

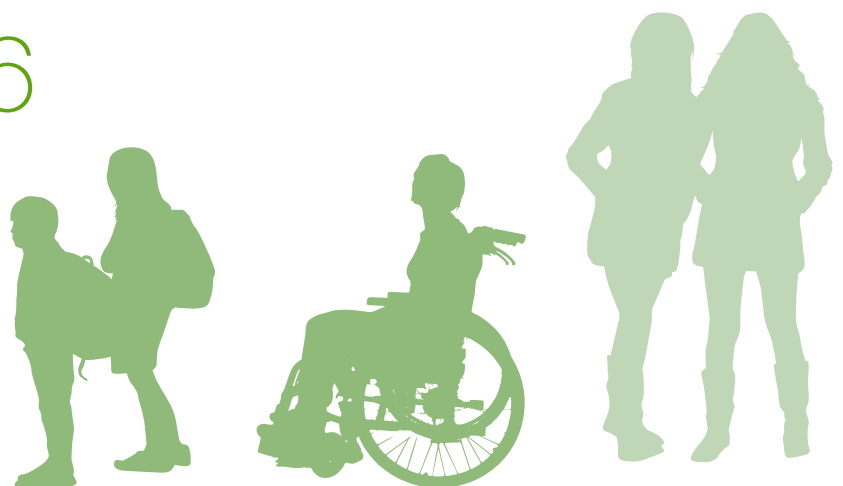


Bracknell Forest Council



Education Travel Policy for Bracknell Forest Children aged 5 to 16

2023/24



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1. Principles

It is the responsibility of parents to ensure that their children regularly attend school. This includes making any necessary travel arrangements, except where there is a duty on the local authority to do so.

This policy sets out Bracknell Forest Council's responsibilities and commitment to meeting the home to school travel assistance needs of eligible children and young people (including those with special educational needs and disabilities) who are of compulsory school age (5-16), and resident in Bracknell Forest.

Bracknell Forest Council (hereafter 'the Council') is committed to promoting children and young people's independence, social and life skills essential for their preparation for adulthood. These goals underpin our home to school travel assistance policy because where possible, children and young people, including those with special educational needs and/or disability, will be encouraged and supported to travel independently.

Arrangements for young people of sixth form age and above are set out in a separate policy. Parents are referred to the [Post 16 travel assistance policy](#).

This approach takes forward our corporate plan themes to ensure:

- value for money
- a resilient economy
- education and skills
- caring for you and your family
- protecting and enhancing our environment
- secure strong and safe, communities

Parents are legally responsible to ensure their child's regular attendance at school. However, for a small number of children who are classed as eligible children, as defined in Schedule 35B Education Act 1996, Bracknell Forest Council has a duty to ensure that suitable Travel Assistance is provided, where necessary, to facilitate their attendance at school.

A parent will have a defence in law against a prosecution by a local authority for their child's non-attendance at school where the local authority has a duty to make travel arrangements in relation to the child and has failed in that duty to children classed as eligible children.

THIS POLICY SUPERCEDES ALL PREVIOUS POLICIES and will be regularly reviewed to take account of statutory duties and any changes to legislation.



2. The Council's Statutory Responsibilities

These responsibilities are to:

1. Promote the use of sustainable travel and transport.
2. Make suitable travel arrangements for eligible children.

2.1 The duty to promote the use of sustainable travel and transport

The Council has a general duty to promote the use of sustainable travel and transport. This duty applies to children of compulsory school age who travel to receive education or training within the area - journeys to and from institutions where education or training is delivered.¹

The Education Act 1996 defines sustainable modes of travel as those that the local authority considers may improve the physical well-being of those who use them, the environmental well-being, and a combination of the two.

This may include walking, cycling, travel training as well as other modes of travel.

2.2 The duty to make suitable travel arrangements for eligible children

The Council has a duty under the Education Act 1996 (section 508B) to ensure that suitable travel arrangements are made, for eligible children, to facilitate their attendance at school.²

This duty relates to home to school travel arrangements, and vice versa ('home' is the place where the child is usually resident).

'Eligible children' are defined in schedule 35 B of the Education Act 1996 as those children of compulsory school age (5 -16) - for whom free travel arrangements will be required.

The criteria specified within the Act is set out in sections below:

2.2.1. Statutory walking distance eligibility

The Council has a duty to provide free transport for pupils whose homes are outside the statutory walking distance to the nearest suitable school:

- More than 2 miles (if the child is below the age of 8); or
- More than 3 miles (if the child or young person is aged 8 to 16)

"Suitable" is the designated area or nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs and/or disability that the child may have

"Distances" will be measures from where the home meets the public street, for example, from the front gate to the nearest gate or point of access to the school premises, and by the shortest route along which a child accompanied as necessary may walk safely. As such, the route measured may include footpaths, bridle ways and other pathways as well as recognised roads.

2.2.2 Safe Walking Routes

Safe walking route means a route which is safe for the child to walk accompanied if necessary (appropriate to their age and nature of the route).

The Council has a duty to provide travel assistance for children who cannot be expected to walk to the nearest suitable school where there is no safe walking route under the relevant statutory walking distance, even if accompanied by an adult.

Routes are assessed to be safe using nationally recognised road safety guidelines.

The Council must consider a range of risks, including rivers, ditches, traffic speed, fields of vision for the pedestrian and motorist, and whether the route would be considered safe if the child were accompanied by their parent/carer/guardian.

Please note that working arrangements and childcare issues will not normally be considered for the purposes of assessment to be reasons why a child cannot be accompanied.

2.2.3 Extended rights eligibility

The Council has a duty to provide free transport for children whose parents/carers/guardians are entitled to:

- Benefit entitled Free school meals
- The parent with whom they live is entitled to the maximum working tax credit element of Universal credit
- Support under Part VI of the Immigration and Asylum Act 1999
- Guaranteed element of state pension credit and:

The nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11). This is measured by the shortest walking distance which a child would safely travel, accompanied if necessary (not by road).

The school is between 2 and 6 miles (if aged 11-16 and is one of their three nearest qualifying schools). The 6 miles limit would be measured by road travel.

The school is between 2 and 15 miles and is the nearest secondary school preferred on the grounds of religious belief (aged 11-16). The 15 miles limit is measured by road travel.

2.2.4 Eligibility and Accompaniment

Transport only for the compulsory part of the school day

The duty to provide travel arrangements to eligible children does not extend beyond the compulsory part (i.e. the published start and finish) of the school day.

The Council is not required to provide flexible travel arrangements to facilitate a child's part-time attendance; a child's trial placement; the child's attendance at extra-curricular activities, a later start or earlier finish during a child's transition into a new school or attend medical appointments.

The Council is not required to provide travel arrangements for a child who is registered at a school but is attending a place other than that school (unless it relates to a temporary exclusion). This relates to trial or assessment places at a school that is not their nearest suitable or is not named in their EHC plan. This responsibility lays with the school/setting at which the child is registered. Parents/ carers/guardians and schools should take this into account when seeking places at other schools or settings.

Timing of assessment of eligibility:

At the point when home to school travel arrangements 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 allocated.

A smaller number of cases will need to be considered during the school year e.g. as a result of families moving to a new area within the borough.

Where granted, travel assistance will normally apply for the whole of the school year of entry, unless there are significant changes, such as the family moving house or the child changing school.

Any entitlement to Travel Assistance is subject to review on an annual basis.

Accompaniment

In deciding whether a child is eligible for travel assistance for reasons of special educational need, disability or mobility, or unsafe route eligibility, the Council has a responsibility to consider whether the child could reasonably be expected to walk if accompanied by an adult.

The general expectation is that a child will be accompanied by a parent/carer/guardian or responsible adult, where necessary, unless there is a good reason why it is not reasonable to expect the parent/carer/guardian to do so. Working arrangements and childcare issues will not normally be considered reasons why a child cannot be accompanied.

The Council promotes equality of opportunity for disabled parents. Where a parent's disability prevents them from accompanying their child along a walking route that would otherwise be considered unsafe without adult supervision, a reasonable adjustment might be to provide free home to school travel arrangements for the child in question.



2.2.5 Arrangements and eligibility for those with Special Educational Needs and/or a Disability or mobility problems (including temporary medical conditions)

The Council has a duty to provide Travel Assistance for pupils with Special Educational Needs and/or Disabilities who are registered at their nearest suitable school which is within the statutory walking distance from their home, where the child cannot reasonably be expected to walk to school because of their mobility problems, physical, mental health reasons, neuro-developmental difficulties and/or disabilities or because of associated health and safety issues related to their Special Educational Needs.

Eligibility is needs based - there is no automatic entitlement to Travel Assistance just because a young person has a Special Educational Need or Disability, even where an Education and Health Care Plan (EHCP) has been issued. Applications will be considered on a case-by-case basis, and regularly reviewed, taking into account the child's Special Educational Needs and/or Disability, mobility or medical needs, as well as any exceptional circumstances.

The Council will consider whether the child or young person can reasonably be expected to walk to school, if accompanied; and then whether it is reasonable for their parent/carer/guardian (or responsible adult) to be expected to accompany them.

If a parent is seeking to establish that their child is an eligible child because they cannot reasonably be expected to walk to school - even where their school is close to their home and within the statutory walking distances, then the parent/carer or guardian would need to provide evidence and information to support this. The Council would also expect to receive information about why the child could not reasonably walk to and from school - either alone or accompanied and, if accompanied, why a parent/carer or guardian or responsible adult cannot reasonably be expected to accompany them.

Professionals supporting an application for Travel Assistance for a child or young person with SEND should provide evidence in support of why, in their professional opinion, it is not reasonable to expect the child to be able to walk to school, even if accompanied.

Entitlement to transport will be regularly reviewed, taking into account special educational needs and/or disability, mobility or medical needs, as well as any exceptional circumstances. Relevant supporting professional evidence will be required.

The Council has responsibility to ensure children's needs are addressed, this may include travel assistance which facilitates the best opportunity for developing independence.



3. Short Term medical conditions

Consideration will be given by the Council to provide home to school Travel Assistance for pupils with temporary medical conditions.

If a child suffers from a temporary physical or medical condition that means they are unable to walk to school or travel in their usual manner, then Travel Assistance may be provided. Applications for transport on this basis must be supported by appropriate evidence from the medical profession. This may include, but is not restricted to, a letter from the child's consultant or other medical professional involved in the child's medical welfare.

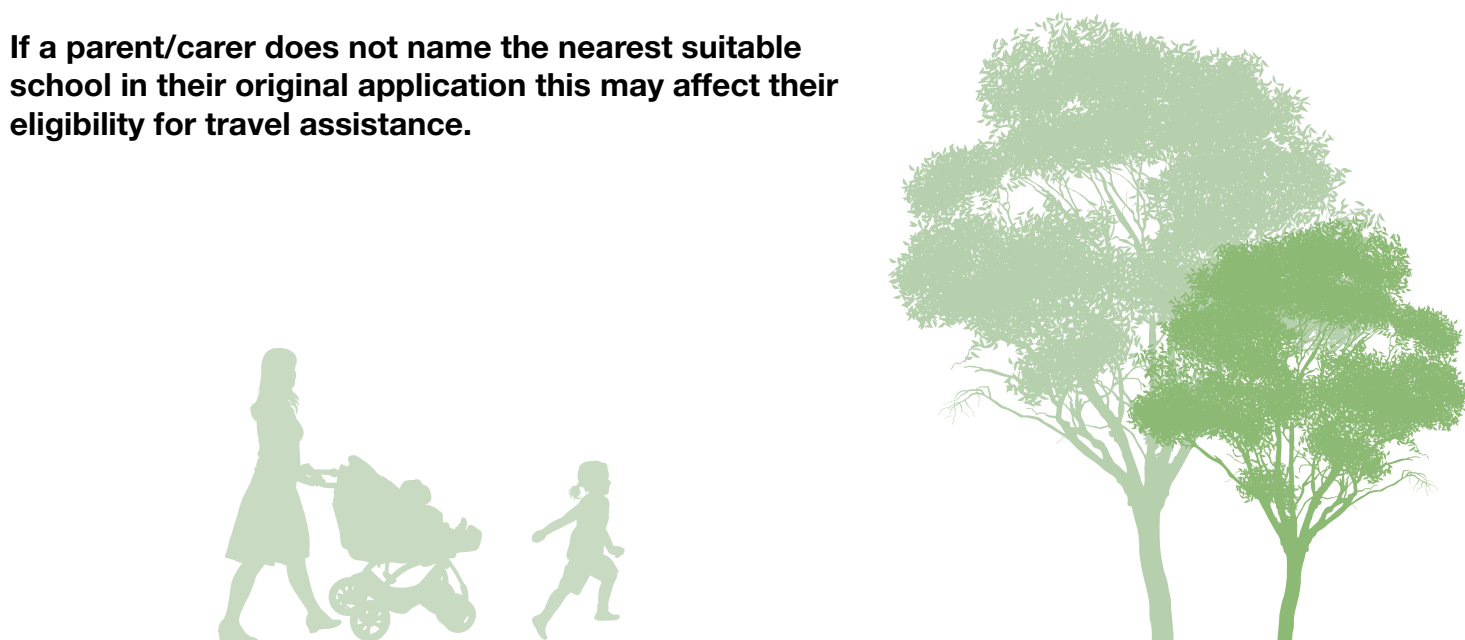
Parental Preference

In most cases parents are responsible for making arrangements for their child to get to school. When choosing which schools to apply for, parents should consider how their child will access that school, as there is no guarantee that your child will be eligible for home to school travel assistance. If there is a school with places available which could meet the needs of your child and is closer to your home than the school or schools listed in your application and/or which offer your child a place, the placement will be classed as Parental Preference, and you are unlikely to qualify for travel assistance.

The Local Authority will provide transport where it is necessary to do so for a child to attend a local school, as set out in law and explained in this policy. Whilst it is a requirement that parental preference is respected wherever possible in allocating school places, this requirement does not extend to guaranteed provision of transport. **Where parents select alternative schools to their nearest schools, they accept responsibility for making their own transport arrangements for their children.**

Where parents have made an application for a place at their preferred school, but the local authority has been unable to meet this or any of their preferences, the local authority will allocate a place with the most accessible school with available places. In such cases the school will be treated as a qualifying school for transport assistance unless this is unnecessary because the school is within safe walking distance.

If a parent/carer does not name the nearest suitable school in their original application this may affect their eligibility for travel assistance.



4. Types of travel assistance that may be provided

The type of travel assistance offered will be for the Council to decide, taking into account the needs of the young person and the nature of the journey to be undertaken.

The assistance offered might include, but is not limited to:

- A parent consenting to use their car in return for payment of a mileage allowance;
- A parent consenting to a walking escort or responsible adult to escort the young person on public transport;
- Training and support to travel independently;
- Free passes for children on public transport;
- Provision of a seat on a dedicated school bus or minibus, or
- A seat in a taxi, usually shared with one or more pupils, where a pupil's needs require more personalised arrangements

For more information about travel arrangements please refer to the Council's 'Operational handbook'.

Applications received during the academic year will be dealt with as quickly as possible with transport arrangements being confirmed within ten working days wherever possible.

The Council will determine the means of travel assistance to be provided, to ensure the appropriate travel assistance is provided to meet the needs of the child and young person, through the most efficient use of resources.

5. 'Suitable' travel assistance arrangements

'For travel assistance to be suitable, they must be safe and reasonably stress free, to enable the child to arrive at school ready for a day of study'. It could not be expected that a child makes several changes on public transport resulting in unreasonably long journey times.

Guidance advises that 'best practice' is that a child of primary school age should not travel for more than 45 minutes each way, and secondary school age - a maximum of 75 minutes - including any walking time.

It is desirable that journeys to special /specialist settings for children with complex needs should be shorter, but this may not be possible. Particularly where a child's special educational needs can only be addressed in an out-of-borough placement.



5.1 Pick-up points

Eligibility for Travel Assistance is assessed based on the pupil's registered home address, but any transport provided may not necessarily be door to school gate. Local Authorities can use reasonable pick-up and drop-off points in appropriate individual cases. This may be a bus stop or other place where young people can safely wait for their vehicle. The Council aims to ensure there are safe and appropriate pick-up points within reasonable distance from schools and centres of population. Pupils can be required to walk to and from a central pick up and/or drop off point. This will usually be within one mile walking distance from the child's home, and total walking distance will be within the relevant statutory mile walking distances according to age and ability, and in the light of any identified Special Educational Needs and/or Disabilities.

5.2 Supporting the development of self-reliant travellers

The Council has responsibility to ensure children's needs are addressed, and this includes travel assistance which facilitates the best opportunity for independence. 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.

Residential Schools:

Where children with EHC Plans require a residential placement following assessment, travel assistance may be offered as follows:

- Weekly borders: Travel Assistance between home and school once each direction each week
- Termly borders: Travel Assistance between home and school at the beginning and end of each term and half term
- 52-week placements: Travel Assistance between home and school for eight visits throughout the year

Mileage Allowance:

A mileage allowance will be offered to parents/carers/guardians of children with special educational needs and/or disabilities who are entitled to free home to school travel arrangements, where this offers best value for money and the parents/carers/guardians agree to this.

If you were offered this form of Travel Assistance, attendance levels will be monitored and money will be reclaimed for non-attendance at school/college.



6. Exceptional circumstances, change of circumstances and other assistance

The following are examples of exceptional circumstances/change of circumstances. The Council will always consider a request to exercise its discretion in a particular case to provide free home to school travel assistance.

Non eligible children (e.g. those below statutory school age)

There is no statutory duty to provide Travel Assistance for those under the age of 5. The Council may exercise its discretionary power and provide home to school Travel Assistance for children under the age of five on a case-by-case basis.

Change of address

Parents/carers/guardians must inform the Council in writing of any change of address as soon as possible, as eligibility for Travel Assistance will need to be reviewed.

In exceptional cases, pupils may remain at their current school with Travel Assistance provided, for example if a school move is at a crucial time in their studies and it is not in their interests to change schools. Each case will be considered on an individual basis.

Changing Schools

Where a parent decides to change their child's school after they have started, the child's eligibility for Travel Assistance will have to be reconsidered. This may include the need to make a completely new application

Pupils living in temporary accommodation

If a pupil is of statutory school age and the family/carer/guardian are placed in temporary accommodation by the Council, consideration will be given to the provision of education travel arrangements for a limited period. This period will be determined by taking the individual circumstances into account (e.g., reasons for the displacement, age of the child(ren), likely timescales, parent/carer/guardian's circumstances, etc).

Transport to a Pupil Referral Unit or other education provider

Transport to a Pupil Referral Unit and to other places where education may be provided will only be provided in accordance with their general entitlement. If a child has been placed temporarily in a Pupil Referral Unit, they may be eligible for Travel Assistance if eligibility criteria are met.

Parents/carers/guardians must be aware that there is no transport entitlement to and from the Pupil Referral Unit or similar education provider at any other time. This also applies to pupil exclusions.



Any requests for exceptional arrangements will need to be supported by documentary evidence from the Pupil Referral Unit E.g. Medical Certificate or a Court Order.

Pupils Excluded from School

A pupil permanently excluded from a school will be provided with assistance to his or her new school provided it is both the nearest suitable school, as agreed by the Council and is outside the statutory walking distance from home.

Special Resource Provisions

Eligibility to special resource provisions will be subject to normal eligibility criteria.

Elective Home Education (EHE) and Education Other Than at School (EOTAS)

Where parents have made the choice to educate their child at home, no assistance will be available from the Council in connection with any transport need arising.

Where the Council arranges for a pupil to have education other than in school, the Council will provide transport subject to normal eligibility rules on home to school travel arrangements.

Behaviour on School Transport

Parents, schools, pupils, transport contractors and the Council, working in partnership, all share responsibility for ensuring that acceptable behaviour is maintained to ensure safe and stress-free school transport for all.

In particular we expect all young people to:

- Be ready for their transport in good time,
- Behave in a safe and responsible way whilst travelling,
- Follow all instructions from the driver (or Passenger Assistant where one is provided) especially in an emergency,
- Wear seatbelts or appropriate safety harnesses at all times whilst on the vehicle, where these are provided.

Bullying, including the use of hate speech, will not be tolerated, and will be reported to parents and school/college. We will not tolerate abuse of any sort, whether from a young person or from their parents and carers.

Children and young people are expected to behave in a safe and appropriate manner whilst on transport. The Council will work with schools, parents, and the child to help manage behaviours to ensure the ongoing safety and comfort of all passengers including drivers and any passenger assistants.



Should a pupil misbehave whilst being transported to or from school, the provision of transport may be withdrawn either for a period of time or permanently. Normally a warning letter will be sent to parents/carers/guardians prior to transport being withdrawn. However, if any incident is considered serious enough, following an investigation by the Transport team, the withdrawal of transport may be immediate. In this instance the responsibility for ensuring attendance at school will remain with the parent/carer/guardian of the child.

As part of its responsibilities to ensure that children and young people in Bracknell Forest are safe, the Council will engage with transport operators and providers in the local area to ensure that drivers are aware of and carry out their safeguarding responsibilities appropriately. If parents and carers have any issues or concerns around the safeguarding of their or other children whilst being transported to or from a place of education or learning, they should contact the Education Transport team without delay.

Transport Provided in Error

Where free travel assistance has been provided in error, or, where there have been material changes to the route to school, provision will be withdrawn. However, travel assistance will continue until the end of the term in which the error was notified, in order to allow parents/carers/guardians to make alternative arrangements.

7. How to apply

Starting school and transferring to secondary school

Pupils without an EHC plan

Application Forms are available online at:

www.bracknell-forest.gov.uk/schools-and-learning/schools/school-transport

When to Apply

Parents and carers who wish to apply for Travel Assistance should do so as soon as the offer of a school place has been accepted. For parents and carers who file an appeal against a placement, the application should be made as soon as possible after the appeal outcome is known. Transport assistance may be considered if an alternative school is beyond the statutory walking distance. However, if a parent/carer does not name the designated area school in their original application then they will not be considered for transport under these criteria.

Those wishing to be considered for Travel Assistance under the extended rights criteria should include evidence of income and/or entitlement to free school meals with their application.

If Applications for Travel Assistance are made as soon as the offer of a school place has been accepted, applicants will be notified of outcomes from their application as soon as appropriate Travel Assistance has been secured, and at least 14 calendar days before the start of the Academic Year.

Transport will normally only be provided from the start of the term after your child's 5th birthday. Travel Assistance arrangements will be reviewed on an annual basis, to ensure that any Assistance provided during the Academic year remains appropriate and that eligibility criteria for the forthcoming Academic year are met. Reviews will be carried out in the Spring of each academic year. One possible outcome of these reviews is that Parents/Carers may be asked to re-apply for Travel Assistance support. Applications will need to be submitted and assessed before the end of the Summer term in the Academic Year.

Fair Access Protocol

If a child has been admitted to a school that has been agreed by the Fair Access Panel it may be appropriate for transport to be given. This will usually be in the form of a bus pass. A decision on whether transport will be offered will be made at the Fair Access Panel meeting.

Pupils with an EHC plan

When choosing school placements, parents need to be mindful that not all students with an EHCP will be eligible for transport. Transport assistance is only provided to the nearest school that Bracknell Forest Council has agreed can meet the needs of the student. Requests for home to school travel arrangements for children should be discussed with the SEN Team or the Education Transport Team as early as possible.

8. Key Contact Numbers

EDUCATION TRANSPORT:

Time Square
Market Street
Bracknell Forest Council
RG12 1JD
Telephone: 01344 352002
Email: Education.transport@bracknell-forest.gov.uk

Or:

THE SPECIAL EDUCATIONAL NEEDS TEAM (SEN)

Time Square
Market Street
Bracknell Forest Council
RG12 1JD
Telephone: 01344 354039
Email: Sen.education@bracknell-forest.gov.uk



9. Complaints and Appeals' Process

Complaints arise when you are unhappy about something, for example, you may feel you have not been dealt with properly or in a professional manner, that information given to you was incorrect or that there has been an unacceptable delay.

In the first instance please contact the Education Transport Team via email to [education.transport@bracknell-forest.gov.uk](mailto:transport@bracknell-forest.gov.uk). If further to this your issue has not been resolved, please follow the Complaints Procedure.

Complaints about the provision of Travel Assistance will be investigated in accordance with the Council's Complaints process.

The complaints process can be found at:

www.bracknell-forest.gov.uk/council-and-democracy/get-in-touch/complaints/general-complaints

This does not apply to complaints about a refusal to grant transport, which will be dealt with through the Transport Appeals procedure (see below)

Appeal procedures

Parents/guardians/carers or a young person are entitled to challenge the decision of the Council to refuse to provide assistance with transport as set out in this policy or

when the parents/guardians/carers or young person consider that the travel assistance, offered by the Council, are unsuitable.

A decision may be challenged on the following grounds:

- eligibility
- distance measurement; and/or
- safety of the route
- transport arrangements offered

Stage 1 – Review of decision

You have 20 working days from the receipt of the transport decision to make a request, asking for a review of the original decision.

The request should detail why the decision should be reviewed and give personal and/or family circumstances, which should be considered during the appeal process.

This will set out the following information:

- the nature of the decision reached
- how the review was concluded
- information about other departments and/or agencies consulted as part of the process
- what factors were considered
- the rationale for the decision reached
- Information about escalation to Stage 2, if appropriate.

How to make a Stage 1 appeal

Please provide us with the following information:

- Confirmation that you are the legal parent or guardian of the child and please provide the date you received our transport notification
- Child's first name and family name
- Child's date of birth
- Your full name and address
- Your email address
- Your phone/mobile number
- Reasons for the appeal (i.e., eligibility, distance, route safety or transport arrangements) and your reasons for challenging the Council's decision including any evidence you wish to present to support your request for travel assistance

and then email your request to: education.transport-appeals@bracknell-forest.gov.uk

Stage 2 – Appeal

If you are unhappy with the decision made at Stage 1, you will have 20 working days from the receipt of the Council's decision to make a request to escalate the matter to Stage 2 appeal.

An independent appeal panel made up of three elected members of the Council will be convened to consider the appeal within 40 working days.

The independent appeal panel will consist of:

- 3 Borough Councillors
- A Senior Officer
- A democratic services officer (acting as clerk)

No member of the appeal panel will have been involved in the original decision to decline transport assistance. This panel will consider verbal and written representations from parent/guardian/young person, involved in the request.

You may request to attend the hearing to present your case in person if you wish.

The officer involved in the review of the decision at Stage 1 may also be invited to attend.

You will receive a letter, detailing the outcome of the appeal hearing, which will set out the following information:

- the nature of the decision reached
- how the review was concluded
- information about other departments and/or agencies consulted as part of the process
- what factors were considered
- the rationale for the decision reached
- information about escalation to the Local Government Ombudsman (LGO)

How to make a Stage 2 Appeal

Please send your written request to:

Democratic Services, Bracknell Forest Council, Time Square, Bracknell, RG12 1JD or by email to committee@bracknell-forest.gov.uk clearly marked TRANSPORT APPEAL.

Local Government Ombudsman (LGO)

You have a right of complaint to the LGO on the grounds that there was a failure on the part of the Authority to comply with procedural rules or there was an irregularity in the way the appeal was handled.

The LGO can be contacted at:
Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH
Helpline: 0300 061 0614
www.lgo.org.uk



