



Home to School Transport Policy 2017/18

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Children, Families and Adults

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1. Scope of the policy

- 1.1 This policy details the circumstances in which Cornwall Council, in its capacity as the Local Authority for Cornwall, will provide transport to school or other education setting for children of compulsory school age living in Cornwall, and how these arrangements will be made. It covers the academic year 2017/18.
- 1.2 The policy also details the circumstances in which the Local Authority will provide assistance with transport to school or other education setting for children living in Cornwall, where it has chosen to exercise its discretion to provide transport assistance.
- 1.3 The policy is made under the provisions of Section 508 and 509 of the Education Act 1996 and Schedule 35B inserted by the Education and Inspections Act 2006. Under the terms of the Act, the policy covers:
 - a) the provision of transport free of charge;
 - b) the carriage on school buses of pupils for whom transport is not provided free of charge;
 - c) the payment in whole or part of reasonable travelling expenses;
 - d) the provision of other travel arrangements including Passenger Assistants;
 - e) the arrangements for children with Special Educational Needs;
 - f) the arrangements in respect of transport for pupils to schools for which a pupil's parent/carer has expressed a preference on the grounds of the parent/carer's religion or belief.
- 1.4 More information on the relevant legislation and the statutory guidance to which Local Authorities must have regard (*Home to School Travel and Transport Guidance, Department for Education, July 2014*) can be found at www.gov.uk

2. Roles and responsibilities of parents/carers

- 2.1 It is the responsibility of the parent/carer to ensure their child attends school regularly. This includes making the necessary arrangements for attendance at school, such as submitting applications for admission and transport where necessary.
- 2.2 It is the responsibility of the parent/carer to accompany a child (or arrange suitable supervision) as necessary when walking to and from school, including to and from a provided transport pick-up and set-down point, unless such arrangements form part of the provision arranged by the Local Authority. Passenger Assistants will only be

supplied on provided transport arrangements where they are necessary to meet a child's individual needs (see Section 6).

3. The statutory provision of transport by the Local Authority

- 3.1 Schedule 35B of the Education Act 1996 defines 'eligible children' for whom travel arrangements must be provided free of charge by the Local Authority.
- 3.2 To be eligible for transport free of charge children in all categories below must be of compulsory school age (children aged under 5 attending full-time in a Reception class will be considered of compulsory school age) and attending their nearest 'qualifying school'. A 'qualifying school' is defined as an educational establishment where a pupil is receiving education appropriate to the age, ability, aptitude and any special educational needs of the child and which is a Local Authority maintained school, state-funded independent school (Academy or Free School), pupil referral unit or, in the case of children with special educational needs, an independent school where it is named in the child's Statement of Special Educational Needs or Education, Health and Care Plan¹.
- 3.3 Cornwall Council has exercised its discretion to extend the definition of 'qualifying school' to also include a child's designated school, where it is not the nearest school. The designated school is the school designated for the child's address by the Local Authority². This may be different from the designated area used by a school for admissions purposes.
- 3.4 Where a pupil attends a school which is not the nearest available school or designated school as a result of parental preference, transport will only be provided in very exceptional circumstances (with the exception of statutory entitlements based on low income – see 3.18 and 3.19). Parents/carers should therefore be aware when making a preference for a school which is not the nearest or designated school that they will remain responsible for transport to and from school should their family or financial circumstances change.
- 3.5 Where a pupil attends a school which is not the nearest available school or designated school as a result of parental preference, but which later becomes the nearest school with a place available for that pupil, there will be no eligibility for transport if a place would have been available at the nearer or designated school/s at the time an application for school admission was made.
- 3.6 Transport will be provided via the most cost-effective suitable method. Suitable travel arrangements can include:

¹ From September 2014, statements of Special Educational Needs began to be replaced by Education, Health and Care Plans under the provisions of the Children and Families Bill 2013.

² The designated school for an address can be confirmed by contacting the Education Access and Sufficiency Team at schooladmissions@cornwall.gov.uk

- a seat on a bus or minibus provided by the Local Authority;
- a seat in a taxi;
- the provision of a pass for a public service bus or other public transport.

Journey times will not normally exceed forty-five minutes each way for primary-aged children and seventy-five minutes each way for secondary-aged children.

- 3.7 Provided transport is for one return journey from home (under the provisions of 3.8) to the school/establishment at the official beginning and end of the school/establishment day. Transport is not provided to meet a pupil's individual timetable, including after school clubs or extra-curricular activities. Transport is not provided for work experience placements, work-based learning or travel between establishments (school to school).
- 3.8 Provided transport is not necessarily provided from door to door. Children may be required to walk (accompanied by an appropriate adult as necessary) to and from the nearest pick-up and set-down point for public or contracted transport. The distance to a pick-up/set-down point will not normally exceed one mile for a primary-aged pupil and one and a half miles for a secondary-aged pupil.
- 3.9 Passenger Assistants will only be supplied on provided transport arrangements where they are necessary to meet a child's individual needs (see Section 7).

Children living outside statutory walking distance

- 3.10 A child will be eligible for transport free of charge to his or her nearest qualifying school (or designated school if it is not the nearest) where a place is available if he or she lives outside statutory walking distance.
- 3.11 'Statutory walking distance' is defined in Section 444(5) of the Education Act 1996 as two miles for children aged under eight years and three miles for children aged eight years and over. For the purposes of determining entitlement in this respect, Cornwall Council has exercised its discretion to consider walking distance to be two miles for primary school children up to the end of Year 3 and three miles for primary and secondary school children aged eight and above from Year 4 onwards. There is an enhanced entitlement for children aged eight and above (Year 4 onwards) from families on a low income (see 3.21).
- 3.12 Walking distance is measured by the shortest route by which a child, accompanied as necessary, may walk with reasonable safety. This may include footpaths, bridleways and other pathways as well as roads.

Children unable to walk to school by reason of their special educational needs (SEN), disability, or mobility problem (including temporary medical conditions)

- 3.13 Where a child is attending his or her nearest qualifying school (or designated school if it is not the nearest) which is within walking distance, but is unable to walk to that establishment (accompanied as necessary) by reason of their SEN and/or disability, he or she will be eligible for transport free of charge.
- 3.14 This includes where a child has a mobility problem caused by a temporary medical condition, e.g. a broken leg.
- 3.15 Where a child lives within walking distance of the nearest qualifying school (or designated school if it is not the nearest) but the route relies on a disabled parent/carer accompanying that child for it to be considered safe, and the parent/carer's disability prevents them from doing so, he or she will be eligible for transport free of charge.
- 3.16 Applications in this category will be considered on a case-by-case basis and will require evidence from a relevant medical professional (e.g. doctor). Evidence of factors such as receipt of Higher Level Disability Living Allowance (DLA) may also be requested to assess the level of need.

Children unable to walk in safety to school because of the nature of the route

- 3.17 Where a child is attending his or her nearest qualifying school (or designated school if it is not the nearest) which is within walking distance, but the nature of the route is such that a child cannot be expected to walk (accompanied as necessary) in reasonable safety, he or she will be eligible for transport free of charge.
- 3.18 In order for a route to qualify in this category, it must have been assessed and classified as an unsafe walking route by Cornwall Council. Details of the Council's assessment process can be found in the accompanying Pedestrian Route Assessment policy, available at www.cornwall.gov.uk/schooltransport.
- 3.19 Assessments will not take into account issues of personal security, as it is the responsibility of the parent/carer to ensure a pupil is accompanied as necessary when walking to and from school.
- 3.20 Eligibility for transport provided in this category will be subject to annual review. Cornwall Council retains the right to reassess a route classified as an unsafe walking route.

Children from low income groups

3.21 Children from low income groups (defined as being entitled to Free School Meals or a family in receipt of their maximum level of Working Tax Credit)³ have the following additional entitlements to transport free of charge:

- For secondary-aged children aged eleven or above the entitlement to transport free of charge is increased to any one of the three nearest schools, where these are more than two miles but not more than six miles from home
- Primary aged children aged eight and above (Years 4 to 6) attending their nearest suitable school which is more than two miles from home are entitled to transport free of charge
- Where a parent/carer has expressed a preference for a school based on religion or belief, then a child aged eleven to sixteen from a low income group is also eligible for transport free of charge to that school if it is the nearest suitable school preferred on the grounds of religion or belief and they live more than two miles but not more than fifteen miles from that school

3.22 Section 8 gives more information on the interpretation of 'religion or belief'.

3.23 Eligibility for transport free of charge on low income grounds will be valid for the whole of the academic year in which eligibility was confirmed. After this time it will be necessary for parents/carers to reapply for transport for the following academic year.

4. Discretionary provision of transport assistance

4.1 In addition to its statutory duty to provide transport free of charge to the eligible pupils outlined above, the Local Authority will exercise its discretion to provide transport to pupils as follows.

Permanent exclusions and managed moves

4.2 Where a child is placed at a school under Stage 2 of the Fair Access process, or subject to a 'managed move' between schools which is agreed in consultation with the Education Welfare Service, transport will be provided to the new school where it is beyond statutory walking distance (as defined by Cornwall Council) from the child's home. The expectation is that this will usually be the next nearest suitable school.

³ Universal Credit, a new single payment, began to replace Working Tax Credit in 2013. Once implemented the eligibility criteria for children in low income groups will be amended accordingly.

Children in the care of the Local Authority

- 4.3 Where a child is in the care of the Local Authority, transport may be provided to a school which is not that child's nearest qualifying school or designated school where it is considered by the relevant professionals (e.g. social worker) to be in the best interests of the child.
- 4.4 Transport requests and arrangements will be monitored by the Children in Care Education Support Service and will be reviewed every twelve weeks to ensure they remain appropriate for the individual child.

Involuntary home moves in Year 10 or Year 11

- 4.5 Where a secondary-aged child in Year 10 or above moves house away from their nearest qualifying school or designated school having commenced a GCSE course he or she will be eligible for transport assistance if:
- the family's move was involuntary (e.g. social housing relocation or placement relating to safeguarding) - written evidence will be required; and
 - the journey time to the school is less than seventy-five minutes in each direction.

Exceptional circumstances

- 4.6 Transport assistance may be provided in exceptional circumstances to pupils not otherwise eligible, where such provision is in the best interests of the pupil. Such circumstances may include (but are not limited to):
- Temporary absences from the home address due to exceptional circumstances beyond the parent's control, or as the result of safeguarding action
 - Exceptional family circumstances whereby the pupil may otherwise be at risk of educational disruption or non-attendance
- 4.7 Evidence to support an application for transport under exceptional circumstances will need to be provided by relevant professional/s as appropriate.
- 4.8 Each application will be considered on its own merits, but the following circumstances would **not**, on their own, normally be considered exceptional:
- low income (with the exception of the Local Authority's statutory low income transport provision);
 - lack of access to private transport;
 - single parent families;
 - work/business commitments or domestic difficulties of parents/carers, including taking other children to school.

- 4.9 Transport or transport assistance may only be awarded in exceptional circumstances up to a maximum cost of £15 per day. Where costs will exceed this amount, the application must be considered by a Senior Manager under Stage 1 of the Appeals Process and, if refused, by the Appeals Panel under Stage 2 (see Section 10).
- 4.10 Provision awarded in exceptional circumstances will normally be awarded for a maximum of twelve weeks with a review by the Transport Commissioning Team being undertaken after that time. It will be the responsibility of the parent/carer to submit relevant evidence and supporting information to inform the review if they wish for the provision to continue.

5. Carriage on contracted school transport of pupils for whom transport free of charge is not provided ('Concessionary Riders')

- 5.1 Where spare seats are available on vehicles contracted by the Local Authority to provide transport to school, these may be allocated to children not entitled to travel free of charge – such children are referred to as Concessionary Riders.
- 5.2 The charge for Concessionary Riders must be paid in advance. Charges for the 2017/18 academic year are as follows:
- £398 per academic year (£133 for the autumn and spring term, £132 for the summer term) for those not attending their nearest qualifying school or designated school.
 - £241.20 per academic year (£80.40 per term) for those attending their nearest qualifying school or designated school (but not eligible for transport free of charge). Children in this category entitled to Free School Meals or whose parents/carers are in receipt of their maximum level of Working Tax Credits⁴ receive a 50% discount (£120.60 per academic year - £40.20 per term).
- 5.3 Concessionary rider seats are allocated for a maximum duration of one school year only. From the start of each academic year (i.e. September) fresh applications must be made for all concessionary rider places. As the supply of places is limited and not all applications may be successful, the following order of priority will be used in making allocations:

⁴ Universal Credit, a new single payment, began to replace Working Tax Credit in 2013. Once implemented the eligibility criteria for children in low income groups will be amended accordingly. From September 2014 all infant children have been eligible for Free School Meals. However, eligibility for a reduction in the concessionary fare for children in this age group will be calculated against the normal Free School Meals eligibility criteria for older children.

1. Pupils attending their designated or nearest school – will be prioritised using a points system, which favours the younger child with farther to travel.
 2. Pupils attending a “choice of school” – priority will be given to existing “choice of school” concessionary riders, with preference being given to older children.
 3. Choice of school - new applications – again, preference will be given to older children.
 4. Any child not falling into the above categories for whatever reason.
- 5.4 Any offer of a Concessionary Rider place will be made for the whole of the academic year, but on the understanding that any seat allocated will have to be relinquished (with a minimum of seven days notice) if, at a later date:
- the seat is required for a pupil/student who is entitled to transport free of charge; or
 - the service is withdrawn when the transport requirements in the area are reviewed.

A pro-rata refund will be paid where applicable.

6. Payment in whole or in part of reasonable travel expenses

- 6.1 On occasion, where no suitable transport provision is available, alternative arrangements may be considered to meet the Local Authority’s duty to provide travel arrangements for an eligible child. This could include paying a mileage allowance to a parent/carer where it is cost effective to do so. The payment of mileage allowances will be at the Local Authority’s discretion.
- 6.2 Such arrangements will require parental consent which will be obtained by the Local Authority each year, or whenever a child moves school, whichever is the shorter period.
- 6.3 The Local Authority reserves the right to remove the offer of a mileage allowance where alternative appropriate transport provision becomes available that will provide better value for money. A minimum of five school days notice will be given.
- 6.4 Where a child is eligible for transport free of charge, reimbursement of private car expenses will be at the rate set by the Council (twenty-five pence per mile in the academic year 2016/17). This can only be claimed with prior written agreement from the Local Authority.

- 6.5 In exceptional circumstances travel expenses (e.g. bus or train tickets) may also be paid in whole or in part to a parent/carer where there is prior written agreement from the Local Authority.
- 6.6 Reimbursement of private car or other travel expenses is limited to the actual costs incurred and claims should be submitted in arrears once a month using the form provided by the Local Authority Passenger Transport Unit. Payment cannot be backdated. The Local Authority will seek proof of attendance from the relevant school/establishment.
- 6.7 Any additional expenditure for travel or attendance at times outside of the beginning and end of the school day remains the responsibility of the parent/carer and will not be reimbursed by the Council.

7. Arrangements for children with special educational needs and other individual needs and the provision of other travel arrangements, including Passenger Assistants

- 7.1 Children and young people with special educational needs and other individual needs (including medical or health needs) have the same entitlement to transport free of charge or transport assistance under legislation or policies agreed by Cornwall Council as all other children.
- 7.2 However, where a child has special educational needs the nearest qualifying school/establishment (i.e. that provides education appropriate to the age, ability and aptitude of the child, including any special educational needs) may well be different than for other children. Similarly, the type of transport provision that is appropriate may be different than for other children.
- 7.3 Where a Special School or a special unit within a mainstream setting is named by the Local Authority on a child's Statement of Special Educational Needs or Education, Health and Care Plan⁵, that school will be deemed to be the child's nearest qualifying school for the purposes of transport eligibility, unless named as a result of parental preference and in the Authority's view the child's needs could be met at a nearer school.
- 7.4 The appropriate transport provision for a child with special educational needs will be determined through a needs assessment undertaken by the Special School (where the child attends one) or the Special Education Needs Assessment and Provision Team, taking into account information and advice from relevant professionals, previous school/s and any information on transport needs which is recorded in the child's Statement of Educational Needs or Education, Health and Care Plan. Transport provision will be requested via a Transport Request Form (TRF) sent to the Local Authority's School

⁵ From September 2014, statements of Special Educational Needs began to be replaced by Education, Health and Care Plans under the provisions of the Children and Families Bill 2013.

Transport Commissioning Team, who will approve and commission transport accordingly.

- 7.5 Passenger Assistants are not normally supplied on provided transport arrangements except in individual cases where they are, in the Local Authority's view, necessary to meet a child's individual needs. The role of a Passenger Assistant will be to provide general supervision and ensure a safe and comfortable journey to and from school.
- 7.6 Passenger Assistants will only be provided to meet more complex individual needs such as medical or health requirements where there is supporting professional evidence that such support is necessary to ensure a child's safe journey to and from school. Only Passenger Assistants who have received appropriate specific training with regard to an individual child's needs will be employed to provide such support.
- 7.7 Requests for a Passenger Assistant to accompany a child on provided transport, or for tailored transport arrangements such as an individual taxi rather than a seat on a bus, must be made via the Transport Request Form and accompanied by supporting evidence from two relevant professionals. Submission of supporting evidence does not automatically guarantee entitlement to a Passenger Assistant or specific individual arrangements and the final decision rests with the Local Authority.
- 7.8 Transport provision will be subject to regular multi-agency review.
- 7.9 Where an eligible child has a Statement of Special Educational Needs or Education, Health and Care Plan and their assessment identifies the need for a residential school placement, either in Cornwall or in an out of county resource, transport will be provided at the start and the end of each half term or at the start and end of each week depending on the commissioned boarding arrangements. Transport will also be provided if the commissioned school is closed (either planned or unplanned). Transport will not be provided for parental visits or meetings.
- 7.10 Where an eligible child has a Statement of Special Educational Needs or Education, Health and Care Plan and their assessment identifies the need for an out of county day education placement, transport will be provided free of charge. Transport will not be provided for parental visits or meetings.
- 7.11 Children who are to be transported seated in their wheelchair must have a valid Wheelchair Passport. The Passport is a tag attached to the chair after a travel assessment, normally at the time the chair is issued.
- 7.12 Cornwall Council does not have a statutory duty to provide transport services to children who are of pre-compulsory school age. However, where a child is required to attend a Child Development Centre or a

Special School as part of an assessment of their special educational needs or as part of their special educational provision, the Local Authority may be able to assist with transport arrangements if the child lives more than one mile from the provision. In such circumstances a transport request should be made by the Child Development Centre in liaison with the parent/carer.

8. Transport for pupils to schools for which a pupil's parent/carer has expressed a preference on the grounds of the parent/carer's religion or belief

- 8.1 Section 35B of the Education Act 1996 places a duty on local authorities to provide travel arrangements free of charge for children aged 11 to 16 of parents/carers on low incomes to the nearest suitable school preferred on the grounds of religion or belief, where they live more than two miles but not more than fifteen miles from that school (see 3.21).
- 8.2 Religion or belief means any religion in line with the freedom of religion guaranteed by Article 9 of the European Convention on Human Rights ("ECHR") and includes religions widely recognised in the UK such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha'is, Zoroastrians and Jains. Equally, denominations or sects within a religion can be considered as a religion or religious belief, such as Roman Catholics or Protestants within Christianity. The main limitation on what constitutes a "religion" for the purposes of Article 9 of ECHR is that it must have a clear structure and belief system. For a belief to be worthy of protection, it must attain a certain level of cogency, seriousness, cohesion and importance; be worthy of respect in a democratic society; and not be incompatible with human dignity or the fundamental rights of the child.
- 8.3 References to religion or belief also include references to a lack of religion or belief.
- 8.4 Where an application for transport is made on the grounds of religion or belief under paragraph 3.21, confirmation of baptismal status or written support from a relevant priest/minister must be provided with the transport application form. The school will also need to confirm that an application for admission to the school was made on the grounds of religion/belief and the relevant supporting evidence provided.
- 8.5 With the exception of its statutory duty with regard to children from low income families, Cornwall Council does not provide any other transport assistance to children attending a school other than their nearest or designated school on the grounds of religion or belief.

9. Assessment of eligibility and other conditions

Measurement of distances

- 9.1 Measurement of distances in relation to transport eligibility will be undertaken using the Council's nominated Geographic Information System software and will be taken from the main gate of a pupil's home address (this is where the property meets the maintained highway; private driveways or access lanes are excluded) to the main gate of the school/establishment. Distance measurements will be rounded to two decimal points.
- 9.2 Where a child has more than one ordinary residence, the home address will be taken to be the address where the child is normally resident with his or her parent(s)/carer or legal guardian. If there is shared residence of the child or if there is a dispute, it may be necessary to use the address of the person receiving Child Benefit for the child.
- 9.3 Walking distance is measured by the shortest route by which a child, accompanied as necessary, may walk and do so in reasonable safety. This may include footpaths, bridleways and other pathways as well as roads.
- 9.4 Upper distance limits (such as eligibility for transport to a preferred school for children from low income groups) do not assume a child will be walking and will therefore be measured along road/driving routes.
- 9.5 When determining a child's nearest school, walking distances will be used where the schools in question are within statutory walking distance. Driving distances will be used where the schools in question are outside statutory walking distance.

Moving home or school

- 9.6 Where a child transfers to another school as a result of parental preference or a house move, or retains a school place after moving home, eligibility for transport will be re-assessed using the normal eligibility criteria.

Safeguarding

- 9.7 All staff engaged on closed school transport contracts (i.e. not public transport services) are subject to vetting by the Disclosure and Barring Service (DBS).

Behaviour

- 9.8 Parents/carers, schools, transport operators and the Local Authority all have an interest in pupil behaviour on school transport. All parties

are issued with a Code of Conduct booklet and drivers and Passenger Assistants are asked to liaise with schools and the Local Authority with regard to behavioural problems.

- 9.9 The Education Act 2006 makes it clear that schools' behavioural policies can include action to address unacceptable behaviour where this occurs on the journey to and from school.
- 9.10 In exceptional circumstances it may be necessary to temporarily or permanently withdraw transport where behaviour endangers the safety of other passengers. This will be determined in consultation with the child's education establishment.

10. Appeals

10.1 Where an application for provided, assisted or subsidised transport has been declined by the Local Authority, or if the parent/carer believes the arrangements made are unsuitable, there is a right of appeal against the decision on the following grounds:

- Eligibility
- Distance measurement/s
- The safety of the route
- The transport arrangements offered
- Exceptional circumstances

Stage 1

- 10.2 The parent/carer has 20 working days from receipt of the Local Authority's decision to make a written request asking for a review of the decision.
- 10.3 The written request should detail why the parent/carer believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- 10.4 Within 20 working days of receipt of the parent/carer's written request, a senior officer will review the original decision and respond with a detailed written outcome setting out:
- the nature of the decision reached;
 - how the review was conducted (including the standard followed);
 - information about other departments and/or agencies that were consulted as part of the process;
 - what factors were considered;
 - the rationale for the decision reached;
 - information about escalation to stage two (if appropriate).

Stage 2

- 10.5 The parent/carer has 20 working days from receipt of the Local Authority's Stage One decision to make a written request to escalate the matter to Stage Two.
- 10.6 Within 40 working days an independent appeal panel will consider written and verbal representations from the parent and officers and give a detailed written outcome (within 5 working days) setting out:
- the nature of the decision reached;
 - how the review was conducted (including the standard followed);
 - information about other departments and/or agencies that were consulted as part of the process;
 - what factors were considered;
 - the rationale for the decision reached;
 - information about escalation to the Local Government Ombudsman (see below).
- 10.7 Appeals under Stage 2 will be heard by the Local Authority's Transport Appeals Panel, made up of elected Councillors who are independent of any previous decisions which have been made regarding the transport application.
- 10.8 **While waiting for an appeal to be heard the responsibility for the child's attendance and safe travel to and from school remains with the parent/carer.**

Local Government Ombudsman

- 10.9 The Panel's decision is final and there is no further right of appeal. However, there is a right of complaint to the Local Government Ombudsman if the complainant considers that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal was handled.
- 10.10 If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may apply for judicial review.

Definitions

Guidance - means guidance issued by the Secretary of State further to section 508D Education Act 1996. The current Guidance is Home to School Travel and Transport Guidance (DfE July 2014)

Council - means Cornwall Council as the Local Authority for Cornwall and includes the committees and panels authorised to deal with education transport matters.

Designated school - means the school designated by the Council for pupils living within a certain area. The designated area for transport entitlement may differ from the designated area for admissions purposes, or the school may not use a designated area for admissions purposes.

Preferred school - means a school which the parents/carers of a pupil/student have expressed a preference that the pupil/student attends, rather than the designated school.

Nearest qualifying school – means the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have.

Low income group as defined in paragraphs 9-14 Schedule 35B Education Act 1996 means those children who are entitled to Free School Meals, or those whose families are in receipt of their maximum level of Working Tax Credit (“WTC”). universal Credit, a new single payment, began to replace Working Tax Credit in 2013. Once implemented the eligibility criteria for children in low income groups will be amended accordingly.

Statutory walking distance as defined in section 444(5) of the Education Act 1996 means two miles for children aged under eight and three miles for children aged eight and over. This is measured by the “nearest available route” (section 444(5)). The route is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, may walk with reasonable safety.

Religion or belief means any religion in line with the freedom of religion guaranteed by Article 9 of the European Convention on Human Rights (“ECHR”) and includes religions widely recognised in the UK such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha’is, Zoroastrians and Jains. Equally, denominations or sects within a religion can be considered as a religion or religious belief, such as Roman Catholics or Protestants within Christianity. The main limitation on what constitutes a “religion” for the purposes of Article 9 of ECHR is that it must have a clear structure and belief system. For a belief to be worthy of protection, it must attain a certain level of cogency, seriousness, cohesion and importance; be worthy of respect in a democratic society; and not be incompatible with human dignity or the fundamental rights of the child.

Eligible child – means a child defined in section 35B Education Act 1996 and paragraphs 78-80 of the Guidance and includes children unable to walk to school by reason of their special educational needs, disability, or mobility problem including temporary medical conditions.

Suitable arrangements – means arrangements that “enable an eligible child to reach school without stress, strain, or difficulty that they would be prevented from benefitting from the education provided”.

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