

East Ayrshire Council Education Service

Alternative School Transport Policy

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1. Introduction

- 1.1 East Ayrshire Council has a statutory duty for ensuring the provision of free school transport for all eligible children and young people to travel to and from school safely.
- 1.2 This Alternative School Transport Policy outlines the eligibility criteria, provisions and responsibilities for school transport for children and young people accessing both mainstream and Additional Support Needs (ASN) schools and supported learning centres.
- 1.3 All school transport provision is arranged in line with the Council's statutory responsibilities, set out in legislation described at Appendix 1, pertaining to Education (Scotland) Act 1980.
- 1.4 This policy relates to transport between a child or young person's home address and the school at the start and end of the school day. Transportation during the school day, for example, for school trips, is not in the scope of this policy.

2. Key Principles of School Transport

- 2.1 East Ayrshire Council wish to promote the independence and well-being of all children and young people through a range of travel options. This policy is aimed at parents, carers; children and young people; council staff involved in travel arrangements and other relevant stakeholders. In implementing this policy East Ayrshire Council aims to:
 - Assist parents and carers in their responsibility of ensuring that their child attends school safely and on time.
 - Ensure that resource is targeted effectively towards children who, following an assessment and identified need, have an essential requirement for alternative transport to and from their school.
 - Be responsive to the concerns of parents and carers in the provision of appropriate travel assistance arrangements.
- 2.2 In providing school transport, the Education Service will consider our responsibilities under each of four key principles:
 - i. All school transport is put in place to meet the needs of the child or young person first and foremost. It is not intended to address any parental or childcare need.
 - ii. School transport will be provided in a way which seeks to minimise the time the child or young person spends being transported to and from school, where possible.
 - iii. School transport will be organised in line with the Council's statutory responsibilities in ensuring Best Value.
 - iv. The Education Service will be mindful of the Council's environmental responsibilities and commitments in the provision of school transport.

3. School Transport Options

- 3.1 We need to ensure we provide transport in a cost-efficient manner and therefore use a number of different transport options to meet this entitlement. In implementing this Policy, the modes of transport vary within East Ayrshire, and include:
- Contracted free home to school transport provision
 - Public service buses. In such circumstances, the child or young person would be expected to use the National Entitlement Card (NEC) to access this service. Further information on the National Bus Travel Concession Scheme, eligibility criteria and application process for young people can be found on the Council website: [Apply for a National Entitlement Card · East Ayrshire Council](#).
 - Parental or carer transportation - where assessed in line with the principles outlined in this Policy

3.2 Pick up and Drop off

Free school transport is based on **one** designated pick up and drop off address for a pupil. Children or young people will be required to travel to and from a designated pick-up/drop-off location to access arranged school transport.

Parents/carers are responsible for children or young people's safe travel to and from the designated location. Where a child or young person is unable to travel to and from the location independently, the parent/carer must ensure that appropriate arrangements are put in place.

School transport will not normally collect and drop-off from an individual home address, unless there is an assessed need, as described under Section 5 of this Policy "Exceptional Circumstances". Where alternative transport arrangements are in place, and there is nobody at home when a child or young person arrives, the School Transport Services at East Ayrshire Council should be contacted by the operator. Thereafter the School Transport Service will make every effort to contact the parent/carer (including use of emergency contact details) to ascertain the situation. If this fails or a suitable solution cannot be found East Ayrshire Education Service or the Duty Social Worker will be notified to determine next steps.

There are occasions where families request alternative pickup and drop off points. Where these alternative pickup and drop offs are part of the route between home and school, and can be achieved with no additional costs to the transport contract arrangement, this will be acceptable. Otherwise, it is the responsibility of parents/carers to make alternative arrangements.

4. Parental / Carer Responsibilities

- 4.1 Parents/Carers have a responsibility to ensure that their child/young person attends school, and for providing the required travel arrangements. East Ayrshire Council may however, provide transport assistance if the child/young person meets the distance criteria; and/or have an additional support need that prevents them from travelling unaccompanied as necessary; or have an assessed need, described under Section 5 of this Policy “Exceptional Circumstances”.
- 4.2 Where there is persistent dysregulation and/or inappropriate behaviour on journeys to or from school, provision of transport will be reviewed and may subsequently be suspended. If the decision is to suspend, full responsibility for alternative transport provision will fall to the parent/carer.
- 4.3 Where a parent/carer is in receipt of Mobility Allowance and has access to a Motability vehicle or accesses additional funding to enable transportation of their child to and from school, this will be taken into account in determining the most appropriate method of transport to and from school and any support granted by the Council as part of alternative transport arrangements.
- 4.4 A motor vehicle mileage allowance can be paid to a parent or carer of children or young people who has been assessed as eligible for transport assistance.

5. Eligibility Criteria for School Transport within East Ayrshire

- 5.1 The Education (Scotland) Act 1980 legislates that transport must be provided for any primary child or young person up to the age of 8 years living more than two miles from their catchment school or children over the age of 8 years who live more than three miles from their catchment school.
- 5.2 East Ayrshire Council offer an enhanced distance qualification for free school transport in comparison to the statutory minimum as shown below under Distance Entitlement.
- 5.3 School transport is provided for children and young people to support their travel to and from school in the following circumstances:

Distance Entitlement

- Aged up to 8 years – **1.5 miles** walking distance from catchment primary school using the shortest safe walking route.
- Aged over 8 years - **3 miles or** more from catchment secondary school using the shortest safe walking route.

Across all sectors, if the child or young person resides either, up to and including 1.5 miles from the primary establishment or up to and including 3 miles from the secondary establishment, responsibility and costs for transporting the child to school rest with the parent/carer.

All designated walking routes are assessed by an ARA Road Safety Officer, in line with the national guidelines provided by Road Safety GB. The distance is determined by the shortest walking route from the permanent family home address to the school gate. For a walking route to be deemed as being acceptable for a child to walk whilst accompanied by a responsible adult three tests are applied:

- The route must be paved and of adequate width or be a shared roadway.
- The route must have an all-weather surface.
- The route must be lit.

Placement within a school not associated with catchment

There may be circumstances when a child or young person is redirected from their catchment school to an alternative school as a result of capacity levels within the catchment school. In these circumstances, and where the child or young person resides beyond the normal distance eligibility criteria, transport will be provided. This transport arrangement will only be in place for the period in which the child or young person is redirected. Should a place become available at their catchment school, and the parent/carer or child or young person chooses to remain at the redirected school, the child or young person will be removed from the redirected list and school transport will cease to be provided.

Exceptional Circumstances

The 1980 Act requires the Authority to provide transport for children in exceptional circumstances:

- **Additional Support Need** - The distance criteria applies to all children, whether attending a mainstream school, ASN school or Supported Learning Centre. It is acknowledged that some children and young people may be unable to undertake independent travel to school. Responsibility for transporting any child or young person within school catchment rests with the parent/carer unless there is an assessed need that makes funded home to school transport essential. This may cover short term transport arrangements for a child who for medical/surgery reasons can only attend school on a phased basis.
- **Denominational School** – all addresses in East Ayrshire have two catchment schools – a denominational and a non-denominational school. Transport will not normally be provided for those children or young people who reside within the distance criteria.
- **Gaelic Medium Education** - the catchment for Gaelic education is authority wide and entitlement for free school transport aligns with all other mainstream education where provision is based on children or young people having to travel further than agreed walking distances. The Education (Scotland) Act 1980 as amended, does not specify how children or young

people will be transported but states that the education authority “shall make such arrangements as it considers necessary”.

- **Exceptional Transport Requests** - it is accepted that there are many factors affecting children’s lives and emergency transport may be provided for a time limited period where, for example: a child or young person is displaced from their home address, due to domestic violence/crisis, homelessness or foster/kinship care arrangements. In such instances, transport may be provided in the short term to enable the child or young person to continue to attend their usual school. It is recognised that continuity will be important during such challenging periods. Any such requests will require to be supported by the relevant service, for example, social worker, health or housing officer.

A parent/carer may be asked to consider alternative means of transport to support the child or young person’s journey to and from school, including support from other families. It is only in exceptional circumstances that dedicated transport will be made available.

If there is shared custody of a child or changes to care arrangements, the details of the new arrangements should be submitted by the parent/carer to the Council via the online application “Change in Circumstances”. There will be ability to change the arrangements until a new application is reviewed into the new session.

Where there is shared responsibility with the provision of such transport, discussion with the relevant service should take place regarding the cost of such provision. This will be agreed in advance of the transport being made available and will require to be approved by an appropriate senior officer in the respective service.

Any transport provided under such arrangements will be in place for an initial period of up to 4 weeks. The arrangement must be reviewed following each 4 week period up to a maximum of 3 months.

Other exceptional circumstances will be considered on an individual basis and be negotiated depending on need. The assessment of need will include consideration of the nature and extent of the child’s circumstances, and the assessed impact of transport on a child’s transition to and from school.

Medical evidence may be requested to support the application for time-limited school transport and such requests approved will be awarded for a period of up to 3 months, and reviewed on an ongoing basis.

6. Circumstances Where School Transport Does Not Apply

- 6.1 There is no legislative duty to provide transport in the following circumstances:

- **Placing Requests** - there is no school transport for children or young people attending an alternative to their allocated school by means of a successful placing request.
- **Schools in another Authority** - school transport will not normally be provided in circumstances where a child or young person attends a school out with East Ayrshire.
- **Early Learning & Childcare** - transport is not provided for children attending Early Childhood Centres or Funded ELC Provider settings. Families are able to access a range of different types of locally available provision within their defined geographical area.
- **Children or young people going home for lunch** – parents/ carers/ young person must make own arrangements.
- **Children or young people travelling to or from childcare** - entitlement to free school travel is based upon a child or young person's home address.
- **During the School Day** - if a child or young person becomes ill during the school day, the parents/carers should be contacted to transport the child or young person home if they are to leave the school early.
- **Part time timetables** – This is at the discretion of the Headteacher and any associated transport costs should be met by existing school budgets. Part-time timetables are also reviewed on a 4-weekly basis and are not a long-term option for young people attending school.

7. School Transport Application

Mainstream Applications

- 7.1 The school should advise parents/carers to apply online for free school transport at the time of initial registration for primary education, when transitioning to secondary school; and for any change of address. A manual workaround will also be made available for those parents/carers who are unable to access the online system.

Alternative Transport Applications

- 7.2 Any alternative transport requests should in the first instance be discussed in school as part of a Team with the Family meeting. The child's needs and views in relation to alternative transport should always be noted in the Child's Plan and the appendix detailing Assessed Transport Needs should be emailed to the TRP at: ASNAdmin@east-ayrshire.gov.uk. Thereafter, the parent/carer should be advised by the school to complete an online request for Alternative School Transport. The Transport Review Panel, will consider the online application alongside the appendix detailing Assessed Transport Needs.
- 7.3 When completing the appendix detailing Assessed Transport Needs, the school should consider matters relative to the child or young person's needs, including the following:
- Distance to be travelled and journey duration;

- Child/Young person's ability for independent travel;
- Parent/carer's ability to transport child to school;
- Physical and psychological capabilities;
- Requirements for supervision;
- Whether an attendant is essential; and
- What supports/interventions have been identified/tried by school to support independent travel.

8. Application Process

8.1 New Applications

The recommendation for alternative transport should only follow an assessment carried out at school level through the Team with the Family meeting. The assessment should include all professionals working with the child or young person as well as information from parents or carers; the views of the child or young person should also be considered as part of this process.

The appendix to the Child's Plan, "Assessed Transport Needs", should be completed and emailed to: ASNAdmin@east-ayrshire.gov.uk.

Parents/carers will then be directed to complete and submit the online application Request for Alternative School Transport. This should be completed on an annual basis as the needs of the child or young person may change. Cognisance will be taken for children who have been identified by the Transport Review Panel (TRP) as having long term additional support needs that are likely to continue for the duration of their learning experience. In that particular circumstance, schools will confirm continuation on an annual basis rather than parents/carers completing an annual application.

Subject to the above paragraph in relation to long term additional support needs, all requests for transport to commence in August should be submitted no later than 1st April each year to allow for applications to be reviewed by the Transport Review Panel (TRP). Requests submitted after this date may result in a delay for commencement for the start of the new term. The Transport Review Panel (TRP) meet on a monthly basis to review applications made.

The implementation of any approved transport may take up to 4 weeks due to the contract tender process. Where appropriate, the school, in collaboration with the parent/carer, will be asked to develop an appropriate life skills programme, to support children and young people to negotiate journeys and, where possible, independent travel should be encouraged. This may result in full independent travel or a move away from fully supported travel, depending on the child's or young person's progress.

A manual workaround will also be made available for those parents/carers who are unable to access the online system.

8.2 Transitional Arrangements

Parents/carers of learners currently supported through alternative transport arrangements will be contacted during April each year and will have a period of 15 working days, from receipt of communication to complete an online application for the continuation of such transport arrangements where required, noting that in circumstances where a child has long term additional support needs that are likely to continue for the duration of their learning experience, schools will be contacted for confirmation of a continuing transport need. The information provided by schools through the Team with the Family meeting and the online application will inform the decisions taken by the Transport Review Panel (TRP) on continuation of otherwise of Alternative School Transport.

It should be noted that there should be no reference to parental/carers work commitments, working pattern or childcare arrangements, neither on the online application nor in the appendix detailing the Assessed Transport Needs submitted by schools. Parents/Carers and schools may be contacted direct for further clarification by the Transport Review Panel (TRP) should this be required.

Parents/Carers will be informed of the outcome of their application within 10 working days of the last submission date of the online application.

9. Assessing Application and Eligibility

- 9.1 For children and young people out with school catchment area and/or who have an assessed need, described under Section 5 of this Policy “Exceptional Circumstances”, there will be a new eligibility assessment process, via the Transport Review Panel (TRP).

10. Transport Review Panel (TRP)

Group Membership

- The membership of the TRP will include Psychological Services, delegated Education Officer(s), Legal Services and, in an advisory role capacity only - a member of the Council’s School Transport Service. The Transport Service will supply logistical advice and have no part in the decision making process for applications.
- The TRP is chaired by the Depute Head of Education (Equity, Inclusion & Employability) or delegated officer.

Application Process

- Following a Team with the Family meeting, the school will complete and submit the appendix detailing the Assessed Transport Needs to the TRP at ASNAdmin@east-ayrshire.gov.uk.
- Parents/carers will complete an online application that is submitted direct to the TRP.

Assessment of Applications

- The TRP will consider all of the information provided on the application, including recommendations from the Team with the Family assessments.
- The TRP will consider the ability of the parent or carer to transport their child to school; the ability to use public transport/route transport; the viability of foster carers providing transport when a child or young person is accommodated away from home.
- The TRP will also consider the most appropriate method of transporting a child to school and level of support provided, where a family has access to a Motability vehicle or in receipt of additional funding to enable transportation of their child.
- Where home to school transport is agreed as a necessary part of a child or young person's support plan, enhanced transport arrangements (e.g. taxi transport) will only be authorised where the child or young person has an assessed need which prevents them from accessing the transport generally available to take other children and young people from that area to school.
- In all other cases, appropriate transportation options will be recommended by the TRP which may include access to mainstream school transport; safe walking routes; public transport; and provision of parental mileage. ***The provision of home to school taxi transport can only be authorised by the TRP where there is clear evidence that no alternative transportation option is viable.***

Successful Applications

If the application is successful, alternative transport support will continue until the end of that current session. Unless exempt, as described in paragraph 8.1 above, by 15th April of each year, parents/carers will be required to resubmit an application, as all alternative transport contracts will be reviewed on an annual basis.

Unless exempt, by 15th April of each year, parents/carers will be required to resubmit additional information alongside the main application for the continuation of the individual transport provision, as all alternative transport contracts will be reviewed on an annual basis.

If the Alternative School Transport application is successful and the provision continues, and in the event that school attendance is causing concern, the provision will be subject to review by the Transport Review Panel (TRP). Individual circumstances such as disability will be taken into account as part of such a review and the continued provision of transport will be dependent on the outcome of the review.

Unsuccessful Applications

If the application is unsuccessful and the learner is outwith the 1.5 miles or 3 miles walking distance for primary and secondary stages, parents/carers will be notified of arrangements for statutory free school transport.

If the application is unsuccessful and the learner has been placed in specialist provision by the Education Service and resides outwith the 1.5 miles or 3 miles walking distance for primary and secondary stages, parents/carers will be notified of arrangements for free school transport.

If the application is unsuccessful and the learner is within school catchment and inside the 1.5 miles or 3 miles walking distance to primary or secondary stages, responsibility for transport will revert to the parent/carer.

If the application is unsuccessful and the learner has been placed in specialist provision but resides within the 1.5 miles or 3 miles walking distance for primary and secondary stages, responsibility for transport will revert to the parent/carer.

Disagreement with Decision

East Ayrshire Council, in discharging its statutory requirements, aims to assist parent/carers in their responsibility of ensuring that a child attends school safely and on time, in line with our policy on the provision of Alternative School Transport. The Council will also strive to ensure with the services of Ayrshire Roads Alliance, that the arrangements to ensure the most effective, suitable and economical use of resources are in place by closely monitoring contracts and routes.

A request to reconsider the decision made regarding your child's transport must be made in writing within 10 days of receipt of the refusal letter. This should be made to the Transport Review Panel (TRP) based at London Road, Kilmarnock, KA3 7BU. Written submission should include additional evidence to support your request for transport. Requests to reconsider a decision which lack specification will be rejected. Once considered by the TRP, written notification of the outcome will be provided within 10 working days of receipt of the written submission.

11. USE OF ATTENDANTS

Attendants are provided to support transition based solely on the needs of the children. Where appropriate this will be reviewed regularly, and if a child is able to transition in a vehicle without attendant support, transport arrangements will be amended accordingly.

12. REVIEW OF INDIVIDUAL TRANSPORT ARRANGEMENTS

- 12.1 In all cases, transport arrangements under this policy will be subject to a **minimum annual review**.
- 12.2 The provision of transport may change or cease as the child or young person grows older or becomes more able to travel independently. Such decisions will be made by the Team with the Family and will take full account of the child's or young person's needs.

13. CANCELLATION OF TRANSPORT

- 13.1 It is essential that schools/parents/carers contact the School Transport Team, if their child does not require transport for a period of time due to illness or other reasons (more than 1 day) to avoid unnecessary costs to East Ayrshire Council. Repeated failure to do so may result in the withdrawal of transport arrangements until the matter can be resolved.

14. BEHAVIOUR

- 14.1 Children or young people who have additional support needs may sometimes display challenging behaviour. Measures, including 'reasonable adjustments' should be put in place to ensure that the risk of challenging behaviours are planned and prepared for to minimise disruption to all users. Should consistent challenging behaviour by children and young people whilst in any vehicle persist, this should be brought to the attention of the Headteacher who will attempt to resolve the situation in the first instance. Failure to address issues on transport may, depending on the particular circumstances, result in withdrawal of provision. This would then be the responsibility of the parent/carer to transport their child to and from school.

15. Complaints

How to Make a Complaint – Mainstream Transport

Concerns or complaints regarding operational aspects of the provision of Alternative School Transport, operated by the contracted provider, will be dealt with by the Ayrshire Roads Alliance (ARA) School Transport Service. Parents/carers should raise concerns directly with their child's school by telephone giving details that will then be recorded and submitted to ARA using a complaints postcard system.

Parents/ carers may also contact ARA directly in writing if they feel their concerns are serious or are not addressed by the provider. Where parents/ carers have contacted ARA direct, ARA will respond direct to parents/carers and advise the school of the outcome of their investigations.

Concerns or complaints regarding behaviour on school transport should be raised directly with the school.

Any concerns or complaints regarding the service provided by the school transport section should be made directly to the Contract Manager for Transport at the school transport section.

Complaints can be made by telephone or in writing to the relevant person.

Contact Information

East Ayrshire Council
School Transport Section
Transport Services
Opera House
8 John Finnie Street
Kilmarnock, KA1 1DD

Tel: 01563 576334

Email: school-transport@east-ayrshire.gov.uk

How to Make a Complaint – Alternative School Transport

Concerns or complaints regarding any aspect of the provision of alternative school transport should be directed to The Education Service at the undernoted address.

Concerns or complaints regarding behaviour on school transport should be raised directly with the school.

Complaints can be made by telephone or in writing to the relevant person.

East Ayrshire Council
Education Service
East Ayrshire Council
Council Headquarters
London Road
Kilmarnock, KA3 7BU

Email: ASNAdmin@east-ayrshire.gov.uk

LEGISLATIVE REQUIREMENTS

This Policy takes account of the following areas of legislation:

2.1 National Bus Travel Concession Scheme for Young Persons (Scotland) Amendment Order 2021

The regulations increase the age range for the new National Concessionary Bus Travel Scheme for Young Persons so that it is open to people aged 21 and under from 31 January 2022.

Article 2 of this Order amends article 12 of the 2021 Order which makes provision as to the reimbursement of operators participating in the National Bus Travel Concession Scheme for Young Persons.

Article 2 of this Order amends article 16 of the 2021 Order to the effect that persons aged 5 to 21 years old are eligible persons for the purposes of the Scheme. Previously persons aged 5 to 18 years old were eligible persons for the purposes of the Scheme.

2.2 Education (Scotland) Act 1980 as amended

Sections 50 and 51 to make such arrangements, as they consider necessary for the provision in respect of children and young people attending schools or other educational establishments.

Section 42 of the Act provides details of eligibility in relation to distance and other exceptional circumstances and conditions.

Section 23 of this act places the responsibility for school transport on the Education Authority in which the child or young person resides.

2.3 Standards in Scotland's Schools etc Act 2000

Section 37 of this act gives discretionary powers to the *Director of Education* (Chief Education Officer) in relation to the provision of transport for children attending pre-5 establishments.

2.4 Additional Support for Learning (Scotland) Act, 2004 (amended 2009)

This act outlines roles and responsibilities for local authorities in relation to the assessment and provision for those children and young people identified with additional support needs. There are no requirements in relation to home-school travel assistance.