

REPORT TO: EDUCATION COMMITTEE – 25 FEBRUARY 2013

REPORT ON: HOME - SCHOOL TRANSPORT POLICY

REPORT BY: DIRECTOR OF EDUCATION

REPORT NO: 94-2013

1.0 PURPOSE OF REPORT

The purpose of this Report is to introduce a new policy statement which describes the provision of home-school transport to children and young people in Education in the city of Dundee. This includes those children and young people with additional support needs.

2.0 RECOMMENDATIONS

It is recommended that the Education Committee:

- notes the content and approves the implementation of this policy
- accepts that this policy statement and any related documentation will be updated regularly by the Director of Education as required by legislation and practice

3.0 FINANCIAL IMPLICATIONS

None.

4.0 MAIN TEXT

4.1 The original guidelines were produced in 2003. The updated documentation has now been discussed and agreed by: the Senior Management Team and members of the wider management team from within the Education Department; colleagues from Social Work; the Sustainable Transport Team within City Development and Internal Audit. NHS Tayside has also been consulted.

4.2 This policy and its supporting documentation contain information about the provision of home-school transport for individual pupils, including those with additional support needs but does not deal with the organisation of educational trips and outings. These are covered in other documentation.

4.3 Whilst it is the responsibility of parents or carers to secure their children's education, Education (Scotland) Act 1980, sections 50, 51 as amended by the Local Government in Scotland Act 2003, require the education authority to make appropriate provision to assist pupils to have access to education. The Act does not specify the conditions and states that the education authority shall make such arrangements as they consider necessary for the provision of home-school transport. The Act also makes provision for a number of special conditions under which the authority may provide free transport. These arrangements are determined by each local authority and this policy statement describes and establishes the approach taken by Dundee City Council. Although the Council provides assistance, it is the parent/guardian's responsibility to get their child to school, in particular ensuring that the child arrives at the pick-up point on time.

4.4 Transport for mainstream pupils is provided for primary pupils where the school allocated by the Education Department is more than two miles from the pupil's recorded home address.

Transport is provided for secondary pupils where the school allocated by the Education Department is:

- more than two miles from home and the pupil is in receipt of free school meals
- more than three miles from home

Transport, on the basis of distance, is provided only to pupils who live within the catchment area of their school. Transport is not provided to those pupils who attend a school outwith their catchment area because their parent/carer has submitted a placing request.

These provisions do not apply to pupils with additional support needs. The guidelines outline clearly the criteria that it is applied in such cases.

4.5 Dundee City Council, in discharging its statutory requirements:

- aims to assist parents and carers in their responsibility of ensuring that a child attends school safely and on time, in line with Council policy on the provision of school policy
- aims to be responsive to the concerns of parents and carers in the provision of appropriate transport to meet the needs of each pupil for whom transport is provided
- strives to ensure that most effective, safe and economical use of resources by close monitoring of contracts
- keeps its arrangements for school transport under continuous review
- will make provision only for pupils living within the city boundary – unless transport costs have been approved at Residential Resource Management Group (RRMG) in respect of pupils awarded residential placement and educational provision outwith the city.

4.6 The documentation has been written to take account of all legislation pertaining to the statutory duty of Dundee City Council and that which relates to children and young people with additional support needs. It sits within the context of the current Improvement Plan for the Council and all Departments; satisfies National and Local priorities; makes reference to Curriculum for Excellence and the mental health and wellbeing (SHANNARI) indicators as described in Getting It Right For Every Child; fits within the scope of the work currently underway with regard to protecting children in the city; reflects the restructuring of the Council and corporate approaches.

4.7 The policy and supporting documentation will be reviewed on an annual basis.

5.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of sustainability, strategic environmental assessment, anti-poverty, equality impact assessment and risk management. There are no major issues. An Equality Impact Assessment has been carried out and will be available on the Council Web Site at <http://www.dundee.gov.uk/equanddiv/equimpact/>

6.0 CONSULTATIONS

The Chief Executive, Director of Corporate Services, Head of Democratic and Legal Services and Head of Transportation have been consulted in the compilation of this report.

7.0 BACKGROUND PAPERS

Equality Impact Assessment

Michael Wood
Director of Education

13 February 2013



EDUCATION DEPARTMENT
DRAFT POLICY STATEMENT
HOME- SCHOOL TRANSPORT

February 2013

CONTENTS

- 1. Legislative requirements**
- 2. Aims**
- 3. Definition of home address**
- 4. Eligibility criteria**
- 5. Other circumstances where transport is provided**
- 6. Circumstances where transport is not provided**
- 7. Transportation of medication on home - school transport**
- 8. Monitoring and review processes**
- 9. Responsibilities of the Council / contractors/ drivers/ escorts**
- 10. The wider role of school staff**
- 11. Parental and/or carer responsibilities**
- 12. Code of conduct for pupils**
- 13. Accident or breakdown information**
- 14. Adverse weather conditions**
- 15. Complaints procedure**
- 16. Other related documentation**

POLICY STATEMENT: HOME - SCHOOL TRANSPORT

1 LEGISLATIVE REQUIREMENTS

Whilst it is the responsibility of parents or carers to secure their children's education, Education (Scotland) Act 1980, sections 50, 51 as amended by the Local Government in Scotland Act 2003, require the education authority to make appropriate provision to assist pupils to have access to education.¹ ***The Act does not specify the conditions other than walking distances***, but does state that the education authority shall make such arrangements as they consider necessary for the provision of home - school transport. The Act also makes provision for a number of special conditions under which the authority may provide free transport but these are not specified. These arrangements are determined by each local authority and this policy statement describes and establishes the approach taken by Dundee City Council. Although this Council does provide assistance, it remains the parent/ guardian's responsibility to get their child to school, in particular ensuring that the child arrives at the pick-up point on time.

2 AIMS

Dundee City Council, in discharging its statutory requirements:

- aims to assist parents and carers in their responsibility of ensuring that a child attends school safely and on time, in line with Council policy on the provision of school transport
- aims to be responsive to the concerns of parents and carers in the provision of appropriate transport to meet the needs of each pupil for whom transport is provided
- strives to ensure that most effective, safe and economical use of resources by close monitoring of contracts
- keeps its arrangements for school transport under continuous review
- will make provision only for pupils living within the city boundary - unless transport costs have been approved at Residential Resource Management Group (RRMG) in respect of pupils awarded residential placement and educational provision outwith the city

This document and those relating to it which are detailed later in the policy statement² aim to provide information about the provision of home - school transport for individual pupils, including those with additional support needs but does not deal with the management of school contracts and/or the organisation of educational trips and outings. These are covered in other documents detailed below³.

3 DEFINITION OF HOME ADDRESS

For the purpose of this policy statement, a home address is deemed to be the address held on Education databases for each pupil. Requests to pick up and drop off at addresses other than the home address, e.g.

- one of two parental addresses where there is a fixed and settled agreement
- the address of the person providing childcare
- an after school club

may be accommodated for pupils with additional support needs but only where these arrangements satisfy all of the following conditions:

- predictable

¹ From the Education Scotland Act 1980 § 42 (4): "In this section, "walking distances" means, in the case of a child who has not attained the age of eight years, two miles, and in the case of any other child, three miles."

² Code of Practice; guidelines for parents and carers; manual for home - school transport escorts

³ school trip guidelines

- long term
- known and shared in advance
- free from additional cost

Consideration will be given to changes of arrangements in situations deemed to be an emergency by Education staff but ad hoc arrangements will not be accommodated.

4 ELIGIBILITY CRITERIA

Dundee City Council will provide home to school transport when the following criteria are satisfied:

4.1 DISTANCE

Dundee City Council's practice on the provision of home - school transport on the grounds of distance is more generous than that required by statute⁴.

Transport is provided for primary pupils where the school allocated by the Education Department is more than two miles from the pupil's recorded home address.

Transport is provided for secondary pupils where the school allocated by the Education Department is:

- more than two miles from home and the pupil is in receipt of free school meals
- more than three miles from home

Transport, on the basis of distance, is provided only to pupils who live within the catchment area of their school. Transport is not provided to those pupils who attend a school outwith their catchment area because their parent/ carer has submitted a placing request.

In the event that there is no place at the local school and the pupil has been allocated to an alternative school, transport may be provided if the distance between the pupil's home address and the alternative school is beyond the walking distances specified above.

Transport will not be provided if the allocated school is within the walking distances specified above.

4.2 SAFETY: no footpath, lighting or crossing en route to the catchment school

This applies to specific rural situations within the city boundary only.

Transport will be provided if the route to school is deemed unsafe because:

- the pupil has to walk a route which does not comply with Road Safety GB 'Assessment of Walked Routes to School' guidance and
- the alternative safe route is beyond the walking distances specified above.

Please note that pupils who live outwith Dundee, even though they attend a Dundee school, are not entitled to transport provided by Dundee City Council.

4.3 ALLOCATION TO SPECIALIST PROVISION

Transport requirements will be discussed at transition planning meetings for placement at all schools, including Kingspark Special School and Frances Wright Preschool Centre and appropriate arrangements will be implemented. Where children and young people with additional support needs transfer into the city during the school session, transport arrangements will be considered and implemented and the planning meeting called to consider appropriate placement within the chosen school. When a decision is taken that a pupil no longer requires specialist provision, he will either transfer to the school in his

⁴ Statutory statement with regard to provision of home - school transport on basis of distance

catchment area, or remain in the mainstream school with an enhanced level of provision, as a result of a successful placing request. Transport will not be provided in either case.

Pupils with additional support needs placed outwith the city through the Residential Resource Management Group (RRMG) will have their transport needs considered at the meeting.

Schools within the Offsite Education Service are deemed to have an enhanced level of provision will include: Castlepark, Balerno, Connect 5 offsite centres; the Futures Partnership and any other named and/or nominated alternative provision. There is no automatic entitlement to transport for these provisions. Normally decisions are made according to distance from the centre, as in 4.1. In exceptional circumstances applications can be made to the Secondary and Support for Learning Head of Service by the Head of Offsite Education or the Protecting Children Manager (SCSS).

4.4 MEDICAL CONDITIONS

Transport will be offered to pupils with permanent medical conditions, including Cystic Fibrosis, Perthes, walking difficulties, significant mobility needs and sensory needs.

Transport may be provided depending on individual circumstances, for temporary conditions including broken or fractured leg/ankle, ME and recovery from operations.

In all cases, evidence from the medical practitioner treating the pupil is required to confirm entitlement under this heading.

4.4.1 DISABILITY

Transport is provided for pupils with a disability as described in the Disability Discrimination Act (-a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities-) where this disability is linked to their capacity to travel independently to school.

4.4.2 VULNERABILITY/PERSONAL SAFETY

Where a pupil who attends the local school has individualised planning in place and is considered vulnerable, the Education Department may provide transport on the grounds of personal safety. **The opinion of the Educational Psychologist must be sought before transport is granted.** The distance between the pupil's home and the school to be attended will also be taken into account.

4.5 CONCESSIONARY TRAVEL

A concessionary place on any existing transport contract, if available, can be granted to specific pupils for whom an application has been made so long as there is no additional cost to Dundee City Council. However the place must be given up, with immediate effect, if it is required by a pupil with a legitimate entitlement. Concessionary travel is not available on registered school bus services, available to the general public.

4.6 TRANSPORT REQUIREMENTS IDENTIFIED BY THE RESIDENTIAL RESOURCE MANAGEMENT GROUP (RRMG)

A transport requirement may apply in situations identified by the RRMG. Such arrangements will be considered on a case by case basis and will require agreement from the RRMG in each case. This group consists of officers from the Education Department and Social Work Department.

Approved applications for home - school transport will be forwarded to the Sustainable Transport Team within City Development to make appropriate arrangements.

5 OTHER CIRCUMSTANCES WHERE TRANSPORT IS PROVIDED

It is essential that school staff should ensure that requests for changes to transport in the situations noted below are notified to Education and Sustainable Transport Team members as early in the session as possible. This will ensure best value and the optimum use of existing contracts.

5.1 INDUCTION DAYS

Transport may be provided for pupils attending induction days as part of the planning for transfer from nursery to primary or primary to secondary if notice is given in advance and these requests fit with existing transport arrangements.

Transport will be provided where there is the likelihood that those pupils with additional support needs would be entitled to free school transport following the transfer to their new school.

5.2 TRANSPORT DURING STUDY LEAVE

Pupils attending school to attend diets of exams, will not be provided with bespoke transport around the start and finish times of the exam. Accordingly, there may be a requirement for school staff to make provision for pupils at the beginning and/or end of the exam time period, where transport delivers pupils to school at the normal times.

If exam start and finish times can be accommodated without commissioning additional taxi journeys, this will be considered. However, transport following late exam finish times may be provided for pupils with additional support needs.

5.3 LINK COURSES/WORK EXPERIENCE IN S3

Pupils with additional support needs, already in receipt of school transport, may be provided with appropriate transport, as advised by school staff, during S3 work experience and/or college link courses. (Transport is usually only provided to placements within Dundee City, but in very exceptional circumstances arrangements may be approved for a placement outwith Dundee.)

5.4 WORK PLACEMENT: S4 – 6: SENIOR PHASE

Pupils with additional support needs already in receipt of school transport may be provided with an appropriate mode of transport when carrying out work placements.

5.5 YOUNG MOTHERS' UNIT (YMU)

Expectant and young mothers who attend the specialist provision at Menzieshill will be transported between home and school from whenever they transfer onto the school roll at Menzieshill High and start to attend the unit. (This can be at any time during or after the pregnancy, depending on when the pupil is referred from their original school and at what stage they move to the roll of Menzieshill High School.). Expectant mothers do not start within the provision before 12-14 weeks of pregnancy but frequently the expectant mother will transfer very soon after that time.

Transportation to and from the unit will be from the time of transfer and will continue, from the time of the birth of the baby until the pupil leaves school. This is to support attendance and educational attainment.

See The Code of Practice for details of the YMU transport procedure

6 CIRCUMSTANCES WHERE TRANSPORT IS NOT PROVIDED

6.1 PUPILS WHO BECOME ILL DURING THE SCHOOL DAY

Transport home is not normally provided when a pupil becomes ill during the school day. Parents or emergency contacts should be contacted and asked to collect pupils.

6.2 ATTENDANCE AT MEDICAL APPOINTMENTS/ THERAPY CLINICS

Transport is not provided by the Education Department for attendance at medical appointments. This includes therapy sessions in the therapy pool at Kingspark School.

6.3 SCHOOL OUTINGS

Transport is not provided by the Education Department for school outings. Schools are responsible for arranging and funding appropriate transport to facilitate school outings.

Where pupils miss their home - school transport journey after an organised school trip, then no additional transport will be provided and school staff are responsible for getting the pupil(s) home safely. However, prior planning and consultation between school and transport provider can lead to a change in the usual timing if all pupils in one vehicle are involved.

7 TRANSPORTATION OF MEDICATION ON HOME - SCHOOL TRANSPORT

By prior arrangement and agreement between school and home and on receipt of the appropriate documentation, medication can be transported between home and school.

8 MONITORING AND REVIEW PROCESSES

The monitoring of home - school transport arrangements is carried out by teams within Education and City Development and is subject to planned review by internal audit within the Council. This process gives rise to identified improvements, action plans to improve the quality, reliability and efficiency of this service and reports in this regard to the Education Committee and Scrutiny Committee.

The Education Department will make application for pupils with additional support needs when they become eligible for home – school transport and will keep under review the eligibility of such pupils to continue to receive home – school transport. School staff contribute to this process through individualised planning and transition planning processes on behalf of pupils in receipt of transport.

The Sustainable Transport Team within the City Development Department is responsible for procuring, managing and monitoring the performance of each school transport contract. This is carried out through close liaison with the school and parent/carer and transport provider. This could also involve the Education Department's Health and Safety Officer, the Vehicle Inspectorate and the police. The Sustainable Transport Team will, once per contract period, undertake a service user satisfaction survey with parents, carers and pupils.

See the Code of Practice for further detail.

9 COUNCIL/CONTRACTOR/ DRIVER/ESCORT RESPONSIBILITIES

The Council is responsible for the general safety and welfare of pupils during the time they are being conveyed and when alighting/boarding the vehicle at their school.

Bus and taxi operators are subject to detailed Conditions of Contract, which cover a wide range of requirements relating to the safe and legal operation of transport. In addition, all operators, drivers and escorts are issued with guidance and should undergo training, which explains how they should perform their duties including the procedures that should be followed in certain emergency situations, such as breakdowns.

To assist drivers in carrying out their duties and to help ensure the safety of pupils, the Council will allocate an escort to a contract where the needs of a child indicates that, to do otherwise, would have a detrimental impact on the child, or other children, travelling.

The driver (and escort when provided) will take all reasonable steps to ensure the security, safety, dignity and comfort of pupils in their care.

Contractor drivers and escorts, who provide home - school transport, are employed only after checks are undertaken by Disclosure Scotland and the response found to be satisfactory. Escorts employed by the Education Department are also required to undergo selection, interview and medical check in addition to the check with Disclosure Scotland. (At January 2013, not all contractors have yet migrated to PVG as opposed to Enhanced Disclosure checks.).

9.1 USE OF WHEELCHAIRS AND SPECIAL SEATING SYSTEMS IN TRANSPORT

Where pupils have particular mobility requirements or need specialist equipment, as advised by colleagues from NHS Tayside, drivers and escorts are briefed accordingly. All equipment will be used strictly according to the manufacturer's requirements or appropriate legislative requirements. Except for wheelchairs, contractors have been advised only to use specialist equipment provided by the Education Department.

Should parents wish their child to travel in a wheelchair, they must ensure that the wheelchair is of an appropriate design and strength for transport purposes. Transport may be refused if a wheelchair does not comply with basic and specified safety standards.

See the Code of Practice for further advice.

10 THE WIDER ROLE OF SCHOOL STAFF

In the past, many schools have been reluctant to engage with school transport issues. However, given the introduction of Integrated Children's Services and Getting It Right For Every Child (GIRFEC), this is changing, with growing emphasis on the duty of care towards children and young people, which has resulted from the implementation of closer partnership working through the Integrated Children's Services model, designed in response to GIRFEC. This bodes well for future partnership initiatives.

11 PARENTAL/CARER RESPONSIBILITIES

Additional and more specific parent/ care responsibilities are described in the Code of Practice and in the information leaflet for parents.

12 CODE OF CONDUCT FOR PUPILS

Pupils are expected to conduct themselves safely and appropriately when travelling to and from school. A Code of Conduct for Pupils is described in the Code of Practice.

13 ACCIDENT OR BREAKDOWN

In the event of accident or vehicle breakdown, formal procedures are in place. See Code of Practice and information leaflet for parents.

14 ADVERSE WEATHER CONDITIONS

In the event of adverse weather conditions formal procedures are in place to ensure the safety of children while travelling to and from school. See Code of Practice and information leaflet for parents.

15 COMPLAINTS PROCEDURE

Staff within schools and the drivers and escorts can share concerns informally with parents and carers.

If parents/ carers or the young people themselves have a complaint and/or cause for concern, then these should be shared with the Finance, Catering and School Support Team by phone on 01382 433935 or by email at Educationhometoschooltransport/educ/@dundee.gov.uk

If the concern is about the contract or operational matters, then these should be shared with Sustainable Transport Team on 433831

If the complaint is more serious, then please refer to Dundee City Council's complaints procedure and process. Details for this are available on the website at <http://www.dundee.gov.uk/complaints/>

16 OTHER RELATED DOCUMENTATION

- Code of Practice
- information leaflet for parents/ carers
- Manual for home - school transport escorts
- timeline

The Code of Practice contains information regarding the direct and specific role of:

- Education Department staff
- Sustainable Transport Team staff
- Social Work staff
- independent contractors
- drivers
- home - school transport escorts
- school staff
- parents/carers
- pupils

There is also a section regarding the transportation of medication in home - school transport vehicles with roles and responsibilities for home, driver and escort and school staff.