

Guidance note to support the Home to Educational Establishment Transport policy

Mainstream travel assistance for children and young people

What you need to know

Mainstream home to school travel assistance

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Introduction

Cheshire West and Chester Council 'the Council' provide travel assistance for children and young people in certain circumstances. This guidance sets out details of eligibility, the application process, modes of travel offered, useful contacts and if applicable, the contributory charges.

Eligibility

1. Whose responsibility is it to get my child to school?

It is the responsibility of the parent/carer to ensure that their child/children get to and from school at the appropriate time each day. Travel arrangements are an important consideration when parent/carers are making preferences. You should think about how practical it is to choose a school which is not within walking distance, unless it is designated as your nearest qualifying school. It is your responsibility as a parent/carer, to ensure home to school travel arrangements are in place.

2. Who is 'eligible' to receive free travel assistance?

The Council is required:

Statutory walking distances eligibility

To provide free transport for all pupils of compulsory school age (aged 5 to 16) if their nearest qualifying school is:

- beyond 2 miles (if below the age of 8) or
- beyond 3 miles (if aged between 8 and 16).

Special educational needs, a disability* or mobility problems eligibility

To make travel assistance arrangements for all children who cannot reasonably be expected to walk to their nearest qualifying educational establishment because of their mobility problems or because of associated health and safety issues related to their Special Educational Needs (SEN) or disability*. Eligibility for such children will be assessed on an individual basis in order to identify their particular travel assistance requirements.

*As per schedule 35 of the Education Act 1996, disability is as defined in section 6 of Education Act 2010 as: a person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial long-term effect of the ability to carry out normal day-to-day activities. Therefore a chronic health condition (medical needs) may lead to eligibility under this definition.

Unsafe route eligibility

Make travel assistance arrangements for all children who cannot reasonably be expected to walk to their nearest qualifying school because the nature of the route is deemed unsafe to walk

Extended right eligibility

To provide free travel assistance where pupils are entitled to free school meals or their parents are in receipt of maximum working tax credit if:

- the nearest qualifying school is beyond 2 miles (for children over the age of 8 and under 11)
- the school is between 2 and 6 miles (if aged 11 to 16 and there are not 3 or more suitable nearer schools)
- the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11 to 16).

3. What is classed as a 'nearest qualifying' school?

A nearest qualifying school is taken to mean a school with places available that provides education appropriate to the age, ability and aptitude of the child, as well as any SEN that the child may have.

Travel assistance is only offered to pupils attending their nearest qualifying school, subject to meeting the eligibility criteria mentioned above.

Please note the nearest qualifying school with places available may not necessarily be the catchment school for your home address.

4. What is compulsory school age?

Compulsory school age begins at the start of the term following a child's 5th birthday. Since the raising of participation age in 2015, legislation requires all young people to stay in a designated learning environment until the age of 18, (for further details see the post 16 transport policy statement), however, the raising of participation age does not alter the considered compulsory school age for travel assistance eligibility purposes, which remains at 16.

5. What else do you consider when looking at eligibility?

At the point when travel assistance eligibility is considered, the prospect of being able to secure a place in an alternative (usually nearer) school must be a real one. For most cases this will be during the normal school admissions round when places are being finally allocated by the admissions team. The transport team will liaise with the admissions team at this point in order to determine availability of places and the prospect of being offered a place.

Route assessment

6. How do you measure the route to the nearest qualifying school for the purpose of eligibility for travel assistance?

The measurement of the statutory walking distances is not necessarily the shortest distance by road. It is measured by the shortest available route along which a child, accompanied as necessary, may walk safely. As such, the route measured will include footpaths, bridleways, and other pathways, in addition to recognised roads. Please note private driveways are excluded from the measurement.

The transport commissioning service uses a bespoke mapping system which identifies the shortest available route. The system takes into account routes that have been classified as hazardous routes and would therefore not expect any accompanied child/young person to walk along a route which has been deemed unsuitable on safety grounds.

The 2 mile limit for extended rights, mentioned above, is measured in the same way as the statutory walking distances. However, the 6 mile upper limit and the 15 mile upper limit to a qualifying school preferred on grounds of religion or belief are measured along routes that are passable using a suitable motorised vehicle. In short, the upper limits are measured along road routes.

The Council will promote good practice by reviewing routes, and where identified, put in place suitable new paths, pedestrian crossings and cycle lanes in order to improve safety and increase choice for pupils to walk.

7. My neighbour has been given distance measurements for their nearest qualifying schools: can I assume mine will be the same?

No. Distance measurements are completed for each application and we would therefore advise you to contact the transport team by telephone (0300 123 7039) or email (schooltransportenquiries@cheshirewestandchester.gov.uk) in order to find out measurements specific to your own home address.

8. I've been told the distance measurement for nearest qualifying school is calculated as straight line distance (as the crow flies) - is this correct?

No. Distance measurements for travel assistance purposes are calculated on the shortest available walking route or driving route for the upper limits. For school admissions purposes, the Council uses straight line measurements. Therefore, the outcome of a measurement exercise for admissions can be different to the outcome for a measurement exercise for travel assistance.

When considering your nearest school for school travel assistance purposes please contact a member of the transport team by telephone (0300 123 7039) or email

(schooltransportenquiries@cheshirewestandchester.gov.uk)_who will undertake a measurement specific for your home address.

Admissions criteria and travel assistance criteria

9. Is catchment still a priority for gaining a school place?

Yes, for school admissions purposes but not for travel assistance eligibility purposes. The admissions policy and transport policy are prescribed and administered through different legislation.

As required by the School Admissions Code 2014, 'the Code', Cheshire West and Chester Council makes arrangements for parents and carers to express their preference, when applying for a school place, for the school where they wish their child to be educated. Parents may express a preference for any state-funded school. As required by the Code, the admissions authority for a school must set out in their arrangements for the criteria against which places will be allocated at the school when there are more applications than places. The Code sets out a list of acceptable oversubscription criteria and 'living in the catchment area' is included in the list.

School/college travel assistance for children/young people is provided by the Council either on a mandatory or a discretionary basis under the Education Act 1996, 'the Act' and the Education and Inspections Act 2006. Section 508 B of the Act sets out the duty placed on councils to make such school travel arrangements as they consider necessary for an 'eligible child' who is attending the nearest qualifying school. The nearest qualifying school **may not** be the catchment school. Cheshire West and Chester Council only provide travel assistance to those pupils attending their nearest qualifying school. This means that travel assistance will not be provided to the catchment school if there is a nearer qualifying school to the home address.

10. What if my nearest qualifying school, as designated for travel assistance purposes, is historically always over-subscribed?

In order to ensure that travel assistance eligibility is considered fairly and consistently, where an applicant is not attending their nearest qualifying school, the transport commissioning service will liaise with the admissions team to see whether the prospect of the family being able to secure a place at an alternative nearer school(s) would have been a real one i.e. whether the applicant could have been allocated a place at a nearer school(s) at the point of final allocation had they stated a preference for one.

If it is determined a place would have been available at a nearer school, at the point of admissions final allocation, then travel assistance will not be provided. However, if

it is found there were no available places at a nearer, over-subscribed qualifying school, travel assistance would be provided to the next nearest school with places.

This assessment process will be applied regardless of whether you put your nearest school (for travel assistance purposes) as your first, second or third preference, or not at all, on your admissions application. We will still consider whether you could have been offered a place at a nearer school.

11. Travel assistance is a main consideration for me when choosing a school. Will I be disadvantaged in gaining a place at my preferred school if I were to rank it as my second or third preference and put the nearest (for travel assistance purposes), previously oversubscribed, school as my first preference? Would families who had ranked my preferred school as their first preference be given priority over me?

All preferences are considered on the basis of 'equal preferences'. This means that all your preferences will initially be considered without reference to their ranking.

Example one - where a place can be offered to more than one preference (if the schools are undersubscribed or you have a high enough criterion) a single offer will be made for the school you ranked the highest.

Example two - where a place cannot be offered at the school ranked as your first preference (the school is oversubscribed and you do not have a high enough criterion, e.g. 'distance') and you have a higher criterion for a school ranked as your second preference (e.g. 'catchment') your second preference would be given priority over an applicant who has requested that school as their first preference but has a lower criterion. The same applies through to third preference.

Please refer to the oversubscription criteria of each school as there may be differences.

It is strongly advised that the admissions application is made on time by the published closing date for applications, as late applicants will be disadvantaged.

12. My child attends a feeder primary school to our catchment high school but this is not deemed, for travel assistance purposes, my nearest qualifying school. My child is less likely to get in at my nearest qualifying high school, what should I do?

When making your application for a school place you will need to consider both the school admissions and the school transport policies carefully. You will need to consider how you plan for your child to travel to and from school. When assessing travel assistance eligibility, the transport commissioning service determines whether the prospect of the child gaining access to the nearest qualifying school would have been a real one. You may wish to discuss specific schools' historical intakes with the

admissions team in order to gain an understanding of distances applied for admissions purposes.

You may also wish to contact the transport commissioning service by telephone (0300 123 7039) or email (schooltransportenquiries@cheshirewestandchester.gov.uk) who will be able to carry out distance measurements specific for your home address and advise which schools you may be eligible to receive travel assistance to.

13. My eldest child is already attending our catchment high school and receives free travel assistance. However, their younger sibling will enter secondary provision after the policy change to catchment transport. Our nearest qualifying school is not our catchment school which means I could have two children in two different secondary schools. Is this correct?

Potentially yes. If receiving travel assistance is important to you, you should consider this when making your selections for school places. Unlike the admissions policy, there is no sibling link in the Home to Educational Establishment Transport policy. Most importantly, each child's entitlement is assessed individually at the time of application and admissions allocation in order to determine the nearest qualifying school for travel assistance.

If you wanted the younger child to attend the catchment school, and this school is not deemed your nearest qualifying for travel assistance, you could consider purchasing a spare seat on an educational contract bus, if one exists and no commercial service is available. However, this would not be a guaranteed method of travel assistance as spare seats are offered on a first-come, first-served basis, subject to availability and you would have to reapply each new academic year.

The school may also have their own bus contracts which they have set up for non-eligible pupils which you could purchase a seat on.

14. Will this not just mean more cars and congestion on the roads if families continue to apply for their catchment school, regardless of whether it is deemed the nearest qualifying or not and refuse to pay for bus passes?

The Council acknowledges rural transport is essential in sustaining local rural communities and connecting people with essential services. The Council is keen to develop cross-cutting approaches to school travel assistance, which focuses on sustainability for communities whilst delivering value for money. The Council will continue to secure the involvement of the commercial sector in order to promote business opportunity awareness. In addition, the Council will also continue to work with the commercial sector, schools and communities in order to facilitate alternative sustainable travel solutions going forward.

Post 16 mainstream

15. Is travel assistance offered to mainstream post 16 students?

There is no statutory duty for the Council to provide mainstream post 16 travel assistance and this provision was withdrawn in September 2014.

The Council will, however, continue to exercise its discretionary powers when considering individual cases of low income/hardship. Where low income/hardship can be demonstrated, the Council will consider providing support in order to remove transport as a barrier to an individual's continuation into further education. For further information on post 16 hardship/low income criteria see Appendix 3 – post 16 transport hardship assessment, and the Post 16 Transport policy statement.

In addition, families may wish to apply for a 16 to 19 bursary fund. The 16 to 19 bursary fund is a central government scheme set up to help 16 to 19 year olds continue in education, where they might otherwise struggle for financial reasons. It is made up of two parts: bursaries of £1,200 a year to the most vulnerable young people; and a discretionary fund for schools, colleges, academies, training providers (providers) to distribute to other students who face genuine barriers to participation, which could include transport costs.

The 16 to 19 bursary fund guide for providers, which sets out arrangements for the scheme, is available to download from the government's education website:
<https://www.gov.uk/1619-bursary-fund>

Exceptional circumstances

16. Is travel assistance offered to children in temporary residential circumstances?

The Council's appeal panel will use its discretionary powers to consider individual cases in respect of children accommodated under a temporary/emergency arrangement. Travel assistance may be offered on a short-term basis where exceptional circumstances can be demonstrated i.e. where families are forced to re-locate temporarily to alternative accommodation owing to circumstances outside their control.

17. Is travel assistance offered to children in the care of the local authority (children in social care)?

The school at which a child/young person is placed by the Council will be deemed the nearest qualifying school for travel assistance purposes in order to provide

continuity of educational provision for such children. The allocation of school will be reviewed as part of the child/young person's regular care plan review.

18. What if I live under the statutory walking distance but have exceptional circumstances?

Travel assistance may be provided if you are able to demonstrate sufficient evidence of exceptional circumstances. This is in accordance with the Council's Home to Educational Establishment Transport policy where individual requests can be considered by a reviewing officer at stage one.

Application and appeal process

19. How do I apply for mainstream travel assistance?

You can apply online via the [school and college transport webpage](#) or call 0300 123 7039. You should apply as soon as your place at the school is confirmed (and before 1 June). The transport commissioning service will write to you to confirm whether or not your application meets the eligibility criteria.

If you are applying for travel assistance and your child has an EHCP, please use the special educational needs (SEN) transport application form and refer to the guidance note for pupils with SEN and/or a disability.

If your child has a medical need due to disability or a temporary mobility difficulty that prevents them from walking to school in reasonable safety when accompanied, please use the medical needs transport application form.

20. What if my child lives at two addresses?

The Council will only provide travel assistance to one address. This should be your child's permanent home address. If your child lives at two addresses, you must nominate one of them as the permanent address for the purposes of school travel assistance.

21. If my application does not meet the eligibility criteria can I pay for a seat on the school bus?

If there are no commercial services operating in the area you may be able to purchase a 'spare seat' on a school bus operated by the Council. There is a fixed charge for a spare seat which is £880 for the academic year. This can be paid in three termly or six half-termly instalments. When available, spare seats are offered in date order using the following criteria:

- pupils living in Cheshire West and Chester who have paid for a spare seat in the previous year and have applied to us before 1 June
- new applicants (and previous pupils who miss the above deadline) living in Cheshire West and Chester in order of date application received
- any pupils living outside of Cheshire West and Chester.

Spare seats are offered from the closest available point to a pupil's home address, and usually during August, although in some circumstances, availability may not be known until after the start of the autumn term.

Please contact the educational establishment (school/college, etc.) if the bus service is provided directly by them.

22. Can I appeal against the eligibility decision if my application for travel assistance is refused?

Yes. If you feel the policy has not been applied correctly or you have exceptional circumstances you wish to be considered you can ask for your case to be reviewed. For further details regarding the eligibility review process please visit the school and college transport webpage.

Hardship/low income

23. What if I am on low income?

For compulsory school age children (aged 5-16):

If your child is of compulsory school age and is in receipt of free school meals **or** the family is in receipt of the maximum level of working tax credit or the relevant qualifying benefits, free travel assistance will be provided if you meet the eligibility criteria as noted in section 'who is eligible for free travel assistance'

If your child has been deemed eligible for assistance on medical needs grounds, but is not attending their nearest qualifying school, is of compulsory school age and is in receipt of free school meals **or** the family is in receipt of the maximum level of working tax credit, a contributory hardship charge will be applied for the travel assistance offered.

For non-compulsory school age children (aged 0-4 years and post 16):

The criterion for determining low income for non-compulsory school aged pupils is not prescribed as it is for compulsory school aged children. The Council has developed a discretionary hardship assessment process in which it will take into account the whole household income and expenditure. Applicants wishing to be considered for discretionary hardship will be expected to complete and submit a hardship application form to the council's Benefits team in order for their financial circumstances to be assessed. Where low income/hardship is determined a contributory hardship charge will be applied for the travel assistance offered.

Types of assistance offered

24. If I meet the necessary eligibility criteria what form of travel assistance is my child likely to be offered?

The majority of pupils will be offered travel assistance on a contracted school bus, however your child could be provided with a bus pass that is for use on a commercial service, or a minibus/ taxi. The type of travel assistance offered is at the discretion of the transport commissioning service and will be dependent on what transport is available in the area. Parents can request that their child be given a cycle allowance which is £80 per year. A very small number of pupils for whom there is no available transport in their area may be offered a mileage allowance. Provided that your application is received in time travel passes for use on the bus will be posted to you in August. Details regarding pick-up and drop-off points and time, name of the operator and expectations of how your child should behave on the journey to and from school will be included.

25. What if I disagree with the mode of assistance offered?

The Council is responsible for making such travel arrangements as it considers necessary in order to facilitate a child's attendance at the relevant educational establishment. If you are dissatisfied with the offer made you can ask for the decision to be reviewed via an online appeal form which will trigger the first of a two stage suitability appeal process. For further details please see the [school and college transport webpage](#).

Conditions of assistance

26. Are there any conditions that I/my child have to abide by when accepting travel assistance from the council?

Travel assistance is provided to and from school for children who qualify under the Home to Educational Establishment Transport policy on the basis that parents, children, schools, council and transport operators have a shared responsibility for its safe and secure operation in the interests of all the parties. A number of considerations are set out below:

Children's behaviour:

The Council may withdraw its provision of travel assistance or employ other sanctions, as it considers appropriate, in the case of any pupil or student whose behaviour during the journey to or from their educational establishment is not of an acceptable standard. This includes smoking on buses. In addition, schools can employ a number of sanctions ranging from detention to exclusion in order to deal with persistent misbehaviour on school transport.

If your child causes a disruption or jeopardises the safety of passengers or road users, we can change their travel assistance arrangements or exclude them from receiving travel assistance. It will then be your responsibility to get your child to and from their educational establishment.

If your child causes deliberate damage to a vehicle you will be expected to pay for the cost of repairs.

Parental responsibilities:

It is the obligation of parents under education law to secure their children's safe travel to and from their educational establishment. Parents are responsible for their children until they are received onto the educational establishment premises and after they leave.

Travel assistance is only provided on the basis of a formal application submitted by or on behalf of the parent. If the application is successful, assistance is effective from date of receipt of the application by the transport commissioning service – assistance will not normally be provided retrospectively.

Assessments regarding the safety of a particular walking route assume in each case that children are accompanied. Where necessary, therefore, it is incumbent on parents to make arrangements for their child to be accompanied to and from the educational establishment by another responsible person, if they themselves cannot be available.

27. Are there any circumstances where travel assistance could be withdrawn?

Yes:

- where, for any reason, travel assistance has been approved in error, the Council reserves the right to withdraw that provision at any time convenient to the Council, and will normally do so, after giving due notice of its intention to do so
- where there is a change to the walking route (e.g. the building of a new road or path) or the re-classification of a hazardous route (e.g. as a result of a pedestrian crossing being installed) which brings the home to school distance within the prescribed distance, pupils will no longer be entitled to free travel assistance. This change will affect all pupils after parents/carers have been provided with a reasonable period of notice, which is normally one term
- where a child has demonstrated unacceptable behaviour.

28. Will my child need to carry their bus pass every day?

Yes. Your child will need to carry their pass and show it to the driver every day. If they do not carry the pass they will be expected to pay the bus fare or may be refused access to the vehicle.

29. What happens if my child loses their bus pass?

If your child loses their pass you should purchase a new one promptly. Go to the [school and college transport webpage](#) or call us on 0300 123 7039. You will need to quote your child's reference number.

Change of details/circumstances

30. What happens if we move house or my child changes school?

Please tell us immediately as we will need to reassess your child's eligibility for travel assistance. You can email schooltransportenquiries@cheshirewestandchester.gov.uk or call 0300 123 7039. If you move house and no longer require travel assistance please return the bus pass to us. This ensures that the transport operator is paid only for the journeys that are actually made, helping us to keep costs down.

31. What if I need to cancel my child's travel assistance?

If your child is unable to attend school or travel assistance is no longer required you will need to contact the transport commissioning team as soon as possible by calling 0300 123 7039 or emailing schooltransportenquiries@cheshirewestandchester.gov.uk

You will also need to contact the travel assistance provider.

To recommence travel assistance, you will need to contact the transport commissioning team providing at least one working days' notice.

Questions once travel assistance is set up

32. Can my child eat and drink on the travel assistance vehicle?

No. Eating and drinking is not permitted on vehicles.

33. Can my child take equipment on the travel assistance vehicle?

Additional equipment and bags will only be permitted if:

- there is enough room on the vehicle
- they can be stored safely and securely
- it does not incur any additional cost
- it does not inconvenience other passengers.

Other options should be considered, for example is the equipment available at school?

34. What if my child needs to take medication to school?

Medication should be stored in a sealed container and placed inside your child's school bag.

Further information

- Transport commissioning service - telephone 0300 123 7039 or email schooltransportenquiries@cheshirewestandchester.gov.uk
- The Department for Education's website: <https://www.gov.uk/government/organisations/department-for-education>