

MONDAY, 10 MAY 2021

**TO: MEMBERS HOME TO SCHOOL TRANSPORT APPEALS
PANEL**

I HEREBY SUMMON YOU TO ATTEND A **VIRTUAL MEETING OF THE MEMBERS HOME TO SCHOOL TRANSPORT APPEALS PANEL** WHICH WILL BE HELD AT **10.45 AM, ON FRIDAY, 14TH MAY, 2021** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Wendy Walters

CHIEF EXECUTIVE



PLEASE RECYCLE

| | |
|---------------------------------|---------------------------------------|
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Wendy Walters Prif Weithredwr, *Chief Executive*,
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County Hall, Carmarthen. SA31 1JP

**MEMBERS HOME TO SCHOOL TRANSPORT APPEALS
PANEL
3 OR 4 MEMBERS**

EXECUTIVE BOARD MEMBER FOR ENVIRONMENT

1. Councillor **H.A.L. Evans**

EXECUTIVE BOARD MEMBER FOR EDUCATION & CHILDREN

1. Councillor **G. Davies**

LOCAL MEMBER(S) FOR THE APPELLANT LEARNER'S WARD

1. Councillor **K.A. Davies**
2. Councillor **C.J. Harris**

NOTE:-

1. THE CHAIR OF THE MEMBERS APPEAL PANEL SHALL BE THE EXECUTIVE BOARD MEMBER FOR ENVIRONMENT (OR IN HIS OR HER ABSENCE THE EXECUTIVE BOARD MEMBER FOR EDUCATION AND CHILDRENS SERVICES)
2. NO SUBSTITUTES ARE ALLOWED AT MEETINGS OF THE PANEL

A G E N D A

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF PERSONAL INTEREST**
- 3. EXCLUSION OF THE PUBLIC**

THE REPORT RELATING TO THE FOLLOWING ITEM IS NOT FOR PUBLICATION AS IT CONTAINS EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 12 OF PART 4 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT, 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) (WALES) ORDER 2007.

IF FOLLOWING THE APPLICATION OF THE PUBLIC INTEREST TEST THE PANEL RESOLVES PURSUANT TO THE ACT TO CONSIDER THIS ITEM IN PRIVATE, THE PUBLIC WILL BE EXCLUDED FROM THE MEETING DURING SUCH CONSIDERATION

- 4. TO CONSIDER AN APPEAL BY APPLICANT M.E. AGAINST A DECISION BY OFFICERS FOR THE NON-PROVISION OF FREE SCHOOL TRANSPORT.** 5 - 18
- 5. TO CONSIDER AN APPEAL BY APPLICANT J.R. AGAINST A DECISION BY OFFICERS FOR THE NON-PROVISION OF FREE SCHOOL TRANSPORT.** 19 - 32
- 6. SCHOOL TRANSPORT POLICY & STAGE 2 PROCEDURE (FOR INFO)** 33 - 40

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Carmarthenshire County Council - School Transport Policy

This statement sets out the Carmarthenshire County Council's general policy for the provision of home to school/college transport. Transport will be provided in accordance with the statutory requirements of the Learner Travel (Wales) Measure 2008.

This policy is correct at **1st October, 2019**. The policy is currently under review, and any revisions will be subject to consultation.

1. GENERAL POLICY ON PROVIDING FREE SCHOOL TRANSPORT

Pupils will qualify for free transport to school if they meet **ALL** of the following criteria:

- are residents of Carmarthenshire (i.e. Council Tax for registered home address is paid to Carmarthenshire). The "home address" is as defined in the "Admission to School – Information for Parents" booklet published by the Authority and a "parent" as defined in Section 576 of the Education Act 1996. *Please note that registered home addresses and parental responsibility are checked at the application stage against the records held by the school and Education Authority.*
- are of compulsory school age;
- attend the LA designated or nearest school; (the "designated" school is for a pupil's registered home address; the "nearest" school is the nearest suitable school as determined by the Education Authority and is measured by the shortest available driving route as measured by the Council's mapping system, and includes schools in adjoining Counties if relevant);
- live over the "statutory distance" from the school. The "statutory distance" is defined as being 2 miles (3.218 Kilometres) for primary schools and 3 miles (4.828 Kilometres) for secondary schools, and is measured by the nearest available route from the nearest point from where the applicant's address meets the public highway to the nearest available entrance to the school. Although the distance is sometimes referred to as the "walking distance" it does not imply that the learner is necessarily expected to walk, but it is the distance within which a parent/guardian is expected to make their own arrangements for the learner's journey, at their own cost, to and from school.

Transport **MAY** also be provided for pupils **of compulsory school age** in certain circumstances on the following grounds:

- Road Safety, where there is no available walking route to school. The walking route between the home address and school is assessed in accordance with the "Learner Travel (Wales) Measure" guidelines on the Assessment of risk of walked routes to School.
- Medical condition. Individual transport arrangements may be made where the medical condition of learners either prevents them from making use of the normal transport or the condition prevents them from walking the defined "statutory distance". All applications for assistance on medical grounds must be supported by a medical certificate or signed statement from a medical practitioner which must clearly state that the learner is incapable of walking the specified "statutory distance" to school. Each statement will be subject to a period of review determined by the condition and agreed with the parent at the time of initial award.
- Learners with learning difficulties/disabilities - see point 4 below.

- A change of residence during GCSE years. Assistance will be provided if a learner experiences a change of residence during their GCSE years (after the October half term break of their first year of GCSE studies – year 10) provided the learner meets the criteria on age and distance at the new residence and before the change of residence was attending the nearest or LA designated school. Transport would be offered only until the end of year 11, on the nearest available vehicle and from the nearest available pick up point.
- Religious beliefs. Transport will usually be provided should parents choose to send learners to a voluntary aided school on religious grounds and subject to the learner meeting the criteria on age and minimum distance transport, and residing not more than 8 miles from the school. Additional arrangements apply for St.John Lloyd School, Llanelli – please ask the Passenger Transport Unit for information.

The arrangement and cost of transport to school for pupils who do not qualify for free transport is a parental responsibility. Parents are advised to contact the Authority prior to a decision being made on choice of school in order to establish eligibility for free school transport.

Applications will be assessed only from a pupil's home address (as registered with the school and LA) and transport will usually only be provided from this address. Parents are responsible for informing the Passenger Transport Unit prior to any change of address, so that eligibility for transport can be reassessed from the new address. Entitlement to transport is NOT automatically transferred with any change of address, even if transport has been awarded through the Appeals process.

Authorities are required to make provision for learners who reside at more than one address e.g. split custody arrangements. Such arrangements must be permanent and established and only for those periods when a learner receives education and training (so not where a learner spends weekends with a different parent from where the learner lives in the school week). Further advice and applications forms for dual residency transport are obtainable from the Passenger Transport Unit.

The majority of pupils entitled to free school transport will be conveyed on vehicles specifically contracted to the Authority, however use may also be made of public passenger transport. In some circumstances a mileage allowance or grant may be made for part or all of the journey (see point 3 below).

It is not always possible to arrange the routes of vehicles to pass close to the homes of all pupils, and it may not always be possible to allocate pupils to the bus route nearest to their home address. Parents are therefore responsible for making their own arrangements for their learners to get to and from the designated pick up and set down point of the allocated vehicle. This distance will not usually exceed 1.5 miles.

Transport will be arranged only for the start and end of each school day.

The provision of free transport is made on the understanding that pupils will behave in a manner which has respect for fellow pupils, property and the safety of all. All parties involved in the provision and use of school transport must abide by the **“Home to School/College Transport Code of Conduct”**, copies of which are available at www.carmarthenshire.gov.wales/SchoolTransport or from the Authority on request.

2. TRAVEL ARRANGEMENTS FOR LEARNERS FOR WHOM FREE TRANSPORT IS NOT PROVIDED

The Authority encourages sustainable modes of transport for travel to and from school. For example, the Authority will encourage learners to walk, cycle or travel by public transport rather than by private car where possible. Sustainable modes of transport are defined as ones which the Authority can consider may improve the physical wellbeing of those who use them or the environmental wellbeing of the whole or part of the Local Authority's area.

Information on local bus and rail services is available from Traveline Cymru at www.Traveline.Cymru or on 0800 464 0000. Information and advice is also available from the County Council at www.carmarthenshire.gov.wales/Bus or on 01267 228 326. The Authority works with public transport providers to encourage suitable provision for journeys to and from school where possible.

In some areas the Authority has been able to develop a number of public transport routes which allow learners residing within the "statutory distance" to travel, subject to available capacity, on payment of a fare. The fare is payable to the driver at the start of each journey made, and no prior application is necessary.

The Authority also has a small number of spare seats available on some contract vehicles which can be made available temporarily (upon payment of an administration fee) on a concessionary basis to learners living within the "statutory distance" and for whom there is no public transport available, provided the distance to school exceeds one mile and the learner is attending the LA designated or nearest school. The Authority will determine the number of spare seats that are available and will prioritise the allocation of spare seats initially to those in receipt of free school meals. Any surplus seats available thereafter will be made available to other pupils. All awards will be prioritised to the youngest pupils. The Authority will withdraw any concession should the need arise by providing seven days written notice. Applications for spare seats must be made by the stipulated date (usually late September) and will be determined during October each year. Further information in respect of this policy is available online at www.carmarthenshire.gov.wales/SchoolTransport where Applications can also be made.

3. PAYMENT OF TRAVELLING EXPENSES

In some cases there may be no suitable public transport or contract vehicle available for all or part of a learner's journey. In these circumstances the Authority will offer a fixed mileage allowance or grant to enable a parent/guardian to convey the pupil to and from school (or to an appropriate point to meet a suitable vehicle where this distance exceeds 1.5 miles). The payment of travelling expenses would be made only where the learner is eligible for free transport in accordance with this policy and the Authority is unable to provide such transport.

4. LEARNERS WITH LEARNING DIFFICULTIES/DISABILITIES

Learners with Additional Learning Needs will be subject to the eligibility criteria described in section 1 above. However transport may additionally be provided for learners not meeting this criteria but where the requirement for transport is specified as part of a Statement of Additional Learning Needs issued by the Authority or where a learner is the subject of the statutory assessment procedure, due to learning difficulties, which the LA considers makes transport "necessary".

Learners will be assessed to determine the type and nature of specialist transport required, if any. These assessments will be reviewed annually.

5. ENQUIRIES AND COMPLAINTS

Further information in respect of this policy is available from the Authority's Passenger Transport Unit at Parc Myrddin, Richmond Terrace, Carmarthen SA31 1HQ, telephone 01267 228 313.

Operational complaints in respect of the home to school transport service should be made to the Passenger Transport Unit's Network Team at Parc Myrddin, Richmond Terrace, Carmarthen SA31 1HQ, telephone 01267 228 326.

Parents who have submitted an application for free transport and have been refused may request a review of the decision, and will be notified of the review process as part of the written notice of refusal.

6. HOW TO APPLY FOR FREE SCHOOL TRANSPORT

All learners eligible for free transport must have made a written application to the Authority using the published application form. Applications can be made online at www.carmarthenshire.gov.wales/SchoolTransport

Applications for transport must be made at least 15 days from the first date on which transport is required, or by 1st June where transport is required from the start of a new academic year.

If the application is approved, a Travel Pass will be issued by the Authority. Details of the routes to be used will be supplied with the Travel Pass, along with a copy of the "Code of Conduct" which must be adhered to at all times. The Travel Pass will usually be issued within 15 days of the application, although this timescale will be extended in respect of applications made between June and September, and will not apply for learners transferring from Primary school to Secondary School (see below).

Learners transferring from Primary School to Secondary School must submit the appropriate transport application by 20 December 2019. The applications will be checked for confirmation of attendance at the nearest or designated catchment school, and where this is confirmed will subsequently be assessed by the Passenger Transport Unit for entitlement to free transport. Confirmation of eligibility for transport or otherwise will usually be made by the Passenger Transport Unit by June, and Travel Passes will be issued to eligible learners during August.

If a Travel Pass is lost or damaged the Authority must be contacted on 01267 234 567 immediately in order to make temporary arrangements for travel (where possible) and to order a replacement pass. A charge will be made for replacement Travel Passes.

7. CONDITIONS OF USE OF TRAVEL PASSES

Travel Passes must be presented to the bus driver at the start of each journey made. Transport may be refused if the pass is not shown. Travel Passes are not transferable, and are valid only for the learner named on the pass and for the journey(s) shown on the pass. Misuse or fraudulent use of a Travel Pass is treated very seriously, and may result in the learner being subject to the school/college's disciplinary procedure in addition to losing their right to travel.

If any details change from the original application form, you must contact the Authority's Passenger Transport Unit immediately, so that the details can be amended and eligibility for transport reassessed if necessary. If a new Travel Pass is required as a result of such change, the existing pass must be returned along with the application.

If the Travel Pass is no longer required, please return it to the Authority's Passenger Transport Unit as there may be other learners wishing to take up the allocated seat.

8. TRANSPORT FOR LEARNERS ABOVE COMPULSORY SCHOOL AGE

The Authority currently has a discretionary policy to provide free transport to learners above compulsory school age and under the age of 19 (or those who have reached 19 but started a course when under 19 and continue to attend that course) providing they are attending the nearest or LA designated school, or nearest college campus, and live over the statutory distance of 3 miles. Please note that dual residency provision will not be made for learners aged above compulsory school age.

The Welsh Government has financial support available to cover/contribute to the transport costs of those in post-16 education. The Education Maintenance Allowance (EMA) was introduced as a financial incentive for young people from low-income households to remain in full-time education or training beyond compulsory education. It is available to learners who attend school or college. The Welsh Government's Assembly Learning Grant (ALG) is available to learners aged 19 or over who are in Further Education. The Welsh Government also provides support for those students facing hardship through the Financial Contingency Fund (FCF) which is distributed to further and higher education institutions in Wales.

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MEMBERS HOME TO SCHOOL APPEALS PANEL (STAGE 2)

Stage 2 – Appeal against refusal of Free School transport

- Appeals against refusal of free school transport by the Stage 1 Officers Review Panel shall be submitted in writing and received by the Authority by the date specified in the original stage 1 Review Panel decision letter and must state the reasons why the appellant disagrees with the Stage 1 Officers Review Panel's decision. The only available grounds are as specified in the Policy.
- The appeal shall be against the decision of the Stage 1 Review Panel and shall not plead any new grounds (in that any new grounds would require a fresh application for stage 1 determination)
- The School Transport Member Appeal Panel will consider any appeals received at its next scheduled meeting.
- The decision of the Stage 2 Appeal Panel shall be final.

Membership of Stage 2 Members Home to School Appeals Panel

- The Executive Board Member for Technical Services and the Executive Board Member for Education & Childrens Services together with the local member (or both members in a 2 member ward) (ie. "local" member for the appellant learner/s ward). On a day when multiple appeals are considered the "local" member/s shall only remain in the appeal hearing during consideration of their own ward learner/s appeals.
- Any local ward member who is unable to attend the Panel meeting may submit representations in writing.
- The Chair of the Members Appeal Panel shall be the Executive Board Member for Technical Services (or in his or her absence the Executive Board Member for Education and Childrens Services)
- The quorum for the stage 2 panel shall be 2 of which at least one must be an Executive Board Member
- Each member shall have a vote, save that the Chair of the Appeals Panel shall have the casting vote in the event of equality of votes
- Representative from the Legal Department to provide legal and procedural advice (no vote)
- Representatives from the Environment Department and / or Education and Childrens Services Departments to provide technical and education advice and information (no vote)
- Minute taker (no vote)
- The usual provisions regarding declarations of interests etc. will apply.
- Parent(s) / Guardian(s) representations to the Panel will be by way of written representations and no provision is made for attendance in person before the Panel.
- The Panels will be held on a monthly basis (unless the volume of appeals requires otherwise)

