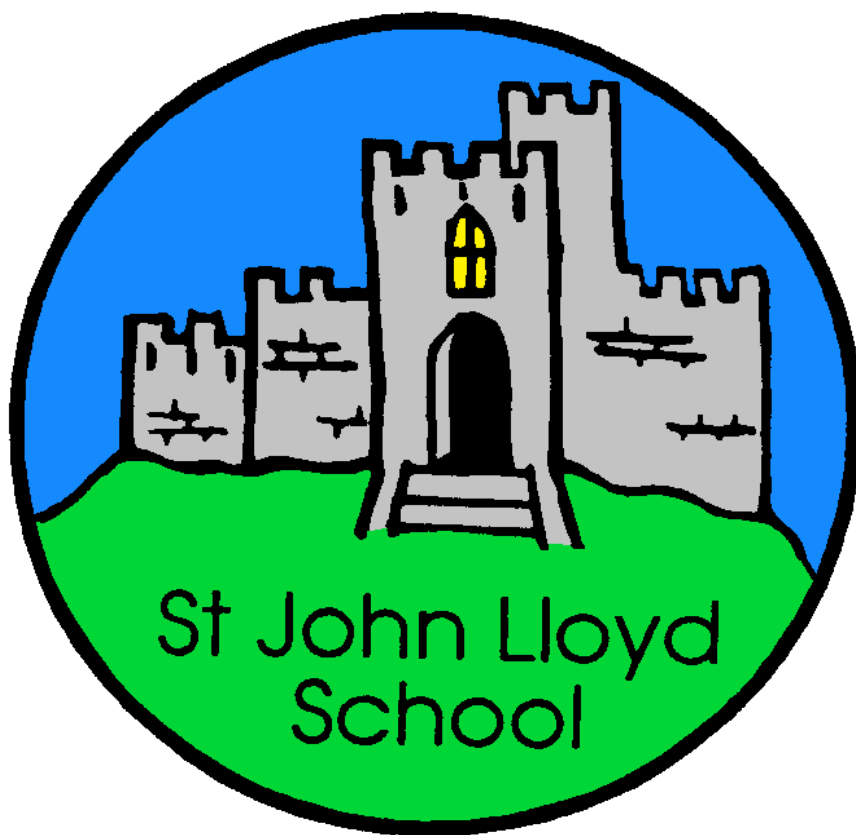


ST JOHN LLOYD RC PRIMARY SCHOOLTRANSPORT POLICY 2023



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APPENDIX 1

THE LEGISLATIVE REQUIREMENTS

1. Legal Background

Cardiff Council has a duty to provide transport in accordance with the Learner Travel (Wales) Measure 2008. In deciding whether or not free transport should be provided, the Council is required to take into account:

- the age of the child,
- the nature of the route,
- a parental request that the child is educated at a faith school
- a parental request that the child is educated in Welsh,
- the needs of learners with disabilities or learning difficulties
- particular needs of learners who are children 'looked after' by a local authority.

This list is not exhaustive and the Council must consider each pupil's individual case on its merits, taking into account any representations made. (See '**The Legislative Requirements**' at the end of this policy document.)

The methods used by the Council to discharge this statutory function are set out in this policy document.

2. Choice of school

Parents are able to choose an English medium, Welsh medium or a denominational school for their child. The child will qualify for home to school transport to the appropriate catchment area school within the Cardiff Council boundary as long as the home address is more than the statutory walking distance from the school; (2 miles for a primary school pupil and 3 miles for a secondary school pupil). Parents who choose a school outside the catchment area school for their address are not normally entitled to free home to school transport.

Each address has four appropriate catchment area schools serving it. An English Medium Community School, a Welsh Medium Community School, a Church in Wales Voluntary Aided School and a Roman Catholic Voluntary Aided School. If parents choose to send their child to a school other than the appropriate catchment area school, the child does not generally have a right to free school transport, even if they live beyond the statutory walking distance.

When the catchment school is full and unable to admit a pupil, free transport/bus pass will be provided to the next nearest appropriate school that has room to take the child, as long as the home is 2 miles or more

away from the school for primary school pupils, or 3 miles or more for secondary school pupils.

Catchment areas are continually reviewed and changed as a result of demand and demographic changes. The appropriate catchment area school for the pupil is dependant upon the age of the child and their home address at the time of application.

3. Nursery Children

The Council does not normally provide free transport for part-time Nursery pupils. Transport is provided for pupils with a statement of Special Educational Needs (SEN) in very exceptional circumstances.

4. Primary School Pupils

There is a statutory legal obligation on the Council to provide free home to school transport to primary school pupils who live 2 miles or more from the appropriate catchment area school, as measured by the shortest available walking route.

In circumstances where the catchment area school is full, free transport will be given to the next nearest appropriate school that has a place available, provided the home address is 2 miles or more from the school as measured by the shortest available walking route.

Escorts are provided on all primary school minibus & bus services, but not in taxi vehicles.

5. Home Address

Free transport is normally provided to/from a pupil's sole permanent address. However where parents/guardians have shared responsibility for a child and the child is permanently resident at more than one address, the Council will provide transport from both addresses as long as they are both in the catchment area for the school concerned and are located over the required qualifying walking distance. **In such cases, documentary evidence such as a court order will be required to support the use of an additional address.**

6. Length of Journey

Where possible, the Council adheres to Transport guidelines issued by Welsh Government which allows for a maximum 60 minute journey time for secondary school pupils and a maximum 45 minute journey time for primary school pupils. A walk of 1 mile to the bus is deemed to be

reasonable.

7. Petrol allowance

Where an entitlement to free transport exists and there is no school transport available the Council may offer a petrol allowance to parents willing to drive their child to and from school. The claim form and current mileage rate for the refund of petrol expenses is available from the Passenger Transport Team, the rate reviewed on an annual basis. Reimbursement is calculated on the basis of one return journey, the measurement being carried out by the Council. Once completed the form is certified by the school and submitted monthly to the Passenger Transport Team.

8. Measuring the home to school route

The walking route is measured from the boundary of the family's property to the nearest entrance of the school site as determined by the Council's GIS mapping system. Where the distance given is disputed, parents can

request a manual re-measurement of the home to school route used by the Council. Parents will be allowed to walk the route with a Council officer and provided with a detailed written breakdown of the route taken and the distance measured.

9. Right to withdraw transport

If it is subsequently found that free transport has been provided in error, e.g. where an incorrect measurement has been taken, the Council has the right to withdraw the transport subject to reasonable notice (normally to the end of the term in which the error was discovered).

Where circumstances have changed with the route measurement during an academic year, eg following a review of transport provision where new footpaths are provided, the Council has the right to withdraw free transport at the end of the academic year concerned.

In cases where a pass has been purchased for a spare seat that is no longer available, (for example where the seat is required by a pupil/student eligible for free travel or the contract is terminated) the pass will be stopped immediately. In such cases an appropriate refund will be made.

10. Behavioural Problems

The safety of all pupils is dependent on the standard of behaviour on school transport. If a pupil persistently misbehaves on school transport the Council reserves the right to withdraw the transport provision. Warning

letters will be sent to the families of pupils who misbehave, cause damage to the vehicle, injury to other passengers or who behave in a way that might jeopardise safety. The right to travel on the school bus may be withdrawn on a temporary or permanent basis.

The Council also retains the right to either suspend or cancel transport in cases where drivers/escorts have received verbal or physical assault from parents /guardians. In such cases the contractors concerned will be encouraged to report such actions to the necessary authorities.

Parents have the right to put forward representations in writing to the Director of City Operations as to why transport should not be permanently withdrawn. Following the withdrawal of the right to travel on a school bus, parents are responsible for ensuring that their child gets to school. Before a temporary ban is lifted an assurance of improved behaviour is required.

11. Appeals Process

Where applications for assistance for free home to school transport are refused parents/guardians have the right to make an application to appeal against the decision. There are three stages of appeal.

Stage 1

In the first instance parents should put in writing the details of an appeal with any supporting evidence. The onus will be on parents to collate all relevant evidence. This appeal should be sent either by letter or email to the Passenger Transport Team (see details below). Confirmation of

receipt of the appeal will be sent to the parent within 5 working days and a formal response will be sent to the parent within 30 working days on any decision.

Stage 2

If the parent/guardian is not satisfied by the decision of the Passenger Transport Team, an appeal can be made in writing to the Director of City Operations (see details below). Confirmation of receipt of this second appeal will be sent to the parent within 5 working days. The Director of City Operations will provide a formal response within 30 working days. Each case will be judged on its merits against the Council's Home to School/College Transport Policy.

Stage 3

Where the application has been refused by the Director of City Operations, the parent/guardian has one final course of appeal. The appeal must be put in writing to Committee & Member Services. Confirmation of receipt of this final appeal will be sent to parents within 5 working days and a hearing date set within 30 days. This appeal will be considered by the Council Appeals Committee. The Committee consists of elected members none of whom have a connection with the Passenger Transport Team. The Committee will consider applications for assistance with transport that fall outside of the normal policy for the provision of school transport. The Committee is able to exercise the discretion available to it and the decision is final and binding on both appellant and the School Transport Team. Parents will be notified of the Committee's decision within 7 days of the appeal hearing. If the appeal is rejected the parent/guardian will be advised that there is no further right of appeal.

