

# Guidance Notes

## School travel assistance request for review

### 1. Introduction

If you disagree with the assessment made, you may request a review of your application by completing the [online appeal form](#).

There are three principal grounds of appeal:

- That the walking distance from home to school has been incorrectly measured.
- That the walking route is unavailable due to exceptional hazards.
- There may be other reasons why you feel your child should be treated as an exceptional case.

### 2. Grounds for appeal

*i. Appeals on grounds that the walking distance between home and school has been incorrectly measured.*

Your child has been refused free travel on the grounds that the distance between your home and the school is less than the “statutory walking distance” - 2 miles for a child under the age of 8, and 3 miles for children aged 8 to 16. The distance to the nearest school is measured using the shortest available walking route along made up footpaths and/or road network from the child’s address, to the main entrance to the school site using the Geographical Information System (GIS) held within the schools admissions and transport service. If you believe that the distance has been incorrectly measured, please bear in mind that it may include footpaths and other made up rights of way that might make the route shorter than by road. If you appeal, the route will be re-measured.

*ii. Appeals on the grounds that the measured walking route is unavailable for use.*

Local Education Authorities are obliged to provide free travel for a child if the walking route between their home and school is “unavailable” due to exceptional hazards. This is assessed against a set of national guidelines. If you consider that the route is not available you are entitled to appeal. The route will then be assessed by officers against the criteria noted in Appendix 1 of this document. The assessment will always bear in mind that a responsible adult can be expected to accompany the child. Please note that even if the shortest route is assessed as not available, there may be alternatives that are, and remain under the distance limit.

*iii. Appeals on grounds that there are other specific reasons why free travel should be granted due to exceptional circumstances.*

The Council will consider the award of travel assistance to children not normally entitled to it where there are specific reasons. These may be health related, a move of address at a certain stage in school life, behavioural issues, family matters etc. A senior officer will assess each case individually and make a decision on whether there is a justification in that case. Because each case is unique, the appeal should be explained as fully as possible to assist investigation. If the appeal is on medical grounds parents will be required to provide medical evidence in the form of a doctor's letter to support their application.

### **3. Appeal process**

The appeal process is in two stages:

#### **Stage 1**

A senior officer assesses all appeals against our approved Home to school transport policy. They will take into account special circumstances. You must provide any evidence to demonstrate the special circumstances, when you are making your appeal.

We will write to you within 20 working days of receiving your appeal. We will provide you with the detailed reasoning for the decision, including the factors which were considered and details of who was consulted. We will also inform you how to escalate your appeal to the next stage if you are not happy with the outcome.

#### **Stage 2**

If you are still not happy with the decision, you can ask for your complaint to be referred to an independent review panel. You must make your request in writing, stating the reasons why you wish the appeal to be considered further. If agreed, the panel will convene within 28 working days of your request.

Send your written request to: School Transport Appeals Panel, Herefordshire Council, Plough Lane, Hereford HR4 0LE

The panel will send you a decision letter, within five working days, including details of how to escalate your complaint to the local Government Ombudsman (LGO).

If you wish to complain about the way applications or appeals are handled, please use our [complaints procedure](#).

## Appendix 1

Criteria used to determine availability of home to school walking routes free transport will be granted where exceptional hazards are determined Exceptional hazards will only be determined where:

1. No alternative 'safe' route exists within the "walking distance" from the home to the school and, for primary school children 2 miles or more, for secondary aged and other older children, 3 miles or more measured over the nearest available route: i.e. the shortest walking distance.
2. The exceptional hazard still exists where a suitable adult person accompanies the child.

Subject to the following additional qualifying/quantifying criteria:

Being accompanied by a suitable adult person means that exceptional hazard should not be presented by:

- Lonely route
- Moral danger
- Canals, rivers, ditches, dykes, lakes and ponds
- Railway crossings

Exceptional hazard will not be seen to exist where, criteria existing individually or in combination:

- There exists a footway or walkable roadside strip
- There exists a public footway or bridleway
- There exists an adequate width of road to allow vehicles to give pedestrians a reasonable berth even though there is no footway or verge 'adequate width' is normally a minimum of 5.5 metres of usable road surface

On narrower up to 5.5 metres width roads:

- There exists a verge that can be stepped onto for refuge subject to the road being 'lightly trafficked' i.e. maximum two-way traffic volume of no more than 240 vehicles per hour of which total the maximum proportion of HGV's is no greater than 5%.
- Within this traffic flow short lengths of road, e.g. bridges etc, where no verge exists, are acceptable and can be considered safe to negotiate.
- The relevant accident statistics do not indicate a blackspot (relevant means pertinent to pedestrians).
- Visibility is not normally and generally dangerously impaired by tight bend, high hedges or other obstacles
- The roads are considered to be in the vicinity of the child's home. This recognizes that such roads will be used for a variety of activities out of school time in a perfectly safe and acceptable manner, accompanied or not.

A short length of road will normally be defined as a distance relative to volumes of traffic shown below:

Number of vehicles per hour	Acceptable length of road	Number of vehicles per hour	Acceptable length of road
201-240	10m	31-40	120m
161-200	15m	21-30	160m
121-160	25m	11-20	240m
81-120	35m	6-10	300m
61-80	55m	1-5	500m+
41-60	75m		

## **APPLICATION FOR FREE TRANSPORT PROVISION ON EXCEPTIONAL HAZARD GROUNDS**

Exceptional Hazard will be determined using only the criteria approved by the Local education Authority. These criteria are set out below for the information of parents to help them in deciding whether or not to submit a formal application given their particular circumstances.

### **CRITERIA TO BE USED TO DETERMINE EXCEPTIONAL HAZARD** **The Legal Responsibility of Parents**

The legislation about the provision of free transport is set out in Section 509 of the 1996 Education Act and as interpreted by the Courts over the years establishing what is termed "Case Law". The Courts have established that within their legal duty to bring about the attendance of their children at the schools at which they are registered, parents must do those things which are reasonably practicable to be done and which an ordinary prudent parent would do. This includes such things as seeing that they get up in the morning and set out in reasonable time; in the case of an unwilling child, if necessary, taking the child to school; and accompanying the child in situations where it would be unsafe for the child to go to school or college unaccompanied. This duty is reinforced by the Children and Young Persons' Act 1933.

### **GENERAL CRITERIA** **Road Safety**

Road Safety is a matter of education. Apart from the responsibilities that fall to parents under the law, it is imperative that they, in co-operation with and supplementary to their children's schools, ensure their children learn and understand the highway code to the extent that they may look to their own safety in the due course of time.

Since all roads are potentially dangerous, whether in a rural or urban setting, it is not considered, for that reason alone, necessary to discriminate and make special provision over and above that provided under the normal transport policy. However, from time to time, because of other factors, routes may become of exceptional danger in either the short or long term and it is in these cases where special transport arrangements may be considered subject to the specific criteria set out above.

As is described above, parents have a duty to bring about the attendance of their children at the schools at which they are registered and must, in fulfilling this duty, do those things which are reasonably practicable to be done and an ordinary prudent parent would do. This may include accompanying the child, or arranging for the child to be accompanied in situations where it would be unsafe for the child to go to school unaccompanied. As the law stipulates no age limit on this responsibility it would include situations relating to moral and other dangers of secondary or college aged children.

Where appropriate the Authority will expect parents to provide children with suitable footwear and clothing, including reflective clothing to cope with the prevailing circumstances on the route. This may include flashlights when and where necessary.

Where speed limits exist, the Authority will expect traffic to comply with them. Where this is not the case the Authority will assume that the police have been asked to take any necessary enforcement action.

The crossing of a road on its own is not a matter for consideration under the exceptional hazard criteria as most children somewhere in the course of getting to and from school need to undertake this task. The establishment of school crossing patrols is a matter for the County Road Safety Officer, for which a nationally determined formula exists.