

# Consultation on proposed changes to School Transport Policy

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## Information pack

29 January – 13 March 2024



## **Introduction**

The Isle of Wight Council is seeking residents' and stakeholders' views on proposed changes to the School Transport Policy (previously called the Home to School Transport Entitlement Policy).

The School Transport Policy (the Policy) sets out the legal responsibilities that the Council has in order to provide assistance with transport to school or another education setting for children and young people living in the local authority area.

The Council understands that some children and young people's needs will mean they will always require travel assistance. The Council, regardless of any decisions made, will continue to meet its statutory requirements in relation to School Transport.

The Council is required by law to consult on any changes to its School Transport Policy.

If approved, changes to the Policy will be applied to new applications for transport from September 2024. The consultation is open from Monday 29 January 2024 and closes at 11:59pm on Wednesday 13 March 2023.

## **Background and context**

The Isle of Wight Council is considering ways to arrange more flexible school transport arrangements for children and young people that respond to their changing needs, service demand and external market pressure.

In addition, the Council proposes updating its School Transport Policy to reflect current government policy and simplify the information presented in it.

Costs of arranging transport have increased over the past few years as the demand for school transport has increased, and the costs of transport arrangements have also risen. The Council continues to work to deliver value for money in its services.

There is also a proposal to increase contributions that parents are asked to pay when offered school transport at the discretion of the Council (when not required to provide it by law). The proposed increase in contributions would help the School Transport Service to meet the increasing costs of service provision.

Please Note: References to “parent” in this document include birth parents, adoptive parents, foster parents, carers or legal guardians with parental responsibility.

## **The Isle of Wight Council’s consultation principles**

The Council is committed to five principles of consultation, which are:

- To consult on key issues and proposals.
- To consult in good time.
- To be inclusive but with clear and appropriate limits.
- To consult using clear, simple information.
- To ensure that responses are taken into account when decisions are made.

## **Why your views are important**

It is important to the Council that the views of parents, children and young people who may be affected by the proposals are carefully considered to ensure that the service continues to meet the needs of its users. Feedback is also sought from island residents and other interested stakeholders.

The findings of the consultation will be shared with the Cabinet Member for Children’s Services, Education and Corporate Functions and presented to the Isle of Wight Council Cabinet in 2024. Feedback will help to inform any decision by the Council on the proposed changes to the School Transport Policy and how transport assistance is delivered.

## How to have your say

### Open Public Consultation

You are invited to give your views on the proposed changes to the School Transport policy. You can do this by using the online response form at [www.iow.gov.uk/schools-and-education/home-to-school-transport/school-transport-consultations/](http://www.iow.gov.uk/schools-and-education/home-to-school-transport/school-transport-consultations/). The Information Pack and Response Form are also available to download and print from the consultation webpage.

If you require a paper copy of the Information Pack or the Response Form or if you have any queries about the consultation, please email [transport.info@iow.gov.uk](mailto:transport.info@iow.gov.uk) with 'School Transport Policy consultation 2024' as the subject, or call: 01983 823780.

The consultation is open from Monday 29 January 2024 and closes at 11:59pm on Wednesday 13 March 2024. Please note that responses received after this date will not be considered as part of the consultation.

## **Your data: Privacy Notice**

The Isle of Wight Council is seeking your views, comments, and information about you in order to inform a decision on proposed changes to the Policy for school transport on the Isle of Wight. This information is being collected for the performance of a task carried out in the public interest in the exercise of official authority vested in the Council.

Responses will be used to understand what people think about, and the perceived impact of the potential changes to the Policy for School Transport on the Isle of Wight, and to look at the views of different groups within the Isle of Wight. All data will remain within the UK/EEA and will only be shared with third parties where they are undertaking data processing on behalf of the Isle of Wight Council. Personal information will be held securely for one year, after which it will be deleted or destroyed.

You have some legal rights in respect of the personal information we collect from you. [Please see our website Data Protection page](#) for further details.

You can contact the Council's Data Protection Officer at [dpo@iow.gov.uk](mailto:dpo@iow.gov.uk). If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office.

## **About the School Transport Service**

The Council currently arranges daily transport to school for about 1,662 children and young people. Of these, around 1,105 attend mainstream school places and around 365 attend places that provide for their Special Educational Needs and Disabilities (SEND) or other needs.

Information on the School Transport Service, eligibility criteria, and the application process is available at: [www.iow.gov.uk/schooltransport](http://www.iow.gov.uk/schooltransport)

The Council is required by law to provide school transport, free of charge, to all children and young people of compulsory school age that meet the nationally set distance criteria, where any of the following apply:

- The child is of compulsory school age but is under eight years old, and they attend the nearest catchment school or one that is nearer to their home, and the shortest available walking route is more than two miles.
- The child or young person is eight years old or over, but not above compulsory school age, and they attend the nearest school or one that is nearer to their home, where the shortest available walking route is more than three miles (this is reduced to more than two miles if the child or young person meets low-income criteria).
- Parents apply for a place at their nearest school and a place is not available. In this situation, School Transport assistance would be offered to the next closest school

with an available place if the walking distance criteria above are met.

- The walking route to school is classified as an 'unsafe walking route'.
- The child or young person has SEND and meets the distance criteria described above for School Transport. This also applies where, for reasons of their Special Educational Needs, disabilities or mobility problems, such children and young people cannot reasonably be expected to walk to their nearest suitable school.

Children and young people are of compulsory school age from the beginning of the term following their fifth birthday (or from their fifth birthday if it falls on 31 August, 31 December or 31 March) until the last Friday in June of the academic year in which they reach 16 years of age.

## The proposals in this consultation

The following changes are being proposed:

- **Proposal One:** For Personal Transport Budgets (PTB) to be available to families where a child or young person's needs or circumstances mean that suitable transport is difficult to find, or not available at all, in the local operator market.
- **Proposal Two:** Development and delivery of an Independent Travel Training service for children and young people with SEND as they prepare for adulthood, who may be capable of travelling independently to their place of education.
- **Proposal Three:** The regular review of the provision of Passenger Assistants.
- **Proposal Four:** Where parents are required to make a financial contribution towards discretionary school transport arrangements, to increase this contribution in line with inflation (Consumer Price Index (CPI)) from September 2024, with inflation-linked increases also being applied in future years.
- **Proposal Five:** The rewording and updating of the Council's policy to ensure it reflects the latest Department for Education statutory guidance.
- **Proposal Six:** Removal of Year 10 and 11 discretionary entitlement.

These changes are proposed to enable the Council's School Transport Service to adapt to the changing operator market and needs of service users, while delivering strong value for money.

## **Proposal One: For Personal Transport Budgets (PTB) to be available to families where a child or young person's needs or circumstances mean that suitable transport is difficult to find, or not available at all, in the local operator market**

### **What is the current situation?**

The current Policy includes a range of options to assist eligible children and young people to travel to school. Parents can choose to accept a Parental Mileage Allowance (PMA) to cover the cost of transporting their children, with approximately 100 eligible children and young people currently travelling this way. The majority of eligible children and young people travel on a school bus or in a smaller vehicle where their circumstances mean this is necessary.

Most children and young people are able to make use of buses, minibuses or taxis to travel to and from school. Some children and young people require an adapted vehicle or other special arrangements to accommodate their specific needs.

### **What is being proposed?**

A Personal Transport Budget (PTB) would be available for parents to allow them to make suitable travel arrangements for transport for their child, where this would be more suitable than the Council arranging this transport.

### **Why is this being proposed?**

There are some situations where a child or young person's needs or circumstances mean that suitable transport is difficult to find, or not available at all, in the local operator market. For example, this may be because a child or young person requires an adapted vehicle that is not available locally, or they require skilled support tailored to their individual needs. The current Policy does not make provision for the Council to offer flexible transport options, such as a transport budget, that could provide a better and safer option for transporting the child or young person. Introducing a PTB would offer a flexible option for families to make suitable travel arrangements tailored to a child or young person's needs.

Other local authorities such as Kent and West Berkshire make provision within their Policies for PTBs to be provided in exceptional circumstances. If approved, this proposed change would bring the Council's School Transport Policy in line with other local authorities in being able to offer a PTB where appropriate.

The redefining of Personal Mileage Allowances to be Personal Transport Budgets would reflect that the two systems work in the same way and would simplify service provision for both PTBs and PMAs under a single umbrella.

### **How would this be implemented?**

If this proposal is agreed, Personal Transport Budgets would be offered to families where it is the most appropriate option from that point onwards.

In situations where the Council felt that a PTB would be a more suitable means of arranging transport to school, the School Transport Service would discuss this possibility with parents.



Parents would not be obliged to accept the offer of a PTB.

**What would the impact of this change be on children and young people with school transport arrangements?**

For many service users there would be no change in their transport provision. For a small number of children with needs best met by an alternative arrangement the School Transport service will investigate to see whether a Personal Transport Budget would allow for their needs to be met more effectively.

## **Proposal Two: Development and delivery of an Independent Travel Training service for children and young people with SEND who may be capable of travelling independently to their place of education**

### **What is the current situation?**

At present, eligible children and young people with SEND are transported to educational settings by transport arranged by the Council. The service does not currently offer support or training to prepare children and young people with SEND for more independent travel.

### **What is being proposed?**

For children and young people with SEND to be offered training on travelling from home to their school or other place of education where this is deemed beneficial to the child or young person.

### **Why is this being proposed?**

The DfE statutory guidance for travel to school for children of compulsory school age recognises that for many children and young people, learning to travel independently is an important part of preparing for adulthood and would help them lead fulfilling adult lives. Independent Travel Training is provided in many local authorities such as Lincolnshire, Devon, Essex and Kent. The Isle of Wight Council would like to bring services offered in line with DfE guidance and other local authorities.

### **How would this be implemented?**

The Council would explore approaches to Independent Travel Training provision and plan how best to provide it. This would include consulting with parent representative bodies, exploring and learning how other local authorities operate the service, how successful this has been and whether it is a service the Council would want to implement.

From the Autumn Term 2024, the Council would start to identify children and young people with SEND who might benefit from this service and would engage with schools and parents about the involvement of children and young people. It is difficult to make a final estimate until the planning of the service is completed but initial estimates are that fewer than five children and young people per year would be suitable for Independent Travel Training.

Parents would not be obliged to agree to Independent Travel Training for their child.

### **What would the impact of this change be on children and young people with SEND using the School Transport service?**

It is recognised that for the majority of children and young people with SEND it would not be suitable to offer Independent Travel Training, with the expectation that they travel to their place of education independently. Therefore, there would be no change in arrangements for the majority of children and young people with SEND who are receiving transport arranged by the Council.

Where parents agree to an offer of Independent Travel Training for their child, travel

arrangements offered to their child may change after their training has been completed to reflect their improved ability to travel to school independently.

## **Proposal Three: The regular review of the provision of Passenger Assistants**

### **What is the current situation?**

Currently some children and young people are accompanied on their journey to their school or place of education by a Passenger Assistant (PA), who caters for the needs of the child or young person as set out in their Education, Health and Care Plan (EHCP). There is no process to routinely review the need for a PA during the period of a transport arrangement.

### **What is being proposed?**

For all PA arrangements to be reviewed:

- if parents, schools, or PAs identify a change in the needs of the child or young person, or
- as part of a regularly scheduled process

### **Why is this being proposed?**

Children and young people's needs in relation to support on school transport may change over time. Some children and young people may become more independent, while for others their needs may increase.

The current School Transport Policy does not specify how and when the provision of PAs is reviewed. In order to ensure the right level of support is provided for children and young people, there will be times where a review of the provision of a PA should be conducted. This would ensure the travel arrangement remains safe and suitable for the child or young person's current situation.

The regular review of the provision of a PA is already specified within Policies by other local authorities such as Essex.

### **How would this be implemented?**

If approved, the Isle of Wight Council would start to review the provision of PAs from the Autumn term 2024.

Examples of when a review may be conducted include:

- as part of the annual review of transport provision
- as part of the EHCP annual review
- at a change of school phase
- where there is a change in the child or young person's needs or circumstances
- when a contract with a travel operator is up for renewal

Parents, schools or PAs themselves would also be able to trigger a review by providing information that demonstrates that a child or young person currently without a PA needed support, or a child or young person currently with a PA allocated could travel without this support.

The Council understands that some children will always require the support of a PA on their journey to and from school. Where this is the case, there would be no intention to trigger a regular review of allocation of a Passenger Assistant.

**What would the impact of this change be on children and young people using the School Transport Service?**

PAs would be better allocated based on need. The Council would work with families, schools, and Passenger Assistants to put in place a transition plan for where a Passenger Assistant is no longer needed.

Where a review highlights that a child or young person's needs have changed and require a PA, one would be allocated as soon as possible.

**Proposal Four: Where parents are required to make a financial contribution towards discretionary school transport arrangements and exceptions,**

- **to increase the parental contribution for Spare Seats, with inflation-linked (Consumer Price Index (CPI) increases also being applied in future years and;**
- **introduce a parental contribution for exceptions to policy and to increase this contribution in line with inflation (Consumer Price Index (CPI) from September 2025, with inflation-linked increases also being applied in future years**

**What is the current situation?**

**Discretionary (Spare Seats)**

Sometimes the Council offers school transport when it is not required to by law. These are known as “discretionary school transport arrangements”.

The School Transport Policy outlines the level of contribution that will be applied to discretionary arrangements, such as spare capacity seats (previously referred to as privilege seats) where a spare place on a contract vehicle may be offered to a child or young person who is not entitled to transport assistance.

This contribution is a flat rate charge of £390 and has not increased for several years and there is currently no provision within the School Transport Policy for these rates of contribution to increase.

**Exceptions to Policy**

The Council currently offers, on occasion, school transport assistance when there is no statutory duty to do so. There are currently 14 children who have been granted transport as an exception to policy. Based on this cohort of children, indicative expenditure for the 2023-24 academic year is £21.5K.

**What is being proposed?**

**Discretionary (Spare Seats)**

For current financial contributions for discretionary arrangements to be increased from £390 to £570 from September 2024. In addition, we propose that that the parental contributions would be uplifted by the CPI (Consumer Price Index) rate as of March of the previous academic year. Government guidance states that CPI is the most appropriate uplift to apply to charges.

CPI does change, so for the purposes of the example below a rate of 6.7% (based on the 12 months to August 2023), has been used to indicate the potential impact on the contributions:

<b>Parental Contribution for Sept 2024</b>	<b>Example uplifted Sept 2025 annual contribution</b>
£570	£608

## Exceptions to Policy

The Council wishes to introduce a banded parental contribution to any exceptions to policy based on mileage from their home address to the school. In addition, we propose that the parental contributions would be uplifted by the CPI (Consumer Price Index) rate as at March of the previous academic year. Below are the proposed charges and banding:

Distance to travel	Example annual charge
Up to 5 miles	£640
5.01 miles to 7.5 miles	£887
7.51 miles to 10 miles	£1,242
Over 10 miles	£1,419

Transport arrangements offered as an exception to policy would be pro-rated for the period of the transport (so if, for example, transport was arranged for one term the total charge would be one third of the annual charge).

### Why is this being proposed?

The School Transport service is experiencing significant pressures due to market conditions that make delivering its statutory services challenging within the current budget. Transport costs have risen by 8.5% from the 2021-22 financial year to 2022-23 and the Council has absorbed this cost pressure. It is forecasted that there will be a 18% increase at the end of 2023-24 financial year.

The Council can charge for discretionary travel arrangements as we are not required to provide these arrangements by law. The proposed increase for spare seats and introduction of a parental contribution for exceptions to policy would not deliver any additional income to the School Transport Service but would allow the Council to bridge the gap between partial and full cost recovery.

### How would this be implemented?

#### Spare Seats (Discretionary)

Applications for spare seats from September 2024 would be charged at the proposed rate of £570.

## Exceptions to Policy

Any exceptions to policy which are granted from September 2024 will be subject to a parental contribution, based on the proposed mileage banding from their home address.

Uplifted charges would be applied from 1 September 2025 in line with the CPI rate for March 2024, and the uplift in line with CPI would be applied in subsequent academic years. March CPI is published by the end of April each year by the ONS (Office of National Statistics) and would then be used by the Council to calculate the appropriate

uplift in contributions.

If the child or young person's parents are in receipt of Income Support; income-based Jobseekers Allowance; income-related Employment and Support Allowance; support under Part VI of the Immigration and Asylum Act 1999; the guaranteed element of State Pension Credit; Child Tax Credit (provided you're not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190); Working Tax Credit run-on-paid for 4 weeks after you stop qualifying for Working Tax Credit; or Universal Credit, the contribution would be waived.

Families in receipt of free school meals (due to low income) would not be required to pay the contribution.

Families with a low income, but not in receipt of the above benefits, where imposing the contribution would reduce their income to around £16,190; or those with discretionary circumstances, would be able to apply for a discretionary waiver or reduction in contribution.

### **What would be the impact of this change on service users?**

#### **Discretionary (Spare Seat)**

The parental contribution for a spare seat would increase from September 2024. These contributions would only apply to approximately 56 children and young people who receive discretionary school transport arrangements and would not affect children and young people that are entitled to free transport assistance. The parent contributions for discretionary arrangements would increase by the rate of CPI from 1 September 2025, and yearly thereafter.

#### **Exceptions to Policy**

Any new applications received from September 2024 that are granted as an exception to policy would be subject to the banded charges detailed in this proposal. Any existing arrangements will remain unchanged and will run until the end of the agreed arrangement.



## **Proposal Five: Updating the Council's School Transport Policy to reflect current government policy and to be easier to understand**

### **What is the current situation?**

The Isle of Wight Council's School Transport Policy outlines the responsibilities of the local authority, schools, parents, and children and young people, as well as the criteria for eligibility for transport. The Council's current policy has not been updated since 2015. Any changes to the Policy are required by law to be subject to a public consultation.

### **What is being proposed?**

In line with the most recent Department for Education (DfE) guidance issued in June 2023, the following sections are proposed to be included in the Policy:

- Parental preference for children with Education, Health and Care Plans.
- Children with medical needs.
- Accompaniment.

It is proposed that a number of updates are made throughout the Policy document to provide clarity in wording and language, ensure the Policy is relevant to the current School Transport Service, and to reflect the most recent DfE guidance.

Examples of changes are given below and a comprehensive list of all the changes is outlined in Appendix 1.

- Guidance relating to the Appeals Process to be made clearer to parents (Stage 1 & 2)
- The Definition of Home Address (where CYPP are subject to split time with parents (50/50))
- Replacement of reference to 'Home to School Transport' with 'School Transport' where mentioned.
- Detailed entitlement when the nearest school is full and has no places and impact on transport eligibility
- Clarify unsafe walking routes entitlement and how it will be assessed.
- Clarification on how accompaniment of a child will be factored into eligibility decision making for SEN children and unsafe walking routes.
- Statutory journey time to feature in policy.
- Clarification of compulsory school age and transport eligibility.
- Contract management - option to change mode of transport if not financially viable for LA i.e., change from taxi to PTB if attending school on part time basis.
- Removal of Appendix 1 from current policy, with future FAQ's to be located on the Isle of Wight Council website
- The Policy currently states unacceptable behaviour will be determined by the

transport operator and passenger assistant. An addition has been made to the list to include the school and the Isle of Wight Council will determine what is unacceptable behaviour and link with the School Transport Code of Conduct.

### **Why is this being proposed?**

The DfE has updated the statutory guidance for Travel to School for children and young people of compulsory school age and the current Isle of Wight Council School Transport Policy requires an update to bring it in line with this latest guidance.

The proposed changes would bring the School Transport Policy in line with the latest DfE statutory guidance. In addition, the updates to wording and language are proposed to ensure that the Policy remains clear and easy to understand.

### **How would this be implemented?**

If approved, the proposed Policy would be implemented for use from September 2024, through the Council's school transport application process.

### **What would the impact of this change be on children and young people using the School Transport Service?**

The majority of changes outlined as part of this proposal would have no impact on the provision of School Transport services, and parents should find that the Policy is easier to understand and would be assured about its accuracy.

The inclusion of new areas within the Policy may mean that parents decide to make different choices about the service, based on an improved understanding of how decisions are made and the options that are available in these areas:

Parental Preference for children with Education, Health and Care Plans	The Policy would provide detailed information on how eligibility assessments are carried out when a placement named in Section I is parental choice rather than the nearest available location, and the additional flexibility that this may provide parents in relation to school transport arrangements.
Children with Medical Needs	The Policy would provide additional detail around the responsibilities that a PA can have in supporting medical needs, and the limitations to this. This would help parents to be better informed of these responsibilities.
Accompaniment	The Policy would provide clearer and more transparent guidance for parents on how eligibility assessments are made for compulsory school age children and young people with SEND living within walking distance.

## **Proposal Six: Removal of entitlement for Year 10 and 11 students who move out of area and wish to remain at their current school.**

### **What is the current situation?**

Families who elect to move out of their nearest school area and relocate to another area which exceeds the statutory walking distances for their age, would qualify free transport if they remain at their current school. For example, a child may live 1.5 miles from the nearest suitable school which they attend, the family moves home which is 6 miles from the school they attend. There is a closer school to their new address but they remain at their previous school to mitigate disruption of their GCSE progress. The student would currently qualify for school transport assistance but there is no legal requirement to do so.

### **What is being proposed?**

The Council proposes to remove this entitlement from the School Transport Policy, in line with the most recent Department for Education (DfE) guidance.

### **Why is this being proposed?**

The Council does not have a legal requirement to provide entitlement to transport for these students. The DfE has updated the statutory guidance for Travel to School for children and young people of compulsory school age and the current Isle of Wight Council School Transport Policy requires an update to bring it in line with this latest guidance.

### **How would this be implemented?**

Any applications from September 2024 for school transport will be assessed under the eligibility criteria which is set in line with DfE guidance and the Council's policy.

### **What would the impact of this change be on children and young people using the School Transport Service?**

Any new applications received from September 2024 will be assessed on statutory criteria in line with DfE guidance. Any existing arrangements will remain unchanged and will run until the end of the agreed arrangement.

## Frequently Asked Questions

### **1. Will eligibility for School Transport change based on these proposals?**

The Council is **not** proposing changes to the statutory eligibility criteria for School Transport however there are proposals to non-statutory school transport provision which may affect future applications. Regardless of any decisions made, the Council will continue to meet its statutory requirements.

### **2. My child is currently supported by a Passenger Assistant; will the Passenger Assistant be removed?**

A review of the provision of a Passenger Assistant would ensure that the needs of the child or young person are taken into account. If the child or young person requires a Passenger Assistant, as determined by a review by the Council, then the provision would not be removed. If the child or young person's needs have changed and a Passenger Assistant is no longer required, for example if a Passenger Assistant was provided due to the young age of the child or young person and now the child or young person's needs have changed as a result of their age, the provision of a Passenger Assistant would be removed over a transition period and in consultation with the family.

### **3. My child with SEND currently accesses shared transport to school. Can I apply for a Personal Transport Budget?**

A Personal Transport Budget is available in circumstances where the parent and the Council both agree that it is an appropriate way to meet the travel to school needs of the child or young person. This might be because the child or young person has complex needs that the parent understands best, or it might be that the parent is available and happy to take their child to school but needs some financial support to enable them to do so.

### **4. I think my child would be suitable for Independent Travel Training. How do I request this?**

Participation in Independent Travel Training would be determined in consultation with the Council, the parent and the school. If the proposal is agreed and you think your child would be suitable for the training, then there would be an opportunity to apply. Please note that this service would only be available after the Autumn term of 2024 and only if the changes in this proposal are approved.

## Conclusions

You are invited to give your views on the proposed changes to the School Transport Policy (previously called the Home to School Transport Entitlement Policy). You can do this by using the online response form at [www.iow.gov.uk/schools-and-education/home-to-school-transport/school-transport-consultations/](http://www.iow.gov.uk/schools-and-education/home-to-school-transport/school-transport-consultations/). The Information Pack and Response Form, along with Easy Read versions of both documents, are also available to download and print from the consultation webpage.

If you require a paper copy of the Information Pack or the Response Form or if you have any queries about the consultation, please email [transport.info@iow.gov.uk](mailto:transport.info@iow.gov.uk) with 'School Transport Policy consultation 2024' as the subject, or call: 01983 823780.

The consultation is open from Monday 29 January 2024 and closes at 11:59pm on Wednesday 13 March 2024. Please note that responses received after this date will not be considered as part of the consultation.

**APPENDIX 1 – Proposed School Transport Policy Draft**

**Isle of Wight Council**

**SCHOOL TRANSPORT POLICY**

**EFFECTIVE FROM September 2024**

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## 1. BACKGROUND AND SCOPE OF THE POLICY

- 1.1. The Policy sets out the legal responsibilities that the Isle of Wight Council (the Council) has in order to provide assistance with transport to school or another education setting for children living in the local authority administrative area. It also supports the Council's sustainable school travel strategy.
- 1.2. This Policy reflects the requirements of the Education Act 1996 (the Act) and the Education and Inspections Act 2006. It also complies with the Department for Education's statutory guidance, Travel to School for children of compulsory school age, issued in June 2023<sup>1</sup>.
- 1.3. Charges for transport arrangements are set out in Appendix 1.
- 1.4. The process for appeals is set out in Appendix 2.
- 1.5. Arrangements for Post 16 student transport are set out in a separate annual transport policy statement that is published by 31 May each year.

## 2. LEGAL RESPONSIBILITIES FOR TRANSPORTING CHILDREN TO/FROM SCHOOL

- 2.1. Parents have a legal duty and a responsibility to make the necessary arrangements to ensure that their child of compulsory school age attends school regularly. For most parents, this means making arrangements for their child to travel to and from school. References to parent in this document include birth parents, adoptive parents, foster parents, carers or legal guardians with parental responsibility.
- 2.2. It is the responsibility of those with parental responsibility to make suitable arrangements to ensure that their child is accompanied on walking routes to school, if it is considered by the parents that the child's age, ability and levels of understanding make this necessary. The Authority will therefore not provide transport solely because parents have not made such arrangements, unless there is good reason. In the event that parents are working or otherwise unavailable at the time their child travels to and from school it remains the parents' responsibility to make arrangements to ensure that their child attends school.
- 2.3. The Council has a statutory duty to make arrangements to provide free of charge school transport for '**eligible children**' (defined in paragraph 3.1) only.

## 3. DEFINITION OF 'ELIGIBLE CHILDREN'.

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<sup>1</sup> [Department for Education \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

3.1. Eligible children are defined<sup>2</sup> as children of compulsory school age (defined in paragraph 4.4) who:

- Attend their nearest suitable school and live more than the statutory walking distance from that school, or
- Attend their nearest suitable school and who, because of their special educational needs, disability or mobility problems cannot reasonably be expected to walk to their school, even if accompanied by an adult, or
- Attend their nearest suitable school and whose route to the nearest suitable school is unsafe as determined in accordance with Road Safety GB guidelines.
- children entitled to free school meals or whose parents receive the maximum level of Working Families Tax Credit (subject to an age-based distance requirement).

3.2. All eligible children are entitled to free of charge transport to/from school at the beginning and end of the normal school day only.

#### **4. 'ELIGIBLE CHILDREN' - EXPLANATION OF RELEVANT FACTORS.**

4.1. As a general rule, the Council will only make provision for free of charge transport for the children referenced set out above.

4.2. It is parent's responsibility to apply for transport for their child/ren and not the responsibility of any department in the Council to do so on their behalf.

4.3. The following paragraphs explain the eligibility for free of charge transport for **eligible children only** in more detail.

#### **Compulsory school age**

4.4. Children are of compulsory school age from the beginning of the term following their fifth birthday (*or from their fifth birthday if it falls on 31 August, 31 December or 31 March*) until the last Friday in June of the academic year in which they reach 16 years of age.

#### **Statutory walking distances<sup>3</sup>**

4.5. For children of compulsory school age, transport is provided if their nearest suitable school, measured from the centre of the child's home to the centre of the school building<sup>4</sup>, is:

- Beyond two miles (if below the age of eight); or

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<sup>2</sup> Schedule 35b of the Education Act 1996

<sup>3</sup> Statutory walking distance defined in Section 444(5) of the Education Act 1996

<sup>4</sup> This is calculated using the Local Authority's Geographical Information System which draws on Ordnance Survey, Isle of Wight Rights of Way, National Land and Property Gazetteer data, using Road Safety GB Guidelines.

- Beyond three miles (if aged between eight and 16).
- 4.6. A child living between two and three miles from their school ceases to be an eligible child on their 8th birthday. Transport entitlement will continue until the end of the academic year in which they turn 8.
- 4.7. The above are the statutory walking distances prescribed by legislation. However, different walking distances apply in respect of children who are entitled to free school meals or whose parents receive the maximum level of working tax credit (see paragraph 4.10).
- 4.8. When determining whether a school qualifies as a nearer school, distances greater than the statutory walking distances will be measured on 'road routes', passable for a suitable motorised vehicle.
- 4.9. Where a child's nearest school is either Carisbrooke College or Christ the King College, entitlement to free transport will apply to both schools. This is due to the school transport drop off points being accessed by both schools. Families are not expected to make school admission applications to both schools to qualify for free transport.

### **Extended rights eligibility**

- 4.10. A child is eligible for free travel to school if they are eligible for free school meals or a parent with whom they live receives maximum Working Tax Credit, and the child is:
- Aged eight or over but under 11, attend their nearest suitable school and it is more than 2 miles from their home measured by the nearest walking route; or
  - Aged 11 to 16 years, and attend one of their three nearest suitable schools provided it is more than 2 miles (measured by the nearest walking route) but not more than 6 miles (measured by road route) from their home; or
  - Aged 11 to 16 years, attend a school that is more than 2 but not more than 15 miles (by road) from their home that their parents have chosen on the grounds of their religion or belief if, having regard to that religion or belief, there is no suitable school nearer to their home.

### **Unsafe routes**

- 4.11. Transport arrangements will be made for children of compulsory school age who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk.
- 4.12. Assessment of Walked Routes to Schools Guidelines', published by Road Safety GB, support the assessment of routes. Officers apply the guidelines to determine the nature – safe or otherwise - of any walking routes.

4.13. Where no safe walking route exists, distances to schools, for the purpose of identifying the nearest suitable school, will be measured on 'road routes', passable for a suitable motorised vehicle.

## **5. SPECIAL EDUCATIONAL NEEDS (SEN), A DISABILITY OR MOBILITY PROBLEMS**

5.1. All pupils with special educational needs and disabilities will have access to, as a minimum, the entitlements as set out in section 4 of this document, and the same rules of access and entitlement to free transport shall apply irrespective of whether pupils attend a mainstream or a special school.

5.2. Not every child with an EHC plan or who attends a special school will be eligible for free travel to school. A child is eligible for free travel to school if:

- They attend their nearest suitable school, and
- It is within the statutory walking distance of their home, and
- They could not reasonably be expected to walk there because of their special educational needs, a disability or mobility problems, even if they were accompanied by their parent.

5.3. Eligibility is assessed on an individual basis, which includes the following:

- The child must be attending the nearest school with a place or is attending the nearest appropriate school, determined by and named in the EHCP.
- By reason of their SEN, disability or mobility problem (including temporary medical conditions) the child cannot reasonably be expected to walk to school, which may take into account whether this would change if they were accompanied.
- Eligibility will be assessed on a case-by-case basis, and any evidence submitted e.g., from a medical practitioner will be taken into consideration.

### **Parental Preference for children with EHC Plans**

5.4. Where a parent would prefer their child to attend a school that is further away from their home than the nearest school that would be able to meet their needs, the Council will consider whether arranging travel to the preferred school would be incompatible with the efficient use of resources.

5.5. The Council will determine the cost of providing the child with free travel to each of the two schools. If travel to the parent's preferred school would cost more than travel to the nearer school, the Council will decide whether the additional cost of providing travel to the parent's preferred school is incompatible with the efficient use of resources.

5.6. If the Council determines that providing travel to the parent's preferred school would be incompatible with the efficient use of resources, the Council will either:

- A. name a different school that would be appropriate for the child's needs, or

- B. name the parent's preferred school on the condition that the parent arranges the travel and is responsible for the costs of travel.

At this point, the parent may withdraw their request for the preferred school, and the Council will therefore name the school that would have been named in option A.

- 5.7. Parents will receive in writing the Council's decision to name the parent's preferred school on the condition that the parent arranges or pays for the travel. When a local authority names the parents preferred school on this condition, but the parents' circumstances subsequently change and they are no longer able to arrange or pay for the transport, the authority may conduct a review of the EHC plan to reconsider whether naming the parent's preferred school is incompatible with efficient use of resources. They may amend the plan to name a different school that would be appropriate for the child's needs.

### **Primary Age Siblings**

- 5.8. In the case of children with SEN, a disability or mobility problems, transport will be provided where there is a need for primary age sibling(s) to be taken to other school(s), provided that the school(s) is the nearest school. In

addition, consideration would be given to the timing of the school day or the direction of the other school(s) that would prevent the parent from accompanying the child(ren).

### **Accompaniment**

- 5.9. In determining whether a child cannot reasonably be expected to walk for the purposes of 'special educational needs, a disability or mobility problems eligibility' or 'unsafe route eligibility', the Council will consider on an individual basis whether the child could reasonably be expected to walk if accompanied by an adult and, if so, whether the child's parent can reasonably be expected to accompany the child.
- 5.10. The general expectation is that a child will be accompanied by a parent where necessary, unless there is good reason why it is not reasonable to expect the parent to do so. A child will not normally be entitled to free school transport **solely** because their parents' work commitments or caring responsibilities mean they are unable to accompany the child to school. As set out in the Department for Education statutory guidance sections 47 – 52<sup>5</sup> (Travel to school for children of compulsory school age), reasons such as the parent's working pattern or the fact they have children attending more than one school, will not normally be considered sufficient reasons for a parent being unable to accompany their child. These reasons apply to many parents, and, in most circumstances, it is reasonable to expect the parent to make suitable arrangements to fulfil their various responsibilities (for example, their responsibilities as an employee and as a parent).

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<sup>5</sup> [Travel to school for children of compulsory school age - June 2023](#)

5.11. The circumstances the Council will consider when determining if a child can be reasonably accompanied include (but are not limited to) where the parent has a disability or mobility problem that would make it difficult for them to accompany their child, or other exceptional reasons provided by the parent as to why they cannot accompany their child or make other suitable arrangements. If a parent submits evidence that they are unable to accompany their child to school this will be assessed on an individual basis and any evidence submitted e.g., from a medical practitioner will be taken into consideration.

### **Promoting independent travel**

5.12. Transport arrangements for SEN children will, wherever possible, support them to develop independence, taking into account the health or special needs of the child, and any steps towards independence outlined in the EHCP.

5.13. Independent Travel Training may be offered to eligible children with parent's consent. Readiness to complete Independent Travel Training would be outlined in the EHCP or agreed by the Council following a discussion with the school and parents. Once an eligible child has successfully completed Independent Travel Training, their travel arrangements will be reviewed.

5.14. The Council will not withdraw free school transport from an eligible child who does not successfully complete the travel training programme.

## **6. OTHER RELEVANT FACTORS**

### **Definition of home address**

6.1. The home address will be that at which the child resides and spends the majority of his/her time. Occasionally a child will have more than one address, for example, because they live with parents who have different addresses. In this situation, the home address used for determining transport will be the one at which the child spends most of their time including weekends and school holidays as well as during the week. Where the child spends equal time at two addresses, parents must nominate one address as the home address for transport even if both addresses are eligible for transport assistance. Parents must let the Council know if the child's home address changes and will be asked to provide evidence of this if it affects entitlement to transport assistance. When the child lives at the other address, they will not qualify for any transport arrangements other than the one provided from the home address.

### **Qualifying schools**

6.2. The schools covered by this Policy statement are: -

- community, foundation and voluntary aided and voluntary controlled schools;
- academies (including those which are free schools, university technical colleges, studio schools and special schools);

- alternative provision academies;
- community or foundation special schools;
- non-maintained special schools;
- pupil referral units (education centres)<sup>6</sup>;
- maintained nursery schools (where attended by a child of compulsory school age); and
- for children with SEN, an independent school if it is the only school named in the child's Education, Health and Care Plan (EHCP), or if it is the nearest of two or more schools named in the EHCP and is not named on the basis of parental preference.

## **School Choice**

- 6.3. If a place cannot be offered at the nearest suitable school, then the next-nearest suitable school will be treated for the purposes of this policy as if it were the nearest suitable school and travel assistance to that school will be offered providing the distance criteria has been met (see paragraph 4.5). To demonstrate that a place cannot be offered at the nearest suitable school, the parent(s) must have named that school as a preference, but not necessarily their first preference. Where the Council allocates a school place which is not a preference, the Council will only consider providing Council funded transport if the nearest suitable school was expressed as one of the preferences.
- 6.4. The child will remain entitled to transport to the next nearest school with a place until they leave the school, or they change address.
- 6.5. If a parent chooses to send their child to an alternative school other than their nearest school, transport arrangements including costs are the parent's responsibility.
- 6.6. Where a child moves address or relocates to the island and secures a school place for their child through the In Year Admissions Process, outside of the normal admissions round, transport eligibility will only be granted where their child is attending the nearest school that has a space at the time that they apply for free school transport.
- 6.7. If a child changes their school through the In Year Admissions Process, but the family has not moved home since the child last applied through the main admissions process, the child's eligibility for free school transport will be assessed on whether they could have been offered a place on national offer day at their nearest school, during the last admissions round in which they took part.

## **Exclusion**

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<sup>6</sup> Where they are receiving education by virtue of arrangements made under section 19(1) of the Education Act 1996

6.8. Transport is provided for pupils who have been permanently excluded or managed moved from school who attend a new school or Education Centre, subject to the statutory walking distance criteria being applied, as set out in paragraph 4.5.

### **Suitability of arrangements**

6.9. Transport arrangements should allow the child to reach school without undue stress, strain or difficulty. Shorter journey times are desirable in achieving this. Where practicable, maximum journey times should be 45 minutes each way for children of primary school age and 75 minutes each way for children of secondary school age. A Passenger Assistant may be provided on SEN transport when required, based on the needs of the children travelling following confirmation by the (SEN) service.

6.10. Unusually there may be situations where a journey time of more than 75 minutes is required. These may occur in transport:

- to Faith secondary schools;
- to special schools;
- to pupil referral units (Education Centres);
- for pupils attending their next nearest school with an available place because no place available at nearest school; and
- for pupils attending out of county residential schools

6.11. The most economic form of transport available will be provided, having due regard to the availability of the transport, the maturity, health or special needs of the child, as determined by the Council.

6.12. One vehicle may be used to transport children attending different schools. Mixing of children attending special schools and mainstream schools may occur when appropriate.

6.13. Transport will either be provided from designated pick-up and drop-off points or from a child's home address. Designated Pick up or drop off points will be no further than one mile walking distance from a child's home address.

### **Personal Transport Budgets**

6.14. In certain circumstances, and subject to parental consent, the most suitable arrangement might be for the parent to provide the transport. This may be because:

- Suitable transport is difficult to find, or not available at all, in the local provider market;
- The child requires an adapted vehicle that is not available locally;
- The child requires skilled support tailored to their individual needs; or
- The Council's officers and the parent agrees that transport provided by the parent is the most suitable arrangement.



6.15. In those cases, the Council may offer the parent a Personal Transport Budget (PTB) to enable the parent to make suitable travel arrangements for transport and/or passenger assistant support. The PTB would replace the child's existing travel arrangement.

6.16. A Personal Transport Budget will be calculated by considering:

- The mileage to the child's nearest suitable school (at the current HMRC mileage rate)
- The child's support needs and the level of skill required to support them on their journey to school
- Individual circumstances affecting the child's journey to and from school
- The efficient use of the Council's resources

### **Children with Medical Needs**

6.17. Where a statutory eligible child has medical needs that might affect their journey to and from school, the Council will ask parents about the support they need as part of the transport application process. The Council may also seek information from the child's school, as it is likely that the school will have arrangements in place to manage their medical needs during the day.

6.18. If a child's medical needs affect their ability to travel to and from school, accompanied as necessary, parents must provide medical evidence to demonstrate the difficulties they have in walking or travelling by certain types/modes of transport.

6.19. If transport is granted on medical grounds, transport eligibility will be reviewed on an annual basis and up to date medical evidence will be required.

6.20. Where the Council is made aware that a child has a specific medical need and the requirement for a passenger assistant has been approved, we may ask the parent to provide the Individual Healthcare Plan or similar which will be shared with those involved with delivering the transport provision. The Council will also ask the child's school to share information about the arrangements they put in place to manage their medical needs and the possibility to offer training to the Passenger Assistant. The Council may also ask the school to identify whether the child's needs will affect the child on the journey to and from school.

6.21. Where unforeseen medical issues occur, or the child needs a medical intervention beyond what has been covered in training, the Passenger Assistant or driver will immediately call 999 and act in accordance with the 999 operator's instructions.

6.22. A child's routine medication will not be administered on the journey to and from school, and routine medical procedures will not be carried out. It may sometimes be necessary to administer a child's emergency medication, in accordance with instructions from a healthcare professional.

## **7. DISCRETIONARY TRANSPORT ARRANGEMENTS AND EXCEPTIONS**

- 7.1. This section sets out the limited circumstances in which the Council will use its discretionary powers (under Section 508C of the Act) for children who are not entitled to free transport (as set out under Section 4 of this Policy above).
- 7.2. Where this discretion is used, there will usually be a charge for the transport provided, as shown in Appendix 1
- 7.3. All arrangements within this section will be time limited. At the end of the specified period, parents will need to re-apply.

### **Spare Capacity Seats**

- 7.4. A spare place on a contract vehicle may be offered to a child who is not entitled to transport assistance. It will be withdrawn if the space is required for an eligible child or if there are changes to the route which reduces the number of spare seats. A flat rate charge will be made for such seats (set annually by the Council). Parents must make their own arrangements for the child to travel to the nearest existing pick-up point on the route. Spare capacity seats will be offered only once all arrangements are in place for eligible children.

### **Exceptions to policy**

- 7.5. There may be instances where a parent feels that their child needs travel to school due to exceptional circumstances, when they don't meet the eligibility criteria set out in section 4. The Council will consider these requests on a case-by-case basis when reaching a decision. The Council will not consider reasons such a parent's working pattern, the cost to the parent of public transport, or the fact the parent has children attending more than one school, on their own, to be exceptional circumstances.
- 7.6. If transport is granted as an exception, this will be on a time limited basis and may also be subject to the parental contribution charge detailed in Appendix 1 of this document.

## **OTHER DISCRETIONARY TRANSPORT ARRANGEMENTS – NOT CHARGEABLE**

### **Looked After Children**

- 7.7. For children in the care of the Council who move family placement but wish to remain at their current school will qualify for free transport, usually limited to a bus pass only. This entitlement only applies when the distance criteria is met (see paragraph 4.5).

### **Families who experience Homelessness**

- 7.8. For those families who may experience homelessness, free transport will be provided for a maximum of six months, providing that they meet the following criteria:

- Have been relocated in another area on the Island which exceeds statutory distances (see paragraph 4.5),
- Have been placed in homeless accommodation,
- Are on the homeless register, as confirmed by a housing officer.

The provision will also apply to families housed in the Women's Refuge. The mode of transport will be provided in the most cost efficient way, in consultation with the parent.

## **8. CIRCUMSTANCES WHERE TRANSPORT WILL NOT BE PROVIDED**

8.1. Transport will not be provided in circumstances other than those set out above for eligible children and where discretionary arrangements are made.

8.2. Some examples of where transport will not be provided are:

- Temporary address. Transport will not be provided from a temporary address to a school that is not the nearest school for that address.
- Journeys to and from other destinations. Transport is not offered to or from points other than the school for which eligibility has been determined and home or pick up/drop off points.
- Part-time timetables. Transport will only be provided at the beginning and end of a school day. Schools may need to make arrangements to accommodate these pupils.
- Victims of bullying. Dealing with bullying should be fully explored with the current school. If parents decide to move their child's school due to dissatisfaction with their current school, then there is no entitlement to free school transport.
- To or from pick-up and drop-off points, except as outlined in paragraph 6.13.
- Unacceptable behaviour of a pupil, as determined by the school/the Council/transport operator or passenger assistant (where applicable) with reference to the [School Transport Code of Good Practice](#). In such cases, contracted transport may be removed and requests for an allowance for parents to provide transport or for public transport will be considered.
- To take account of work/business commitments or domestic difficulties of parents.
- To accommodate attendance at after school activities or for arrival at start times other than the usual start time for the school. For example, individual exam timetables will not usually be accommodated.

## **9. OTHER ISSUES**

### **Review of eligibility and suitability**

9.1. Eligibility for school transport assistance, and the suitability of those arrangements including passenger assistants, will be decided based on

evidence received from relevant parties and a timescale for a planned review of eligibility will be set at the same time as an eligibility decision is made.

- 9.2. The planned review timescale will be based on the child's needs and will typically be at the end of the academic year, at a change of school phase, or at the end of the child's compulsory school career.
- 9.3. Eligibility will also be reviewed if the Council becomes aware of a change of circumstance, including where a parent notifies the Council that the child's circumstances or needs have changed.
- 9.4. Suitability of an arrangement may also be reviewed if the Council has reason to believe that the transport in place is unsuitable for child's circumstances or needs or is not being used by the child appropriately, therefore resulting in the provision being incompatible with the efficient use of resources. Where a transport arrangement is determined by the Council to be unsuitable it will consult with the parent and determine an alternative, suitable transport offer.

### **Withdrawal of Assistance**

- 9.5. Where the school transport Policy is changed and the level of discretionary provision reduced, transport may be withdrawn from children who are currently receiving assistance. In these cases, a reasonable notice period will be given to enable parents to make informed decisions about their child's education. Any change of Policy will be subject to a period of consultation with those affected.

### **Errors**

- 9.6. Where assistance is found to have been granted in error, notice of one full term will normally be given that assistance will be withdrawn to allow families to make other arrangements.
- 9.7. Where entitlement has been denied in error, transport will be arranged as soon as possible and consideration will be given to reimbursing parents retrospectively, with a time limit of the start of the academic year in which the error was discovered.

### **Complaints/Appeals**

- 9.8. Isle of Wight Council takes all complaints seriously and has a complaints procedure to ensure they are investigated and, where possible, resolved. The procedure is available on our website: [Children's Services Complaints](#).
- 9.9. People are encouraged to raise their concerns using the appropriate contacts. Where necessary, complaints will be considered at a more senior level to ensure every effort is made to resolve the issue.
- 9.10. Parents wishing to make an appeal regarding a transport entitlement decision or subsequent transport arrangements should contact the Head of Access and Resources, via email at [transport.info@iow.gov.uk](mailto:transport.info@iow.gov.uk) or in writing to School Transport, County Hall, High Street, Newport, Isle of Wight, PO30 1UD. The appeals process is provided in Appendix 2.



## Appendix 1

### Schedule of Charges for Discretionary Arrangements

Spare Capacity Seats to be reviewed annually and charges adjusted in line with the Consumer Price Index (CPI):

Annual charge
£570

If your child has been granted a spare seat, you will be informed of this in writing with a deadline of when payment must be received. Failure to pay by the deadline will result in your spare seat offer being removed. This may result in the seat being offered to another child from the waiting list.

Payments can be split into half term payments, full term payments or a one-off payment for the full year.

Until payment is received your child will not be permitted to travel on the service.

Further details of the spare seat scheme and services with spare seat availability can be found online at [www.iwight.com/schooltransport](http://www.iwight.com/schooltransport)

### Exceptions to Policy

The following contributions apply based on the distance to travel. The exception to Policy will be time limited and the charge for discretionary arrangements can be pro-rated based on the length (in weeks) of the actual arrangement. To be reviewed annually and charges adjusted in line with CPI, as at March of the previous academic year.

Distance to travel	Example annual charge
Up to 5 miles	£640
5.01 miles to 7.5 miles	£887
7.51 miles to 10 miles	£1,242
Over 10 miles	£1,419

If the child's parents are in receipt of Income Support; income-based Jobseekers Allowance; income-related Employment and Support Allowance; support under Part VI of the Immigration and Asylum Act 1999; the guaranteed element of State

Pension Credit; Child Tax Credit (provided you're not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190); Working Tax Credit run-on-paid for 4 weeks after you stop qualifying for Working Tax Credit; or Universal Credit, the contribution will be waived.

Families in receipt of free school meals (due to low income) are not required to pay the contribution.

Families with a low income, but not in receipt of the above benefits, where the imposition of the contribution would reduce their income to around £16,190; or those with discretionary circumstances, may apply for a discretionary waiver or reduction in contribution.

## **Appendix 2**

### **School Transport - Review/Appeals Process**

Parents who wish to challenge a decision about:

- The suitability of the transport arrangements offered to their child;
- their child's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the inherent safety of the route in accordance with the Road Safety GB guidelines
  
- other exceptional circumstances

may do so via email to [transport.info@iow.gov.uk](mailto:transport.info@iow.gov.uk) or in writing to, School Transport, County Hall, High Street, Newport, Isle of Wight, PO30 1UD. Parents should indicate their reasons for challenging the decision using the categories above.

In the first instance a case will be reviewed by a Senior Officer within the School Transport and Admissions Service.

In cases against refusal of a transport service there may be a further appeal to an Independent Appeal Panel made up of one or more Senior Officers outside of the School Transport Service. Members of the Panel will have an understanding of the school transport Policy and legislative framework and will make decisions on appeals against offers of transport.

#### **Stage one: Review by a Senior Officer**

A parent has 20 working days from receipt of the local authority's 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 using the categories above. They should 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 a senior officer will review the original decision and send the parent a detailed written notification of the outcome of their review, setting out:

- whether they have upheld the local authority's original decision;



- why they reached that decision;
- how the review was conducted (including the standard followed e.g. Road Safety GB);
- the factors considered in reaching their decision;
- any other agencies or directorates that were consulted as part of the review.

Where they have upheld the original decision, they should also explain how the parent may escalate their appeal to stage two of the process.

### **Stage two: Review by an independent appeal panel, where it applies.**

A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parents 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:

- whether they have upheld the local authority's original decision;
- why they reached that decision;
- how the review was conducted (including the standard followed e.g. Road Safety GB);
- the factors considered in reaching their decision;
- information about any other directorates and/or agencies that were consulted as part of the review; and
- information about the parent's right to put the matter to the Local Government and Social Care Ombudsman (see below).

**The independent appeal panel** will be made up of one or more members who will be independent of the original decision making process (but are not required to be independent of the local authority) and suitably experienced (at the discretion of the local authority), to ensure a balance is achieved between meeting the needs of the parents and the local authority, and that road safety requirements are complied with and no child is placed at unnecessary risk. Members of the panel will be assigned by Democratic Services.

**Local Government and Social Care Ombudsman** There is a right of complaint to the Local Government and Social Care Ombudsman, but only if complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

## Appendix 3

### **PROTOCOL IN RESPECT OF MISBEHAVIOUR ON SCHOOL TRANSPORT**

Information to be added here at a later date in line with the School Transport Code of Conduct