



**OXFORDSHIRE  
COUNTY COUNCIL**

**Home to School Travel and Transport Policy  
2021/22 onwards for Reception to Year 11**

# 1. Introduction

- 1.1 Parents have a legal duty to make necessary arrangements to ensure that their statutory aged children attend school regularly. The council is only required to provide free school travel to children resident within the administrative area of Oxfordshire County Council who are eligible under the law and this policy. If children move to an address outside the administrative area of Oxfordshire County Council, the responsibility for determining and, where appropriate, providing free or assisted travel passes to the child's new home authority.
- 1.2 The legal basis for the provision of home to school transport is set out in sections 508A, 508B, 508C, 508D and 509AD and Schedule 35B of the Education Act 1996 (as amended by Part 6 of the Education and Inspections Act 2006) and, where appropriate, the Equality Act and English and European case law. In addition, local authorities are under a statutory duty to have regard to the Home to School Travel and Transport Guidance issued by the Department for Education (DfE) in July 2014 and the statutory Post 16 Transport to Education and Training guidance issued in October 2016.
- 1.3 Oxfordshire County Council is keen to encourage young people to walk or cycle to the school or college they attend, or to make use of public transport.
- 1.4 Those who are not resident in Oxfordshire are advised to contact their own home local authority for details of any policy that their local authority may have regarding home to school/college transport.
- 1.5 Free and subsidised transport **is not provided to children of pre-school age** who attend nurseries or other Early Years settings, irrespective of whether they have an Education, Health and Care Plan (EHCP). Travel to nursery/early years settings is wholly the responsibility of a child's parent. This is the case both for children who have an EHCP and those who do not have a such a plan.
- 1.6 There is no legal right of appeal should a parent believe the policy regarding free travel to nursery/early years settings should be set aside in the case of their child or any other child.
- 1.7 Normally eligibility for free travel will be determined at the time that a school place is allocated through:
  - Oxfordshire County Council's Coordinated Admissions Scheme for entry at the normal points of admission; and/or,
  - the issuing of an Education, Health and Care Plan; and/or,
  - the operation of the Fair Access Protocol; and/or,
  - the In-Year Coordinated Admissions Scheme.

In addition, the School Admissions Team determines whether free transport should be provided for a temporary or permanent placement funded by the council at an alternative education centre, such as Meadowbrook College.

- 1.8 Parents applying for places in-year at schools that are not part of the in-year coordinated admissions scheme for Oxfordshire need to check the Home to School Travel and Transport Policy to see whether their children may be eligible for free transport. At that point, if they believe their children are eligible, they need to apply

directly to the School Admissions Team. The School Admissions Team will then determine whether free travel should be provided. The schools that are not part of the In-Year Coordinated Admissions Scheme are listed online at [www.oxfordshire.gov.uk/schooltransfer](http://www.oxfordshire.gov.uk/schooltransfer)

- 1.9 Having an Education, Health and Care Plan does not give an automatic entitlement to travel assistance, free or subsidised. Therefore, if a school has been named in an Education, Health and Care Plan in accordance with parental preference and it is not the nearest suitable school, and there is no other basis in the Home to School Travel and Transport Policy for agreeing free travel, there is no obligation on the Council to provide free or subsidised travel. In these circumstances transport to school is wholly a parent's responsibility.
- 1.10 When, under the Home to School Travel and Transport Policy, children and young people are entitled to free travel it is provided by the most cost-effective means. This will usually be by the provision of a free bus pass. However, where numbers are small, children may sometimes have to be transported by taxi. If parents wish to take their children to school and it is therefore possible to avoid the provision of a taxi, the Council may agree to the payment of a mileage allowance. The mileage allowance is provided for the child's journey to school and the return to the child's home. Parents are not provided with a mileage allowance for their own return to home in the morning or their journey to the school in the afternoon, i.e. the council pays a mileage allowance for two journeys per day rather than four. The mileage allowance is at the Government all car rate (£0.40 per mile). If, through a change in circumstance, the payment of the mileage allowance proves no longer to be the cheapest means of transporting the child to school, the alternative means of travel will be offered and the parent will be given up to 6 weeks to consider the new arrangement. At the end of that period, or when the alternative means of transport is taken up, whichever is the sooner, the mileage allowance will be withdrawn.
- 1.11 Where free travel is provided or a seat is purchased through the Spare Seat Scheme, travel is provided for attendance at the beginning and end of the school day only and not for extracurricular activities. This applies both to children who have an Education, Health and Care Plan and those who do not have such a plan.
- 1.12 Free or subsidised travel is not provided for children attending induction, taster or transitional days or sessions before joining the school/establishment.
- 1.13 If free or subsidised travel is provided to an educational establishment there is no free or subsidised travel between sites at that educational establishment or from that educational establishment to any other educational provider/providers.
- 1.14 The responsibility for determining entitlement to free travel rests with the School Admissions Team since transport decisions relate to the school attended. The responsibility for organising transport rests with the Supported Transport Team.
- 1.15 Any information regarding Oxfordshire County Council's Home to School Travel and Transport Policy obtained from any source other than the School Admissions Team of Oxfordshire County Council or the Oxfordshire public website should be disregarded.
- 1.16 Buses and coaches used on contracted home to school transport routes are public service vehicles and are subject to specific safety legislation. This is enforced by an initial inspection and certification of the vehicle followed by subsequent annual

checks. Vehicles are also subject to random roadside checks undertaken by the 'Vehicle and Operator Service Agency' (VOSA). VOSA may prohibit the use of any vehicle that is non-compliant, i.e. is in a dangerous condition, not roadworthy and/or the driver's hours are irregular. Any service provider using sub-standard vehicles may lose their operator's license.

- 1.17 No free transport is provided to address poor attendance or non-attendance unless this is attributable to permanent or temporary medical/disability/mobility issues that mean a child cannot walk to the nearest available school. This applies both to children who do not have an Education, Health and Care Plan and those who do have such a plan.
- 1.18 If free travel is agreed, children and young people will normally be expected to use public transport (ordinary scheduled bus or train services) or, if this is unavailable, contracted transport such as a coach or minibus. Up until the end of Year 5 children of primary school age who receive free travel to school by public transport will normally be expected to travel with a parent and the parent as well as the child will be eligible for a free bus pass. However, in normal circumstances, once a child is of Year 6 age and above only the child will receive free travel. Parents will not normally be able to accompany their children on contracted home to school transport routes.
- 1.19 Taxis will only be used where there:
  - is no public transport; or,
  - it would be too onerous to use public transport due to multiple changes of bus; or,
  - it can be demonstrated that a young person is unable to travel on public transport or a contracted coach/minibus because of specific permanent or temporary disabilities/special needs; or,
  - the journey would take longer than 1 hour 15 minutes for secondary school age pupils, or 45 minutes for primary school age pupils, and it would be a significantly shorter journey time by taxi.
- 1.20 There are circumstances in which a young person will travel alone in a taxi. However, this is normally when there are no other travellers to be carried rather than because there is an actual requirement for the child to travel alone.
- 1.21 Specialised tail-lift vehicles will only be agreed after an assessment by the Supported Transport Service or following a successful Stage 1 or Stage 2 appeal.
- 1.22 Lone taxi travel will also only be agreed after an assessment by the Supported Transport Team or following a successful Stage 1 or Stage 2 appeal. Assessments will be made by specialist officers within the Supported Transport Team.

## **2. Roles and Responsibilities of the Parent**

- 2.1 Parents should ensure that a child of statutory school age receives appropriate full-time education. In all, except a small number of cases, this involves attending a school.

- 2.2 Parents are responsible for making any necessary arrangements for attendance at an appropriate school or other setting, including submitting timely applications for admission.
- 2.3 Regarding travel to school, parents are expected to:
- accompany their child as necessary when walking to and from school; and/or,
  - accompany their child as necessary when walking to and from a pick-up point for transport to school and waiting with their child until the vehicle arrives; and/or,
  - ensure that their child has any travel pass that has been issued before their child leaves home; and/or,
  - ensure that their child knows what to do if they lose their travel pass and are refused travel, or if for any reason the vehicle does not arrive, for example, this could be return home, go to a neighbour or telephone the parent for assistance; and/or,
  - provide evidence of personal circumstances in support of any appeal for free transport; and/or,
  - submit any Stage 1 or Stage 2 appeal; and/or,
  - inform the School Admissions Team of any change of address or school and return any pass issued because of living at a previous address; and/or,
  - inform the Council of any change in financial circumstances that may affect entitlement under the extended rights arrangements set out in the Home to School Travel and Transport Policy.
- 2.4 Parents have a right to express a preference for their child's admission to a specific school or schools. However, this right is solely concerned with admission to school and there is no eligibility for free transport based upon parental preference of school. Therefore, if a child is not eligible for free travel, the parent concerned is wholly responsible for getting their child to that school.
- 2.5 Similarly, parents who transfer their child to an alternative school for any reason will not be able to claim eligibility for free travel unless the child concerned meets the eligibility criteria shown in this document, for example free transport will not be provided on the basis that a parent believes a child to be unhappy at their original school.

### **3. Statutory Walking Distance**

- 3.1 In understanding home to school transport and what can and cannot be provided free of charge, it is important to understand what is referred to as "the statutory walking distance". This is 2 miles for children who are under 8 years of age, and 3 miles for those of statutory school age who are aged 8 and over. It is measured along the shortest route along which a child, accompanied by a responsible adult, may walk with reasonable safety. The route may include footpaths, bridleways, and other pathways, as well as recognised roads. All such routes need to be open to the public. Even where the distance is calculated to have been longer than the statutory walking distance it will still be measured using this method. If issues are raised over the possible safety of a walking route the School Admissions Team will arrange for an initial assessment

and, if necessary, a full road safety assessment by a member of the Traffic and Road Safety Team.

## **4. Walking Routes to School**

4.1 The council expects that, where necessary, a child will be accompanied to school by a responsible person, such as a parent or other adult. This is a well-established legal point regarding the responsibilities of a parent and means that any assessment of route safety assumes that a child will be accompanied as necessary by a parent or other adult.

4.2 It is also well-established in law that the shortest publicly accessible route may include:

- footpaths;
- shared footpath/cycle tracks;
- bridleways and other pathways;
- recognised roads
- paths along trunk roads;
- footpaths along which there is a permissive right of way.

It is important to note that there is no requirement for a route to be maintained by Oxfordshire County Council or by another public body. It simply needs to be available for public use.

4.3 If a parent is concerned that a child needs to be accompanied for safety reasons but the route has been judged by the Council to be safe, it is the responsibility of that parent to ensure that the child is accompanied on the route to and from school. Parental perception of risk is not sufficient cause for the provision of free or subsidised travel.

4.4 Route Assessments are carried out by a member of the Traffic and Road Safety Team, in accordance with Oxfordshire County Council's Home to School Travel and Transport Policy, the guidance issued by the Department for Education (DfE) in 2014 and the Road Safety manual 'Assessment of Walked Routes to School' which is issued by Road Safety GB.

4.5 In accordance with the law, all routes are assessed with the assumption that pupils are accompanied as necessary by a responsible person (see paragraphs 2.3 and 4.1 above). Routes are not classed as unavailable solely due to any or all of the following factors:

- lonely routes; and/or,
- routes that pass close to canals, rivers, ditches, lakes or ponds; and/or,
- routes that require railway crossings if a suitable authorised crossing is present; and/or,
- the absence of street lighting.

4.6 It is clear from relevant case law that assessments must look at the relationship between pedestrians and traffic only and that personal safety/security issues of children travelling alone should not to be considered. Therefore, routes are

assessed in terms of road safety rather than personal safety/security in any other sense.

- 4.7 The assessment carried out is a road safety assessment. This assessment does not include the weight of the bags carried by an individual, the local weather conditions, temporary surface conditions such as mud or puddles, the presence of uncut hedges, difficult terrain and the arduousness of the route or whether the accompanying responsible adult will also have a younger child or pram with them.
- 4.8 If a footway is over ½ metre in width the footway is classed as an available route.
- 4.9 If a footway is less than ½ metre in width then traffic volumes and speeds are included in the assessment to determine whether the footway is an available route.
- 4.10 Even if there is not a footway, the walking route will still be assessed as available if it is safe to walk, accompanied, as necessary, by a responsible adult. The assessment will take account of traffic flows and whether drivers have enough time to slow down or pedestrians have time to step-off the road or verge. It is the responsibility of a parent to ensure that a child is accompanied as necessary on the walking journey to school.
- 4.11 No walking route can be absolutely safe. The term used in the Road Safety GB guidance to describe the accepted standard is “reasonable safety”.
- 4.12 Assessments will usually take place in the morning during the times children will be travelling to school and assessments may also be undertaken when returning home in the afternoon. Visits will be timed, where possible, so that crossing assessments of main roads take place at the times when the number of children travelling to school is highest.

## **5. Children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs or disability (SEND)**

- 5.1 Children who cannot walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs or disability (SEND), will not automatically be refused free travel on the basis that they live within the statutory walking distance of the school attended, if that school is the nearest that they could attend.
- 5.2 Parents who believe their child is unable to walk to the nearest school that they could attend because of mobility problems or associated health and safety issues will be expected to provide supporting evidence from a GP or consultant. In the case of a child with an EHCP, the Plan may provide all the information required.
- 5.3 **Free transport will not be agreed to *any* school irrespective of distance, journey time or number of other suitable schools that are closer to the**

**family home. Free travel will only be provided to the nearest suitable school.**

- 5.4 The Supported Transport Team may need to assess the mobility problems, or associated health and safety issues, related to a student's special educational needs or disability (SEND) to determine the type of free travel that can be made available to that student.

## **6. Children with an Education, Health & Care Plan (EHCP)**

- 6.1 The Children and Families Act received the Royal Assent in March 2014 and this resulted in the gradual replacement of Statements of Special Educational Need with Education, Health and Care Plans.
- 6.2 Having an Education, Health and Care Plan (EHCP) does not give automatic eligibility for free or subsidised travel. Therefore, if a school has been named in a Plan in accordance with parental preference, and there is a nearer suitable and available school, and there is no other basis in the Home to School Travel and Transport Policy for agreeing free travel, transport to the named school will be wholly the responsibility of that child's parent.
- 6.3 Some children with EHCPs may have specific needs that require the use of specialist transport that is not widely available. If a specialist vehicle is not required, it may still be necessary to use more expensive transport provision, such as taxi transport, to meet the specific needs of the children concerned. However, in all cases, the Council will provide the most cost-effective means of travel that will meet a child's need.
- 6.4 Parents of children with EHCPs may, in certain circumstances, be given the option of a personal budget to meet some or all of the provision detailed in the Plan and special transport will be an element of the personal budget.
- 6.5 Whether there is a requirement to assist in meeting a child's travel needs will be considered when an EHCP is issued or amended. Liaison will take place between the School Admissions and Special Educational Needs and Disability (SEND) Services to ensure the needs of the child are fully understood, as they relate to travel arrangements.

## **7. Assessments regarding travel arrangements**

- 7.1 If free travel is agreed, an assessment regarding a child's mode of travel will be made by the Supported Transport Service. This will normally only be necessary for children with significant disabilities/special needs. In most cases the child will have an EHCP. Options will include:
- direct travel payments; or,
  - independent travel; or,
  - directly procured travel assistance.



- 7.2 A parent will be formally notified, in writing, of the travel arrangements that the Council believes to be appropriate. At that point the parent may appeal against the mode of transport decided upon through the normal transport appeal process set out in this document. The first stage of this process is to request a review from the Admissions and Transport Services Manager. Prior to any appeal the Council will only make available the transport decided upon in the assessment. The result of any transport appeal is binding on the Council.

## **8. Children in Public Care (Looked After Children)**

- 8.1 Children in Public Care (Looked After Children) and children who were looked after, but ceased to be so because they were adopted (or became subject to a Child Arrangements Order or a Special Guardianship Order) will be assessed against the Home to School Travel and Transport Policy. If a child is not entitled to free travel, it is the carer's responsibility to ensure that he/she will be able to get the child to and from school.
- 8.2 If the professionals working with the child believe that there are extenuating circumstances that should be considered, the child's Social Worker may refer the issue to the Admissions and Transport Services Manager for a Stage 1 review.

## **9. Split site schools**

- 9.1 In the case of split site schools, as with all other schools, when assessing whether a child should receive free travel because of the walking distance to that school, the distance will be measured to the site they initially attend. This decision will not be reviewed because a child subsequently moves to a different site of the same school.
- 9.2 The following Oxfordshire secondary schools currently have split sites:
- The Cherwell School;
  - King Alfred's;
  - Lord Williams's School.
- 9.3 Those currently attending split site schools will be affected by this change from September 2018.

## **10. Distance measurement for Free Transport for children of Low Income Families**

- 10.1 The 2 mile limit is measured in the same way as the "statutory walking distance". However, the 6 mile and 15 mile upper limits are not walking routes. The 6 mile and 15 mile limits are measured along routes that are passable using a road route suitable for motorised vehicles.

## **11. Home**

- 11.1 In this policy document a child's home is defined as the child's main place of residence during the normal school week. Free travel can only be provided to and from that one address.
- 11.2 There is no use of notional addresses based on the midpoint between a mother's address and a father's address or addresses of convenience such as the address of a grandparent, cousin, family friend or legal representative.
- 11.3 Where children spend time with parents at more than one address then the address considered as the main address will be the one that they live at (i.e. sleep at) for most of term-time school nights (Sunday night to Thursday night). If children spend time equally at different addresses, then the address used for admissions purposes and to determine transport will be the one registered for child benefit. We will request proof of the registered address, which must pre-date the application.
- 11.4 Free travel is not provided to and from the address of other family members with whom the child is not normally/mainly resident, for example the address of a grandparent.

## **12. Travel to a friend's home, Induction/Taster Day, Breakfast/After School Clubs, Work Experience and Foreign Exchange Programmes**

- 12.1 No free travel can be provided on an ad hoc basis to children wishing to travel to the homes of children who are entitled to free transport. In addition, no free transport will be provided to:
- attend work experience; or,
  - attend an induction or taster day at another school/college; or,
  - attend a school as part of a foreign exchange programme; or,
  - attend appointments and activities for medical or sports reasons; or,
  - attend breakfast or after-school clubs; or,
  - attend extracurricular activities/clubs; or,
  - attend school trips.
- 12.2 Paragraph 12.1 applies both to children who do not have an EHCP and those who do have such a plan.

## **13. Escorts**

- 13.1 Escorts are normally only provided when it has been established through the "Mode of Travel Assessment" or appeals process that a child with an EHCP has a specific need to be accompanied. Escorts are subject to Disclosure and Barring Service (DBS) checks and undertake Safeguarding training. Escorts will not normally be provided in any other circumstances.

- 13.2 Examples of factors that may be considered when determining whether to provide an escort are shown below:
- medical issues; and/or,
  - health and safety related issues, including risk to self or others; and/or
  - the child's mobility; and/or
  - severe learning or physical difficulties that necessitate continual care and supervision.
- 13.3 If a passenger escort is provided, he or she will:
- travel with the child from an agreed pick-up point to an agreed drop-off point; and,
  - assist with entry to, and exit from, the vehicle; and,
  - ensure, as far as reasonably practicable, a safe journey for the child and other passengers; and,
  - provide a caring environment whilst on the vehicle.
- 13.4 Once transport with an escort has been arranged, parents must provide full details of any changes in the child's needs and circumstances, including any information specific to the journey or which should be passed on to others at the destination.
- 13.5 A passenger escort may supervise more than one child on a journey, consistent with providing the appropriate level of service for each individual child while they are on the vehicle.
- 13.6 It is a parental responsibility to get a child to the pick-up and from the drop-off point for education transport. Therefore, parents must be ready at the arranged pick up and drop off times to ensure the child's safe handover.
- 13.7 Escorts are not assigned for the specific purpose of managing behaviour. An acceptable standard of behaviour is expected of all children using transport contracted by the Council.
- 13.8 The need for an escort is reviewed on an annual basis.

## **14. Drivers**

- 14.1 Drivers used on contracted transport for home to school travel are subject to Disclosure and Barring Service (DBS) checks and they undertake Safeguarding training.

## **15. Parents accompanying children in OCC transport**

- 15.1 Parents will not normally be able to travel in OCC provided transport.

## **16. Change of address**

- 16.1 If a child is in receipt of free travel and the family changes address the child's parent needs inform the School Admissions Team. The child's eligibility for free travel will then be reassessed against the Home to School Travel and Transport Policy. The parent will then be notified in writing if the child is still eligible for free travel.

## **17. "No Pass, No Travel"**

- 17.1 All passengers are required to carry a pass if one has been issued to them. This establishes whether they may be carried on the vehicle, either under a statutory entitlement, a discretionary entitlement or under the Spare Seat Scheme.
- 17.2 Oxfordshire County Council operates a "No Pass, No Travel" Policy for the safety of its passengers and to restrict access to vehicles to passengers who are not eligible. By limiting access to vehicles, the Council seeks to avoid situations where eligible passengers cannot board because their seats are occupied by non-eligible passengers. A full vehicle cannot safely carry additional passengers.
- 17.3 Children may not board a public service vehicle without a pass or the means to pay for the journey. "No Pass, No Travel" takes the same approach with contracted vehicles.
- 17.4 A child who is unable to present a pass when requested to do so by the vehicle driver or council officer will not normally be carried on the vehicle.
- 17.5 It is a parent's responsibility to ensure that their children have a pass each morning to get on the vehicle to school or college. If not, the parent may have to return home with the child or make other arrangements to get them to school.
- 17.6 If a child loses the pass during the school day, he or she can approach the school to arrange for a temporary pass to get home. No child eligible for free travel will be refused access for the return journey. A child who has been issued with a pass and persistently travels without it may be banned from travelling on the vehicle.

## **18. Offer of free transport made in error**

- 18.1 If free transport is offered in error, because of a mistake made by the Council, the free travel will be withdrawn after a notice period of not less than 6 weeks.
- 18.2 If free transport is offered in error because of false or inaccurate information provided by the parent, the transport may be withdrawn immediately.

## **19. Assessment of eligibility for free transport on admission to mainstream school, special school and alternative education providers**

- 19.1 An assessment of eligibility for free travel is made by the School Admissions Team as part of the normal admissions process for entry to mainstream schools. Parents are normally notified of the decision in the letter offering a school place.
- 19.2 If a child ceases to be eligible during the school term, for example due to moving address, the provision will be discontinued at the end of that term.
- 19.3 In the case of children who do not have an EHCP, and whose parents make in-year applications to mainstream schools that are not part of the Oxfordshire In-Year Scheme, eligibility will be assessed when the parent concerned contacts the School Admissions Team to request an assessment. Appendix 1 lists the mainstream schools in Oxfordshire that are currently not part of the In-Year Scheme. This list may change in the future since currently admission authorities do not have to be part of the In-Year Scheme. An up-to-date list will be available online at [www.oxfordshire.gov.uk/residents/schools/apply-school-place/transferring-or-moving-school/before-you-start](http://www.oxfordshire.gov.uk/residents/schools/apply-school-place/transferring-or-moving-school/before-you-start)
- 19.4 The School Admissions Team also determines eligibility for free travel to alternative education providers and eligibility for free travel for those students with an EHCP.

## **20. Free transport for those of school age (Reception to Year 11)**

- 20.1 Children within the following categories are eligible for free travel:
  - a. Children attending the nearest available school or educational placement to their address, if the distance from home to school is over the “statutory walking distance” of 3 miles if aged 8 or over or 2 miles if less than aged 8 and of school age. This applies whether the school was listed on the Common Admissions Form (CAF) or not and whether the child concerned does or does not have an Education, Health and Care Plan.
  - b. Children attending the nearest school in Oxfordshire, if the distance from home to school is over the “statutory walking distance” of 3 miles if aged 8 or over or 2 miles if less than aged 8 and of school age. This applies whether or not the school was listed on the Common Admissions Form (CAF) and whether the child concerned does or does not have an Education, Health and Care Plan.
  - c. Children attending the nearest available school to their address even if it is less than the statutory walking distance, if it would not be safe for a child accompanied by an adult to walk from the home to the school. This applies whether a child does or does not have an Education, Health and Care Plan. If the route is subsequently determined to be safe to walk the parent will be given up to 6 weeks’ notice of the withdrawal of free transport. At the end of that period, free transport will be discontinued.
  - d. Where at least 20% of addresses are nearest to the catchment/designated area school and the rest are nearest to another school, free transport will be provided

to the catchment school for all addresses if the distance is beyond the “statutory walking distance” or there is no safe walking route. This is referred to as the ‘split village’ entitlement. This additional entitlement applies to all children of the relevant age for the schools concerned and applies whether a child does or does not have an Education, Health and Care Plan. The villages affected are listed in Appendix 2.

- e. Children who are aged 8 or over and are under 11 years old who are eligible for free school meals, or whose parents are in receipt of the maximum level of Working Tax Credit, and attend the nearest school if it is over 2 miles from their home. This entitlement applies to all children of the relevant age for the schools concerned and applies whether a child does or does not have an Education, Health and Care Plan.
- f. Children aged 11 to 16 who are eligible for free school meals or whose parents are in receipt of the maximum level of Working Tax Credit and who attend one of their three nearest suitable schools (or places other than school at which they might receive education under section 19(1) of the Education Act 1996), where they live more than 2 but not more than 6 miles from that school. The 2 mile distance is measured by “walking route” and the 6 mile distance is measured by road route. This entitlement applies to all children of the relevant age for the schools concerned and applies whether a child does or does not have an Education, Health and Care Plan.
- g. Children aged 11 to 16 who are eligible for free school meals, or whose parents are in receipt of the maximum level of Working Tax Credit, and want their child to be educated in accordance with their religion or belief and they attend the nearest suitable school preferred on grounds of religion or belief that is over 2 miles but no more than 15 miles from their home. The 2 mile distance is measured by “walking route” and the 15 mile distance is measured by road route. This entitlement applies to all children of the relevant age for the schools concerned and applies whether a child does or does not have an Education, Health and Care Plan.
- h. Children entitled to free transport, who move house during Year 11 and continue to attend their original school, subject to the following limits:
  - transport can be provided other than by taxi; and
  - the distance travelled is no more than 15 miles.

This applies whether a child does or does not have an Education, Health and Care Plan.

- i. Children who cannot walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEND) or disability, if the school they attend is the nearest suitable and available school that they could attend. In the case of a child with an Education Health and Care Plan, the Plan may provide all the information required.
- j. Children who attend their nearest suitable and available school and are temporarily unable to walk to school because of a short-term illness or medical condition. Evidence of the medical condition and its effects is required from a

GP or consultant. This applies whether a child does or does not have an Education, Health and Care Plan.

- k. Children who live at RAF Benson and attend Icknield Community College (annually reviewable). This applies whether a child does or does not have an Education, Health and Care Plan.

## **21. Free Travel to Alternative Education Providers**

- 21.1 The School Admissions Team will determine whether free travel will be provided to children and young people who have been placed at an alternative education provider by the Council. A short-term, full-time placement at an alternative education provider would normally follow a permanent exclusion from a mainstream school and some children may receive a long-term, full-time placement at an alternative provider. In addition, some children attend Council-funded days at an alternative education provider and others attend a mix of Council- and school-funded days at an alternative education provider.
- 21.2 Currently the main provider of alternative education for Oxfordshire County Council is Meadowbrook College which is an academy and independent of local authority control. This determination will be made on the same basis as attendance at a mainstream school and the relevant criteria are shown in 20.1 of this policy (above). No free travel will be provided to school funded days at an alternative education provider.
- 21.3 Therefore, after a permanent exclusion from school, a young person allocated a Council-funded, short-term place at Meadowbrook College (or a similar establishment) will receive free travel if that young person:
- lives over the statutory walking distance from the institution attended; or,
  - lives under the statutory walking distance from the institution but the route is unsafe to walk, even if accompanied by an adult; or,
  - meets the eligibility criteria related to family income.
- 21.4 Free travel to both short and long-term places will be provided by the most cost-effective means.
- 21.5 If a young person is allocated a mix of Council-funded days and school-funded days at Meadowbrook College (or similar establishment), the criteria for provision of free transport will be applied and, if there is a right to free travel on the Council-funded days, the transport costs for those days will be met by the Council. Any transport costs on school-funded days will be the responsibility of the school/family. Therefore, if a young person has two Council-funded days (and meets the criteria for free transport) and two school-funded days at Meadowbrook College (or similar establishment), 50% of the travel cost will be met by the Local Authority and 50% will be met by the school or family. Travel funded by the Council will be provided by the most cost-effective means.
- 21.6 If a young person allocated a short-term or long-term Council-funded place at Meadowbrook College (or a similar establishment) does not meet any of the criteria for provision of free transport, their parent will have the right of appeal.

The transport appeal process is set out in this policy document.

- 21.7 Students attending an alternative education provider should have the same start and finish times and, if free home to school travel is agreed, it will only be provided at the beginning and end of the school day.
- 21.8 No free transport will be provided at Council expense to address poor attendance or non-attendance at the alternative education provider.
- 21.9 If free travel is agreed, the “default” position will be that students will be expected to use public transport (service bus or rail). Taxis will not normally be provided within urban and rural areas served by service bus or rail routes.
- 21.10 Taxis will only be used:
- if there is no public or contracted bus or minibus transport; or,
  - it would be too onerous to use public transport because of multiple changes of bus; or,
  - the journey would take longer than 1 hour 15 minutes for secondary age pupils, or 45 minutes if of primary school age, and it would be a significantly shorter journey time by taxi.
- 21.11 Most students within Oxford will not be eligible for free travel to Meadowbrook College given the relatively short distances that are likely to be travelled.
- 21.12 Students living in Bicester and Bloxham who attend a Council-funded place at Meadowbrook College at West Bar in Banbury will normally be expected to use public transport.
- 21.13 Most students who live in Banbury will not be eligible for free travel to Meadowbrook College at West Bar in Banbury since no student of secondary school age will live far enough away to meet the distance criterion.
- 21.14 As with students who attend mainstream or special schools, any necessary assessments regarding the mode of travel/travel arrangements for young people attending an alternative education provider will be made by the Supported Transport Team. The same appeal arrangements will apply as for all other children of statutory school age.

## **22. Naming a school in an Education, Health and Care Plan when there is a nearer suitable and available school**

- 22.1 If the parent of a child with an Education, Health and Care Plan requests a particular school and that school is named in the Plan, no free or subsidised transport will be provided to that school if there is a nearer suitable school that has been identified by the SEND Team that can meet that child’s assessed needs.



## **23. Free Travel to Out County Residential Schools for those with an Education, Health and Care Plan or Statement of Special Educational Need aged 11 to 16**

### 23.1 Out County Weekly Boarding

A child is eligible for free travel at the beginning and end of each term and at the beginning and end of each school week to a total of 76 single journeys per year.

### 23.2 Termly Boarding (3 terms per year)

Children of 11 or over are entitled to free travel at the beginning and end of each term and half-term up to a maximum of 16 single journeys per year.

Children aged up to 11 are entitled to free travel at the beginning and end of each term and half-term, plus 4 discretionary journeys home per year, up to a maximum of 24 single journeys per year.

### 23.3 Termly Boarding (4 terms per year)

Children of 11 or over are entitled to free travel at the beginning and end of each term and half-term up to a maximum of 16 single journeys per year.

Children aged up to 11 are entitled to free travel at the beginning and end of each term and half-term, plus 4 discretionary journeys home per year, up to a maximum of 24 single journeys per year.

### 23.4 Out County 52 Week Boarding (joint placement with another agency)

All boarders (or parents) are entitled to 12 single trips home per year (broadly relating to term times). Any additional trips will be the responsibility of the other agency.

### 23.5 Payment of parental journeys for those with children at Out County residential special schools

Payment will be made if one of the following applies:

- attendance at their child's annual review; or,
- attendance at any meeting called by the Council at the child's school; or,
- journeys necessitated by a child's sickness or emergency medical appointments; or,
- an agreed journey to visit a new school placement; or,
- to attend up to three additional meetings per year at the school (called by the school or requested by the parents) if sanctioned by the Council in advance; or,
- to travel with the child on train or service bus journeys if the child needs an adult escort.

### 23.6 Overnight accommodation

The Council will not normally reimburse the cost of overnight accommodation for parents/carers.

## 24. Application for Transport Assistance on grounds of Religion or Belief

24.1 In making decisions on assistance with transport the Council will respect parents' religious and philosophical convictions as to the education to be provided for their children in so far as this is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

24.2 However, a parent will need to satisfy the council of the genuine nature of the religious and/or philosophical belief and that the application is made in good faith. The burden of proof lies with the child's parent/parents.

24.3 Examples of acceptable evidence are:

- the provision of a Baptismal Certificate; and/or,
- a statement of atheism; and/or,
- a statement of adherence to a particular faith; and/or
- a letter of support from a priest, rabbi or imam stating that the child belongs to a particular congregation.

Normally, two pieces of evidence will be required.

24.4 It is important to note that the Council will consider the financial consequences of any applications for assistance and that setting up new coach services or taxi routes, or specifically continuing them when they could be discontinued, in order to accommodate new travellers would normally fall within the definition of "unreasonable public expenditure". However, where there are spare seats on already existing home to school transport routes, or scheduled public transport services, the Council will be able to consider applications for places under the Spare Seat Scheme arrangements.

24.5 The Council will not consider academic grounds expressed for preferring a particular school when making a decision on whether to provide assisted transport on grounds of faith or belief.

24.6 Decisions on applications for transport assistance on grounds of faith or belief will normally be taken by a panel of three.

## 25. The "Spare Seat" Scheme

25.1 The "Spare Seat" Scheme operates on contracted routes that are operated for the benefit of those who are entitled to free transport to and from school. The key points regarding this scheme are set out below:

- The Council cannot guarantee that a child will keep the seat for longer than one full term (based on a three-term academic year); and,
- Fare prices are reviewed annually; and,
- The parent, or in the case of Years 12 and 13, the student, must complete an application form; and,
- Parents are required to pay in advance for one full term’s travel; and,
- The price charged covers a return journey for every school day of the relevant period; and,
- There will be no rebates for those deciding to travel for less than the maximum number of possible journeys per term. For example, there is no rebate if a child or young person decides to use his/her bus pass for morning travel and returns by some other private means in the afternoon; and,
- If a seat is available, a bus pass will only be issued on receipt of a completed application form, and correct payment; and,
- There is no guarantee that the bus will continue to run throughout a child’s or young person’s time at a school, or that the place on the bus will not be withdrawn at some future date if the place is required for a child or young person who is entitled to free travel; and,
- The “Spare Seat” charge will be waived for those of statutory school age who are eligible for free school meals, or, in the case of those aged 5, 6 or 7, would be eligible for free school meals on income grounds, or whose parent is in receipt of the maximum level of Working Tax Credit; and,
- If there are more applicants than places, a parent will be able to add a child’s name to a waiting list. Any waiting list for a specific route will operate for no longer than one academic year; and,
- If there is an available home to school transport route operated on behalf of Oxfordshire County Council, children who are not of statutory school age and who are aged 16 to 18, may use the “Spare Seat” Scheme to purchase a seat on that route to enable access to their school or college; and,
- When there are more requests to pay for seats on a specific route than there are seats available, they will be allocated in the descending order of priority shown in the table “Priority for Spare Seats”.

**Table 1. Priority for “Spare Seat” Scheme**

Priority	Category
1	Those with an Education, Health and Care (EHC) Plan naming the school
2	Looked After Children
3	Years 12 and 13 (if there is no available service bus route)
4	Children in receipt of Free School Meals or whose parent/parents are in receipt of the maximum level of Working Tax Credit
5	Those who travelled on the route the previous term

6	By year group, in ascending order of priority from Reception to Year 11 (or to Year 13 if there is an available service bus route)
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\* *Where there are more applicants than places in any of the above categories, priority will be given to those living closest to the destination school (measured using the shortest designated route on Oxfordshire County Council's Geographic Information System)*

25.2 The charges for 2021/22 are set out in Table 2. These fares were set in 2014.

**Table 2. Charges for 2021/22**

Less than 3 miles from home to school/college	£386
3 miles and over from home to school/college	£719

25.3 The fares for the "Spare Seat" Scheme for 2022/23 are shown in Table 3. The fares include an annual 2% inflation increase and rounding to the nearest whole number. The use of the 2% figure reflects the target inflation figure set for the Bank of England. If this target changes or transport inflation rises beyond 2%, the Council reserves the right to consult on the use of a different inflation figure and the amendment of "Spare Seat" Fares.

**Table 3. Charges for 2022/23**

Less than 3 miles from home to school/college	£394 per annum
3 miles and over from home to school/college	£733 per annum

## 26. Code of Conduct

26.1 The Code of Conduct for those travelling on Home to School Transport is shown at Appendix 3.

26.2 Free travel or "Spare Seat" travel may be suspended if a child who is aware of the Code of Conduct breaches it in a significant way. The child's school may also potentially impose a disciplinary sanction. The Code of Conduct applies to all travellers although the special needs of a child with an EHCP will be taken into account when considering a response to breaching the Code.

26.3 If free travel is suspended, the child's parent has a right of appeal against the decision. The appeal process is the two-stage process set out below. Stage 1 reviews are conducted by the Admissions and Transport Services Manager and Stage 2 reviews are carried out by an independent panel.

## 27. Home to School Transport Appeals

27.1 The appeals process set out below applies to:

- children and young people who live in Oxfordshire, are of statutory school age and attend a mainstream school; or,
- children and young people who live in Oxfordshire, have an Education, Health and Care Plan (EHCP) and attend either a mainstream school or a special school; or
- children and young people who live in Oxfordshire, are of statutory school age and are not on the roll of a mainstream or special school but attend alternative education provided at Oxfordshire County Council expense, for example at Meadowbrook College.

27.2 Two stage process

The Council annually publishes the appeals process on its website (with paper copies available on request). This sets out the two-stage process for parents who wish to challenge a decision about:

- the transport arrangements offered;
- their young person's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the safety of the route.

27.3 Stage one: Review by the Admissions and Transport Services Manager

- A parent has 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision.
- The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- Within 20 working days of receipt of the parent's written request the Admissions and Transport Services Manager will review the original decision and send the parent a detailed written notification of the outcome of the review, setting out:
  - the nature of the decision reached; and
  - how the review was conducted (including the standard followed, for example route safety assessments that have followed Road Safety GB guidance); and
  - information about other departments and/or agencies that were consulted as part of the process; and
  - what factors were considered; and
  - the rationale for the decision reached; and
  - information about how the parent can escalate their case to stage two (if appropriate).
- Complex Stage 1 cases may take longer than the timescale given above.

#### 27.4 Stage two: Review by an independent appeal panel

- A parent has 20 working days from receipt of the written stage one response from the Admissions & Transport Services Manager to make a written request to escalate the matter to stage two.
- Within 40 working days of receipt of the parent's request an independent appeal panel will consider written and verbal representations from both the parent and officers involved in the case and give a detailed written notification of the outcome (within 5 working days), setting out:
  - the nature of the decision reached; and
  - how the review was conducted (including the standard followed e.g. Road Safety GB); and
  - information about other departments and/or agencies that were consulted as part of the process; and
  - what factors were considered; and
  - the rationale for the decision reached; and
  - information about the parent's right to put the matter to the Local Government Ombudsman (see below).
- Stage 2 appeals will be heard by a panel of three comprising of one officer, one county councillor and one independent person. All panel members receive specific training prior to undertaking their role. The training includes information to ensure an understanding of the specific needs of children with SEND and EHCPs. The Audit & Governance Committee have governance oversight of the process. The county councillor will not be the councillor for the division within which the child resides. No officer will have been involved in the previous decision making. The independent person will be drawn from the volunteers for hearing admission appeals.
- The Clerk to the Appeals & Tribunals Sub-Committee will be from the Law & Governance Department and will not work for the Admissions Team or the Supported Transport Service.
- A representative of the Admissions Team will present the LA's reasons for not providing transport and appellants can present a case in writing and/or in person (if the parent wishes, accompanied by a friend). The format of the appeal is set out below:
  1. presentation of the LA's case by the LA representative;
  2. committee members and the parent are able to ask questions of the LA representative;
  3. presentation of the parent's case;
  4. committee members and the LA representative are able to ask questions of the appellant (if present);
  5. summing up by the LA representative;
  6. summing up of the appellant's case;
  7. both the LA representative and the appellant(s) leave the hearing together;

8. consideration of the case by the Appeals & Tribunals Sub-Committee in private when the independent panel members will make a decision whether to uphold or refuse the appeal.

- The decision of the Appeals & Tribunals Sub-Committee will be considered binding on the Council and appellant and there is no further right of appeal.
- The Council will not consider requests for a further transport appeal within the same school academic year unless there has been a significant change of circumstance.
- Complex Stage 2 cases may take longer than the timescale given above.





## APPENDIX 1

### Schools that have opted out of the In-Year Admissions Scheme

This information was correct at the time this policy was published. An up-to-date list is available online at [www.oxfordshire.gov.uk/residents/schools/apply-school-place/transferring-or-moving-school/before-you-start](http://www.oxfordshire.gov.uk/residents/schools/apply-school-place/transferring-or-moving-school/before-you-start)

All-through schools with an age-range of 4 to 18 years. The normal point of entry to these schools is Reception year group.

- Heyford Park School  
[heyfordparkschool.org/](http://heyfordparkschool.org/)  
01869 232203

Primary schools with an age range of 4 to 11 years. The normal point of entry to these schools is Reception year group.

- Ashbury with Compton Beauchamp Church of England Primary School  
[www.ashburyprimary.org.uk/default.asp](http://www.ashburyprimary.org.uk/default.asp)  
01793 710259
- Bampton Church of England Primary School  
[www.bamptonprimaryschool.org.uk/](http://www.bamptonprimaryschool.org.uk/)  
01993 850371
- The Blake Church of England Primary School, Witney  
[www.blake.oxon.sch.uk/website](http://www.blake.oxon.sch.uk/website)  
01993 702840
- Brize Norton Primary School  
[www.brizeprimary.org/](http://www.brizeprimary.org/)  
01993 842488
- Dr South's Church of England Primary School, Islip  
[dr-souths.co.uk/](http://dr-souths.co.uk/)  
01865 372323
- Goring Church of England Primary School  
[www.goring.oxon.sch.uk/](http://www.goring.oxon.sch.uk/)  
01491 872289
- John Henry Newman Academy  
[www.jhnacademy.co.uk/website](http://www.jhnacademy.co.uk/website)  
01865 772495
- Kidmore End Church of England Primary School  
[moodle.kidmore-end.co.uk/](http://moodle.kidmore-end.co.uk/)  
0118 357 3149
- North Leigh Church of England Primary School  
[www.northleighprimaryschool.org.uk/](http://www.northleighprimaryschool.org.uk/)  
01993 881525
- Our Lady's Catholic Primary School, Cowley  
[ourladyscowley.co.uk/](http://ourladyscowley.co.uk/)  
01865 779176

- St Christopher's Church of England Primary School, Langford  
[www.st-christophers.oxon.sch.uk/](http://www.st-christophers.oxon.sch.uk/)  
01367 860318
- St Christopher's Church of England Primary School, Oxford  
[www.st-christophers-pri.oxon.sch.uk/](http://www.st-christophers-pri.oxon.sch.uk/)  
01865 779772
- St Joseph's Catholic Primary School, Thame  
[www.st-josephs.oxon.sch.uk/](http://www.st-josephs.oxon.sch.uk/)  
01844 214278
- St Mary & St John Church of England Primary School, Oxford  
[www.ssmj.oxon.sch.uk](http://www.ssmj.oxon.sch.uk)  
01865 245768
- St Peter's Church of England Primary School, Alvescot  
[www.stpeters.oxon.sch.uk/](http://www.stpeters.oxon.sch.uk/)  
01993 842535
- Tyndale Community Primary School, Oxford  
[www.tyndalecommunityschool.co.uk/](http://www.tyndalecommunityschool.co.uk/)  
01865 454000

Secondary schools with an age range of 11 to 18 years. The normal point of entry to these schools is Year 7.

- Wykham Park Academy, Banbury  
[wykhampark-aspirations.org/](http://wykhampark-aspirations.org/)  
01295 251451

Studio Schools and University Technical Colleges with an age range of 14 to 18 years. The normal point of entry to these schools is Year 10.

- Bicester Technology Studio  
[www.bicestertechstudio.org.uk/](http://www.bicestertechstudio.org.uk/)  
01869 203012
- Futures Institute Banbury  
[www.futuresbanbury.org/](http://www.futuresbanbury.org/)  
01295 257942
- UTC Oxfordshire, Didcot  
[www.utcoxfordshire.org.uk/](http://www.utcoxfordshire.org.uk/)  
01235 391587

## APPENDIX 2

### Split Villages

Transport will be provided to the designated area school from all addresses in the contiguous built-up area of the village because more than 20% of the addresses are closest to the designated area school. Transport will also be provided from individual addresses to the relevant nearest school (if different) where appropriate.

Village *	Nearest Schools	Designated Area School
Adderbury/Twyford	Blessed George Napier Catholic School The Warriner School	The Warriner School
Ascott-under-Wychwood	Burford School Chipping Norton School	Burford School
Dry Sandford	Fitzharrys School Larkmead School	Fitzharrys School
Duns Tew	Dr Radcliffe's CE Primary School Middle Barton School	Dr Radcliffe's CE Primary School
Freeland	Bartholomew School Wood Green School	Bartholomew School
Great Haseley	Lord Williams's School Wheatley Park School	Wheatley Park School
Kirtlington	Gosford Hill School Heyford Park Free School The Marlborough CE School	The Marlborough CE School
Long Hanborough	Bartholomew School The Marlborough CE School Wood Green School	Bartholomew School
Old Boars Hill	Fitzharrys School Matthew Arnold School	Fitzharrys School
South Hinksey	Matthew Arnold School St Gregory the Great Catholic School	Matthew Arnold School
Tadmarton	Bloxham CE Primary School Sibford Gower Endowed Primary School	Sibford Gower Primary School
Twyford/Adderbury	Blessed George Napier Catholic School The Warriner School	The Warriner School
Yatscombe Copse	Fitzharrys School St Gregory the Great Catholic School	Fitzharrys School

\* Oxfordshire County Council considers the 'village' to be the contiguous built-up area.

An address within the Civil Parish but outside the contiguous built-up area of the village does not qualify for free travel under the 'split-village' rule.

Similarly, where the village name forms part of the postal address, but the property is outside the contiguous built-up area of the village, free transport will not be provided under the 'split-village' rule.



## **APPENDIX 3**

### **School Transport Code of Conduct**

The safety and welfare of students travelling on home to school transport is of paramount importance and therefore it is expected that all parties will abide by the School Transport Code of Conduct at all times. Failure to do so could result in home to school transport being withdrawn from a student or a contract with a Service Provider being terminated.

Any incident reported to Oxfordshire County Council involving school transport and the behaviour of students using school transport will be taken seriously and will be investigated by Quality Monitoring and some cases may be referred to Schools Safeguarding before any action is taken. Where there is a consistent concern or refusal to comply with the School Transport Code of Conduct and a student is excluded from travelling, it will then be the responsibility of parents or carers to ensure that there is a continued attendance at school.

### **Responsibilities of Oxfordshire County Council**

Oxfordshire County Council will:

- provide free home to school transport by the most cost-efficient means for students living in Oxfordshire, who qualify for free travel under the Home to School Travel and Transport Policy (Please refer to the Home to School Travel and Transport Policy for further information);
- provide a safe journey on all home to school transport contracts between the designated pick up point and the school site, and vice versa;
- ensure that the Service Provider provides a suitable vehicle and that all drivers and vehicles are suitably licenced and insured for the conveyance of students. Agree all routes and schedules with the Service Provider;
- ensure all Drivers and Passenger Assistants have an enhanced DBS check and Safeguarding and Disability Awareness Training
- ensure all Drivers and Passenger Assistants are issued with an OCC Identification Badge;
- provide route schedule for mainstream primary and secondary routes;
- provide a bus pass for students who travel on vehicles of 20 seats and above;
- monitor contracts with Service Providers to ensure contract and law compliance;
- carry out risk assessments where appropriate to establish suitability of provision and routes;
- ensure there is a robust complaints procedure in place;
- investigate all complaints, liaising with schools and Service Providers, where necessary, and respond to all parties advising of the outcome;
- ensure that all confidential information is handled in line with General Data Protection Regulations (GDPR).

## **Responsibilities of the Service Provider**

The service provider will:

- provide students safe travel between their designated collection point and the school site, and vice versa ensuring all safeguarding protocols are followed;
- provide vehicles and drivers that meet all legal and contractual requirements;
- have appropriate employers' liability, public liability and vehicle insurance cover;
- ensure they hold an appropriate operator's or local authority licence where applicable;
- comply with all terms and conditions of contract;
- ensure all Drivers and Passenger Assistants hold a valid Oxfordshire County Council Identification Badge;
- ensure that all Drivers are issued with the most up to date route and schedule;
- ensure that no changes are made to the schedule without approval from the Supported Transport Service;
- immediately inform Oxfordshire County Council where a serious incident has occurred;
- notify Oxfordshire County Council and the school of any incidents of unacceptable student behaviour as soon as possible;
- ensure Drivers and Passenger Assistants conveying students with Special Educational Needs have sight of students Risk Assessment Passenger Passport;
- ensure that all confidential information is handled in line with General Data Protection Regulations (GDPR).

## **Responsibilities of the Driver and Passenger Assistant**

The Driver and Passenger Assistant will:

- always be presentable and courteous;
- adhere to the Taxi Driver, Passenger Assistant and Coach Driver Code of Conduct;
- be in possession of an appropriate license to drive the vehicle being used to convey students and be able to produce it on demand;
- hold a valid Oxfordshire County Council Identification Badge and be able to produce this when requested;
- undertake Oxfordshire County Council Safeguarding and Disability Awareness Training;
- follow the route and schedule as agreed and not deviate from this without prior authorisation, unless exceptional circumstances (e.g. a road closure) make a deviation necessary – they should notify their controller in these circumstances so that the school and/or parents and carers may be notified of any delay;
- never leave a designated collection point earlier than the published time;
- not pick-up or drop-off at any point other than a designated stop;
- check passes issued to students on vehicles over 20 seats, on a regular basis and only transport those students who can produce a valid pass for the vehicle that they are attempting to board;

- in the event of a vehicle breakdown, maintain a safe environment for all passengers and contact their controller;
- not sell or supply goods of any kind to students or stop en route for students to obtain goods of any kind;
- be responsible for the safety of the students for the entire duration of their journey;
- if there is an emergency on board and it is safe to do so, stop the vehicle and follow protocols. If appropriate consult with the student's Passenger Passport and where necessary, ring 999. If it is not safe to stop, or it would be safe to continue, once at the nearest safe destination (home or school) inform their controller who will then inform the Supported Transport Service, school and parents;
- never try to resolve any acts of misconduct (unless a student's behaviour presents a danger to the vehicle or other students on board) but report the names of the miscreants to the school at the earliest opportunity;
- not stop the vehicle, unless there are genuine concerns for the safety of the students on board. If stopped, it must be in a safe place and for as short a period of time as possible and the school and Service Provider must be notified of such a break to the journey;
- report serious incidents or accidents involving the safety of children, the vehicle or other road users immediately to the Service Provider who will be responsible for notifying Oxfordshire County Council's Supported Transport Service;
- not provide food, sweets or drinks to students in their care;
- not remove a student from any vehicle mid-journey or allow a student to leave the vehicle in transit;
- seek immediate advice from the Service Provider where a serious incident occurs;
- report any incident to their management as soon as it happens;
- where a student travels in a wheelchair, anchor and secure the webbing on the chair on all journeys;
- if conveying a student with Special Educational Needs, ensure they have read the Risk Assessment Passenger Passport;
- ensure when transporting a primary-aged student or student with Special Educational Needs they are handed over to an appropriate responsible adult before leaving designated stop (school, home or bus stop);
- refuse to transport a student whose behaviour would put the driver, passengers and any other road user in danger for the immediate short term and until further guidance has been received from Supported Transport Service.

If the student's behaviour on the vehicle presents a danger to themselves or others, transport may be withdrawn - we will work extensively with the parent/carer and school, college or unit before withdrawing transport. The parent/carer has a responsibility to manage the student's behaviour and if transport is withdrawn, it does not excuse the student from attending their school, college or unit.

The Driver and Passenger Assistant's duty of care does not do not end until the last student has been discharged. On no account must this duty be delegated to any other person.

Drivers and Passenger Assistants are responsible for ensuring that a seat belt or safety harness is provided for passengers and that it has been secured. However, they are not responsible for securing seatbelts or harnesses. Neither are they responsible for escorting students from the

vehicle into home or into school premises. Drivers are not permitted to lift or assist by manually handling in or out of vehicles.

## **Responsibilities of the School**

The Department for Education expects schools to promote appropriate standards of behaviour by students on their journey to and from school through rewarding positive behaviour and using sanctions to address poor behaviour. The Education & Inspections Act 2006 ([www.legislation.gov.uk/ukpga/2006/40/contents](http://www.legislation.gov.uk/ukpga/2006/40/contents)), EIA 2006 empowers headteachers to take action to address unacceptable behaviour even when this takes place outside the school premises and when students are not under the legal control of the school, but when it is reasonable to do so. In the Department for Education's view, this would include behaviour on school buses, or otherwise on the route to and from school, whether or not the students are in school uniform. A school cannot exclude a student from transport provided by Oxfordshire County Council.

Schools will:

- be responsible for the behaviour of students from the start to end of their home to school transport journey, both morning and afternoon;
- have a zero-tolerance policy in relation to inappropriate behaviour on home to school transport;
- designate a lead member of staff to have responsibility for home to school transport and provide contact details for this person. This person will act as the main point of contact for reporting incidents of misconduct and will be responsible for notifying Oxfordshire County Council's Supported Transport Service Quality Monitoring Team of such incidents;
- be the initial point of contact for complaints about student misconduct or anti-social behaviour on all school transport;
- keep an up to date record of all incidents, misconduct and anti-social behaviour on home to school transport;
- treat seriously any notification of an incident that is reported on home to school transport and notify the Supported Transport Service Quality Monitoring Team;
- work with students, parents and carers to ensure that any unacceptable behaviour issues either on the home to school transport journey or at the designated stop are addressed and take action to issue appropriate sanction;
- only issue temporary passes for travel on transport provided by Oxfordshire County Council where a current bus pass has been lost, stolen or forgotten. However, a temporary bus pass should not be issued to a student who does not already have entitlement to travel;
- be responsible for assisting students onto and off of school transport.

## **Responsibilities of Parents and Carers**

Parents and carers will:

- support the school and the Service Provider by ensuring that the Student Code of Conduct has been read and is followed at all times;
- ensure that their child is at the boarding point five minutes before transport is due and that young children are accompanied until the transport has departed;



- ensure that their child arrives at the designated stop safely in the morning and reaches home safely from the designated stop in the afternoon;
- where a student is of primary school age or has Special Educational Needs or a disability and they hold an Education, Health and Care (EHC) Plan, need to ensure the child is met at the designated stop or home address by a responsible adult. Failure for a responsible adult being present could result in a child being returned to the school or the nearest police station;
- teach their child, where they do not need to be accompanied to and from the designated stop, the safest walking route between home and the designated stop, including the safest crossing points on their route;
- teach their child to think about their own and others' safety, while walking to and from the designated stop and on the transport;
- teach their child the importance of waiting for the transport in an orderly, courteous and calm manner and ensure that they know what to do if the transport does not arrive within 15 minutes of the scheduled time, or if access to the transport is refused;
- notify the Supported Transport Service and school if their child returns home having waited 15 minutes past the scheduled pick-up time, that the transport has not arrived;
- ensure that any travel pass is carried at all times (drivers and Service Providers will make necessary checks that students are permitted to travel and have the right to refuse to carry a student without a pass);
- prior to the first journey, ensure their child has read and understood the "No Pass No Travel" Guidance, where a pass has been issued;
- ensure any Special Educational Needs Risk Assessment Passenger Passports are carried at all times;
- remind their child that they need to wear any seatbelt or harness that is provided at all times;
- for students with Special Educational Needs and Disabilities, ensure that seat belts and harnesses are fastened and secured before the vehicle pulls away;
- ensure their child is aware, in the event the vehicle has to make an unscheduled stop, that they must follow the driver's instructions. If the driver's instruction is not followed, then this is at the student's own risk;
- cooperate with the school, Service Provider and Oxfordshire County Council if their child exhibits bad behaviour on home to school transport;
- ensure that any incidents or concerns are reported to Oxfordshire County Council and the school as soon as possible;
- ensure that the school and Oxfordshire County Council School Transport Eligibility are advised of any change in the students' personal circumstances or family circumstances which may have an impact on eligibility for free home to school travel e.g. change of address, no longer eligible for free school meals. Where there has been a change of address, evidence of the new address will be required before any new travel arrangements can be approved;
- not board or attempt to board the vehicle;
- not act in a threatening or abusive way towards the driver or any other students either on or around the bus. Any concerns should be reported to the school and/or the Supported Transport Service.

Where a student's behaviour in a vehicle presents a danger to themselves or to others, home to school transport may be withdrawn. However, where a student's behaviour in a vehicle is due to their Special Educational Needs or disability, the Supported Transport Service will work extensively with parents, carers, school or college before withdrawing transport in these cases

It is important that students should behave in an appropriate manner towards any Driver, Passenger Assistant, other students or members of staff at Oxfordshire County Council. All students who use home to school transport are expected to abide by the School Transport Code of Conduct and any student who fails to abide by this when using any transport provided by Oxfordshire County Council may be excluded from using the transport in accordance with Oxfordshire County Council's Home to School Travel and Transport Policy.

If your child is excluded from home to school transport for a fixed-term or permanently, you will be responsible for ensuring that they continue to attend school. Alternative travel arrangements will not be put in place.

If your child is found to be responsible for bad behaviour on home to school transport, which does not result in them being excluded, it is your responsibility to ensure that reasonable steps are taken to modify that behaviour and to stress to your child the importance of behaving in an appropriate manner while travelling on home to school transport. It is also your financial responsibility to meet the costs for repair or replacement of equipment or any property intentionally damaged as a result of your child's actions.

Oxfordshire County Council has a determined procedure for dealing with cases of poor behaviour reported to us and will write to you to warn you that your child is at risk of being excluded from home to school transport.

If your child has been excluded from travelling under the School Travel Code of Conduct and you feel that it has been applied unfairly or incorrectly, you can lodge an appeal by emailing [schooltransporteligibility@oxfordshire.gov.uk](mailto:schooltransporteligibility@oxfordshire.gov.uk)

## **Responsibilities of the Student**

Students must

- ensure they abide by the School Transport Code of Conduct at all times;
- act responsibly while travelling to and from the designated stop and while travelling to and from school on home to school transport;
- behave well at all times and not act in a way that may compromise the safety of others;
- show respect at all times for the driver, Passenger Assistants and all other passengers;
- ensure that they follow the instructions of the driver or Passenger Assistants at all times;
- report any concerns about safety to the named member of staff at school.

Before the journey to school, students must:

- arrive at the designated stop 5 minutes before the scheduled pick-up time;
- wait at the designated stop for 15 minutes past the scheduled pick-up time before following the procedure agreed with their parent or carer (for example, go home to organise alternative transport);

- wait in an orderly, courteous and calm manner;
- keep away from the kerb and well clear of other traffic;
- only board the home to school transport when it is stationary;
- always carry their pass (if a pass has been issued), and show it to the driver when boarding the vehicle – see “No Pass No Travel” Guidance.

During the journey to and from school, students must:

- find a seat quickly and remain seated for the whole journey;
- wear the seatbelt and/or harness where provided;
- only occupy one seat per passenger;
- never distract the driver or be discourteous;
- not be abusive or shout at the driver, other students or other passengers in the vehicle. Bad language and unruly behaviour will not be tolerated;
- treat all on board with care and respect and do not bully any other students. Any form of bullying will not be tolerated;
- follow any instructions given by the driver or Passenger Assistant quickly and without hesitation;
- not vandalise the vehicle or other people’s property;
- not smoke, use electronic cigarettes, drink alcohol or consume illegal substances;
- not carry an offensive weapon, real or replica;
- not throw objects from or within the vehicle;
- not eat or drink while on the vehicle or leave litter;
- keep the aisle clear. Bags go under the seat, on the parcel shelf or on your lap;
- ensure they have all their belongings as they leave the vehicle;
- not open the emergency door unless instructed by the driver, or if there is a genuine emergency.

At the end of the journey, students must

- not leave litter on the vehicle;
- ensure all of their belongings are taken with them when they exit the vehicle;
- stand back from the road when the vehicle moves off;
- if they need to cross a road, only do so once the vehicle has moved off and the road is clear in both directions.

It is important to understand that bad behaviour of any kind will not be tolerated and may lead to students being excluded from home to school transport. Where students are excluded this does not excuse them from attending school and parents and carers will be responsible for the cost and provision of transport during this time. Where students fail to attend school, they may be referred to the County Attendance Team.

Any criminal offences that result in a student being excluded may also be reported to the police.

Oxfordshire County Council may choose to refuse Spare Seat Scheme applications from students who have been excluded multiple times for disobeying the School Transport Code of Conduct.

## **‘No Pass No Travel’ Guidance for Parents, Carers and Students**

Where a pass has been issued it **MUST** be shown in order to travel. This is necessary to ensure everyone has a seat and can travel safely and in reasonable comfort.

- If a student who is entitled to travel is unable to produce a bus pass because they have forgotten to carry it, or the pass has been lost or stolen, a temporary pass can be obtained from the school.
- Temporary passes are valid for 10 days to enable a replacement pass to be arranged. If a valid replacement pass cannot be produced after 10 days, the driver can refuse travel.
- If a bus pass has been lost or stolen a replacement can be purchased. Further information can be found at [www.oxfordshire.gov.uk/residents/schools/travelling-school/information-existing-users-travel-assistance/transport-faqs](http://www.oxfordshire.gov.uk/residents/schools/travelling-school/information-existing-users-travel-assistance/transport-faqs)
- Parents or carers who take students to a stop to meet the bus are advised to either ensure that the student is carrying a valid pass or wait with them until the bus arrives and advise the driver accordingly.
- Out of date passes will be confiscated.
- If the bus has not arrived 15 minutes past its normal pick up time, students should call the number on the back of their bus pass.
- Transport is arranged by Oxfordshire County Council through its Supported Transport Service.
- Queries regarding Mainstream School Transport should be sent to [mainstream.schooltransport@oxfordshire.gov.uk](mailto:mainstream.schooltransport@oxfordshire.gov.uk)

If your enquiry is urgent and you need to speak to us by phone you can contact Mainstream School Transport on 01865 323500

- Queries regarding Special Educational Needs and Disabilities (SEND) School Transport should be sent to [ee-specialeducationalneedsITU@oxfordshire.gov.uk](mailto:ee-specialeducationalneedsITU@oxfordshire.gov.uk)

If your enquiry is urgent and you need to speak to us by phone you can contact SEND School Transport on 01865 323795

- If transport is no longer required, please return the bus pass to Supported Transport Service, PO Box 867, Oxford, OX1 9NR. This will enable us to allocate the place to another student.