

Renfrewshire Council

To: Education Policy Board

On: 25 February 2010

**Report
by
Director of Education and Leisure**

Revised Home to School Transport Policy and Revision of Appeal Procedure

1. Summary

- 1.1. This paper outlines proposed alterations to the home to school transport policy. The proposed policy is attached as appendix 1.
- 1.2. The current policy affords parents the opportunity to contest the decision of the council on the basis of the application of the policy with regard to assessment of distances or the safety of routes.
- 1.3. The current policy also offers parents the option of walking the route as part of the appeal procedure.
- 1.4. This has been overtaken by the use of the council's geographic information systems (GIS) technology and routes are no longer routinely walked to determine measurement.
- 1.5. Detailed safe route assessments are provided to parents as determined by planning and transport department. This paper seeks to formalise this position by removing the option to walk transport routes to determine measurements or safe routes as part of the appeal procedure.
- 1.6. The current qualifying distance criteria for home to school transport for secondary schools is 2 miles. Following the council decision on Monday 18 January 2010, the distance criteria for secondary schools will be 3 miles, from August 2010. This report seeks to formalise the change in distance criteria for secondary schools.
- 1.7. It is proposed to amend the appeal procedure so that appeals will be by written submission only.

2. Recommendations

- 2.1. The education policy board is asked to approve the proposed change to the appeal procedure in respect of the option to walk a route to determine the distance between home and school and any safety issues. It is recommended that distances from home to school are measured using the council's geographic information systems (GIS) and Ordnance Survey large scale digital mapping.
- 2.2. The education policy board is asked to approve the proposed change in qualifying distance criteria for secondary schools to 3 miles.
- 2.3. The education policy board is asked to approve the proposed change in the appeal procedure. Written appeal submissions should be made by parents. The written appeal will be considered by an officer of the council, who is independent of Education and Leisure Services and Planning and Transport, and who has not been involved in the decision making process. The officer considering the appeal shall have the discretion to group together similar appeals over the same route.

2.4 The education policy board is asked to approve the revised appeal procedure in appendix 2.

3. Background

- 3.1. The current qualifying distance for home to school transport for secondary pupils is 2 miles. This is more generous than the statutory entitlement which stipulates 3 miles for pupils over the age of 8 years.
- 3.2. The assessment of a route, regarding its safety, is based on the 'Guidelines on assessing walking routes to and from school' which were approved by the Housing, Environment and Community Safety Policy Board on 2 November 2004. These guidelines have been adopted in Scotland by other local authorities.
- 3.3. The proposed changes to the policy and appeal procedure reflect the use of modern technology and will rationalise the appeal process.

Implications of this report

1. **Financial Implications** - None.
2. **Personnel Implications** - None.
3. **Community Plan/Council Plan Implications**
 - Wealthier and Fairer - None.
 - Smarter - The use of GIS mapping makes use of reliable, modern techniques to determine distances.
 - Healthier - None.
 - Safer and Stronger - The appeal procedure ensures that parents have an opportunity to have any concerns regarding the safety of routes assessed.
 - Greener - None.
 - Developing our Organisations - None.
4. **Legal Implications** - None.
5. **Property Implications** - None.
6. **Information Technology Implications** - None.
7. **Equal Opportunities Implications** - None.
8. **Health and Safety Implications** - None.

9. **Procurement Implications** - None.
10. **Risk Implications** - None.
11. **COSLA Policy Position** - Not applicable.

Education and Leisure Services
RN/RB/AG
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RENFREWSHIRE COUNCIL

EDUCATION AND LEISURE SERVICES

REVISED HOME TO SCHOOL TRANSPORT POLICY

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Revised Home to School Transport Policy

1 LEGISLATIVE REQUIREMENTS

Whilst it is the responsibility of the parents or carers to secure their children's education, sections 50 and 51 of the Education (Scotland) Act 1980 require the education authority to make appropriate provision to assist pupils to have access to education. Under Section 42 of the Act, the authority must provide free transport or such other arrangements for all pupils up to age 8 who live more than 2 miles from their local school and to all pupils over age 8 who live more than 3 miles from their local school. The Act also makes provision for a number of exceptional circumstances and special conditions under which the authority may also provide free transport.

2 AIMS

The Council, in discharging its statutory requirements, aims to assist parents/carers in their responsibility of ensuring that a child attends school safely and on time in line with Council policy on the provision of school transport. The Council will also strive to ensure with the services of Strathclyde Partnership for Transport (SPT), the most effective, safe and economical use of resources by close monitoring of contracts. The Council also aims to be responsive to the concerns of parents and carers in the provision of appropriate transport to meet the needs of each pupil. Education and leisure services has kept its arrangements for school transport under continuous review and will continue to do so.

3 ELIGIBILITY CRITERIA

The Council will provide home to school transport in any of the following five sets of circumstances (a - e).

a Distance

The Council's policy on school transport is more generous than that required by statute for primary age pupils.

The pupil lives more than 1 mile/1609m away from the catchment primary school by the shortest safe walking route.

The policy for secondary pupils is in line with the statutory requirement.

The pupil lives more than 3 miles/4827m away from the catchment secondary school by the shortest safe walking route.

Distances from home to school are measured using the council's geographic information system (GIS) tools and Ordnance Survey large scale digital mapping.

The measurement of distance is taken from the house gate or pavement heel and then by the shortest safe walking route to the nearest school gate or, where there is no school gate, the nearest accepted entrance to the school perimeter.

Some pupils will require to walk a reasonable distance from home to the transport pick-up point but this should not exceed 1 mile/1609m for primary school pupils and 3 miles/4827m, for secondary school pupils.

b Health

In certain circumstances a head teacher can request transport for a pupil who has a significant medical condition and who requires transport to enable him/her to attend their catchment school. Requests for such should be made in writing to the Education Officer (Education Support) along with a letter or statement from the pupil's doctor. An assessment by the school medical officer may be requested.

c Additional Support Needs (ASN)

The pupil has been assessed to attend any school to meet the requirements of his or her additional support needs. The assessment will normally involve the Council's psychological services staff who may also recommend appropriate transport arrangements.

Escorts are provided for primary age pupils who attend special schools or special units. Secondary aged pupils who attend special schools or special units could be deemed to require an escort due to his/her medical, sensory, physical need or severe complex emotional or behavioural difficulties. Where recommended by psychological services, escorts will be provided on vehicles carrying children with additional support needs.

d Designation of unsafe walking routes

The pupil has to walk a route which, after seeking advice from planning and transport department, is considered by the Council not to meet the criteria for a pupil to walk when accompanied by an adult.

The assessment criteria is as contained in the Planning and Transport Report of November 2004 'Guidelines on assessing walking routes to and from school'. The main points from the assessment process are listed below.

- It gives guidance on the identification and assessment of road safety hazards to pedestrians on route to school.
- It will assume that the child is accompanied as necessary by a responsible person.
- Where a footway is provided it should be continuous – excluding gaps of up to 20m – or be an acceptable local equivalent eg dedicated part of road sectioned by white lining.
- On roads with neither footway nor verge, consideration should be given to the width of carriageway, traffic speed and composition and to both pedestrian and driver visibility.

- Where pedestrians are required to cross a road the availability of any facility to assist crossing should be taken into consideration. Where no crossing facility exists, a suitable location should be identified and an assessment of the risk generated by crossing the road should be made.

Parents can seek a review of decisions on non-provision of school transport on the grounds of road safety. The grounds of appeal are limited to:-

- The application of council policy, not the policy itself;
- The classification of the route as safe for the purpose in terms of Section 51 of the Education (Scotland) Act, 1980 and Guidelines and Assessment of the Safety of Walking Routes to School.

Appeals must be made in writing within 10 working days of notification of the council's decision. Written submissions should specify with precision the grounds for appeal and should include any supporting evidence.

Appeals which lack specification will be rejected.

The appeal will be considered by an officer of the council of managerial grade who is independent of Education and Leisure Services and Planning and Transport and will not have been involved in the decision making process. The officer will be appointed by the appropriate service director as required.

The officer considering the appeal has the discretion to group together similar appeals over the same route.

Written notification of the outcome of the appeal will be provided within 28 working days of receipt of written submission.

e Placement by the Council

A pupil, who is placed in a school nominated by the Council because of accommodation difficulties, will be provided with school transport if the criteria for walking distances are complied with until such time as a place becomes available at the catchment school.

If the placement is for any other reason, school transport will be provided to an alternative school nominated by the Council, if it complies with the criteria for walking distances.

4 CODE OF CONDUCT FOR PUPILS

The head teacher will establish with parents/carers and pupils the importance of good behaviour on school transport. Examples of unacceptable behaviour will be emphasised to pupils.

The responsibility of ensuring safe and acceptable behaviour remains with the parents or carers of a child travelling on a school transport vehicle. Misbehaviour or action which could put the safety of others at risk may result in alternative means of transport to school being sought.

In circumstances where a pupil's behaviour is unacceptable, the driver may retain the pupil's ticket/pass for identification purposes. The incident will be reported to the driver's supervisor who will immediately send details to the head teacher of the school. The head teacher will invite the parents or carer and the pupil to a meeting and ask the pupil and parents/carer to respond to the report of the incident. The head will ask for an assurance of the pupil's good conduct prior to the resumption of previous travel arrangements. It is important that the school keeps a record of any such incident and details the responsive action taken. During the interim, alternative arrangements, possibly involving parents, will require to be made in order that the pupil attends school.

In cases of serious misbehaviour, the Head Teacher can still exercise his or her right to have regard to the discipline policy of the school including the facility to implement Revised Standard Circular 8 (Exclusion of Pupils from School).

5 OTHER INFORMATION

Return journey

School transport would normally cover a return journey each school day, to school in the morning and to home at the end of the school day. In the case of infants who have a shorter school day at the start of the new term in August, no additional transport is provided. These pupils may be collected by parents but in all other circumstances will be supervised in school until the end of the normal school day. Some pupils will wish to return home for lunch and parents/carers will be required to make their own arrangements. Arrangements may be made locally at no additional cost to cover pupils taking part in activities outwith the course of the normal school day.

Pre 5 children

A pupil attending a nursery school, nursery class or other pre 5 establishment will not normally be provided with school transport except in circumstances where a pupil with special needs will benefit from attendance or, where privileged seats are available.

Privilege passes

If spare seats exist on dedicated school transport vehicles, a pupil who does not meet the walking distance criteria may be granted a privileged seat as long as there is no additional cost to the Council. Parents can apply for a privilege pass from June but these will not normally be awarded before the end of September. Once the number of seats, if any, available for privilege passes are determined, passes will be allocated. When there are more requests for passes than seats available, a ballot will be held in order to allocate passes. The number of spare seats may vary as entitled pupils move into or out of a school and as a result privilege passes may be withdrawn at short notice. Attempts will be made to give 5 days notice.

Attendants

Attendants are provided by contractors who transport pupils on a double decker bus.

Placing Requests

In the case of a pupil who attends a school by virtue of a placing request, the parents or carers are responsible for arranging transport to school. If spare seats exist on dedicated transport vehicles, a pupil attending a school by virtue of a placing request may be granted a privileged seat if at no additional cost to the Council.

Under age college attendance

No transport or assistance with costs is provided for those pupils under the 'statutory' school leaving age in attendance at a further education college. This is communicated to parents when the Council's approval is given.

6 TRANSPORT ARRANGEMENTS

Mainstream

In line with the Government's policy on Best Value, the Council adopts the following procedures in arranging home to school transport contracts in relation to mainstream pupils.

- (a) SPT, in consultation with the Council, will draw up the specification for each transport contract and invite tenders from transport operators by a stated date and time.
- (b) On receipt of all tenders and after analysis by SPT, the Council will accept in all but the most exceptional circumstances the lowest tender.
- (c) The successful contractor will be notified and, after the appropriate checks have been made and in full discussion with education and leisure services and the SPT, parents will be notified of the detailed arrangements for the transportation of pupils who qualify for school transport.
- (d) School transport for primary aged pupils will be by dedicated transport only and on vehicles provided with seatbelts.

Type of Provision

The precise mode of transport will be decided by the successful contractor, in discussion with education and leisure services and SPT, where appropriate, taking all circumstances into account. Transport will be provided by any, or a combination, of the following:

- Dedicated school contract bus. (This is a service provided solely for use by pupils)
- Bus passes on local public service bus. This can either be a commercial service or subsidised local service, also carrying members of the public

- Train pass on service train (secondary pupils)
- Taxi or private hired cars, mini-buses and boats.

Additional Support Needs

In the case of children with additional support needs, the above procedures will be followed but the responsibility for drawing up the specification, arranging contracts and communication with parents/carers lies with education and leisure services.

7 CONTRACTUAL CONDITIONS

All transport operators who are successful in securing school transport contracts are issued with a set of “Conditions of Contract” which are legally binding on both the contractor and the authority. These conditions state clearly the contractor’s and the council’s rights and responsibilities.

The main aspects covered include:

- Detailed arrangements for the operation of the contract.
- Administrative and financial arrangements.
- Transport safety.
- Vehicle specifications / modifications /manoeuvres.
- Registration documents / insurance policies / MOT certificates.
- Checking of all drivers and escorts by Disclosure Scotland as to their suitability.
- Cancellation of contracts (breach of contractual conditions).
- Entitlement to termination of contracts.
- Emergency procedures
- Accident reporting procedures
- Personnel on additional support needs vehicles carry identity badges

8 CODES OF CONDUCT FOR DRIVERS/ATTENDANTS/ESCORTS

(a) Mainstream School Transport

All transport operators involved in school contracts must ensure that drivers and attendants are suitably briefed in relation to the safety of passengers in normal operation and in emergency/unforeseen circumstances. All drivers on mainstream contracts should be issued with the appropriate code of conduct. All attendants on mainstream contracts should be issued with the appropriate code of conduct.

(b) ASN School Transport

All operators must ensure that drivers and escorts are suitably briefed in normal operation and in emergency/unforeseen circumstances. However, the Council expects that particular care will be exercised by drivers and escorts on ASN contracts. They will also be issued with an appropriate code of conduct.

9 CONTRACT MONITORING

SPT is responsible for placing mainstream contracts and for their day-to-day operation.

SPT actively monitors the performance of mainstream and ASN school contracts through the deployment of a team of specialist inspectors.

Quarterly and annual reports are sent to Education and Leisure Services detailing the contracts that have been monitored and highlighting any issues they have uncovered.

In addition to the routine monitoring that is carried out, SPT will investigate any specific problems with contractors that have been highlighted to them.

Contractors' Obligations

All contractors are expected to:

- (a) meet the contract specification for which they tendered in full, including picking up/setting down times, capacity required and being stationary before the close of school if school grounds or turning areas adjacent to schools are used;
- (b) comply with the conditions of contract in full.

Failure to Meet Requirements

This is likely to result in the issue of a letter which, if not challenged or explained satisfactorily within 14 days, will be recorded as a formal warning against the contractor's performance on the contract in question which will result in non payment for that run/day.

In exceptional circumstances of negligence by the contractor, contracts may be cancelled without due period of notice.

Vehicle Timetable

Tender specifications normally allow a 10 minute time band within which pupils must be picked up or set down with the middle of that band being the preferred time. No action is generally taken against a contractor who operates within 2 or 3 minutes of the 10 minute band. There is, therefore, considerable leeway within which contractors can operate.

10 COMPLAINTS PROCEDURES

It is most important for parents/carers to have the opportunity to ask questions about eligibility of their child for school transport and they should be invited to contact the Estates Support Manager.

Parents/carers who have concerns or complaints about any aspect of the provision of mainstream school transport may contact their child's school by telephone giving the details which will then be recorded and submitted to SPT using a postcard system. Parents/carers may also complain direct to SPT in writing to reinforce their concerns. SPT will respond direct to parents/carers and advise the school on the outcome of their investigations.

In the case of ASN contracts, enquiries and complaints by parents/carers should be directed in the first instance to the school who will liaise with the Education Officer (Education Support). Parents/carers may also write direct to Education Officer (Education Support) who will respond to them and advise the school on the outcome of his or her investigations.

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HOME TO SCHOOL TRANSPORT APPEAL PROCEDURE

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