



# HOME TO SCHOOL TRANSPORT POLICY

**2022-23**

## INTRODUCTION AND BACKGROUND

The Home to School Transport Policy for Hertfordshire pupils of statutory school age including those with special educational needs and disabilities, attending mainstream and special schools is set out below.

Guidance Notes, Frequently Asked Questions and Answers and a Timeline supporting this policy are available at the following link [www.hertfordshire.gov.uk/schooltransport](http://www.hertfordshire.gov.uk/schooltransport)

Different policies are in place for pupils over the age of 16. Full details of the county council's Post- 16 Transport to Education and Training Policy and Policy for Full-time Students aged 19-25 with Learning Difficulties and Disabilities can also be found at the above link.

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# HOME SCHOOL TRANSPORT POLICY

It's important to think about how your child gets to school. Very few children are entitled to free home to school transport.

When you apply for a school place we will automatically consider whether your child is entitled to free home to school transport.

The Admissions and Transport team will inform parents of transport entitlement decisions within the following timescales:

- by the end of May for Secondary transfer applicants
- by the end of June for Under 11s applicants
- within 10 working days for In Year applicants
- within 10 working days for SEN pupils

We will contact you if you are entitled to free transport and therefore you don't need to apply separately. However, if you do not hear from us and you believe that your child is entitled to free home to school transport, please contact the relevant Admissions & Transport team:

- Secondary/Under 11s transfer applicants – [transfer.admissions@hertfordshire.gov.uk](mailto:transfer.admissions@hertfordshire.gov.uk)
- In Year applicants – [inyear@hertfordshire.gov.uk](mailto:inyear@hertfordshire.gov.uk)
- Children with an Education, Health & Care Plan (EHCP) – [schooltransport@hertfordshire.gov.uk](mailto:schooltransport@hertfordshire.gov.uk)

If your child is not offered free home to school transport, you have the right to challenge the decision. Further details regarding the appeals process can be found on pages 12 – 14.

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## Transport Entitlement

### 1. Nearest School

Free transport will be provided for children attending their nearest suitable school\*, inside or outside of Hertfordshire, where the distance from home\* to school is over the statutory walking distance.

- More than 2 miles (3218 m) from home for children aged under 8
- More than 3 miles (4827 m) from home for children aged 8 and over

Home to school distances are measured using a computerised mapping system. For transport purposes the measurement is taken from the address point of the family home to the main entrance or front gate of the school (as nominated by the school).

The address point of the home is supplied by Address Base-Premium data which is a nationally recognised method of identifying residences. The system measures the distance along "the nearest available route" using a network of public rights of way including roads, cycle ways, paths and footpaths which are properly surfaced and likely to allow accessibility at all times of the year regardless of weather conditions. These measurements are not intended to replicate the actual route a particular pupil would choose to travel to a particular school, due to factors such as distance, safety, the availability of public transport or driven routes, vehicle access, and so on, but instead are a fair, objective and consistent way of measuring home to school distances for the purpose of transport entitlement.

\* See 'Explanatory Notes & Definitions' section for full definition.

## 2. Safety

Free transport will be provided for children attending their nearest suitable school\*, which is less than the statutory walking distance, if it is considered unsafe for the child, accompanied as necessary, to walk along the route with reasonable safety. This entitlement will continue as long as the route remains unsafe. The county council has an agreed procedure document for assessing route safety, which follows Road Safety GB 'Assessment of Walked Routes to Schools' guidelines.

Where routes are made safe following highway improvements, entitlement to transport will cease for those currently receiving free transport.

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## 3. Income

### ***Low Income Families as defined by the Education and Inspections Act paragraphs 9- 14 of Schedule 35B***

Low income families are defined as those having children entitled to Free School Meals or whose parents are in receipt of their maximum level of Working Tax Credit.

To be eligible for free school meals, a child's parents/carers must be receiving one of the following:

- Income Support, dated in the last three months
- Income-based jobseeker's allowance, dated in the last three months
- Income-related Employment and Support Allowance, dated in the last three months
- Universal Credit, showing your most recent statement from your on-line journal, dated within the last 31 days, or other recent written confirmation from the DWP as is available to you<sup>†</sup>
- Pension Credit (guarantee credit) notification, dated in the last 3 months
- Child Tax Credit with income less than £16,190 and not receiving Working Tax Credit, based on most recent tax credits award notice or other verifiable evidence
- Maximum Working tax Credit, based on most recent tax credits award notice or other verifiable evidence
- (From April 19th 2022) Where the family have 'no recourse to public funds', and subject to an income threshold as follows:
  - £22,700 per annum for families outside London with one child.
  - £26,300 per annum for families outside London with two or more children.
  - In addition to these income thresholds, there is a capital savings threshold of £16,000.

\* See 'Explanatory Notes & Definitions' section for full definition.

<sup>†</sup> For recent applicants to FSM, since April 1st 2018, Universal Credit has only been a qualifying benefit for free school meals if you have wages or salary below £7400 a year (or £658 per month for the last 3 months). If you were already getting Free School Meals through Universal Credit by April 1st 2018, this earnings rule does not apply and you remain eligible for free school meals until your child moves into the next stage of education (e.g. primary to secondary). If this earnings rule does apply, please submit details of recent earnings from your DWP Universal Credit journal. If your income goes above the threshold in the future, but you remain on Universal Credit, your child will remain eligible.

To determine whether a child's parents/carers are receiving maximum Working Tax Credit (WTC), the following must apply:

When a customer is first awarded tax credits, or following a change in their household circumstances, HM Revenue and Customs may issue a "tax credit awards notice" detailing the breakdown and amount of the award.

Part two of the award notice gives details of "How we work out your tax credits" including details of the full WTC elements. This is the maximum amount a customer can receive in WTC in any year. It then lists "any reduction due to your income" and shows the net amount payable. In order to qualify this amount must be £0.00. This is shown as an example rather than being definitive and each case will be considered on its own merits. A copy of the award notice will be required or such other verifiable evidence as can be produced. The County Council reserves the right to make enquiries to HMRC with regard individual cases.

### **Primary Age Pupils**

Children aged 8 but under age 11 from low income families are entitled to free transport where they live more than 2<sup>‡</sup> miles from their nearest suitable school\*.

### **Secondary Age Children (Compulsory school age)**

Transport will be provided for children from low income families where the child is of compulsory school age (11 -16) and who attends either:

- a. one of their three nearest suitable schools\* where they live more than 2<sup>‡</sup> miles, but not more than 6 miles from that school. (This includes transport to places other than a school at which they might receive education under section 19(1) of the Education Act 1995 (as amended) and includes exceptional provision of education in pupil referral units, known as Education Support Centres or elsewhere).
- b. the nearest suitable school preferred on grounds of religion or belief<sup>§</sup> where they live more than 2<sup>‡</sup> miles, but not more than 15 miles from that school. Transport will be provided when:
  - i. the parent has expressed a wish, based on the parent's religion or belief, for their child to be provided with education at that school; and
  - ii. having regard to the religion or belief on which the parent's wish is based, there is no suitable school which is nearer to the child's home.

\* See 'Explanatory Notes & Definitions' section for full definition.

‡

The 2 mile limit will be measured in the same way as the "statutory walking distance", i.e. along the 'nearest available route'. Any distance of more than 2 miles will be measured using the Integrated Transport Network (ITN). The ITN measures along roads.

§

For Church of England schools, your child must be baptised into the Church of England or you must be on the parish electoral roll. For Catholic schools, your child must be baptised as a Catholic. For Jewish Schools, you must be a member of the synagogue community and/or have met the faith criteria for the relevant school.

#### **4. Special Educational needs/Disability and Mobility difficulties (including temporary medical conditions)**

The entitlement for children with special educational needs and disabilities or mobility difficulties is assessed against the statutory home to school transport policy, except where the child's Education Health and Care Plan (EHCP) expressly states that transport should be provided.

For pupils without an EHCP who are attending their nearest suitable school\* and have special educational needs and/or mobility difficulties, (including temporary medical conditions) entitlement to transport will be considered on an individual basis and regularly reviewed following an assessment of the child's ability to walk to school, having regard to the child's special educational needs, disability and/or mobility problems where relevant, and taking into account any exceptional circumstances. If the child is getting Disability Living Allowance (DLA) or Personal Independence Payment (PIP) for Mobility, at either rate, please indicate that and also state whether the DLA/PIP has been exchanged for a leased Motability vehicle.

Relevant supporting independent professional evidence will be required before transport is agreed.

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#### **5. Examination Year**

For pupils in Years 10 and 11 subsidized transport may be provided in exceptional circumstances, to their existing school where pupils move to a new address in Hertfordshire.

This only applies to pupils:

- who are attending their nearest suitable school, and
- have completed at least two terms in Year 10 at their existing school, and
- the existing school is over the statutory walking distance of 3 miles (4827 m)

The county council's subsidy would be no more than the maximum spare seat charge and a maximum travel distance of 15 miles per journey would apply.

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#### **6. Excluded Pupils**

Free transport will be provided for pupils who have been permanently excluded from school for whom transport is required to access a new school or Education Support Centre (ESC) if the length of journey is over the statutory walking distance.

Pupils attending an ESC will be required to use a bus or rail card to travel independently to the ESC.

\* See 'Explanatory Notes & Definitions' section for full definition.

## **Other considerations**

### **Children in Public Care**

Children in public care (children looked after) and children who were looked after, but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order) will be assessed against the statutory home to school transport policy.

- If the child is not entitled to free transport, it is the carer's responsibility to ensure that he/she is able to get to and from school.
- Where exceptional circumstances exist, the professionals working with the individual child would review the child's needs and, if appropriate, make a case for transport, which would be considered by the relevant transport panel.

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### **Siblings**

There is no sibling link for transport entitlement. Transport entitlement is considered on an individual basis for each child as the nature of applications and allocations will change each year. In Year applications are also assessed on an individual basis.

## Support for families

### 1. Parent/carer with a disability

Where a disability prevents a parent/carer from accompanying their child to school, the child's individual needs will be considered with due regard to the requirement to make reasonable adjustments under the Equalities Act 2010. Where eligible, the family will receive appropriate support to enable the child to attend a school within the statutory walking distance. This would be for both short and long term arrangements. The parents receipt of PIP or a Motability vehicle may be taken into account when considering the support that is provided.

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### 2. Personal Travel Budget

Mileage reimbursement may be offered to parents/carers of pupils who are entitled to free home to school transport, where this offers best value for money to the county council.

A pupil's home to school/college mileage will be calculated by the county council and the rate paid will be £0.45 per mile, for 4 journeys per day. This is HMRC's car mileage rate at the start of the 2022/23 tax year.

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### 3. Respite Care

Transport arrangements to alternative destinations at the end of the school day, where it supports the need for the child to attend respite care (short breaks) and there is no additional cost to transport the child to the alternative destination, will be considered on an individual basis. This is for respite care only – it does not apply to individual family arrangements between a parent and a childminder.

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### 4. Sale of any spare seats available on vehicles operated by the county council

The county council are happy to provide spare seats on buses/coaches operated by the county council which are already running to provide transport for pupils who have a statutory entitlement for 2022/23.

However, the provision of spare seats for 2022/23 is currently dependent on whether further exemption is granted from the requirement to comply with the Public Service Vehicles Accessibility Regulations (PSVAR) for school-procured vehicles used for home-to-school transport. The county council are currently waiting for confirmation that existing bus and coach contractors have successfully applied for exemptions and will update this advice as soon as possible.

Details of the Spare Seat scheme can be found at the following link:

[www.hertfordshire.gov.uk/schooltransport](http://www.hertfordshire.gov.uk/schooltransport)

The cost of spare seats is as follows:

<b>Miles from Home to School</b>	<b>Charges for 2022/23 academic year, per pupil</b>
0 – 2.99	£882
3 – 4.99	£1176
5 – 6.99	£1350
7 and over	£1554

Spare seats are provided and must be paid for on a termly basis. No reimbursement is available if a child fails, or is unable to travel for the whole term.

No one is automatically entitled to a spare seat and we cannot guarantee that a child will keep the place for longer than a term.

Applicants for the 2022/23 academic year should not assume that existing spare seats will be available on vehicles operated by the county council for children if their child is not entitled to free home to school transport.

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## **5. Sustainable School Travel and Transport Strategy**

Hertfordshire County Council has a strategy to promote sustainable travel modes for journeys to and from school. Further information is available at: [www.hertfordshire.gov.uk/schooltravel](http://www.hertfordshire.gov.uk/schooltravel).

Most schools in Hertfordshire have school travel plans that set out their planned initiatives and actions to encourage sustainable travel.

When parents are making preferences for school places, they should consider the school's travel plan as part of the information used to assess how their child will travel to and from school.

## **Supporting individuals with an Education Health and Care Plan (EHCP)**

To support and develop independent travellers: Where it is safe, appropriate and reasonable to do so, pupils with special educational needs will be expected to walk, accompanied as necessary by a responsible adult, to and be dropped off, at a common pick up point near their home.

To support and encourage pupils to become independent travellers, individual pupils with an EHCP or SEND will, where appropriate, be offered a programme of Independent Travel Training (ITT). Once they have successfully completed their training, they would no longer have an entitlement to personalised transport, e.g. a taxi.

### **1. Walking Escort**

Where appropriate (following discussion with the child's parents/carers), parents of children with an Education Health and Care Plan (EHCP), who are entitled to transport, can be offered an escort to walk their child a short distance to school.

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### **2. Passenger assistants**

Will be provided in the following circumstances:

- To all primary special schools.
  - To special schools for pupils with Severe Learning Difficulties (SLD) Schools and Schools for Physically Impaired pupils both on buses and taxis
  - On larger vehicles travelling to special schools for pupils with Moderate Learning Difficulties (LD) and Social Emotional and Mental Health issues (SEMH)
  - In other circumstances, cases will be assessed according to the child's individual needs.
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### **3. Boarders**

Where students with an EHCP require a residential placement following assessment

- For termly boarders the county council will provide assistance for travel to and from home to residential school at the beginning and end of each term and half term.
  - For 52 week residential placements: the county council will provide assistance for travel to and from home to residential school for eight visits throughout the year.
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### **4. Changing Address**

Where students with an EHCP change address, the parent/carer must contact the SEN Transport Team as transport needs will need to be re-assessed. For further information regarding moving out of Hertfordshire please refer to page 11.

## **Explanatory Notes & Definitions**

### **Permanent Address**

“Home” is defined as your child’s permanent address. This policy does not include transport to alternative addresses.

If a child lives at more than one address (for example due to a separation) the address used will be the one which the child lives at for the majority of the time. If a child lives at two addresses equally, the address of the parent/carer that claims Child Benefit/Child Tax Credit/Universal Credit for the child will be considered as the child’s main residence.

If a family is not in receipt of Child Benefit/Tax Credit/Universal Credit alternative documentation will be requested.

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### **Changing Address**

If a family changes address, we will reassess transport entitlement using the policy in place at the time of the move. Eligibility for free home to school transport may change in these circumstances.

If you are moving into Hertfordshire and your child has an Education, Health and Care Plan (EHCP) with free transport, you must tell the Special Educational Needs Team in your current home authority when you are moving. This is because all Local Authorities in England have six weeks to transfer, or take over, an EHCP from the date you move. As soon as you know your moving date, please contact the school transport team in the new authority to apply for transport support if needed.

If you are moving out of Hertfordshire, you must inform your Hertfordshire Special Educational Needs Officer the date you are moving, and where you are moving to. We will contact the SEND team in your new local authority area and arrange for your child’s EHCP to be transferred. Please note that transport provided by Hertfordshire will cease on the day you move to the new authority.

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### **Nearest suitable school**

The home to school transport policy is separate to the county council’s admission arrangements. You can apply for a place at any school, but your child will only have one nearest suitable school for transport purposes. The nearest suitable school for transport can be different from the “nearest school” identified for admission allocation purposes.

For transport purposes the nearest suitable school is identified by considering whether the child would have qualified for a place at the school, regardless of whether it was named on the admissions application form. The nearest suitable school must be one that is suitable for the child’s age, ability, aptitude, and any special educational needs they may have, as well as for the child’s gender<sup>1</sup>.

Schools in neighbouring authorities will be included when considering the nearest suitable school for transport purposes. Faith schools will also be included in the transport entitlement decision making process when the county council has permission from the Governing Body/Academy Trust to allocate places to that school and in cases where an application was made but was superseded by a higher preference.

For children who have an Education, Health Care Plan (EHCP), the nearest suitable school is the school named in Section I of the child’s EHCP. If the parents prefer a school or college that is further away, the local authority may agree to name this but the parents will be asked to

provide the transport.

If you'd like to know the nearest schools to your address for home to school transport purposes, email [admissions.central@hertfordshire.gov.uk](mailto:admissions.central@hertfordshire.gov.uk) with your child's full address and date of birth.

<sup>1</sup> Department for Education's 'Home to school travel and transport for children of compulsory school age' statutory guidance, paragraphs 16 and 27-30

## Complaints

If you would like to make a complaint about the service you have received regarding home to school/college transport, the link below outlines the county council's complaints procedure and provides details of the on-line complaints form: [www.hertfordshire.gov.uk/complaints](http://www.hertfordshire.gov.uk/complaints)

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### Appeal a school transport decision

A Transport Appeals process has been established for families of children of statutory school age (see page 12 for children of pre-statutory school age) who believe that:

- The county council has not applied this policy correctly; OR
- There are compelling reasons to justify making an exception to the policy.

If you're not happy with a decision about your child's home to school transport, you have the right to challenge the decision. This is done in two stages.

#### Stage 1: Discretionary Transport Panel

Within 20 working days of receiving the decision about your child's home to school transport, if you feel that your case is as an exception to the Home to School Transport you can apply for your case to be considered by a Discretionary Transport panel under the following criteria:

- Your child is not eligible for home to school transport but you believe your individual circumstances are so exceptional that transport should be provided, OR
- Your child is eligible and in receipt of home to school transport but you disagree with the mode of transport provided. A Special Needs Learning Difficulties and Disabilities Assessment Panel will consider cases where a parent/carer disagrees with the type of transport provision that has been identified for their son/daughter with SEND.

All other transport related issues will be considered through the county council's normal complaints procedure, further information is available at [www.hertfordshire.gov.uk/complaints](http://www.hertfordshire.gov.uk/complaints)

You will be informed in writing of the outcome of your discretionary transport request.

Discretionary transport will only be agreed for a specific period of time, usually for no more than a term. If you want transport arrangements to continue beyond this initial period, you must reapply at least two weeks before the end of the agreement.

Discretionary Transport applications will only be considered once within the same academic year. An application will only be reconsidered on the following grounds:

- If there has been a **significant and exceptional change of circumstances** since the original application was considered by the Discretionary Transport Panel. An example of this could be a newly diagnosed medical condition that was not previously in existence.
- If new evidence is disclosed which was not reasonably available at the time of the original Discretionary Transport Panel hearing. An example of this could be a medical condition that has changed significantly since the original Discretionary Transport Panel.

The Discretionary Transport Panel will only reconsider a rejected case within the same academic year if one or both of these grounds apply.

If the Discretionary Transport Panel accepts an exceptional change of circumstances, the case will be reheard at Stage 1 of the appeal process and the applicant will be notified of the outcome in writing.

## **Stage 2: Independent Appeal Panel**

If your request for discretionary transport is unsuccessful, within 20 working days of receiving the decision letter, you can submit a transport appeal form confirming that you wish to escalate the matter to an Independent Transport Appeal Panel.

If you believe your child's transport provision should be reviewed or you wish to appeal please contact the Transport Team by emailing [schooltransport@hertfordshire.gov.uk](mailto:schooltransport@hertfordshire.gov.uk) or by calling the Customer Service Centre on 0300 123 4043.

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## **Children of Pre-Statutory School Age**

There is no statutory entitlement for home-school transport for children under the age of five. Transport complaints from families of children of pre-statutory school age will be considered as follows:

### **Stage 1: Discretionary Transport Panel**

Within 20 working days of receiving the decision about your child's home to school transport, you can apply for your case to be considered by a Discretionary Transport panel if believe your individual circumstances are so exceptional that transport should be provided.

You will be informed in writing of the outcome of your discretionary transport request.

Discretionary transport will only be agreed for a specific period of time, usually for no more than a term. If you want transport arrangements to continue beyond this initial period, you must reapply at least two weeks before the end of the agreement.

Discretionary Transport applications will only be considered once within the same academic year. An application will only be reconsidered on the following grounds:

- If there has been a **significant and exceptional change of circumstances** since the original application was considered by the Discretionary Transport Panel. An example of this could be a newly diagnosed medical condition that was not previously in existence.
- If new evidence is disclosed which was not reasonably available at the time of the original Discretionary Transport Panel hearing. An example of this could be a medical condition that has changed significantly since the original Discretionary Transport Panel.

The Discretionary Transport Panel will only reconsider a rejected case within the same academic year if one or both of these grounds apply.

If the Discretionary Transport Panel accepts an exceptional change of circumstances, the case will be reheard at Stage 1 of the appeal process and the applicant will be notified of the outcome in writing.

All other transport related issues will be considered through the county council's normal complaints procedure, further information is available at [www.hertfordshire.gov.uk/complaints](http://www.hertfordshire.gov.uk/complaints)

## **Stage 2: Senior Officer Review**

If your request for discretionary transport is unsuccessful, you can request that your child's case is reviewed by a senior officer within the Admissions and Transport Team who has had no previous involvement in the decision making process.

You will be informed of the officer decision in writing.

If you believe your child's transport provision should be reviewed please contact the Transport Team by emailing [schooltransport@hertfordshire.gov.uk](mailto:schooltransport@hertfordshire.gov.uk) or by calling the Customer Service Centre on 0300 123 4043.

## Flowchart of appeals process

