

**REPORT TO:** Council Committee for Education

**MEETING DATE:** 16 March 2010

**BY:** Executive Director of Education & Children's Services

**SUBJECT:** Home-to-School Transport Policy

---

## **1 PURPOSE**

- 1.1 To obtain Committee approval for amendments to the current Home-to-School Transport Policy as a result of a decision taken at the East Lothian Council meeting on Tuesday 9 February 2010.

## **2 RECOMMENDATIONS**

- 2.1 The Committee is asked to approve the new policy document (Appendix 1) which changes the current limit for the provision of free home-to-school transport for secondary aged pupils from 2 miles to 3 miles. The amended policy to be effective from the start of school session August 2010.
- 2.2 The Committee is asked to approve that free home-to-school transport will continue for such routes that are assessed by an Network Management Officers of East Lothian Council's and deemed as an unsafe walking route to school for a child accompanied by an adult.
- 2.3 Committee is also asked to note that the Authority will be reviewing the Supported Bus Services, in line with the Home-to-School Transport Policy and current tender. We will wherever possible link our Supported Bus Services with routes to school.

## **3 BACKGROUND**

- 3.1 The Council adopted the current policy in 2003.
- 3.2 Section 42 of the Education (Scotland) Act 1980 states that a parent shall have reasonable excuse for failing to ensure a child's attendance at school, if through the failure of the Authority to provide assistance with transport, or if, despite the arrangements made, the child requires to walk more than walking distance in the course of any journey between home and the district school. The term "walking distance" is defined in the Act

as two miles for pupils of school age under eight years, and three miles for those eight years and over.

- 3.3 Education Authorities must therefore ensure that no child has to walk more than the statutory distance between home and the district school and must make such arrangements as are considered necessary to achieve this, without charge, for the whole or part of the journey between home and school. Section 51 of the Act also places a duty on Authorities, where the requirements of pupils have been met, to allow any vacant places on a vehicle to be used without charge by other pupils selected by the Authority. There is no duty on Authorities to provide transport if the child is attending a non-district school as a result of a placing request made by the parent.
- 3.4 The Council's Education and Community Services Committee agreed the main criterion for award of transport in 2003 as being that of distance (which was determined to be two miles regardless of the age of the pupil) measured by the most direct walking route between home and the district school. It was confirmed that where an award was made, this should, wherever suitable services existed, be by means of public service routes (season tickets), failing which private contracts would be arranged. It was further agreed that where private contracts were operated, and where these had spare seating capacity, non-entitled pupils could be carried on a grace-and-favour basis provided no additional costs were incurred.
- 3.5 In addition to this main criterion, two other situations where there would be an entitlement to free travel were agreed. These were:
  - i. if there were medical reasons affecting the pupil.
  - ii. if the route to school were considered unsafe for a child to walk accompanied by an adult.
- 3.6 The policy also stated that where a child does not qualify for assistance with transport, the responsibility for supervising the child's journey to and from school lies with the parent. In cases where transport was provided, it was similarly the parent's responsibility to supervise the child's journey to and from the bus stop or pick-up point.
- 3.7 Apart from home-to-school arrangements, transport provision also extended to activities necessary to support the curriculum. These included travel to swimming facilities; special examination timetables; transport to alternative schools for pupils who require curricular progression not provided at their current district school.
- 3.8 Home-to-school transport for pupils attending the Gaelic Medium Unit at Tollcross Primary School and James Gillespie's High School in Edinburgh, Flora Stevenson Primary School and Broughton High School (music and drama) and St Mary's Music School, Edinburgh, will be considered on an individual basis.

#### **4 POLICY IMPLICATIONS**

- 4.1 The updated policy amends the entitlement of free home-to-school transport for secondary age pupils from 2 miles to the statutory 3 miles or more from their district school.
- 4.2 The updated policy continues to take into consideration safety and all routes meeting the statutory 3 miles or more from the district secondary school will be assessed and transport will continue to be provided if the route is deemed to be unsafe as detailed in 2.1(b) of the attached policy.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 An Equalities Impact Assessment has been carried out and one cross cutting impact has been identified.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - In financial year 2010/11 £80,000 has been identified as the minimum saving target. If this were applied across all of East Lothian it would result in savings of £320,000. However, there may be some areas where there is a need for additional investment to bring walking routes up to standard and this may require additional investment from the savings generated in the first year.
- 6.2 Personnel - None
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 Home-to-school Transport Policy (Appendix 1).

<b>AUTHOR'S NAME</b>	Fiona Brown
<b>DESIGNATION</b>	Principal Officer, Inclusion & Equality
<b>CONTACT INFO</b>	E-mail : <a href="mailto:fbrown@eastlothian.gov.uk">fbrown@eastlothian.gov.uk</a> Telephone : 01620 827415
<b>Date</b>	5 March 2010

**EAST LoTHIAN COUNCIL**  
**DEPARTMENT OF EDUCATION & CHILDREN'S SERVICES**

**HOME-TO-SCHOOL TRANSPORT POLICY**

**1.0 BACKGROUND**

- 1.1 East Lothian Council is required to manage, co-ordinate and provide school, social work and public transport so as to meet the needs of the area (Transport Act 1985, Section 63).
- 1.2 Section 42 of the Education (Scotland) Act 1980 states that a parent shall have reasonable excuse for failing to ensure a child's attendance at school, if through the failure of the Authority to provide assistance with transport, or if, despite the arrangements made, the child requires to walk more than walking distance in the course of any journey between home and the district school. The term "walking distance" is defined as two miles for pupils of school age under eight years, and three miles for those eight years and over. However, this Authority's policy is to provide transport for all primary school pupils who have a walking distance of two or more miles, and all secondary school pupils who have a walking distance of more than 3 miles.
- 1.3 Education Authorities must therefore ensure that no child has to walk more than the statutory distance between home and the district school and must make such arrangements as are considered necessary to achieve this, for the whole or part of the journey between home and school. Section 51 of the Act also places a duty on Authorities, where the requirements of pupils have been met, to allow any vacant places on a vehicle to be used by other pupils selected by the Authority. There is no duty on Authorities to provide transport if the child is attending a non-district school as a result of a placing request made by the parent. However, due consideration must be given to safety which, when a pupil is walking, is determined in light of the pupil being accompanied by an adult.
- 1.4 School Transport provision is managed by the Transport Services Section in the Department of Environment on behalf of the Department of Education and Children's Services. The remit of the Transport Services Section can be stated as:
- To secure school transport for those pupils who qualify in accordance with the policy of the Authority and the standards laid down by the Department of Education and Children's Services at the most economic overall cost to the Council taking account of Best Value.
- 1.5 The Transport Services Section is also required to advise the Director of Education Children's Services on matters connected with school transport practice, and upon the implications of any proposed change in practice that would affect transport provision.
- 1.6 The main criterion for award of transport is that of distance measured by the most direct walking route between home and the district school. Where an award is made, this should, wherever suitable services exist, be by means of public service routes (season tickets), failing which private contracts will be arranged. Where private contracts are operated, and where these have spare seating capacity, non-entitled pupils maybe carried on a grace-and-favour basis provided that no additional costs are incurred and there is no deviation from the specified route..
- 1.7 In addition to this main criterion, there are two other situations where there is entitlement to free travel to a district school:
1. If there are medical reasons affecting the pupil, or
  2. if the route to school is considered unsafe for a child to walk accompanied by an adult.
- 1.8 Where a child does not qualify for assistance with transport, the responsibility for supervising the child's

journey to school lies with the parent. In cases where transport is provided, it is similarly the parent's responsibility to supervise the child's journey to and from the bus stop or pick-up point.

1.9 Apart from home-to-school arrangements, transport provision also extends to activities necessary to support the curriculum. These are travel to swimming facilities for P4 pupils where the pool is more than one mile from the school; special examination timetables; and transport to alternative schools for pupils who require curricular progression not provided at their current district school.

1.10 In addition to the clearly identifiable categories mentioned above, the undernoted circumstances entitle pupils to free home-to-school transport:

- those made for excluded pupils where they have been removed from their district school and placed elsewhere by the Authority
- for temporary hardship cases for district pupils in the case of relocation due to house fires or the family home being made uninhabitable as a result of flood or other extreme damage (to be reviewed after 8 weeks)
- for Looked After and Accommodated Pupils, Children's Services provide the initial 6 weeks of transportation for a long-term care placement to ensure that the placement is successful. After which, if the placement is to continue, Education will provide transport back to the pupil's home school if this is determined to be the best placement for the child by both Education and Children's Services.
- for families made homeless and on East Lothian Council's homeless register. The family should contact the Homeless Section for arrangements to be put in place. Provision will only be made if the pupil was previously attending their catchment school until the family is re-housed. If permanently re-housed in a different catchment area, transport will not continue to the original school.

1.11 This document provides Transport Services with the principal guidelines to assess eligibility for free transport.

## **2.0 SCHOOL PUPILS – WHO QUALIFIES FOR FREE TRANSPORT?**

2.1 The following categories of school pupils, whose parents are resident in East Lothian, qualify for free school transport:

(a) District School – Two / Three Mile Limit

Pupils under the age of eight at the start of school session who live more than two miles from their catchment school are entitled to free school transport (Section 50, Education Scotland Act 1980). Pupils over the age of eight at the start of the school session but under the age of sixteen who live more than three miles from their catchment school are entitled to free school transport (Section 50, Education Scotland Act 1980). However, under East Lothian Council policy all primary age pupils who live more than two miles from their catchment primary school, and secondary school pupils who live more than three miles from their catchment primary school, are entitled to free school transport. Additionally, transport will be provided for pupils accepted into their catchment school before the school admission age and full-time pupils who remain at their catchment school after the age of sixteen.

In summary, all primary pupils living within the catchment area of the school they attend will qualify for free transport if they live more than two miles from the school, and all secondary age pupils will qualify for free transport if they live more than three miles from the school. The distance is measured from the home address to the school. The home address is defined as that of the parent or legal guardian and not that of a child minder or relative who may care for the child on school days in place of the parent. The parent/guardian, in the case of dispute, is defined as the address in the Child Benefit book. Where transport is awarded, this will be by means of season tickets on public service routes, failing the availability of which, private contracts will be arranged.

(b) District School – Safety Grounds

Pupils can qualify for free transport to the district school on safety grounds if this is deemed necessary by an Officer of East Lothian Council's Network Management Section. Safety is determined in light of the pupil walking with a responsible adult. Factors which may be considered in determining if a walking route is safe are the type and volume of traffic, width of carriageway, presence of footpaths, lighting, crossing facilities, existence of public bus services, high bankings, and wooded areas. While these safety factors are taken into account, the presence of one or more factors does not necessarily indicate that free transport is justified. In addition, the age of the child is relevant, in that children of secondary school age are expected to be able to negotiate traffic conditions with relative safety.

(c) District School – Medical Reasons

Where a physical disability or other disabling medical condition exists, application for transport is made by Community Child Health, indicating where any particular conditions need to be met, such as a harness, special seat, tail lift vehicle, the need for the administration of medication, or the provision of an escort. Where the medical condition is temporary, a suitable review date (at least one per term) related to the nature of the condition and its likely duration is agreed.

The above arrangements apply to primary school children who live at a distance of more than two miles from school, and secondary school pupils who live more than three miles from school, and whose medical condition renders the normal free transport provision unsuitable. Where the pupil lives within two miles of the primary school or three miles of the secondary school, the normal method of transport to school, which would apply in that family is taken into account when assessing whether transport is required from the Authority. For example, if the parent would normally have delivered the child to school by car, the presence of a medical condition does not warrant an application for transport assistance. Similarly, if the parent and child can walk the distance, then an application for transport is not agreed. In addition, where individual circumstances allow, transport should be by bus permit or by contract bus and not by individually arranged transport unless this is the only option available or suitable.

For pupils with very specialised needs such as those pupils who may require emergency medical assistance or medication, Community Child Health will create a Care Plan to address the needs of the pupil whilst travelling to and from school

(d) Non-District School – Medical Reasons

In placing a child in a non-district school, a parent accepts liability to provide transport to the school. In some instances, after the child has started attending the non-district school, medical symptoms can develop which, if it were the district school which was attended, would entitle the child to assistance with transport. In such cases, East Lothian Council will provide up to six weeks of suitable transport provision, which will allow time for the family to make arrangements for any longer-term needs. However, the normal method of transport to school, which would apply in that family, is taken into account when assessing whether transport is to be provided by the Authority. For example, if the parent would normally have delivered the child to school by car, the presence of a medical condition does not warrant an application for transport assistance. Similarly, if the parent and child can walk the distance, then an application for transport is not arranged. If transport was deemed to be required, where individual circumstances allow, transport will be by bus permit or by contract bus and not by individually arranged transport unless this is the only option available or suitable.

Where the medical need is a long-term or permanent disability, transport may be provided for more than six weeks. Such requests will be considered on a case-by-case basis and will be subject to review.

(e) Pupils with Special Needs

Pupils with special needs as determined by Psychological Services, Department of Education and Children's Services, will qualify for transport to a selected school (including Nursery School) as specified, irrespective of catchment area, distance or age, where they have been assessed as requiring transport assistance.

Applications on behalf of those pupils with special needs, who are integrated into mainstream schools, are dealt with in the same way as those for other pupils attending such schools unless the Educational Psychologist requests an enhanced transport provision.

(f) Looked After/Accommodated Pupils

In order to provide stability for individual children at the time of being accommodated, the Authority provides transport to the child's existing school for a period of time provided that this is recommended by a formal Looked After Children's Review and endorsed by the appropriate Social Work Manager. Initially, provision of transport is made by Children's Services. If it is established that the care arrangement is to continue on a long-term basis, transport arrangements are taken over by the Education Department after six weeks provided it is agreed that the child's best interests are served by remaining in the existing school and not by transferring to the district school in the area of placement.

When a transport arrangement has been made, it is reviewed at subsequent Looked After Children Reviews, which should take place at not more than six monthly intervals.

Travel should be by public transport wherever the child's circumstances allow. If a taxi is required, then the escort, if one is deemed necessary, is provided by Children's Services.

(g) Parental Responsibility

Where a child does not qualify for free transport, it is the parents' responsibility to ensure that the child travels to and from school in safety. This may entail personally escorting the child or ensuring that some other responsible person does this if the route is thought to be unsafe by the parent/carer. The illness, working arrangements, financial position, or any personal circumstances of the parents/carers are not taken into account in determining whether a child qualifies for free transport.

Where a child does qualify for free transport, it is the parents'/carers' responsibility to see that the child reaches the bus stop or pick-up point and boards the vehicle in safety, and similarly to supervise the journey home from the bus stop or drop-off point.

Consideration may be given to pupils who are adversely affected by the disability of a member of their immediate family (Children (Scotland) Act 1995) on a case-by-case basis.

2.2 Points of Clarification – In relation to “Who Qualifies For Free Transport?”

- The distance from home to school is taken to be from the garden gate (or if there is not a garden, from the front door of the dwelling) to the nearest school gate. The route that is measured is the shortest practicable route for a pedestrian without regard to its suitability (Education Act as interpreted by the House of Lords in Regina vs Devon County Council, December 1998).
- In any case of dispute over the mileage between home and school, the distance is measured by a member of staff from East Lothian Council's Department of Environment using a survey instrument.

## 2.3 Additional Provision and Agreed Exceptions – In relation to “Who Qualifies For Free Transport?”

Apart from the above home-to-school arrangements, transport is also provided for purposes necessary to support the curriculum. These categories include:

- P4 swimming classes, if the pool is more than one mile from the school;
- Special examination timetables;
- Pupils attending their district school who require curricular progression only available at an alternative school, such as a specific language course. Transport will be by public transport bus passes wherever possible, and parents of a primary aged child will be responsible for ensuring that the child gets to school safely; and
- The Council provides transport to the appropriate Further Education (FE) college for all pupils who are under the school leaving age in the form of public service bus passes. Wherever possible, the transport will attempt to link up with the buses provided by the FE colleges.

## 3.0 ‘GRACE & FAVOUR’ TRANSPORT

3.1 ‘Grace and favour’ transport is offered on request from a parent/guardian to a pupil who does not qualify for free travel, where:

- a vehicle providing home-to-school transport owned or on contract hire to the Council has vacant seats, and
- no expense falls upon the Council in acceding to the request (Education Scotland Act 1980 section 51). The Council will not provide a larger vehicle than is necessary to meet the requirements of those who are entitled to free school transport, nor deviate from the specified route, solely to meet the requirements of pupils who seek ‘grace and favour’ transport, unless no additional costs arise from doing so.

3.2 If requested and available, ‘grace and favour’ transport may be offered to college students.

3.3 In the event that more ‘grace and favour’ transport places are requested than the number of spare seats that are available, priority shall be given:

- to those attending their catchment school over those attending an alternative school by parental choice.
- amongst those attending their catchment school, to those who live furthest away.
- amongst those attending an alternative school by parental choice, to those who live furthest away.

3.4 A ‘grace and favour’ place must be re-applied for each school year.

3.5 A ‘grace and favour’ place can be taken away at any point if a pupil who is entitled to home-to-school transport joins the route.

## 4.0 DISCIPLINE AND SUPERVISION

4.1 Discipline and supervision issues on school transport are the responsibility of the Contractor and the school concerned. Guidelines issued to drivers emphasise their prime responsibility is the safety of the vehicle on the road, but also asks their co-operation in identifying and reporting significant misbehaviour.

- 4.2 Schools should involve parents in the disciplinary process at an early stage and general guidelines are set out below. The advice suggests a progressive range of sanctions culminating in the suspension of free transport. Head Teachers may use their discretion based on the seriousness of the incident.
- The first instance of misbehaviour that may endanger other pupils and/or seriously distract the driver will result in the removal of free school transport privileges for one week. The pupil's parent or guardian will be responsible for ensuring the pupil attends school during the week.
  - The second instance of misbehaviour that may endanger other pupils and/or seriously distract the driver will result in the removal of free school transport privileges for four weeks. The pupil's parent or guardian will be responsible for ensuring the pupil attends school during the four weeks.
  - The third instance of misbehaviour that may endanger other pupils and/or seriously distract the driver will result in the removal of free school transport privileges for the remainder of the current school term. The pupil's parent or guardian will be responsible for ensuring the pupil attends school during the remainder of the current school term.

4.3 If the misbehaviour results in a pupil being excluded from school, good behaviour on school transport will be a condition of re-admission for the pupil.

4.4 Escorts are provided in school transport:

- to meet a pupil's special needs on assessment by the Educational Psychologist or the Head Teacher of the specialist provision;
- to meet the special needs of a group of pupils on assessment by the Educational Psychologist or the Head Teacher of the specialist provision;

Escorts, where required, are normally supplied by the Contractor and receive basic First Aid Training from East Lothian Council.

Escorts for Looked After/Accommodated pupils who are being transported at the request of the Children's Services are provided by and paid for by Children's Services

4.5 Smoking is prohibited in all school transport.

## **5.0 PICK UP POINTS, WALKING DISTANCES FOR PUPILS TRAVELLING ON HOME-TO-SCHOOL TRANSPORT, AND WAITING TIMES**

5.1 No pupil will be required to walk more than 2 miles for primary pupils and 3 miles for secondary pupils to reach a school transport boarding point.

5.2 In most villages, all children are uplifted at a single pick-up point unless they use a public bus service, in which case they may board at any marked bus stop. Outside villages, pick-up points are generally agreed between Transport Services and the Contractor. In the event of any dispute, Transport Services will involve an Officer from East Lothian Council's Network Management Section to determine a safe pick-up point.

5.3 The following time constraints are observed:

- Normally, school transport is timed to arrive no more than 20 minutes and no less than 5 minutes before the start of school and be waiting 10 minutes before the close of school (when possible) and to leave no more than 20 minutes after the close of school. There are exceptions at specific schools because of the nature of the school site.

5.4 Pupils in primary schools will normally share transport with their associated Secondary Schools unless it is more cost effective to provide separate transport for them.

## **6.0 DETERMINATION OF ROUTES**

- 6.1 Transport Services are responsible for determining the optimum network of routes and the best form of contract for all home-to-school transport and for the allocation of individual pupils to those routes. Routes are arranged so as to serve more than one school wherever possible. Routes are arranged and scheduled for normal travel conditions.
- 6.2 There is a general presumption in favour of using public service buses where these are available at suitable times:
- to maximise support for a comprehensive network of public bus services in East Lothian;
  - to allow individual pupils the flexibility to travel on alternative services during the day;
  - because experience has shown that pupils are generally better behaved in the presence of adult fare-paying passengers; and
  - to have regard for the environment within East Lothian, in that using existing public transport minimises the use of additional vehicles.
- 6.3 Whilst cost is monitored, it is not taken to be the determining factor in choosing to allocate pupils to public service buses.
- 6.4 Where no suitable public bus service is available, the pupils may be allocated to contracted school buses, minibuses, private hire cars or to Council-owned transport. In exceptional circumstances, where a family is living off any established route, a parental mileage allowance may be offered. The mileage rate is paid at East Lothian Council's public services rate (currently 22.5p per mile). Mileage rates are not individually negotiable. A parent shall not be asked to include the children of any other family.

## **7.0 TICKETS AND PASSES**

- 7.1 Pupils are issued with a pass, either from East Lothian Council or an external bus company, which is for sole use by the named pupil.
- 7.2 Tickets are issued by Transport Services direct to the pupil's home address. Replacements for lost passes are charged at £5.00 each for an East Lothian Council pass and £10 for a public service bus pass (current 2010). Costs will be subject to revision from time to time.

## **8.0 SELECTION OF CONTRACTORS (FOR INFORMATION ONLY)**

- 8.1 All school transport contracts for buses, minibuses and hire cars are awarded by competitive tender. Operators are required to provide proof that they hold necessary licences and insurances before any contract is awarded to them.
- 8.2 In the event of any complaint concerning the condition of a school transport vehicle or the operation of a school service, Transport Services will endeavour to ascertain the facts. Should an operator be in breach of contract, a system of financial penalties can be applied. After a second written warning a contract may be terminated by the Council. In the event of a serious offence (e.g. operation without appropriate licence or insurance) a contract may be terminated immediately upon issue of a notice. All drivers and escorts on East Lothian Council contracted home-to-school transport routes are checked for any record of offences against children through Disclosure Scotland
- 8.3 The full Conditions of Contract for any company providing home-to-school transport services is available from Transport Services.

**9.0 VEHICLE CAPACITIES AND SAFETY BELTS (FOR INFORMATION ONLY)**

- 9.1 In vehicles of 16 passenger seats or fewer, only one child is allocated to each seat and a seatbelt must be provided for and used by every child. (Motor Vehicle Construction & Use Regulations 1997)
- 9.2 In vehicles of 17 passenger seats or more that are fitted with seatbelts, the required capacity is estimated on the basis of one child per seat.
- 9.3 Pupils travelling on Public Services buses or buses which are contracted but licensed under Public Service Specification travel on vehicles which are not required legally to have seatbelts.

**10.0 IN-HOUSE BUS FLEET (FOR INFORMATION ONLY)**

- 10.1 Wherever possible and appropriate, East Lothian Council will use vehicles owned and operated by the Council in the interests of Best Value.

February 2010