



MERTHYR TYDFIL
County Borough Council

Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL

POLICY FOR THE PROVISION OF HOME TO SCHOOL TRANSPORT

2019/20

ORGANISATION OF HOME TO SCHOOL TRANSPORT

The organisation of the home to school transport provision is undertaken by the Integrated Transport Unit. Any enquiries associated with home to school transport should be addressed to Transport, Tel: 01685 726288.

SCHOOL TRANSPORT POLICY

The Education Act 1996 (as amended) sets out the law for the attendance of pupils at school and the 'Learner Travel (Wales) Measure 2008 (the 'Measure') sets out related provisions for learner travel in Wales which are reflected in this Policy.

For pupils of compulsory school age (5-16) there is a statutory duty placed upon Councils to:

“Make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons receiving education.., and any transport provided in pursuance of such arrangements should be provided free of charge.”

Merthyr Tydfil County Borough Council intends to provide a system of transportation that will seek to carry pupils safely, comfortably and with dignity. These principles will apply to all services contracted by the Council.

If, as a consequence of reducing class sizes, a pupil who resides within a school's defined catchment area is unable to be admitted to that school, even though it is the parents/carers preferred school consideration will be given, on an individual basis, whether free transport should be provided. Factors to be taken into account will be the distance a child has to travel from home to school; the nature of the journey e.g. difficulty, duration, cost, the availability of a school bus, the availability and frequency of public transport, the child's specific circumstances (whether the child is disabled) and the proximity of other schools.

1. PUPIL, PARENT AND SCHOOL TRANSPORT COMMITMENT

Safety on school transport is the joint responsibility of all parties, including pupils, schools, transport operators and the Council. The Council has prepared a booklet, in line with the Travel Behaviour Code statutory guidance outlining the responsibilities and what is expected of each party. A copy of the booklet will be issued to all pupils deemed eligible for home to school transport at the commencement of the transport provision.

2. PHYSICAL SAFETY

All children must be carried in a safe manner and contractors should ensure that if applicable, the correct seat belt, harness or other appropriate restraint be worn. It is the driver's responsibility to ensure that children aged 3-13 years wear a seat belt if fitted. Children aged 14 years and above would themselves be responsible for wearing seat belts if fitted. Where necessary, in addition to the services of a driver, arrangements will be made for the provision of an escort (or escorts) on all transport other than to and from secondary schools. In accordance with normal Department procedures all drivers and escorts will be subject to the customary Disclosure Barring Service which operates in relation to all persons who have day to day contact with children within the Council's area of responsibility. Contractors will be required to ensure that prescribed safety procedures are always carried out and that their staff are aware of their obligations.

The contractor shall provide a driver and/or escort and will not permit any person to drive the vehicle unless the person concerned has all the necessary licences under the terms of the contract.

The contractor shall enter into a binding written agreement with each and every driver and/or escort which will provide that:

- as far as possible it will be the personal duty of the driver and/or the escort to ensure the good behaviour of pupils while in the vehicle or while entering or alighting from the vehicle and shall report immediately to the headteacher or designated member of staff of the relevant school any cases of unruly conduct. The driver and or escort shall also ensure that all pupils remain seated whilst the vehicle is in motion;
- pupils whose behaviour, whilst travelling to and from school, is not of an acceptable standard, are liable to have the provision of free transport withdrawn. Any proven incidents of damage to the vehicle may also result in parents being asked to contribute to the cost of any repairs;
- the driver and/or escort shall not use foul language, smoke or carry a lighted pipe, cigar, or cigarette/e-cigarette while children are in the vehicle;
- the driver and/or escort will personally open, close and properly secure the door(s) of the vehicle before and after any passenger enters or alights from the vehicle and will ensure that all operations are carried out in a safe manner;
- all drivers and escorts will be required by the terms of the contract to have attended a course of training provided or approved by the Council, if it is considered necessary; and
- the driver shall wear or carry the appropriate licence/badge issued to him/her whilst undertaking this contract.

3. EMBARKATION AND DISEMBARKATION

The Welsh Assembly Government regards it as good practice that headteachers ensure that there is supervision of embarkation and disembarkation, whether on, outside or near the school premises. The level of supervision will depend on local circumstances and the age of the pupils.

4. PUPIL BEHAVIOUR

Poor behaviour on school transport is a danger to pupils, the driver, escort and other road users. It can also deter operators from tendering for school services. To improve safety on school transport by tackling unacceptable behaviour, the Welsh Assembly Government has issued an 'All Wales Travel Behaviour' Code. The statutory Code promotes safe travel for all learners by setting out standards of behaviour required. The Council therefore works with schools and contractors to encourage good behaviour on transport services.

5. VEHICLE REQUIREMENTS

The contractor will provide a motor vehicle which is to the satisfaction of the Authority and in all respects suitable for the purpose of the contract. The vehicle provided will be clean and in good order. The contractor will also ensure that the vehicle complies with regulations made under or by virtue of the Road Traffic Acts and the Public Passenger Act 1981, or the Local Government (Miscellaneous Provisions) Act 1976 or the Road Traffic (Construction and Use) (Amendment) (No.2) Regulations 1996, for the time being in force or otherwise as may be applicable thereto.

The contractor must comply with any act, regulation or directive now in force, or to be enacted in the future.

Vehicles with over eight passenger seats must be licensed as a Public Service Vehicle, while vehicles with eight or less passenger seats must be licensed as a Hackney Carriage or Private Hire Vehicle.

Any vehicle provided under the terms of the contract shall at all reasonable times be available for inspection by a duly authorised officer of the County Borough Council, or statutory body.

All buses and minibuses contracted to the Council carrying pupils will be required to display at the front and the back of the vehicle, when in use on contract work, a sign indicating that the vehicle is being used to convey children. The signs will only be displayed whilst the vehicles are contracted to the Council.

6. PROVISION OF FREE TRANSPORT

There is a statutory duty placed upon the Council to provide pupils with free transport to their nearest suitable school if they reside beyond the "walking distance" to that school. The Council has agreed to define these distances in line with the statutory limits, i.e. 2 miles for primary aged children (3–11 years of age) and 3 miles for secondary aged pupils (11-16 years of age). This is the case even if the school attended is not maintained by the authority, for example, if it is in a neighbouring local authority area.

A system of transport identification passes has been introduced for secondary age pupils. This pass must be produced when boarding the appropriate vehicle as contractors have been instructed not to allow any child to travel on a vehicle without one. It is important that this pass is kept safe as there may be a charge for any replacement.

Where pupils attend, as a result of parental preference, a school other than the nearest suitable school, as recognised by this Council, parents/carers will accept full responsibility for transport arrangements. (This will involve making all the necessary arrangements and meeting the cost thereof).

In all cases, the efficient use of resources will dictate the mode of transport subject to any special needs requirements. Transport may be provided by means of a contracted school transport service or existing public transport services which, together with the size and type of transport (bus, minibus, train, taxi, etc.), will be determined by the need to deploy resources in an efficient manner.

7. CHANGING SCHOOLS – TRANSPORT ARRANGEMENTS

Pupils whose families move to an address outside a school's local designated catchment area will not be provided with free school transport if that move takes place during primary education or years seven, eight or nine of secondary education. Applications made on behalf of pupils who move in years ten and eleven will be considered on an individual basis. Such transport will usually be provided if it can be made available by existing services and represent no additional charge to the Council.

8. POST 16 TRANSPORT

All students aged 16, 17 or 18 years on September 1st, who are attending a first course of full-time study at a college/school, may be entitled to free travel if they are required to travel at least three miles in each direction (home to college/school and return) providing the student is attending the nearest appropriate post 16 provider.

The Authority has deemed the nearest appropriate providers as:

The College, Merthyr Tydfil, Welsh speaking post 16 provision at Ysgol Gyfun Rhydywau, Faith post 16 provision at St John's Aberdare and Cardinal Newman, Pontypridd. Where courses are not provided by The College, Merthyr Tydfil transport will only be provided to either Coleg Y Cymoedd (Ystrad Mynach and Aberdare) and Bridgend College – Pencoed Campus.

Students requiring transport to attend Welsh/faith based Post 16 education must have attended Welsh/faith mainstream education to qualify.

Provision of Transport can include passes for public transport. Students will be expected to make their own arrangements to get to the nearest appropriate pick up point.

The student should contact the general office at the college, when starting the course, to complete a transport request form. (It should be noted that the list of eligible colleges is under review and is not exhaustive).

9. MONITORING AND COMPLAINTS PROCEDURE

All vehicles will be available for random checks by the Traffic Commissioner, or other appropriate body, when required. Any complaints received by the Council from parents concerning services or vehicles will be investigated immediately. In the event of a complaint being upheld, action will be taken in accordance with the conditions outlined in the contract.

The Council will, on unspecified days, undertake random checks on contracts to ensure that they are being complied with. These checks will take place at least once per school term. Performance indicators will, inter alia, relate to punctuality and client satisfaction.

Parents are notified whenever there are changes to travel arrangements or changes when contracts are renewed.

10. TRANSPORT FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS, A DISABILITY AND/OR A MEDICAL CONDITION

Many pupils with special educational needs (SEN), a disability and/or a diagnosed medical condition will not have special transport needs, and their entitlement will be the same as for other pupils in mainstream schools. In these cases, the general school transport policy applies. (See sections 6-8, and 11)

Pupils with SEN, disability and/or a diagnosed medical condition who are unable to walk to their nearest suitable school due to their SEN, disability and/or medical condition may be entitled to transport subject to an individual needs assessment which will be undertaken by the local authority in liaison with other appropriate agencies, including Health.

When considering whether a pupil is able to walk to his or her nearest suitable school, account will be taken of whether it is reasonable to expect the pupil to be accompanied by a responsible adult.

The 'nearest suitable school' is the closest school by distance that meets the needs of the pupil as determined by the local authority, and where there is an available place. The local authority will also consider whether the designated walking route that pupils would be expected to take is 'available' i.e. that it is reasonably safe.

The specific transport provided will be determined by the local authority in accordance with the individual needs assessment undertaken.

If a child attends a preferred, alternative school i.e. not the nearest suitable school as determined by the local authority, but an alternative school that has been chosen by the parent/carer, then they will be responsible for taking their child to and from school.

All transport for pupils with SEN, a disability and/or a diagnosed medical condition will be subject to regular review, and the specific period of review will be determined in each case by the local authority and will be at least annually.

It is the responsibility of the pupil's parent/carer to inform the local authority of any changes to the pupil's needs and/or medical condition so that the ongoing requirement for transport can be reviewed.

Five school days are required to set up or change a transport arrangement for pupils with SEN, a disability and/or a medical condition, following the awarding of transport by the local authority.

11. TRANSPORT TO VOLUNTARY AIDED SCHOOLS

Pupils attending the nearest voluntary aided school of the parent's denomination receive free transport if the distance to school is in accordance with the Council's agreed policy

12. SPECIAL ARRANGEMENTS FOR 'NON AVAILABLE ROUTES'

The Council may exercise discretion to vary its service. It is recognised that occasions will arise where routes are considered to be 'non available'. In these circumstances the Council reserves the right, where a route is considered 'non available', to provide free school transport below the discretionary limits as recommended by the appropriate officers. As a matter of policy, routes that are considered 'non available' will be reviewed biennially. The Council will have regard to the following criteria in arriving at such decisions:

- that there is no available bus service along the route between the home and the school; and
- that the degree of danger involved is such that escorting parents and children are at risk from traffic.

The courts have held that a route is "available" if a child, accompanied by an adult, can walk to school in reasonable safety.

13. FARE PAYING PASSENGERS

From time to time it is possible that the number of pupils conveyed by the Council on contracted vehicles will be below capacity. In such cases the Council will reserve the right, using appropriate powers, to make spare capacity available to children who reside within the discretionary limits (see "Provision of Free Transport" above). When places on vehicles are made available on this basis a flat rate may be charged. If this facility is provided it does not represent an obligation on behalf of the Council. The Council may withdraw this facility if circumstances change – possibly at short notice.