

Appendix 1 – Proposed Draft Policy

Isle of Wight Council

SCHOOL TRANSPORT POLICY

EFFECTIVE FROM September 2024

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1. BACKGROUND AND SCOPE OF THE POLICY

- 1.1. The Policy sets out the legal responsibilities that the Isle of Wight Council (the Council) has in order to provide assistance with transport to school or another education setting for children living in the local authority administrative area. It also supports the Council's sustainable school travel strategy.
- 1.2. This Policy reflects the requirements of the Education Act 1996 (the Act) and the Education and Inspections Act 2006. It also complies with the Department for Education's statutory guidance, Travel to School for children of compulsory school age, issued in June 2023¹.
- 1.3. Charges for transport arrangements are set out in Appendix 1.
- 1.4. The process for appeals is set out in Appendix 2.
- 1.5. Arrangements for Post 16 student transport are set out in a separate annual transport policy statement that is published by 31 May each year.

2. LEGAL RESPONSIBILITIES FOR TRANSPORTING CHILDREN TO/FROM SCHOOL

- 2.1. Parents have a legal duty and a responsibility to make the necessary arrangements to ensure that their child of compulsory school age attends school regularly. For most parents, this means making arrangements for their child to travel to and from school. References to parent in this document include birth parents, adoptive parents, foster parents, carers or legal guardians with parental responsibility.
- 2.2. It is the responsibility of those with parental responsibility to make suitable arrangements to ensure that their child is accompanied on walking routes to school, if it is considered by the parents that the child's age, ability and levels of understanding make this necessary. The Authority will therefore not provide transport solely because parents have not made such arrangements, unless there is good reason. In the event that parents are working or otherwise unavailable at the time their child travels to and from school it remains the parents' responsibility to make arrangements to ensure that their child attends school.
- 2.3. The Council has a statutory duty to make arrangements to provide free of charge school transport for '**eligible children**' (defined in paragraph 3.1) only.

¹ [Department for Education \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

3. DEFINITION OF 'ELIGIBLE CHILDREN'.

3.1. Eligible children are defined² as children of compulsory school age (defined in paragraph 4.4) who:

- Attend their nearest suitable school and live more than the statutory walking distance from that school, or
- Attend their nearest suitable school and who, because of their special educational needs, disability or mobility problems cannot reasonably be expected to walk to their school, even if accompanied by an adult, or
- Attend their nearest suitable school and whose route to the nearest suitable school is unsafe as determined in accordance with Road Safety GB guidelines.
- children entitled to free school meals or whose parents receive the maximum level of Working Families Tax Credit (subject to an age-based distance requirement).

3.2. All eligible children are entitled to free of charge transport to/from school at the beginning and end of the normal school day only.

4. 'ELIGIBLE CHILDREN' - EXPLANATION OF RELEVANT FACTORS.

4.1. As a general rule, the Council will only make provision for free of charge transport for the children referenced set out above.

4.2. It is parent's responsibility to apply for transport for their child/ren and not the responsibility of any department in the Council to do so on their behalf.

4.3. The following paragraphs explain the eligibility for free of charge transport for **eligible children only** in more detail.

Compulsory school age

4.4. Children are of compulsory school age from the beginning of the term following their fifth birthday (*or from their fifth birthday if it falls on 31 August, 31 December or 31 March*) until the last Friday in June of the academic year in which they reach 16 years of age.

Statutory walking distances³

4.5. For children of compulsory school age, transport is provided if their nearest suitable school, measured from the centre of the child's home to the centre of the school building⁴, is:

- Beyond two miles (if below the age of eight); or
- Beyond three miles (if aged between eight and 16).

² Schedule 35b of the Education Act 1996

³ Statutory walking distance defined in Section 444(5) of the Education Act 1996

⁴ This is calculated using the Local Authority's Geographical Information System which draws on Ordnance Survey, Isle of Wight Rights of Way, National Land and Property Gazetteer data, using Road Safety GB Guidelines.

- 4.6. A child living between two and three miles from their school ceases to be an eligible child on their 8th birthday. Transport entitlement will continue until the end of the academic year in which they turn 8.
- 4.7. The above are the statutory walking distances prescribed by legislation. However, different walking distances apply in respect of children who are entitled to free school meals or whose parents receive the maximum level of working tax credit (see paragraph 4.10).
- 4.8. When determining whether a school qualifies as a nearer school, distances greater than the statutory walking distances will be measured on 'road routes', passable for a suitable motorised vehicle.
- 4.9. Where a child's nearest school is either Carisbrooke College or Christ the King College, entitlement to free transport will apply to both schools. This is due to the school transport drop off points being accessed by both schools. Families are not expected to make school admission applications to both schools to qualify for free transport.

Extended rights eligibility

- 4.10. A child is eligible for free travel to school if they are eligible for free school meals or a parent with whom they live receives maximum Working Tax Credit, and the child is:
 - Aged eight or over but under 11, attend their nearest suitable school and it is more than 2 miles from their home measured by the nearest walking route; or
 - Aged 11 to 16 years, and attend one of their three nearest suitable schools provided it is more than 2 miles (measured by the nearest walking route) but not more than 6 miles (measured by road route) from their home; or
 - Aged 11 to 16 years, attend a school that is more than 2 but not more than 15 miles (by road) from their home that their parents have chosen on the grounds of their religion or belief if, having regard to that religion or belief, there is no suitable school nearer to their home.

Unsafe routes

- 4.11. Transport arrangements will be made for children of compulsory school age who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk.
- 4.12. Assessment of Walked Routes to Schools Guidelines', published by Road Safety GB, support the assessment of routes. Officers apply the guidelines to determine the nature – safe or otherwise - of any walking routes.
- 4.13. Where no safe walking route exists, distances to schools, for the purpose of identifying the nearest suitable school, will be measured on 'road routes', passable for a suitable motorised vehicle.

5. SPECIAL EDUCATIONAL NEEDS (SEN), A DISABILITY OR MOBILITY PROBLEMS

- 5.1. All pupils with special educational needs and disabilities will have access to, as a minimum, the entitlements as set out in section 4 of this document, and the same rules of access and entitlement to free transport shall apply irrespective of whether pupils attend a mainstream or a special school.
- 5.2. Not every child with an EHC plan or who attends a special school will be eligible for free travel to school. A child is eligible for free travel to school if:
 - They attend their nearest suitable school, and
 - It is within the statutory walking distance of their home, and
 - They could not reasonably be expected to walk there because of their special educational needs, a disability or mobility problems, even if they were accompanied by their parent.
- 5.3. Eligibility is assessed on an individual basis, which includes the following:
 - The child must be attending the nearest school with a place or is attending the nearest appropriate school, determined by and named in the EHCP.
 - By reason of their SEN, disability or mobility problem (including temporary medical conditions) the child cannot reasonably be expected to walk to school, which may take into account whether this would change if they were accompanied.
 - Eligibility will be assessed on a case-by-case basis, and any evidence submitted e.g., from a medical practitioner will be taken into consideration.

Parental Preference for children with EHC Plans

- 5.4. Where a parent would prefer their child to attend a school that is further away from their home than the nearest school that would be able to meet their needs, the Council will consider whether arranging travel to the preferred school would be incompatible with the efficient use of resources.
- 5.5. The Council will determine the cost of providing the child with free travel to each of the two schools. If travel to the parent's preferred school would cost more than travel to the nearer school, the Council will decide whether the additional cost of providing travel to the parent's preferred school is incompatible with the efficient use of resources.
- 5.6. If the Council determines that providing travel to the parent's preferred school would be incompatible with the efficient use of resources, the Council will either:
 - A. name a different school that would be appropriate for the child's needs, or
 - B. name the parent's preferred school on the condition that the parent arranges the travel and is responsible for the costs of travel.

At this point, the parent may withdraw their request for the preferred school, and the Council will therefore name the school that would have been named in option A.
- 5.7. Parents will receive in writing the Council's decision to name the parent's preferred school on the condition that the parent arranges or pays for the travel. When a local authority names the parents preferred school on this condition, but the parents' circumstances subsequently change and they are no longer able to arrange or pay for the transport, the authority may conduct a review of the EHC plan to reconsider

whether naming the parent's preferred school is incompatible with efficient use of resources. They may amend the plan to name a different school that would be appropriate for the child's needs.

Primary Age Siblings

5.8. In the case of children with SEN, a disability or mobility problems, transport will be provided where there is a need for primary age sibling(s) to be taken to other school(s), provided that the school(s) is the nearest school. In

addition, consideration would be given to the timing of the school day or the direction of the other school(s) that would prevent the parent from accompanying the child(ren).

Accompaniment

5.9. In determining whether a child cannot reasonably be expected to walk for the purposes of 'special educational needs, a disability or mobility problems eligibility' or 'unsafe route eligibility', the Council will consider on an individual basis whether the child could reasonably be expected to walk if accompanied by an adult and, if so, whether the child's parent can reasonably be expected to accompany the child.

5.10. The general expectation is that a child will be accompanied by a parent where necessary, unless there is good reason why it is not reasonable to expect the parent to do so. A child will not normally be entitled to free school transport **solely** because their parents' work commitments or caring responsibilities mean they are unable to accompany the child to school. As set out in the Department for Education statutory guidance sections 47 – 52⁵ (Travel to school for children of compulsory school age), reasons such as the parent's working pattern or the fact they have children attending more than one school, will not normally be considered sufficient reasons for a parent being unable to accompany their child. These reasons apply to many parents, and, in most circumstances, it is reasonable to expect the parent to make suitable arrangements to fulfil their various responsibilities (for example, their responsibilities as an employee and as a parent).

5.11. The circumstances the Council will consider when determining if a child can be reasonably accompanied include (but are not limited to) where the parent has a disability or mobility problem that would make it difficult for them to accompany their child, or other exceptional reasons provided by the parent as to why they cannot accompany their child or make other suitable arrangements. If a parent submits evidence that they are unable to accompany their child to school this will be assessed on an individual basis and any evidence submitted e.g., from a medical practitioner will be taken into consideration.

Promoting independent travel

5.12. Transport arrangements for SEN children will, wherever possible, support them to develop independence, taking into account the health or special needs of the child, and any steps towards independence outlined in the EHCP.

5.13. Independent Travel Training may be offered to eligible children with parent's consent. Readiness to complete Independent Travel Training would be outlined in

⁵ [Travel to school for children of compulsory school age - June 2023](#)

the EHCP or agreed by the Council following a discussion with the school and parents. Once an eligible child has successfully completed Independent Travel Training, their travel arrangements will be reviewed.

5.14. The Council will not withdraw free school transport from an eligible child who does not successfully complete the travel training programme.

6. OTHER RELEVANT FACTORS

Definition of home address

6.1. The home address will be that at which the child resides and spends the majority of his/her time. Occasionally a child will have more than one address, for example, because they live with parents who have different addresses. In this situation, the home address used for determining transport will be the one at which the child spends most of their time including weekends and school holidays as well as during the week. Where the child spends equal time at two addresses, parents must nominate one address as the home address for transport even if both addresses are eligible for transport assistance. Parents must let the Council know if the child's home address changes and will be asked to provide evidence of this if it affects entitlement to transport assistance. When the child lives at the other address, they will not qualify for any transport arrangements other than the one provided from the home address.

Qualifying schools

6.2. The schools covered by this Policy statement are: -

- community, foundation and voluntary aided and voluntary controlled schools;
- academies (including those which are free schools, university technical colleges, studio schools and special schools);
- alternative provision academies;
- community or foundation special schools;
- non-maintained special schools;
- pupil referral units (education centres)⁶;
- maintained nursery schools (where attended by a child of compulsory school age); and
- for children with SEN, an independent school if it is the only school named in the child's Education, Health and Care Plan (EHCP), or if it is the nearest of two or more schools named in the EHCP and is not named on the basis of parental preference.

School Choice

6.3. If a place cannot be offered at the nearest suitable school, then the next-nearest suitable school will be treated for the purposes of this policy as if it were the nearest suitable school and travel assistance to that school will be offered providing the distance criteria has been met (see paragraph 4.5). To demonstrate that a place

⁶ Where they are receiving education by virtue of arrangements made under section 19(1) of the Education Act 1996

cannot be offered at the nearest suitable school, the parent(s) must have named that school as a preference, but not necessarily their first preference. Where the Council allocates a school place which is not a preference, the Council will only consider providing Council funded transport if the nearest suitable school was expressed as one of the preferences.

- 6.4. The child will remain entitled to transport to the next nearest school with a place until they leave the school, or they change address.
- 6.5. If a parent chooses to send their child to an alternative school other than their nearest school, transport arrangements including costs are the parent's responsibility.
- 6.6. Where a child moves address or relocates to the island and secures a school place for their child through the In Year Admissions Process, outside of the normal admissions round, transport eligibility will only be granted where their child is attending the nearest school that has a space at the time that they apply for free school transport.
- 6.7. If a child changes their school through the In Year Admissions Process, but the family has not moved home since the child last applied through the main admissions process, the child's eligibility for free school transport will be assessed on whether they could have been offered a place on national offer day at their nearest school, during the last admissions round in which they took part.

Exclusion

- 6.8. Transport is provided for pupils who have been permanently excluded or managed moved from school who attend a new school or Education Centre, subject to the statutory walking distance criteria being applied, as set out in paragraph 4.5.

Suitability of arrangements

- 6.9. Transport arrangements should allow the child to reach school without undue stress, strain or difficulty. Shorter journey times are desirable in achieving this. Where practicable, maximum journey times should be 45 minutes each way for children of primary school age and 75 minutes each way for children of secondary school age. A Passenger Assistant may be provided on SEN transport when required, based on the needs of the children travelling following confirmation by the (SEN) service.
- 6.10. Unusually there may be situations where a journey time of more than 75 minutes is required. These may occur in transport:
 - to Faith secondary schools;
 - to special schools;
 - to pupil referral units (Education Centres);
 - for pupils attending their next nearest school with an available place because no place available at nearest school; and
 - for pupils attending out of county residential schools

- 6.11. The most economic form of transport available will be provided, having due regard to the availability of the transport, the maturity, health or special needs of the child, as determined by the Council.
- 6.12. One vehicle may be used to transport children attending different schools. Mixing of children attending special schools and mainstream schools may occur when appropriate.
- 6.13. Transport will either be provided from designated pick-up and drop-off points or from a child's home address. Designated Pick up or drop off points will be no further than one mile walking distance from a child's home address.

Personal Transport Budgets

- 6.14. In certain circumstances, and subject to parental consent, the most suitable arrangement might be for the parent to provide the transport. This may be because:
 - Suitable transport is difficult to find, or not available at all, in the local provider market;
 - The child requires an adapted vehicle that is not available locally;
 - The child requires skilled support tailored to their individual needs; or
 - The Council's officers and the parent agrees that transport provided by the parent is the most suitable arrangement.
- 6.15. In those cases, the Council may offer the parent a Personal Transport Budget (PTB) to enable the parent to make suitable travel arrangements for transport and/or passenger assistant support. The PTB would replace the child's existing travel arrangement.
- 6.16. A Personal Transport Budget will be calculated by considering:
 - The mileage to the child's nearest suitable school (at the current HMRC mileage rate)
 - The child's support needs and the level of skill required to support them on their journey to school
 - Individual circumstances affecting the child's journey to and from school
 - The efficient use of the Council's resources

Children with Medical Needs

- 3.1. Where a statutory eligible child has medical needs that might affect their journey to and from school, the Council will ask parents about the support they need as part of the transport application process. The Council may also seek information from the child's school, as it is likely that the school will have arrangements in place to manage their medical needs during the day.
- 3.2. If a child's medical needs affect their ability to travel to and from school, accompanied as necessary, parents must provide medical evidence to demonstrate the difficulties they have in walking or travelling by certain types/modes of transport.

- 3.3. If transport is granted on medical grounds, transport eligibility will be reviewed on an annual basis and up to date medical evidence will be required.
- 3.4. Where the Council is made aware that a child has a specific medical need and the requirement for a passenger assistant has been approved, we may ask the parent to provide the Individual Healthcare Plan or similar which will be shared with those involved with delivering the transport provision. The Council will also ask the child's school to share information about the arrangements they put in place to manage their medical needs and the possibility to offer training to the Passenger Assistant. The Council may also ask the school to identify whether the child's needs will affect the child on the journey to and from school.
- 3.5. Where unforeseen medical issues occur, or the child needs a medical intervention beyond what has been covered in training, the Passenger Assistant or driver will immediately call 999 and act in accordance with the 999 operator's instructions.
- 3.6. A child's routine medication will not be administered on the journey to and from school, and routine medical procedures will not be carried out. It may sometimes be necessary to administer a child's emergency medication, in accordance with instructions from a healthcare professional.

7. DISCRETIONARY TRANSPORT ARRANGEMENTS AND EXCEPTIONS

- 7.1. This section sets out the limited circumstances in which the Council will use its discretionary powers (under Section 508C of the Act) for children who are not entitled to free transport (as set out under Section 4 of this Policy above).
- 7.2. Where this discretion is used, there will usually be a charge for the transport provided, as shown in Appendix 1
- 7.3. All arrangements within this section will be time limited. At the end of the specified period, parents will need to re-apply.

Spare Capacity Seats

- 7.4. A spare place on a contract vehicle may be offered to a child who is not entitled to transport assistance. It will be withdrawn if the space is required for an eligible child or if there are changes to the route which reduces the number of spare seats. A flat rate charge will be made for such seats (set annually by the Council). Parents must make their own arrangements for the child to travel to the nearest existing pick-up point on the route. Spare capacity seats will be offered only once all arrangements are in place for eligible children.

Exceptions to policy

- 7.5. There may be instances where a parent feels that their child needs travel to school due to exceptional circumstances, when they don't meet the eligibility criteria set out in section 4. The Council will consider these requests on a case-by-case basis when reaching a decision. The Council will not consider reasons such as a parent's working pattern, the cost to the parent of public transport, or the fact the parent has children attending more than one school, on their own, to be exceptional circumstances.

- 7.6. If transport is granted as an exception, this will be on a time limited basis and may also be subject to the parental contribution charge detailed in Appendix 1 of this document.

OTHER DISCRETIONARY TRANSPORT ARRANGEMENTS – NOT CHARGEABLE

Looked After Children

- 7.7. For children in the care of the Council who move family placement but wish to remain at their current school will qualify for free transport, usually limited to a bus pass only. This entitlement only applies when the distance criteria is met (see paragraph 4.5).

Families who experience Homelessness

- 7.8. For those families who may experience homelessness, free transport will be provided for a maximum period of six months, providing that they meet the following criteria
- Have been relocated in another area on the island which exceeds the statutory distances (see paragraph 4.5)
 - Have been placed in homeless accommodation and,
 - Are on the homeless register, as confirmed by a housing officer.

This provision will also apply to families housed in the Women's Refuge. The mode of transport will be provided in the most cost-efficient way, in consultation with the parent.

8. CIRCUMSTANCES WHERE TRANSPORT WILL NOT BE PROVIDED

- 8.1. Transport will not be provided in circumstances other than those set out above for eligible children and where discretionary arrangements are made.
- 8.2. Some examples of where transport will not be provided are:
- Temporary address. Transport will not be provided from a temporary address to a school that is not the nearest school for that address.
 - Journeys to and from other destinations. Transport is not offered to or from points other than the school for which eligibility has been determined and home or pick up/drop off points.
 - Part-time timetables. Transport will only be provided at the beginning and end of a school day. Schools may need to make arrangements to accommodate these pupils.
 - Victims of bullying. Dealing with bullying should be fully explored with the current school. If parents decide to move their child's school due to dissatisfaction with their current school, then there is no entitlement to free school transport.
 - To or from pick-up and drop-off points, except as outlined in paragraph 6.13.
 - Unacceptable behaviour of a pupil, as determined by the school/the Council/transport operator or passenger assistant (where applicable) with reference to the School Transport Code of Good Practice. In such cases,

contracted transport may be removed and requests for an allowance for parents to provide transport or for public transport will be considered.

- To take account of work/business commitments or domestic difficulties of parents.
- To accommodate attendance at after school activities or for arrival at start times other than the usual start time for the school. For example, individual exam timetables will not usually be accommodated.

9. OTHER ISSUES

Review of eligibility and suitability

- 9.1. Eligibility for school transport assistance, and the suitability of those arrangements including passenger assistants, will be decided based on evidence received from relevant parties and a timescale for a planned review of eligibility will be set at the same time as an eligibility decision is made.
- 9.2. The planned review timescale will be based on the child's needs and will typically be at the end of the academic year, at a change of school phase, or at the end of the child's compulsory school career.
- 9.3. Eligibility will also be reviewed if the Council becomes aware of a change of circumstance, including where a parent notifies the Council that the child's circumstances or needs have changed.
- 9.4. Suitability of an arrangement may also be reviewed if the Council has reason to believe that the transport in place is unsuitable for child's circumstances or needs or is not being used by the child appropriately, therefore resulting in the provision being incompatible with the efficient use of resources. Where a transport arrangement is determined by the Council to be unsuitable it will consult with the parent and determine an alternative, suitable transport offer.

Withdrawal of Assistance

- 9.5. Where the school transport Policy is changed and the level of discretionary provision reduced, transport may be withdrawn from children who are currently receiving assistance. In these cases, a reasonable notice period will be given to enable parents to make informed decisions about their child's education. Any change of Policy will be subject to a period of consultation with those affected.

Errors

- 9.6. Where assistance is found to have been granted in error, notice of one full term will normally be given that assistance will be withdrawn to allow families to make other arrangements.
- 9.7. Where entitlement has been denied in error, transport will be arranged as soon as possible and consideration will be given to reimbursing parents retrospectively, with a time limit of the start of the academic year in which the error was discovered.

Complaints/Appeals

- 9.8. Isle of Wight Council takes all complaints seriously and has a complaints procedure to ensure they are investigated and, where possible, resolved. The procedure is available on our website: [Children's Services Complaints](#).

- 9.9. People are encouraged to raise their concerns using the appropriate contacts. Where necessary, complaints will be considered at a more senior level to ensure every effort is made to resolve the issue.
- 9.10. Parents wishing to make an appeal regarding a transport entitlement decision or subsequent transport arrangements should contact the Head of Access and Resources, via email at transport.info@iow.gov.uk or in writing to School Transport, County Hall, High Street, Newport, Isle of Wight, PO30 1UD. The appeals process is provided in Appendix 2.

Appendix 1

Schedule of Charges for Discretionary Arrangements

Spare Capacity Seats to be reviewed annually and charges adjusted in line with the Consumer Price Index (CPI):

Annual charge
£570

If your child has been granted a spare seat, you will be informed of this in writing with a deadline of when payment must be received. Failure to pay by the deadline will result in your spare seat offer being removed. This may result in the seat being offered to another child from the waiting list.

Payments can be split into half term payments, full term payments or a one-off payment for the full year.

Until payment is received your child will not be permitted to travel on the service.

Further details of the spare seat scheme and services with spare seat availability can be found online at www.iwight.com/schooltransport

Exceptions to Policy

The following contributions apply based on the distance to travel. The exception to Policy will be time limited and the charge for discretionary arrangements can be pro-rated based on the length (in weeks) of the actual arrangement. To be reviewed annually and charges adjusted in line with CPI, as at March of the previous academic year.

Distance to travel	Example annual charge
Up to 5 miles	£640
5.01 miles to 7.5 miles	£887
7.51 miles to 10 miles	£1,242
Over 10 miles	£1,419

If the child's parents are in receipt of Income Support; income-based Jobseekers Allowance; income-related Employment and Support Allowance; support under Part VI of the Immigration and Asylum Act 1999; the guaranteed element of State Pension Credit; Child Tax Credit (provided you're not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190); Working Tax Credit run-on-paid for 4 weeks after you stop qualifying for Working Tax Credit; or Universal Credit, the contribution will be waived.

Families in receipt of free school meals (due to low income) are not required to pay the contribution.

Families with a low income, but not in receipt of the above benefits, where the imposition of the contribution would reduce their income to around £16,190; or those with discretionary circumstances, may apply for a discretionary waiver or reduction in contribution.

Appendix 2

School Transport - Review/Appeals Process

Parents who wish to challenge a decision about:

- The suitability of the transport arrangements offered to their child;
- their child's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the inherent safety of the route in accordance with the Road Safety GB guidelines

- other exceptional circumstances

may do so via email to transport.info@iow.gov.uk or in writing to, School Transport, County Hall, High Street, Newport, Isle of Wight, PO30 1UD. Parents should indicate their reasons for challenging the decision using the categories above.

In the first instance a case will be reviewed by a Senior Officer within the School Transport and Admissions Service.

In cases against refusal of a transport service there may be a further appeal to an Independent Appeal Panel made up of one or more Senior Officers outside of the School Transport Service. Members of the Panel will have an understanding of the school transport Policy and legislative framework and will make decisions on appeals against offers of transport.

Stage one: Review by a Senior Officer

A parent has 20 working days from receipt of the local authority's school transport decision to make a written request asking for a review of the decision.

The written request should detail why the parent believes the decision should be reviewed using the categories above. They should give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.

Within 20 working days of receipt of the parent's written request a senior officer will review the original decision and send the parent a detailed written notification of the outcome of their review, setting out:

- whether they have upheld the local authority's original decision;
- why they reached that decision;
- how the review was conducted (including the standard followed e.g. Road Safety GB);
- the factors considered in reaching their decision;
- any other agencies or directorates that were consulted as part of the review.

Where they have upheld the original decision, they should also explain how the parent may escalate their appeal to stage two of the process.

Stage two: Review by an independent appeal panel, where it applies.

A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parents request an independent appeal panel will consider written and verbal representations from both the parent and officers involved in the case and give a detailed written notification of the outcome (within 5 working days), setting out:

- whether they have upheld the local authority's original decision;
- why they reached that decision;
- how the review was conducted (including the standard followed e.g. Road Safety GB);
- the factors considered in reaching their decision;
- information about any other directorates and/or agencies that were consulted as part of the review; and
- information about the parent's right to put the matter to the Local Government and Social Care Ombudsman (see below).

The independent appeal panel will be made up of one or more members who will be independent of the original decision making process (but are not required to be independent of the local authority) and suitably experienced (at the discretion of the local authority), to ensure a balance is achieved between meeting the needs of the parents and the local authority, and that road safety requirements are complied with and no child is placed at unnecessary risk. Members of the panel will be assigned by Democratic Services.

Local Government and Social Care Ombudsman There is a right of complaint to the Local Government and Social Care Ombudsman, but only if complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

Appendix 3

PROTOCOL IN RESPECT OF MISBEHAVIOUR ON SCHOOL TRANSPORT

Information to be added here at a later date in line with the School Transport Code of Conduct

Appendix 4

ADMINISTRATIVE AND OPERATIONAL ARRANGEMENTS

Information to be added here at a later date in line with the School Transport Code of Conduct