

<b>SUBJECT:</b>	<b>Draft Home to School Transport Policy 2023/24</b>
<b>MEETING:</b>	<b>Individual Cabinet Member Decision</b>
<b>DATE:</b>	<b>28<sup>th</sup> September 2022</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All</b>

**1. EXECUTIVE SUMMARY AND PURPOSE:**

- 1.1 The Learner Travel (Wales) Measure 2008 sets out the legal responsibilities for the provision of school transport. Within the legislation they place a duty on local authorities to review their transport policy on an annual basis. The policy needs to be confirmed by the 1<sup>st</sup> October for application in the following academic year.
- 1.2 This report considers the responses received to the recent consultation and recommends approval to the revised policy contained in appendix 2.

**2. RECOMMENDATIONS:**

- 2.1 That the proposed Transport Policy 23/24 contained in Appendix 2, is agreed and the Policy is published on or before 1<sup>st</sup> October 2022 in accordance with the requirements of the Learner Travel Measure.

**3.0 KEY ISSUES:**

- 3.1 The provision of home to school transport is prescribed by the Learner Travel (Wales) Measure, 2008. The legislation imposes statutory duties on local authorities in the provision of home to school transport and the circumstances when transport must be provided. It also places a duty on all local authorities to undertake an annual review of the transport policy which sets out how the statutory responsibilities and any discretionary policies that are being applied. The transport policy should be agreed prior to the 1<sup>st</sup> October for application in the proceeding academic year.
- 3.2 A draft Transport Policy was presented to Cabinet in July of this year and a consultation period closed on 16<sup>th</sup> September. Consultation took the form of an online questionnaire and drop-in sessions in Caldicot, Chepstow, Abergavenny, Usk, Monmouth hubs and Gilwern library. Hard copy

questionnaires were available in the hubs for those respondents that do not have access to digital platforms.

- 3.3 A summary of the consultation responses has been included in Appendix 1 and can be broken down into seven themes, which are considered in detail below.

#### **Post 16 Travel**

- 3.3.1 Respondents have requested that Post 16 travel should be free and available to all of those that require it, and it should be available for the start of the academic year. They are concerned that the lack of guaranteed Post 16 travel has a detrimental impact on those living in rural locations and those choosing to access Welsh medium education.

##### Response

We fully understand the concerns that have been expressed by respondents regarding the uncertainty of Post 16 travel. When allocating vacant seats, we do give priority to Post 16 learners, however we acknowledge the difficulties arising from the delays in allocating seats. The timescales for awarding Post 16 travel are influenced by late applications for statutory travel (we have received over 500 applications in the last 6 weeks) and the timing of GCSE results and transport applications. We are unable to set a deadline for applications for statutory travel and those meeting the eligibility criteria take precedence over concessionary travel applications. We will however ensure that moving forward applications for Post 16 travel to Welsh medium and faith schools will be determined and awarded prior to the commencement of the academic year. These sectors will be prioritised as learners have to travel out of the County to access education and therefore active travel and public transport is not a viable travel option.

Welsh Government (WG) have recently concluded consultation on the Learner Travel Measure. We do not propose any further amendments to the policy until WG have confirmed their policy proposals on Post 16 travel.

#### **Travel for 4-year olds**

- 3.3.2 We have received feedback from consultees that the proposal to require 4-year olds to be able to manage their own seatbelt use is not appropriate. There have been suggestions that drivers, passenger assistants or parents should be responsible for putting on seatbelts to ensure the safe travel of young learners.

##### Response

We have reflected on the feedback and as a result are proposing to amend the policy to remove this requirement. We will however require express

permission from the parents of 4-year-old learners to allow drivers or passenger assistants to assist their children.

### **Dual Residences**

- 3.3.3 The consultation has generated concerns over the proposal that dual residence applications should be supported by a Child Arrangement Order as this will negatively impact on those that have reached amicable agreements. There have also been requests that transport should be available for parents whose children do not reside with them.

#### Response

We would not want to be in a position where we are requiring families to incur expenditure to seek Child Arrangement Orders to confirm their shared living arrangements. We are therefore proposing to amend the policy to confirm that we will provide transport to two addresses where both parents provide confirmation of the learner's residences. The eligibility requirements will remain. We will not however provide transport to addresses where the child does not live.

### **3.3.4 Pick Up Points**

We have received some feedback expressing concern that learners will be required to walk up to a mile to a designated pick up point and have instead that transport is provided from their homes.

#### Response

We do not consider it unreasonable to require learners to meet transport at a designated pick up point if it is safe for them to do so. In circumstances where there is no available walking route, feeder transport will be provided. Assessments are undertaken on the basis that primary aged learners will be accompanied by an appropriate adult.

### **Suitable School**

- 3.3.5 Feedback has coalesced around three principal issues; that parents should be able to choose their preferred school and transport; that schools in special measures should not be deemed suitable and that feeder schools should have access to free transport regardless of eligibility requirements.

#### Response

The Learner Travel Measure is clear that statutory transport should be provided to the nearest suitable school as defined by the Local Authority. It further states that parents who choose to exercise parental preference when

choosing a school lose their ability to access free transport if the chosen school is not their child's nearest suitable school. We therefore disagree with the comments that transport should be extended to cover parental preference and propose that the policies nearest suitable and catchment criteria remains. We note that our colleagues in the Children and Young Peoples Directorate (CYP) have requested that nearest suitable be designated to the nearest Monmouthshire School, however 1.41 of the LTM legislation is clear that "transport must be provided to schools outside the authority's area if the establishment is deemed to be the learner's nearest suitable school".

Our policy exceeds the requirements of the LTM in that we provide free transport to both the nearest suitable and or catchment if they are different. We do not propose to amend it further to include feeder schools as this outside the scope of the Transport Policy and instead may be something that the CYP Directorate may wish to consider in future catchment reviews. It is proposed that for the Transport Policy 23/24 we continue to exclude schools that are in special measures from assessments considering nearest suitable schools. It is however proposed that this forms part of the next Transport Policy review.

### **Transport for Siblings**

- 3.3.6 Consultees expressed concern that siblings would not automatically be entitled to free travel to the same school. This situation would arise if a learner has been granted free transport as their nearest or catchment schools are full, and they were therefore awarded a school place in an alternative school or if the learner changes addresses.

#### Response

Our existing policy is clear that we do not guarantee travel for siblings and this is reiterated in the proposed policy. Whilst we understand that this may cause concern for parents who would wish to ensure that their children can attend the same school, if they choose to exercise parental preference then the learner will not meet the eligibility criteria and lose their right to transport. We do not propose to change this policy.

### **Available Walking Routes**

- 3.3.7 Respondents have made suggestions as to how available routes should be evaluated, including the provision of active travel and parental engagement. Others have suggested that free transport should be provided if an element of a walking route is considered to be hazardous.

### Response

The assessment criteria for an available walking route is set out in the Learner Travel Measure and assessments are undertaken by the Councils Road Safety Officer. Parents can contact the Road Safety Officer who will provide copies of the assessment and if required walk the route with parents.

Learners who meet the eligibility criteria will be provided with free transport and discretionary transport may be provided if it is determined that there is not an available walking route for those that live closer than the defined distance criteria. We do not propose any changes to the policy as the draft policy already provides for the issues raised. We do however acknowledge that there is insufficient information on the website and we will amend the site to respond to these valid concerns.

- 3.3.8 Respondents were asked to consider the impact of the proposals on the Welsh language. Not all respondents completed this element, but for those that did 22 thought there was no impact and 13 thought that there was a negative impact. The issues raised relate primarily to the lack of statutory Post 16 travel for Welsh medium learners who are reliant on travelling to Secondary schools outside the county boundary. This inevitably places a greater reliance on home to school transport due to the lack of public transport alternatives. They also expressed concerns over the lack of guaranteed Post 16 travel which may necessitate a change to English medium schools which are in closer proximity to their homes. They cite that this runs contrary to Welsh Governments policy ambitions and MCC's Welsh in Education Strategic Plan. The length of journeys was also raised as a concern.

### Response

The policy is clear that we are providing support for Welsh language education as we will provide free transport to learners nearest or catchment Welsh medium schools. We are proposing to prioritise the allocation of Post 16 travel for Welsh medium by ensuring that all applications are considered and where space is available, transport is awarded prior to the commencement of the academic year. This policy will be reviewed when WG confirm their policy position on Post 16 education. We will continue to review travel routes to mitigate travel times for learners.

- 3.3.9 Officers have considered all of the feedback received and proposed amendments to reflect the valuable contributions made by respondents.

#### 4.0 EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

4.1 The Integrated Impact Assessment is attached.

#### 5.0 OPTIONS APPRAISAL

Option	Benefits	Dis-benefits	Comments
Leave the Transport Policy as originally drafted	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>The policy will fail to acknowledge the valuable contributions of the respondents.</li> <li>The Council will have failed in its duty to consider the consultation responses.</li> </ul>	This option should be discounted as it falls short of the reasonable expectations of consultees and the standards required of an engaged and listening Council
Agree to the amendments proposed following the consultation exercise	<ul style="list-style-type: none"> <li>The policy has reflected on the views expressed by respondents and were reasonable and equitable to do so have made amendments to the drafting.</li> <li>The Council is open in its decision-making and holds true to its values.</li> <li>Respondents can see how their engagement has influenced the Councils decision-making.</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	It is recommended that this option is progressed.

#### 6.0 REASONS:

6.1 The Learner Travel (Wales) Measure places a requirement on Local Authorities to review their Transport Policy. The proposed policy has been amended to reflect consultation responses.

- 6.2 The proposed policy exceeds the statutory duties placed on Local Authorities but is in line with current policy and practice. Given the current hardship being encountered by many families due to the cost of living crisis, it was not considered appropriate to revert practices to the statutory criteria at this time.
- 6.3 Welsh Government undertook consultation on home to school transport in 2020 and have indicated that they are considering reducing the statutory distance criteria and the provision of free transport for post 16 pupils, nursery age pupils, Welsh medium, and faith schools. They have acknowledged that there are resource implications in implementing these proposals in both cost and availability of transport providers. They also recognise that the costs for rural authorities are higher than their urban counterparts.
- 6.4 The proposed transport policy provides for most of the Welsh Government proposals; however, it would need to be reviewed to accommodate any changes to post 16 or transport provision for under 5's.

## **7.0 RESOURCE IMPLICATIONS:**

- 7.1 The cost of school transport for the financial year 22/23 is estimated to be circa £5,463,449. This includes the cost of external provision and our in-house transport provider. The proposed policy is in line with existing practice; therefore, it is not anticipated that it will result in a significant uplift in costs.
- 7.2 Due the nature of the transport market, the costs can change as contracts are handed back and re-tendered, new routes are added to accommodate new learners and contract uplifts to reflect the increasing cost of transport provision.

## **8 CONSULTEES:**

Cabinet  
Communities and Place DMT  
Monitoring Officer  
S151 Officer

## **9 BACKGROUND PAPERS:**

Learner Travel Statutory Provision and Operational Guidance 2014

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**APPENDICES**

**Appendix 1** Summary of Consultation Responses

Appendix 2 Proposed Transport Policy



## **Appendix 1 – Summary of Consultation Responses**

### **1. Post 16 Transport**

The following comments have been received:

- Respondents have indicated that the lack of post 16 transport has a disproportionate impact on rural families and welsh learners.
- That it should be guaranteed and free
- Confirmation of travel should be prior to the start of term
- Parents of learners this age cannot be expected to transport their children
- Public transport is inadequate
- Provision should be made for Post 16 learners in ALN education
- Welsh medium Post 16 should be guaranteed transport from the first day of academic year.
- Free transport should be provided for learners attending compulsory Post 16 education.

### **2. Dual Residencies**

Concerns have been raised about the proposals to require a Child Arrangement Order to access transport from dual residences. Respondents have advised that this would be unfair for those that have an amicable agreement and did not seek recourse to the courts.

There have also been requests to consider transport from a non-resident parent (the child does not live with the parent).

### **3. Travel for 4 Year Olds**

There have been several comments relating to the requirement for 4-year olds to use their own seat belts. These have suggested that:

- Drivers and or Passenger Assistants should have responsibility to secure and release seat belts.
- Who holds the liability in the event of an accident?
- Requiring 4-year olds to fasten their own seatbelts would discriminate against those with disabilities
- Parents should be able to fasten their children's seatbelts and these can be subject to DBS checks if necessary.

#### **4. Pick up Points**

Comments have been received challenging the appropriateness of learners having to walk to a bus stop rather than being provided with feeder transport. The concerns raised were as follows:

- The duration of the journey and the safety of available walking routes.
- Difficulties for working parents to ensure the safe transit of their children to pick up points.
- All transport should be from learners' homes rather than pick up points.

#### **5. Suitable School**

Comments have been received expressing dissatisfaction over the nearest suitable and catchment school policy and have raised the following:

- Parents should be entitled to receive transport to their chosen school.
- Feeder school should be included as part of the consideration for nearest suitable school.
- Schools in special measures should not be considered as suitable.
- Individual learners' needs should be considered
- Discretionary travel to faith and Welsh medium schools, which is a parental preference, is being provided at the expense of more rural areas of the county
- Parents should have a say in which school their child attends

#### **6. Transport for Siblings**

The draft policy proposes the continuation of the existing protocols whereby there is no guarantee that free transport will be provided to siblings whereby older child has been awarded transport as their nearest suitable or catchment school was full at the time of their application.

- A comment has been received suggesting that this policy is inappropriate as the eldest child would have free transport and the siblings would need to be transported by parents.
- Another comment has suggested that this approach is in breach of human rights
- Siblings should automatically have travel to the same school as an older sibling

#### **7. Available Walking Routes**

Comments have suggested that we consider the following:

- Available walking routes should not be measured on the shortest walking route but instead the safest
- If a part of the route is hazardous, free transport should be provided
- Parents should be included in the evaluation if they are expected to accompany their children
- Active travel routes and public bus routes should be available if transport is withdrawn following a route being judged available.
- Clearer guidance should be provided on the Councils website stating how to apply for a route risk assessment.

## **8. Other**

- The Council should provide transport to clusters of parents (who would not be eligible for transport) to reduce the carbon footprint of school travel.
- Late notification of transport awards is difficult for parents
- Expand the transport provision into neighbouring counties
- Free transport should be provided to a school that is nearer than their catchment school
- We received an objection from the National Secular Society who oppose school transport arrangements which give preferential treatment to those attending their nearest school preferred on the grounds of religion and belief.
- Providing transport over the statutory limits is a waste of public money
- There should be hard copy bus passes as not all learners have smartphones
- Discretionary transport should be offered to Gwynllyw for learners who live in the south of the county
- The policy is discriminatory to Welsh learners as they have further to travel
- There was an objection to the proposal that those who live furthest away from the school would have priority in the allocation of concessionary places
- The policy is silent on whether transport will be withdrawn in the event of a subsequent policy change.
- Need to reduce the travelling times for Welsh medium learning.
- Feedback from CYP proposes that the transport should be provided to the nearest suitable and available school within Monmouthshire..

## **9. Suggested Welsh Language Negative Impacts**

- Biggest barrier to Welsh medium education is the lack of provision for Secondary education within a reasonable travelling distance for any family in the east of the county.
- Learners are travelling for an hour to access secondary Welsh medium education.
- Proposals on 4 years olds having to be able to fasten their seatbelt would have a negative impact on the Welsh Language as more children in Welsh medium have to travel by bus.

- It would have a negative impact if children's nearest suitable school is a school in special measures. The school would not have the highest standards in Welsh Language either in teaching or the incidental Welsh that a high achieving school would.
- Anything that makes transport seem more difficult would have a negative impact
- The proposal continues Monmouthshire's unacceptable policy of not allowing A level students to begin their courses on time.
- Less children will choose to remain in Welsh Education as families will not be able to afford the cost of transport on top of the rise in living costs..
- There should be a finite journey length. Welsh language primary schools are accessible with 30 minutes and comprehensive schools within 1 hour, even at the extremities of the county. Therefore journey times could be limited to 1 hour for primary schools and 1.5 hours for comprehensive age pupils, whilst still allowing for additional pickups. Long journey times can have a detrimental impact on students and therefore it is a contributing factor to the poor uptake of the Welsh language within Monmouthshire, especially post primary age. Journey times have historically exceeded these lengths, even before taking into account poor traffic conditions. Due to the geographic spread of pupils in the county, pupils are less likely to receive post 16 transport when contract routes are optimised for savings. As there is no appropriate alternative public transport available for the majority of the county this essentially means there is no guaranteed post 16 provision for Welsh Learners in Monmouthshire.
- It will have a negative impact as the parents of Ysgol y Fenni decide not to send their children to Ysgol Gymraeg Gwynllyw and continue with secondary education at the local school due to lack of transport and deficiencies in continuity between primary and secondary education through the primary and secondary school system
- The proposed proposal in terms of Welsh education may have a detrimental effect on the growth of Welsh education in the region.
- A response has been received from RhAG (Parents for Welsh Medium Education) that suggests that the policy should not create obstacles for access to early years Welsh medium learning; the policy should contain a separate section for Welsh medium education; the policy does not reference the Welsh in Education Strategic Plan and in particular additional transport for Post 16 and early years education. They state a request for MCC to provide free transport for all 3 – 18 Welsh medium learners. They have asked if a Welsh Language impact assessment has been completed and we can confirm that it has and is included in the Impact Assessment for the proposed policy. They express the importance of promoting the Transport Policy for those wishing to access Welsh medium education.

## **Appendix 2 – Proposed Transport Policy**

# **Monmouthshire County Council - Home to School Transport Policy 23/24**

### **Introduction**

This document sets out Monmouthshire County Councils (MCC) statutory duties to provide free home to school transport for children who live within the Monmouthshire County boundaries. If you do not pay council tax to MCC, please contact your Local Authority to find out how to apply for their home to school transport.

The Learner Travel (Wales) Measure (2008), places a statutory duty on Local Authorities to provide free home to school transport if certain eligibility criteria are met. Monmouthshire County Council has developed its transport guidance in accordance with this legislation to enable it to meet its statutory duties for pupils up to and including year 11.

Free transport will only be available where a student fulfils the necessary criteria which will be explained in detail in this policy document. Parents should only apply for free home to school transport if they have read this guidance and ensured themselves that their children meet the criteria thresholds. If you have previously applied for free home to school transport and been refused, please do not reapply unless your personal circumstances have changed, e.g. you have moved to a new house or your children changed school.

The information given in this guidance relates to the 2023 – 2024 school year. This policy will be reviewed annually in line with the requirements of the Learner Travel (Wales) Measure.

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## Monmouthshire County Council's Transport Policy

All applications for home to school transport are assessed on an individual basis by the Commissioning Team.

To qualify for free home to school transport a child must attend their nearest suitable state funded or catchment school **and** that school must be over the MCC distance criteria. Free home to school transport will not be provided unless a learner meets both criteria.

### Nearest Suitable or Catchment School

The Learner Travel Measure defines nearest suitable school as a school where the 'education or training provided is suitable having regard for the age, ability and aptitudes of the learner and any learning difficulties he or she may have'.

In determining whether a school is suitable it will consider:

- Age appropriateness – relating to attendance at a Primary or Secondary School
- Ability appropriateness – relating to attendance at a mainstream, welsh medium or faith school.
- Special education requirements – if a learner has a statement of special education needs (SEN) which specifies a school.

The nearest suitable school for Transport purposes will be the state-maintained school which is closest to the applicant's home. Where parents have applied for welsh medium or faith education, the same nearest and catchment criteria will apply. A learner's catchment school is defined by the Access Unit. Further information on catchment areas can be found by accessing [School catchment areas - Monmouthshire](#).

Whilst parents are free to exercise parental preference when selecting their preferred

school, free home to school transport will not be provided if the preferred school is not their nearest suitable school (see 1.40 & 1.46 of the Learner Travel (Wales) Measure) or catchment school. When assessing the nearest suitable school, the Commissioning Team will consider schools that are outside of the Council's administrative boundary.

When assessing suitability for Transport purposes the Council will not consider parental preferences or parental concerns with a specific school.

If your nearest suitable school is full, eligibility will be assessed on the basis of the next nearest suitable school that has availability to accept the learner. The same distance eligibility criteria will apply.

Where a learner has to move schools due to incidents of bullying, free transport will only be provided where the Education Welfare Service or Access Unit have been involved and supported the change of schools. Evidence will need to be provided by either the Education Welfare Service or Access Unit to support the request for transport.

Where a younger sibling applies to attend the same school as an older sibling that receives free transport this does not guarantee that the younger sibling will receive it. Each learner is assessed on an individual basis according to the prevailing policy.

Available walking routes are continually reviewed to reflect changes to the local footpath infrastructure. If an assessment results in a route that was previously designated as unsafe being re-categorised as available, home to school transport will be withdrawn from the start of the next academic year. The delay in withdrawing the provision is to provide parents and learners with the opportunity to prepare for the change.

No transport will be provided for a learner attending a fee paying mainstream independent school.

## Distance Criteria and how it is Calculated

A learner's school must be over the prescribed distance for learners to be eligible for free home to school transport.

The Learner Travel (Wales) Measure provides minimum statutory walking distances of 2 miles for primary aged learners and 3 miles for secondary aged pupils. Monmouthshire County Council, however, has chosen to improve the statutory provision and has instead adopted the following distance criteria for all eligible learners:

- Primary aged learners – free home to school transport will be provided if the distance between the nearest suitable school and the learner's home is 1.5 miles or more.
- Secondary aged learners – free home to school transport will be provided if the distance between the nearest suitable school and the learner's home is 2 miles or more.

The Council will determine your nearest suitable school via the shortest available walking route. This will be measured using a Digital Information Mapping System from the point your property meets the adopted highway to the nearest available entrance to the school. A walking route will be considered available if it is safe (as far as is reasonably practicable) for a learner without a disability or learning difficulty to walk the route alone or with an accompanying adult if the learner's age or understanding requires this.

Free transport may also be provided where the Authority is satisfied that the route between home and school is sufficiently dangerous to warrant such provision, even

though the distance is below the prescribed 1.5 miles (primary) and 2 miles (secondary). As part of its assessment the Authority would have regard to the degree of danger involved and whether the accompanying adult is at risk from the traffic situation.

## Transport for Children Under 5

The provision of free home to school transport is a statutory requirement for those learners aged 5 to 16. Transport for 4-year olds is discretionary and will only be provided if a learner is attending primary school and the parent confirms in writing that a driver and/or passenger assistant is authorised to assist their child with the use of seatbelts.

Booster seats will not be provided for younger learners. A parent can however provide a booster seat for their child should they wish to do so.

Transport is not provided for learners attending nursery school.

## Transport for Learners with Dual Residences

Where learners have more than one residence, they will be able to apply for home to school transport for up to two homes which are the nearest to their school. They will still need to meet the eligibility criteria in terms of distance, age and ability as outlined above. Evidence of the dual residency will be required from both parents.

## Looked After Children

Where children are looked after by the Council, the same distance criteria to their nearest suitable school will apply.



## Learners with Additional Learning Needs (ALN), i.e. a Statement of SEN or an IDP

Transport for children with ALN who do not meet the eligibility criteria will only be funded by the authority:

- to take a child to their nearest suitable or catchment school if he or she has major mobility problems, or
- if a child attends specialist provision (a special school or Specialist Resource Base) that is not attached to their local school.

Transport will not be provided for children with additional learning needs (ALN) if the child is attending a school due to parental preference, i.e. a school that is not considered by the Local Authority to be the nearest suitable school. Personal Transport Budgets (PTBs) to cover mileage expenses are provided in exceptional circumstances and for time limited periods e.g. if there is no existing route. Time is required to commission this.

Free transport is only available to post 16 SEN pupils if they attend a specialist school or Specialist Resource Base (SRB). Free transport is not available to those learners attending further education within a mainstream school.

## Medical Conditions

To qualify for assistance on medical grounds, the learner must be attending their nearest suitable or catchment school.

If a learner's medical needs affect their ability to travel to and from school accompanied as necessary by an adult, parents must provide supporting evidence from their child's consultant. The evidence should detail the

difficulties that the learner will experience walking or travelling by public transport.

If transport is granted on medical grounds, the learner's case will be reviewed on an annual basis and up to date evidence on their medical condition will be required at each review. If up to date medical evidence is not provided transport will be withdrawn.

If a parent has a medical condition that prevents them from taking their primary aged children to and from school, discretionary transport may be provided. Parents must provide evidence of their medical condition from their consultant and their child must be attending their nearest suitable or catchment school.

Discretionary transport granted because of a parent's medical condition will be reviewed on an annual basis and up to date evidence of their medical condition will need to be provided for their review. If up to date medical evidence is not provided, then the discretionary transport will be withdrawn.

Discretionary transport will not be provided to secondary aged learners because of a parent's medical condition as it is expected that the learner will be able to travel to and from school without parental assistance.

## Learners Changing Address During Year 10/11

If a learner changes their home address whilst studying for their GCSE exams in either years 10 or 11, they will be entitled to free home to school transport if they meet the following criteria:

- The school they attend was the nearest suitable or catchment school for their previous address.
- Evidence of their new address
- That their new address is more than 2 miles from their school.

If the learner attends a school that was not their previous nearest suitable or catchment school, they will not be provided with free home to school transport for their new address. If, however their new address does mean that the school they are attending is now their nearest or catchment school they will be able to apply for transport in the normal way.

## Length of the Journey

Where possible, journey travel times will be a maximum of 60 minutes for mainstream secondary aged pupils and 45 minutes for mainstream primary aged pupils. For those learners attending Welsh medium, faith or special education settings, journey times may be more than an hour dependent on the location of the education setting.

It may not be possible for all learners to be collected from their home address and therefore it will be necessary for parents to take and collect their children from designated pick up and drop off points. Every effort will be made to keep this distance as short as possible and it should not exceed 1 mile under normal circumstances.

Parents are responsible for the safe travel and safeguarding of their children from their home to the agreed pick up and drop off points.

## Available Walking Routes

All walking routes are assessed based on the Learner Travel Measure and GB Road Safety Guidance.

Walking route assessments will be undertaken by the Councils Road Safety Officer or other suitably qualified person who will consider both the traffic and social risk factors. When undertaking the assessments, it will be assumed that an adult will accompany all primary aged children.

Copies of walking risk assessments will be made available to parents or learners on request.

## Post 16 Transport

The Council does not provide free transport to any learners over the age of 16 at the start of the academic year, unless specified by a statement of SEN.

Post 16 learners will have the opportunity to apply for concessionary travel, but this will be dependent on the availability of seats, that there are no additional financial implications to the Council, no disruption to the transport route and the learner meets the vehicle at a point determined by the transport provider.

Concessionary seats are not guaranteed to be awarded from the start of the academic year; however, all learners will be notified if a seat is available within 10 working days of the commencement of the academic year. Learners attending Welsh medium or faith schools outside of the County area will be notified if they have been awarded a seat prior to the commencement of the academic year.

If an application is made during the school year, the applicant will be notified if a seat is available within 10 working days. It is the parent's responsibility to ensure that learners are transported to and from school whilst their application is being considered.

If a concessionary seat is awarded, learners will be collected from a specified point that may be different from any previous pick up and collection points and be in excess of a mile, but no further than two miles from their home.

Learners will not be authorised to use a concessionary seat until it has been officially confirmed in writing by the Commissioning Team.

Pupils allocated a concessionary seat midway through a term will be charged per week for the number of weeks remaining in that term. Payment may be paid in monthly instalments via a standing order by contacting the Sundry Debtor Team upon receiving an invoice.

On occasions it may be necessary to withdraw a concessionary seat, if the seat is withdrawn then we will provide 10 working days' notice and parents will be required to make alternative arrangements.

Applications for concessionary transport will not be considered for learners who are in arrears for previous concessionary transport. When the arrears are cleared the learner will then become eligible for concessionary travel if a seat is available.

The seat will be awarded for 33 weeks as it is assumed that learners will not travel once study leave commences. The cost of the seat is calculated based on 33 weeks only, however if learners need to travel during the study or exam period they can do so at no extra charge.

Refunds will be payable from the date that the Commissioning Team receive written confirmation from the parent that they wish to cancel their child's seat. Retrospective refunds will not be made.

If a Post 16 learner is in receipt of free school meals, they can apply for subsidised travel if they are attending their nearest suitable school.

## Concessionary Travel

Those learners that are not eligible for free transport are able to apply for concessionary travel.

Concessionary seats will be awarded if a vacant seat exists, there is no financial implication to the Council, no disruption to the transport route and the learner is taken to a specified pick up and drop off point as determined by the transport provider.

Concessionary seats are not guaranteed to be awarded from the start of the academic year; however, all learners will be notified if a seat is available within 10 working days of the commencement of the academic year. If an application is made during the academic year, the applicant will be notified if a seat is available within 10 working days. It is the parent's responsibility to ensure that the child/children are transported to and from school whilst their application is being considered

The pickup and drop off point may be more than a mile from the learner's home but no further than 1.5 miles for primary aged learners and 2 miles for secondary.

Learners will not be authorised to use a concessionary placement until officially confirmed in writing by the Commissioning Team.

Applications for Post 16 learners will take priority for concessionary seats. If vacant seats remain, concessionary seats will be awarded based on when the application form was received. For one or more applications received on the same date, the learner whose home address measures the furthest walking distance to the educational establishment will take precedence.

On occasions it may be necessary to withdraw a concessionary seat, if the seat is withdrawn then we will provide 10 working days' notice and parents will be required to make alternative arrangements.

Pupils allocated a concessionary seat midway through a term will be charged per week for the number of weeks remaining in that term. Payment may be paid in monthly instalments via a standing order by contacting the Sundry Debtor Team upon receiving an invoice.

Applications for concessionary transport will not be considered for learners who are in arrears for previous concessionary transport. When the arrears are cleared the learner will

then become eligible for concessionary travel if a seat is available.

Refunds will be payable from the date that the Commissioning Team receive written confirmation from the parent that they wish to cancel their child's seat. Retrospective refunds will not be made.

## Mode of Transport

Where a learner has been awarded free transport, travel will be in the form of a season ticket for public transport or on dedicated home to school transport.

The Council will always in the first instance seek to provide transport via season tickets on public transport and dedicated transport will only be provided if public transport is not available.

Parents are not able to choose which form of transport or specify vehicles their child will travel on. If a learner does travel on dedicated home to school transport, there is no guarantee that the driver or passenger assistant will stay throughout the learners' academic journey.

There is no guarantee that a learner with special educational needs will automatically receive a passenger assistant in the vehicle provided or be a sole passenger. The provision of passenger assistants is determined by the evidence provided by the learner's consultant or SEN statement.

## Bus Passes

All learners travelling on dedicated transport will require a QR code to travel. This can be downloaded from the Councils Elitech software and parents will be provided with guidance how to do this when they are advised that their application for transport has been successful.

The QR code will need to be scanned by the learner when they embark and disembark a

vehicle. A hard copy or digital QR code can be used. If a learner loses their QR code during the day, all drivers have a list of passengers so the learner will still be able to travel if they are on the passenger list. No learner will be able to travel without a QR code or inclusion on the passenger list.

Those learners who have been granted free travel on public transport will be issued a season ticket by the operator prior to the commencement of the academic year.

## Additional Journeys

Transport is only provided to and from the learner's home and school. Transport will not be provided to breakfast or after school clubs or for any journeys required during the school day.

Where a learner is taking part in an induction process or has a reduced school schedule, transport will not be provided, and parents will need to make their own arrangements. Transport will not be provided where a learner needs to leave school prior to the end of the school day for sickness or to attend medical appointments.

If a family must reside in a temporary address, transport will not normally be provided. If there are however exceptional circumstances, e.g. the learner is in years 10 and 11 discretionary transport may be provided.

## Right to Withdraw Transport

Where it becomes evident that free transport has been provided in error, the Council has the right to withdraw the transport with 21 days' notice.

Where circumstances change with the walking route measurement or assessment during an academic year, the free transport will be withdrawn at the end of the academic year.

Where concessionary transport has been awarded and the seat is subsequently no longer available e.g. it is required for a pupil

eligible for free transport or the contract is terminated, the pass will be withdrawn with 10 days' notice.

## Behavioural Issues

The safety of all learners travelling on home to school transport is paramount. If a learner misbehaves, the Council reserves the right to withdraw the transport provision. Whenever the Commissioning Team is made aware of an incident on home to school transport they will liaise with schools and the Education Directorate to investigate the incident. Where necessary warning letters and or email correspondence will be sent to the parents of learners who misbehave, cause damage to a vehicle, threaten or cause injury to passengers or drivers / passenger assistants or behave in such a way that might jeopardise safety. Home to school transport may be withdrawn from the learner on a temporary or permanent basis in accordance with the Learner Travel Operational Guidance. The Council also reserves the right to either suspend or cancel transport for learners where drivers or passenger assistants have received verbal abuse or been physically assaulted by parents or guardians. In such cases the victims will be encouraged to report such actions to the police and any other necessary authorities.

Where transport is withdrawn, parents are responsible for ensuring that their child gets to school.

## Personal Transport Budgets

The Council may choose to offer parents a personal transport budget (PTB), where it is the most cost-effective solution for the Council to meet its statutory duties. It will not automatically be provided and will not be granted where existing suitable transport is in operation.

The PTB is a payment designed to reimburse parents for the costs incurred in providing transport for their children. The payments are

made directly into the parent's bank account monthly. The PTB will be calculated based on the driving distance between home and school (by using a Digital Information Mapping System), from the point your property meets the adopted highway to the nearest available entrance to the school. In addition, a calculation will be undertaken to determine the usual time it takes to travel from your home to the school and back again. Payments to parents will be calculated on a daily rate which includes the travel time and mileage for two journeys to the school and back. The current reimbursement rates are £10 an hour for travel time and 65p per mile.

Payments will be made to parents as follows:

September: Full Monthly Payment based on the completion of all school days for the calendar month.

October to July – The Commissioning Team will contact the school to confirm any learner absences in the preceding month. If a learner has been absent the monthly payment will be reduced to reflect the days where travel has not been incurred.

There will not be any additional allowance for delays due to traffic conditions.

## Unforeseen Circumstances

If a transport operator is unable to provide transport due to an emergency or unforeseen circumstance, the Commissioning Team will try to secure alternative transport provision. If, however alternative transport cannot be provided, parents will be contacted and asked to take their children to school. If parents agree they will be reimbursed for the mileage incurred at the rate of 65p a mile following the submission of a completed claims form.

## Complaints Process

Only complaints received in writing from parents or learners will be investigated by the Council. Complaints should be made to:

[passengertransportunit@monmouthshire.gov.uk](mailto:passengertransportunit@monmouthshire.gov.uk)

The Commissioning Unit will acknowledge the complaint within 5 working days and respond within 10 working days. There may be occasions where we will need to take longer than 10 working days and we will advise you when this happens and provide a timescale as to when you will receive a response.

If a complaint is upheld, appropriate steps will be taken to remedy the issue as soon as is practicable.

## Appeals Process

If an application for free transport is refused a parent can appeal the decision using the following process:

### Stage 1

The parent should complete an appeal form which can be obtained from the Commissioning Team by emailing:

[passengertransportunit@monmouthshire.gov.uk](mailto:passengertransportunit@monmouthshire.gov.uk)

or calling

01633 644777

The appeal form should be returned to the Commissioning Team with supporting evidence. Their appeal will be considered by the Commissioning Manager and they will receive a formal response within 21 working days.

### Stage 2

If the parent is not satisfied with the appeal decision, they can refer the matter to the Head of Decarbonisation, Transport & Support Services. The Head of Service will consider the appeal and any supporting information against the Councils Home to School

Transport Policy and the Learner Travel (Wales) Measure.

A response will be provided within 21 days. If the appeal is rejected, there will be no further right of appeal.

If the parent is dissatisfied with the decision process and believes that they have not been treated fairly and in accordance with the Councils Home to School Transport Policy, they can make a formal complaint by contacting.

[feedback@monmouthshire.gov.uk](mailto:feedback@monmouthshire.gov.uk) or calling 01633 644644.