

School transport policy

Last updated: September 2021 (Appeal procedure modified)

Document summary

This document sets out the East Sussex County Council's current home to school transport policy for school aged students who live in the county. This policy follows what we need to do by law, and it should be noted that it could be subject to change in the future. Therefore, this policy does not amount to a legitimate expectation that any service currently offered will continue to be offered.

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Introduction

Parents and carers have a legal responsibility to ensure their children attend school regularly. This includes arranging travel to and from school, meeting the costs of this and accompanying their child(ren) as necessary.

In some cases, the Council has a legal obligation to provide suitable free school transport. Transport will be provided in the most cost effective and appropriate way for the child's needs. This policy summarises the categories of eligible children, the provision offered, circumstances when assistance is not provided, and how to appeal a decision.

Separate documents set out the provision for children and young people with Special Educational Needs and Disabilities (SEND) of statutory school age (Reception to Year 11 pupils), young people of sixth form age and adult learners. Find out more on our [School transport policies](#) download page.

1 Qualifying criteria for home to school transport

The following circumstances explain when transport assistance can be provided to children of compulsory school age. If your situation does not meet the eligibility criteria, we are unable to provide support.

1.1 Statutory walking distance

We will provide free transport between home and school for children over eight years of age who live more than three miles away from their designated school, or two miles for children under eight years of age. This is known as the **statutory walking distance**.

Distances are measured by the shortest available walking route using our Geographical Information System, taking account of public footpaths.

The designated school is the school suitable to the child's age and ability which serves the area in which the child lives. If there is more than one school, this is the nearest school to the home which is suitable for the child and at which a place is available (measured as above and **not** in a straight line or any other method).

1.2 Route safety

This relates to children who live within the statutory walking distance and are attending their designated school. Assessments do not determine whether a route is "safe" or "dangerous". All roads may be thought of as presenting some element of road safety risk, whether they are heavily trafficked urban routes, or more lightly trafficked rural routes. Instead, the assessment determines whether transport should be provided because a child's **only** walking route presents specific road safety hazards.

Where parents have reservations about the suitability of a route, the Road Safety Team will look at the relationship between pedestrians and traffic and will make a formal assessment based on national guidance. Issues surrounding personal security do not form part of the assessment and the Council is able to assume that a child is accompanied by a responsible person. There is no requirement for a route to be lit and temporary closures such as road works or flooding are not considered. Assistance will not be provided if alternative routes are available within the statutory walking distance.

Parents are responsible for ensuring their child has suitable clothes and equipment for the journey (for example, boots, wet weather clothes, reflective bands, torch, etc) and national guidance is quite clear that conditions such as muddy footpaths or lack of street lighting do not mean that a route is not available. Available routes include crossing fields, wooded areas, bridleways, public footpaths and public rights of way.

1.3 Extended rights eligibility (low-income grounds)

Free transport is provided to pupils entitled to [free school meals](#) or whose families receive the maximum level of Working Tax Credit** in the following circumstances:

Primary age pupils – Children over eight whose designated school is more than two miles but less than three miles from their home will continue to receive transport assistance if they are from a low-income family.

Secondary age pupils – Children from low-income families will qualify for free transport to one of their three nearest schools from where they live, provided the school attended is more than two miles but less than six miles away. Distances up to two miles are measured using the shortest available walking route whereas the six mile upper distance limit is measured using roads only.

Secondary age pupils attending church aided schools – Children from low-income families attending the nearest church school preferred on grounds of religion or belief, will qualify for free transport to that school if it is more than two miles but less than fifteen miles away from home. Confirmation of baptismal status or support from the parish priest or minister is required.

Secondary age pupils attending selective schools – Children from low-income families attending the nearest selective school will qualify for free transport to that school if it is more than two miles but less than fifteen miles away from home. (A 'selective school' admits students on the basis of some sort of selection criteria, usually academic)

**You can tell if you are in receipt of the maximum WTC from your tax credit award notice issued by HM Revenue and Customs. Part 2 entitled 'How we work out your tax credits' includes details of WTC elements other than childcare. It then lists 'any reduction due to your income'. You are in receipt of the maximum where the reduction shows as £0. Alternatively, you will be on the maximum if your assessed income is below the £6565 threshold.

You can apply online at

<https://www.eastsussex.gov.uk/educationandlearning/schools/transport/free/form-travel-assistance/>

If you do not have access to the internet, please contact the Admissions Team on 0300 330 9472.

1.4 Pupils with medical conditions

Some children may be unable to walk even a short distance to school. We may be able to provide travel assistance if all other solutions have been investigated. For example, if arrangements with another parent or discussions with the school about travel options have been unable to provide a solution.

To qualify for help your child must be attending their designated school. Additionally, we will need to establish that your child cannot be reasonably expected to walk to school. To assist in determining this, we will need to see medical evidence from a consultant or GP confirming your child's medical condition and any relevant facts regarding or impacting upon his or her mobility.

Please note that a fee may be charged for supplying the medical evidence and you would need to pay any costs. We will also need to know how long transport assistance is required and an indication of what type of travel is appropriate. If transport assistance is agreed, your case will be reviewed regularly.

Go to [eastsussex.gov.uk/educationandlearning/schools/transport/free/medical-condition/](https://www.eastsussex.gov.uk/educationandlearning/schools/transport/free/medical-condition/) for an application form.

1.5 Accompaniment

The general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so, for example, if a parent's disability prevents them from accompanying their child to school.

If you are prevented from accompanying your children on the home to school journey because of a disability*, we may be able to provide travel assistance if all other solutions have been investigated. For example, if arrangements with another parent or discussions with the school about travel options have been unable to provide a solution.

** a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.*

To receive help, your child must be attending their designated school. We will then look at the distance to school. Where the distance is very short, assistance may not be agreed, especially for a child in Year 5 or 6.

You will need to complete an application form (see paragraph 1.4) and attach medical evidence from a consultant or doctor which must not be older than three months from the date of application. Please note that a fee may be charged for supplying the medical evidence and you would need to pay any costs. Transport cannot be arranged until the medical evidence is provided. If transport is agreed, your case will be reviewed regularly.

2 Types of travel assistance for eligible children

2.1 Using the bus and rail network

It is for the Council to decide on the travel arrangements available to get pupils between home and school at the beginning and end of the school day. In most cases, we provide a ticket for use on public transport or provide a seat on a hired coach.

Students are collected as near to their home as possible, although they may have to walk a 'reasonable' distance to meet the transport. This will not usually be more than one mile from the home address. The responsibility for ensuring a child's safety in getting to and from the picking up point rests with the parent or carer.

Best practice suggests that the maximum each way length of journey for a child of primary school age to be 45 minutes and for secondary school age 75 minutes. For children with SEN and/or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible especially if the school is situated outside of the county.

2.2 Mileage payments

If there is no suitable public transport or hired vehicle, parents willing to make their own travel arrangements will receive help with the cost of two return journeys a day. This is based on the distance between home and school. Payment is made on a family basis at the rate of 25p per mile since the cost will be the same for two or more children, with changes to this cost if children are at different schools.

This is not available to parents who prefer to make their own arrangements to transport their child to their designated school if public transport or a hired vehicle is available.

2.3 Travel by taxi or minibus

In cases where the home address is not served by public transport, hired transport will be provided to get pupils between home and school at the beginning and end of the school day. Once authorised, new transport solutions can take up to 10 working days to organise.

In the morning, you will need to have your child ready at the agreed collection time. Drivers are required to wait for five minutes from the agreed time before leaving. It is also the responsibility of the parent or carer to get the child into the vehicle and the school's duty to get the child from the vehicle into the school building.

In the afternoon, you will need to make sure that a responsible person is at home to receive your child at the agreed time. Drivers are required to wait for five minutes after the agreed drop-off time before leaving, as delays could impact other children and their families. Failure to make sure that a

responsible person is at home to receive the child may result in the child being taken to a safe place. Costs associated with looking after or transporting your child due to a parent or carer not being ready to receive the child will be passed on to the family. It is also the parent or carer's responsibility to collect their child from the safe place or arrange and pay for their travel home.

2.4 Service standards for hired transport

Licensing and training of drivers and escorts

Drivers of coaches will possess PCV licenses. Taxi drivers will have been approved by the local Borough or District Council licensing officers. The County Council offers training to drivers and escorts to support them in their role, including additional guidance about individual pupil's needs.

Disclosure and Barring Service

All drivers and passenger assistants of taxis, minibuses and hired coaches on Council commissioned transport are subject to a DBS check. This does not currently apply to those driving public transport.

Suitable vehicles and equipment

Vehicles used to transport children will be appropriate to the needs of the child. Where children need to be transported in their wheelchairs, a specialist vehicle will be provided. Other essential items of equipment will also be transported.

Contract information

All parents or carers will be provided with detailed information about the travel arrangements if assistance is provided. Such as: driver name and phone number, pick up and drop off times, and handover arrangements.

Monitoring operator performance

If parents have any concerns about the service being provided, they should contact staff in the Transport Hub in the Communities, Economy and Transport Department so that the concerns can be raised with the provider of the transport service. Please phone 01273 335067. Service performance is subject to a contract between the operator and the Council.

3 Application process

Eligibility for children of compulsory school age based on age and distance and route safety (sections 1.1 and 1.2) is assessed when school places are allocated. An application is required if assistance is being sought because of extended rights/low-income grounds and medical conditions (sections 1.3 and 1.4).

4 Review of transport provision

We will make regular checks to ensure the eligibility criteria continue to be met although you should inform us immediately if you move address or your child changes school. Failure to inform us of a change of circumstances may result in you having to pay back unused portions of rail or bus season tickets.

The mode of travel being used to provide assistance will also be reviewed regularly to make sure that the service provided continues to be appropriate for the child's needs. It is for the Council to decide what is a suitable transport arrangement.

5 When transport is not supplied

Transport services other than at the start or end of the school day

Our duty is to provide transport to get children to and from school at the beginning and end of the school day. It is the responsibility of parents or carers to arrange and pay for transport at other times. For example, we do not provide transport for:

- Medical appointments
- Specific exam timetables
- Pre-course visits or 'taster' days
- Breakfast or after-school clubs
- Parents' evenings
- Work experience or placement
- Extra-curricular activities
- School trips or educational visits
- Fixed-term exclusions
- Off- site educational placements

Independent or private schools (including nurseries)

Assistance is not given to children attending schools in the private sector unless the placement has been made by the Inclusion and Special Educational Needs & Disabilities team and transport has been recommended by a designated officer.

More than one home address

We only accept responsibility for the transport of children between their **main** residence and school. If children have more than one address, a decision needs to be made as to which address the children live. This would usually be where most school nights are spent but may include factors such as where the child is registered with a doctor, where the child benefit is paid to or which address was used when the school place was offered.

Family circumstances

When looking at eligibility for travel assistance, we cannot take the following factors into consideration: parent's or carer's working hours, parents or carers taking other children to other schools, or parents or carers looking after other children.

Denominational primary schools

There is no policy to support children attending a denominational church aided **primary** school for reasons of religion or faith.

6 Vacant seats scheme

Requests are sometimes received from parents who would like their children to use a school coaches when they do not qualify for travel assistance. If spare places are available, a travel permit can be purchased. This is only available on timetabled coaches.

Payment must be made in advance and the cost from September 2021 is £157 per term for a secondary school student and £78.50 per term for primary school children (based on the six-term year).

A second or subsequent child from the same family will be charged at £117.75 (secondary) and £58.88 (primary). These costs are reviewed yearly.

Where there is more demand for places than seats available, the following priorities will be applied to decide who can travel:

1. If students are attending their designated school but are not eligible for free school transport, then those living furthest from the school are given priority.
2. If students are not attending their designated school, then those living nearest to the school are given priority.

Places on hired vehicles cannot be guaranteed. If a statutory traveller needs a place on a hired vehicle, **non-statutory** travellers may lose their place. Full details of the Vacant Seats Scheme are available online at: www.eastsussex.gov.uk/schooltransport

7 Support in further education

All young people in England must continue in education or training, requiring them to continue until at least their 18th birthday. This does not mean young people have to stay in school to continue in

education or training. Options include full-time study in a school, college or with a training provider. They can also go into full-time work or volunteering combined with part-time education, training or an apprenticeship. As a result, there is no obligation to provide free school transport that some younger children are entitled to but there is a duty to provide travel assistance to learners of sixth form age and adult learners if it is considered necessary.

For more details about what support might be available please visit [School transport policies](#). The Post 16 Transport Policy Statement includes information on fares and concessions and a summary of policy for learners with SEND. You can also view the full policies for Post 16 and adult learners.

8 Appeal process

Everyone has the right to appeal if they disagree with the initial decision. In line with government guidance, East Sussex County Council operates a two-stage appeal process. The following process must be followed:

Stage 1 appeal:

A stage 1 appeal form needs to be completed to make an appeal.

All stage 1 appeals will be considered by a senior officer within Children's Services who will:

- consider the appeal form and any information provided in support of the appeal;
- review the initial request for transport assistance including any supporting information provided with the application;
- any other correspondence used in reaching the initial decision.

The Senior Officer may consult other departments and/or agencies as necessary.

In addition to completing a stage 1 appeal form it is possible to telephone one of our officers who will record your comments in writing and will pass this onto the senior officer for their consideration.

We shall aim to provide you with a decision from your stage 1 appeal within 20 working days of receipt of the application. You will receive an email with the detailed reasoning for the decision. We will also inform you how to escalate your appeal to the next stage if you disagree with the outcome.

Stage 2 appeal:

A stage 2 appeal form needs to be completed to make a Stage 2 appeal.

All stage 2 appeals will be considered by the Discretionary Transport Appeal Panel ("the Appeal Panel"). This is made up of three elected County Councillors who are independent of officers and the Stage 1 appeal process. The Appeal Panel will consider the original application and the appeal forms together with any supporting documents or information provided to the Council in relation to the application or the appeal. The Appeal Panel will also consider all verbal information made by the parent/carer (such as via phone calls) where it is provided before the deadline for the meeting. The Appeal Panel may have questions during a hearing and in that situation, they may ask for the supporting officer to seek clarification by making a telephone call to the parent/carer.

The stage 2 appeal will consider the financial circumstances of the family and potential impact of a declined application if relevant. If the appeal refers to financial hardship, the financial statement on the Stage 2 appeal form needs to be completed.

It is not usually possible for parents/carers to attend Appeal Panel meetings in person. It may be possible to provide verbal representations at the meeting in exceptional circumstances where a parent/carer would face significant disadvantage in making their appeal without this. Examples of significant disadvantage could include having a relevant disability such as severe dyslexia or a learning difficulty that makes written communication difficult and where it has not been possible to access support to set out in writing the reason for appeal. It is possible to request to make verbal

representations on the Stage 2 appeal form and the request will be considered by the supporting officer. It is expected that the verbal representation will be made via a telephone call or video call for a fixed duration at the start of the Appeal Panel hearing.

A stage 2 appeal panel will be convened within 40 working days of receipt of the application. Within 5 working days of the meeting, you will be provided with the detailed reasoning for the decision and details of how to escalate your complaint to the Local Government Ombudsman (LGO) if you believe your appeal has been handled unfairly or if you feel the decision of the panel is flawed on public law grounds.

Stage 1 and 2 appeal forms can be found on the [school transport appeals](#) webpage.

9 Complaints

The Council is here to help and support the people of East Sussex. Services are provided as efficiently as possible and it is expected that staff are helpful, polite and explain things clearly whether on the telephone, in writing or face to face.

Sometimes things go wrong and parents or carers may not be happy with the service they have received. We welcome comments, good and bad, as an opportunity to put things right and improve our services. Parents should let us know if they feel that the council has failed to do something, done something wrong or acted unfairly or impolitely.

Complaints can be made to the Children's Services Customer Relations Team. Their contact details are shown below:

Email: CS.Customerrelations@eastsussex.gov.uk

Address: East G, County Hall, Lewes, BN7 1UE

You can also submit your complaint online:

<https://escchildrenscomplaints.freshdesk.com/support/tickets/new>

Complaints and concerns about transport arrangements should be directed to:

Email: compliance.cts@eastsussex.gov.uk

Contact your County Councillor

Parents can contact their local County Councillor – visit www.eastsussex.gov.uk to find your councillor.