The Executive Director (Education and Children's Services) has prepared the attached Home to School Transport Entitlement Criteria and seeks the approval of the Lifelong Learning Committee to continue to implement this criteria with effect from August 2011 and to publish this information for parents, schools and the wider community.

JOHN FYFFE
Executive Director (Education and Children's Services)

Note: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

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Appendix 1 – Home to School Transport Entitlement Criteria

If you or someone you know would like a copy of this document in another language or format, (on occasion only, a summary of the document will be provided in translation), this can be arranged by contacting *The Communications Manager*
E-mail: ecsgeneralenquiries@pkc.gov.uk



Council Text Phone Number 01738 442573



EDUCATION AND CHILDREN'S SERVICES

HOME TO SCHOOL TRANSPORT ENTITLEMENT POLICY

August 2011

INTRODUCTION

Perth and Kinross Council currently provides transport for approximately 4150 entitled pupils in primary and secondary schools and children with Additional Support Needs. Education and Children's Services is responsible for developing criteria of entitlement to school transport and assessing and determining pupils' entitlement to free school transport for primary, secondary and Additional Support Needs pupils. The Public Transport Unit of The Environment Service is responsible for all operational aspects of school transport provision.

LEGISLATIVE BACKGROUND

Education Authorities have a statutory duty to make such arrangements as they consider necessary for pupils to travel to and from school.

Whilst it is the responsibility of parents or carers to secure their children's education, sections 50 and 51 of the Education (Scotland) Act 1980 requires the Education Authority to make appropriate provision to assist pupils to have access to education. Under section 42 of the Act, the Authority must provide free school transport or such other arrangements for all pupils under the age of eight who live more than two miles from their local school and to all pupils age eight and over who live more than three miles from their local school. The Act also makes provisions for a number of exceptional circumstances and special conditions under which the Authority may also provide free transport.

SECTION 1 – ENTITLEMENT TO FREE SCHOOL TRANSPORT

- 1.1 Perth and Kinross Council's policy on entitlement to free school transport is more generous than the statutory requirements for primary school pupils. The Council's policy for secondary pupils is in line with the statutory requirement.
- 1.2 In all cases, when considering entitlement to free school transport, it is expected that the pupil will be accompanied by a responsible adult when walking to and from school.
- 1.3 Perth and Kinross Council will provide free school transport for the following categories of pupils who attend Perth and Kinross Council schools:
 - i. Primary school pupils who live more than two miles away from their catchment school.
 - ii. Secondary school pupils who live more than three miles away from their catchment school.
 - iii. Pupils who have been 'zoned out' to an alternative school by Education and Children's Services as a result of accommodation issues at their catchment school, who live more than two miles from the 'zoned out' primary school or more than three miles from the 'zoned out' secondary school.
 - iv. Pupils who live under the official walking distances from their catchment school, and have a recognised medical condition that significantly affects their mobility as advised by the School Medical Officer.
 - v. Where no public transport exists, pupils who live under the official walking distances from their catchment school where the walking route has been considered unsafe for a pupil to walk accompanied by a responsible adult.
 - vi. Pupils with Additional Support Needs having been assessed against the criteria of distance and medical grounds and not met either of these criteria, having then been assessed by the Council and other professionals and are considered to require transport to meet their specific individual needs.
 - vii. Pupils with Additional Support Needs who have been placed by Education and Children's Services at schools outwith the management of Perth and Kinross Council where it has been assessed that transport is required.

SECTION 2 – MEASUREMENT OF WALKING DISTANCE

- 2.1 The qualifying distance for eligibility to free school transport will be measured by the shortest available walking route from:
 - a) the main gate or pavement of a pupil's home (as defined by the Council)
 - b) the nearest gate/accepted entrance of the school (as defined by the Council)
- 2.2 Distances from home to school will be calculated using the Council's geographic information system (GIS) tools and Ordnance Survey large scale digital mapping. In exceptional cases, it may be necessary to use a calibrated trumeter wheel to measure distances.
- 2.3 In any case of dispute over the distance between home and school, Education and Children's Services decision will determine the distance involved.

- 2.4 The Council does not undertake to provide door-to-door transport. In many cases pupils will have to walk some distance to the nearest pick-up point. Except in the cases of certain Additional Support Needs or pupils with severe mobility problems, a pupil will receive transport from/to a point on the public highway in the vicinity of their home. The following maximum walking distances are observed:
- a) primary school pupils will not be required to walk more than two miles; and
 - b) secondary school pupils will not be required to walk more than three miles to and from school transport pick up/drop off points.
- 2.5 If, due to a child's home location, the child would have to walk on private land or greater distances than those specified above, a parental mileage allowance may be offered to/from the pick up point.

SECTION 3 – ARRANGEMENTS FOR SCHOOL TRANSPORT

- 3.1 The Public Transport Unit is responsible for determining the optimum network of routes and the best form of contract for every area of Perth and Kinross and for the allocation of individual pupils to these routes. If establishment hours are complementary, transport is sometimes arranged to serve more than one school.
- 3.2 Arrangements for school transport will be made after a completed application form from the parents has been assessed and the criteria for entitlement established. This may take up to ten working days. The application forms currently in use are Primary, Secondary and Additional Support Needs which all detail the application procedure on the form.
- 3.3 Transport, when granted, will be specifically intended to convey the pupil from their home address to school and from school back to their home address to complement the official opening and closing times of the normal whole school day.
- 3.4 In most villages children are uplifted from one or a small number of recognised pick-up points. If pupils are using a local bus service, they may board the bus at any marked bus stop. Outside villages, pick-up points are determined by the Public Transport Unit in consultation with contractors and parents.
- 3.5 The Council will determine the most appropriate contract to allocate pupils to, based on their home address and nearest pick-up point. Pupils will not be allocated to contracts in order to travel with friends.
- 3.6 Where requested, a pupil's physical ability to walk, when escorted to school by a responsible adult, may be assessed by the School Medical Officer.

- 3.7 Applicants will be provided with the most appropriate mode of transport, determined by the Council, consistent with the needs of the pupil and the available resources. Transport will be provided by one of the following methods:
- School contract bus which carries pupils only
 - Local service bus which also carries other fare paying passengers
 - Taxi, private hire car or minibus
 - Parental contract
- 3.8 Where Local Bus or Local School Bus services are in operation, season tickets will be issued. Where Education transport or Additional Support Needs transport contracts are in operation, travel passes will be issued as appropriate. In the event that no suitable transport is in operation, a parent may be offered a 'parental contract' to undertake the transportation of their child to and from school.
- 3.9 The mileage rate payable for parental contracts is the amount determined by the Council as being reasonable reimbursement of car operating expenses, and is reviewed annually. Mileage rates are not individually negotiable.
- 3.10 It may be necessary for the Council to change transport arrangements to accommodate changing numbers of entitled pupils which may affect the mode of transport provided.

SECTION 4 – PLACING REQUESTS

- 4.1 Transport will not be provided where a placing request has been granted for a pupil to attend a school outwith their catchment area. Parents must accept full responsibility for the organisation and cost of transport for their child travelling to and from school.
- 4.2 If spare seats are available on education contract vehicles, a pupil attending a school by virtue of a placing request may be granted a concessionary place to travel on the vehicle if at no additional cost to the Council.

SECTION 5 – TIME CONSTRAINTS

- 5.1 The following time constraints are observed:
- School transport vehicles will arrive with pupils at schools at least five minutes, but not more than twenty minutes (fifteen minutes for pupils with Additional Support Needs), before the official start time: and will leave not less than five minutes, and not more than fifteen minutes, after the official finish time. All operating times are subject to approval by the Public Transport Unit.
- 5.2 Whilst every effort will be made to observe the above time constraints, in some cases this may not always be possible, for example, where public transport is utilised.

- 5.3 In appropriate cases, pupils in primary schools will share transport with their associated secondary school pupils.
- 5.4 No specific limit is set to the overall length of day for a pupil from leaving home to returning there.
- 5.5 In the afternoons, separate transport arrangements will not be made for primary schools with two finishing times: the transport will operate to meet the later finishing time, unless a contract has to operate a double run, in which case a run at each finishing time may be appropriate.

SECTION 6 – PARENTAL RESPONSIBILITIES

- 6.1 In all cases when considering entitlement to transport, it is expected that a pupil will be accompanied by a responsible adult when walking to and from school.
- 6.2 Except in the case of pupils with severe mobility problems, pupils will usually receive free transport from/to a point on the public highway (as defined by the Council) in the vicinity of their home. Parents are responsible for their child getting to and from this point. Primary pupils will not be required to walk more than two miles, and secondary pupils three miles, to reach a school transport boarding point.
- 6.3 If due to a pupils' home location, the pupil would have to walk on private land greater distances than those specified above, a parental contract may be offered.
- 6.4 Transport is not provided for pupils travelling to/from any address other than their main residence - as indicated on their Pupil Progress Record (PPR). Transport will not be provided to multiple addresses. In the case of split families, parents are responsible for advising the main place of residence which determines the pupil's catchment school and their transport provision.
- 6.5 Transport, when granted, is specifically intended to convey the pupil to/from school to complement the official opening/closing times of the school in question. Parents remain responsible for the transport needs of their child at all other times.
- 6.6 School transport arrangements do not cover attendance at after school activities. Additionally, school transport arrangements will not be made or altered to accommodate the work/holiday/leisure arrangements of parents/carers.
- 6.7 School transport will be provided to and from an official respite care arrangement organised by Education and Children's Services that compliments the official opening and closing times of the school.

- 6.8 Parents are ultimately responsible for their child's behaviour whilst travelling on school transport. In cases of misbehaviour, children will be subject to the normal disciplinary procedures of the school. Parents, in all cases, will be notified of their child's misbehaviour and entitlement to free school transport may be withdrawn. If transport is withdrawn by the Council, it is the responsibility of the parent/carer to ensure their child's attendance at school at their own cost.
- 6.9 Parents are responsible for advising their child on road safety.
- 6.10 The Council assumes that a responsible adult will be at home to receive the child from school transport.

SECTION 7 – SAFETY ROUTES

- 7.1 Free transport will not be provided on safety grounds if an appropriately routed and timed local bus or local school bus service is available, which has adequate capacity for the pupils requiring conveyance.
- 7.2 In instances where there is no public transport available, there exists a procedure whereby a case will be considered against agreed measurable criteria. Where appropriate, a site survey will be carried out by a Road Safety Officer from The Environment Service who will assess the walking route either in full or part, and make a recommendation to Education and Children's Services as to whether or not transport should be provided on road safety grounds.
- 7.3 All routes will be assessed on the basis that a pupil will be accompanied by a responsible adult when walking to/from school. The criteria used in assessing the safety of a route are:
- a) *availability of footways;*
 - b) *availability of step off facilities;*
 - c) *volume and speed of traffic;*
 - d) *Visibility;*
 - e) *level of road accidents.*
- 7.4 In assessing any route, the combination of the above factors is reviewed. Therefore, what is acceptable for a road with high traffic volume is different from what is acceptable for routes with low or very low traffic volumes.
- 7.5 Entitlement to transport on 'road safety' grounds may be withdrawn if the factors forming the basis of the original decision change such as road and pavement network upgrades or if a suitable local bus or local school bus service becomes available.

SECTION 8 – CONCESSIONARY PLACES

- 8.1 A "concessionary" place can be offered to a pupil who does not qualify for free transport where a dedicated contract vehicle undertaking a school transport or Additional Support Needs transport contract for the Council has vacant seats available after all entitled pupils have been accommodated. Concessionary places will only be provided where there is no additional cost to the Council. Concessionary places are not guaranteed for any period of time and may be withdrawn at any time, at short notice, in the event of those seats being required for entitled pupils.
- 8.2 Concessionary places are not available on any route registered with the Scottish Traffic Commissioner as a local bus or local school bus service.
- 8.3 Concessionary places will be allocated as follows:
- Applications from pupils attending their catchment school always take highest priority. For pupils attending their catchment school, places will be allocated, based on distance, to those living furthest from the school first. If it is necessary to allocate seats when pupils live the same distance from the school, places will be allocated to the youngest pupils first.
 - After all applications from pupils attending their catchment school have been allocated, any remaining spaces may be allocated to placing requests. For placing requests, places will be allocated, based on distance, to those living nearest their chosen school. If it is necessary to allocate seats when pupils live the same distance from the school, places will be allocated to the youngest pupils first.
- 8.4 Should a pupil with a concessionary place not travel on the allocated contract vehicle regularly, their concessionary place may be withdrawn in the course of the school year if application(s) for concessionary places on the vehicle are outstanding.
- 8.5 Concessionary places will only be considered in those instances where the pupil lives within two miles (primary pupils) or three miles (secondary pupils) of the nearest pick-up point on the contracted route.
- 8.6 Transport routes will not be altered to accommodate the transport of "concessions".
- 8.7 Concessionary places will not be granted from any point on the route prior to the first contracted pick-up point.
- 8.8 Applications for concessionary places must be made on an annual basis. Parents are responsible for ensuring applications are submitted each year if they wish their child to be considered for a concessionary place as the Council does not issue reminders to parents.
- 8.9 At the start of the new school session in August each year, concessionary places will not be allocated until after the end of August to ensure that all entitled pupils have been allocated seats before allocating any concessionary places.

SECTION 9 – PROVISION OF ESCORTS

- 9.1 Escorts are only provided on Additional Support Needs contracts where the physical, mental or medical needs of the pupils being conveyed requires their attendance and support. The requirement for an escort to be provided for an individual pupil is determined by the detailed advice received from medical personnel, Additional Support Needs personnel, school and parents. The on-going requirement for escort provision will be reviewed annually.

SECTION 10 – OTHER ARRANGEMENTS

- 10.1 Transport is not provided at lunchtimes for those schools where the P1 class finishes at that time for the first two weeks of the session. Transport arrangements will be made for the P1 pupils at the later finishing time of the school in the afternoons. Children who are entitled to transport who are not collected by their parents are supervised in school until the end of the normal school day.
- 10.2 Transport is not provided for any pupils to travel to/from their home at lunchtime.
- 10.3 Transport is not provided for pupils travelling to/from any address other than their main place of residence (as indicated on their PPR).
- 10.4 Transport is not provided to childminders, childcare arrangements, Out of School Care Clubs, relatives or friends.
- 10.5 Transport is not provided for children attending a nursery school, nursery class or other pre 5 establishment.
- 10.6 Transport will not be provided for those pupils normally entitled to school transport and who are sitting an official exam at school, which falls on an official school holiday.
- 10.7 Transport home from after-school activities is not provided as part of the school transport entitlement policy. If no suitable public transport is available for pupils to use as fare-paying passengers, schools may at their own discretion arrange such transport.
- 10.8 Where a school is closed or mothballed, relocated pupils who reside in the catchment area will be provided with free school transport on the basis of distance entitlement to their new designated catchment school.
- 10.9 On the last day of term prior to the Christmas holidays, and on the last day of the summer term, all schools in Perth and Kinross have official permission to close at lunchtime. School transport operators will uplift all children within thirty minutes of the early school closure time (whenever practicable).

SECTION 11 – MOVING HOME

- 11.1 If a pupil moves home address at any time during the school session, a new application for transport should be made to allow entitlement to free transport to/from their new address to be assessed.
- 11.2 Transport will not be provided where a primary or secondary school pupil moves home address during the school session to outwith the catchment area and the pupil wishes to remain at the original school as a placing request.

SECTION 12 – ANNUAL REVIEWS

- 12.1 Every pupil deemed to be in need of special transport arrangements as a result of Additional Support Needs will be reviewed annually.

SECTION 13 – APPEALS PROCESS

- 13.1 An appeals process exists to consider and decide upon appeals on safety grounds against the refusal or the withdrawal of education transport.
- 13.2 Should parents wish to appeal the decision, they have a formal right of appeal, which must be made in writing within 28 days of the decision being notified, to the Service Manager – Business and Operational Support, Education and Children's Services. The appeal may subsequently be heard by the Review Sub-Committee of Lifelong Learning Committee which will take the final decision on the case presented.
- 13.3 Appeals will not be considered for pupils attending a school as a result of a placing request.