

# HOME TO SCHOOL TRANSPORT POLICY FOR PUPILS OF STATUTORY SCHOOL AGE

**North  
Lincolnshire  
Council**

[www.northlincs.gov.uk](http://www.northlincs.gov.uk)

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## Introduction

Parents have a duty to make sure that their children attend school and to make the necessary transport arrangements.

North Lincolnshire Council provides free transport services in certain circumstances. It can also use its discretion to help with transport costs in other circumstances.

This document is to help parents and schools understand who is entitled to help with transport, and the services that are available.

This policy complies with the relevant provisions of the Education Act 1996, particularly sections 444 and 509. More information on the legal framework and the definitions of \*words and phrases used in the policy is given in the Appendix. Through this policy the Council aims to provide equitable, safe, efficient and cost effective transport to all entitled pupils.

\*Words and phrases included in the Appendix are shown in italics in the text

## 1. Entitlement to School Transport

### 1.1 Qualifying Children and Schools

Where pupils aged 4\*-16 take up full-time places at schools the council has defined as serving the area in which they live (i.e. *catchment school*), or the nearest school, or the nearest North Lincolnshire school, the council will provide free transport between home and school to:

- i) Pupils aged up to and including seven years where the journey between home and school is more than two miles.
- ii) Pupils aged eight and over but below school leaving age where the journey between home and school is more than three miles.

The walking distance is measured by the *shortest available route* between the home and the school – along metalled roads, recognised footpaths and the like.

Where a child is refused a place at their *catchment* school, free transport will be provided to the nearest available school, subject the distance being more than 2 miles for a child aged up to seven, or 3 miles for a child aged 8-16. If a place becomes available at the child's *catchment* school before they are on roll at the alternative school, free transport will be withdrawn to the non-catchment school.

\* This applies from September following the pupil's 4th birthday

## 1.2 Low Income Groups

Children who are entitled to free school meals or whose families receive their maximum level of working tax credit and are ordinarily resident at the same address as the child will be entitled to receive free transport if:

- (i) they are of primary school age, are attending their nearest *qualifying school* and live more than two miles from the school
- (ii) they are aged 11-16, are attending one of their three nearest *qualifying schools* and they live more than two, but less than six miles from that school
- (iii) they are aged 11-16 and are attending the nearest suitable school preferred by their parents, on the grounds of the parent's *religion or belief* and the school is more than two, but not more than fifteen miles from the home address.

This entitlement is additional to the entitlement given in section 1.1 of the policy. We measure the two mile limit as the *shortest available route*. The six and fifteen mile upper limits are driving, not walking, routes. We will measure them along road routes.

Pupils transferring from primary to secondary school education will be eligible for free transport to secondary school at the National Offer Day for secondary places, if their parent provides evidence of low income.

Pupils aged 8-11 and children taking up places at secondary school, other than when they are transferring from primary school at age 11, will become eligible for free transport on income grounds from the date that their parent submits evidence that confirms they meet the low income criterion.

We will review pupils' entitlement during each academic year. We will ask parents to submit evidence that their child is still entitled to receive free transport on income grounds. If parents cannot give us the evidence, or it does not satisfy the criteria, we will withdraw free transport from the start of the next academic year.

## 1.3 Available Walking Routes

The council considers that a route is available to walk if a pupil, accompanied as necessary by a parent or other responsible person, can walk along it in reasonable safety. We follow *Road Safety GB Guidelines* when deciding if a route is available to walk. Parents of children who attend their *catchment* or nearest or nearest North Lincolnshire school can ask the council to check if a route is available to walk if they have concerns about its safety.

If we designate a route as unavailable for walking, children affected will be eligible for transport support for at least that part of the journey to school that does not meet *Road Safety GB Guidelines* if they attend the *catchment*, nearest or nearest North Lincolnshire school. Routes that have been confirmed as unavailable, may at a later date become available, for example following changes to a road or footpath. When this happens we will consult the parents of children affected. A decision will be taken having taken account comments received. Parents will be given a full term's notice before their child's entitlement ends.

## 1.4 Parental Preference

The council recognises its obligations under the Education Act, 1996, to comply with parental preferences regarding choice of school. But because the council must use its resources efficiently, it will normally provide free or subsidised transport only where the preference is for the school designated as serving the area in which parents live (i.e. *catchment* school), or the nearest school, or the nearest North Lincolnshire school. The council considers that any other arrangement would cost too much and be an inefficient use of resources for providing education.

This means that if you wish to apply for places in schools other than those mentioned above, you will be responsible for your child's travel arrangements. It may be possible for you to pay for a spare seat under the council's concessionary travel scheme (see section 1.6 below).

## 1.5 Split Residency

We will issue only one bus pass to children who live at two homes during the week and meets the eligibility criteria. The pass will be issued to the home at which the child spends the majority of their time, if it meets the usual eligibility criteria, that is, distance and is within the school's catchment area. If the child spends the same amount of time at both homes, the parents must decide which the bus pass will be issued to, subject again to eligibility.

## 1.6 School Children's Concessionary Travel Scheme

Sometimes there are spare seats on school buses. If this happens we may allow pupils concessionary travel who are not entitled to free school transport. The council sets the level of charge. You must pay each term in advance. You also have to pay an annual registration fee.

We may need to withdraw a concessionary spare seat if:

- a pupil moves into an area who is entitled to free school transport and needs a seat on the vehicle
- the transport network needs to be reorganised
- we decide to change a route or hire a smaller vehicle
- the pupil's behaviour is unacceptable or affects the safety of other passengers

If this happens, we will refund any fares you have paid. We will give at least one week's notice in these circumstances.

We will not change bus routes or add stops to accommodate children with concessionary spare seats.

If the vehicle does not run, for example because of bad weather, no refunds will be given.

If we do not have enough spare seats to meet demand of parents wishing to pay for them we will allocate them in the following priority:

- i) Pupils living in North Lincolnshire
- ii) Existing concessionary spare seat occupants
- iii) Date of application (first come, first served)

We will use the same criteria in reverse if we need to withdraw seats on the vehicle.

The scheme applies only to closed contract transport. If the bus is registered as a public service pupils not entitled to free transport can travel on the bus if they pay the bus fare.

## **1.7 Special Educational Needs**

Pupils with an Education, Health and Care Plan (EHCP), who do not need special transport to get to school, or live within walking distance and are able to make their own way to school, accompanied by an adult as necessary, are subject to this policy. Further information about the policy for pupils who need special arrangements with travel is in the 'Home to School Transport Policy for Pupils with Special Educational Needs and Disabilities (SEND)' which is available on the council's website.

## **1.8 Post 16 Transport**

We review and update this policy annually. Details are available on the council's website.

## **2. Exceptional Entitlement to School Transport**

There are some occasions where transport is provided even though a child would not normally be entitled to receive it. This section of the policy describes situations where this might arise.

### **2.1 Medical Transport**

We may provide free transport, short or long-term, if we have confirmation from a medical practitioner that a child who is fit to attend school but unable to do so because they are unable to walk or travel by their normal means because of medical condition needs additional support. We may also need our own independent advice from another medical practitioner. The child must attend the catchment school, or the nearest school, or the nearest North Lincolnshire school. We will only provide transport for the time specified by the medical officer. After this period parents are responsible for contacting us if they wish the transport to continue. Where no period of time has been specified, or the child's medical condition is long term, we will review the situation at least once a year.

### **2.2 Transport Assistance for School-Age Mothers**

Free transport may be provided for pupils who are pregnant and school-age mothers, regardless of distance, between home and the education provision the council has approved for them in order to enable them to attend. Where reasonable we expect the young person to travel by public transport. Other transport will be provided only in exceptional circumstances where a special case is made.

### 2.3 Transport Provision for Exceptional Circumstances

We may consider providing free transport where there are compelling family circumstances and without it the child could not attend school. If agreed the transport is usually for a limited period. The types of situation that might be considered to be exceptional are:

- sudden and traumatic change of family circumstances outside the family's control
- child is the subject of a child protection plan
- for reasons outside the family's control they are unable to ensure their child gets to school safely

The situations that would be unlikely to be considered exceptional are:

- work or study commitments mean the parent cannot take their child to school or a pick up point
- inability to afford existing transport arrangement, e.g. resulting from loss of employment
- Family breakdown and fragmentation.

Applications for exceptional transport must be made in writing with supporting evidence. We will normally need the application to be endorsed by a senior officer of the council, such as an Education Welfare Officer or principal Social Worker before we will consider it. We will be review such arrangements at the end of each term or designated period. We will withdraw it if the need ceases.

### 2.4 Transport Provision if the Local School is Full

If you have applied for a place at your *catchment* or nearest school before the Admissions deadline, but fail to get a place, we may provide transport to the nearest suitable school with places available in your child's year group, subject to distance. If you applied after the deadline but could have applied on time, or did not express a preference for your nearest and/or *catchment* school, you will be responsible for your child's transport to school.

We will tell parents when a place is available at the local school. Free transport to the alternative school will cease at the end of the current school term. We may consider letting the pupil continue to receive free transport to the alternative school, for example if they have attended the school for a long time or if they are in their last year at the school

### 2.5 Moving House

We will treat requests for children to stay at their existing school following a family move as parental preference, unless nearer schools do not have places available in the child's year group. Any transport that is provided will be reviewed, and if places become available at a nearer school, transport support may be ended.

If the child is in year 11, we may provide transport support if:

- they were attending their *catchment*/nearest school before the move, and
- the move took place because of compelling circumstances

Transport support offered would be a bus pass. Taxis would not normally be provided.

## 2.6 School Reorganisation / Catchment Area Changes

The council may use its discretion to help with transport for pupils affected by a school reorganisation. The distance the child has to travel to the new school will be a factor in deciding what support will be provided. Only pupils who attend the catchment school, the nearest school, or the nearest North Lincolnshire school, affected at the time of the reorganisation may receive transport assistance to the new school. This is for as long as they continue to live at the same address.

Children receiving free school transport who are affected by a change in the school catchment area agreed by the council will be protected for the time they attend the school as long as their circumstances stay the same.

## 2.7 Exclusions and Managed Moves Between Schools

If a child has been permanently excluded from school, transport will be provided to the nearest suitable school at which a place is available.

If a child's *managed move* between schools is co-ordinated and approved by the council, as set out in the Fair Access Protocol, transport will be provided to the nearest suitable school.

In both cases transport will be provided only if the distance is more than the statutory walking distance and if the journey is at the start and end of the school day. The decision to provide transport will be reviewed if the child's circumstances change, for example if they move to a new address.

Transport will not be provided following a move between schools that was not approved by the council following the Fair Admissions Protocol. Transport will not be provided if as a result of parental preference the child is moved to a school that is not the nearest suitable school.

## 2.8 Looked After Children

Children for whom the council is the corporate parent sometimes attend schools other than their nearest or catchment school. Where the professional staff responsible for the child decide that it would be detrimental to the child's wellbeing to be moved to another school, free transport will be provided to enable them to stay at their current school. This will normally be for a limited period unless they are in their final exam years. If transport is required for longer than a term, and the child is not in year 10 or 11, the position will be reviewed, and if necessary an extension agreed. Reviews will continue until a final decision about the child's school placement is taken and confirmed.

If a looked after child is attending their catchment or nearest school, but is not entitled to free transport, it will be the foster carer's responsibility to get them to school. Only in exceptional circumstances, approved by a senior social worker, will transport support be provided.

Where reasonable, looked after children will be expected to use public transport. Taxis will be provided only if a senior social worker confirms that public transport is unsuitable.

## **2.9 Alternative Learning Placements and Pupil Referral Units**

Where placements are full-time, and approved by the Moderation Panel, or body approved by the council to decide on placements for pupils who are at risk of permanent exclusion, and/or need provision outside school to promote their progress, transport will be provided following the usual distance criteria. Occasionally support will be provided for pupils who live within statutory walking distance if the council's placement officer advises that this is necessary to secure their attendance.

Where a key stage 4 placement is part-time or has not been approved by the Moderation Panel, or approved alternative body, the school at which the pupil is on roll is responsible for the pupil's transport.

## **2.10 Extra-Curricular Activities and Work Placements**

We will not organise transport for pupils taking part in extra-curricular activities or work experience placements. Parents are responsible for providing transport to these activities.

## **3. Method of Travel**

Home to school transport may be provided by council vehicles, contracted services, public bus, rail services and the like. The mode of travel selected for each pupil will be at the sole discretion of the council.

### **3.1 Healthy Alternatives to Travelling by Car**

Most schools have a travel plan, one of the aims of which is to encourage pupils to cycle or walk to school. This will, however, depend on the pupil's age, adequate and secure cycle parking at school and the route being suitable. The council may provide road cycle training for some primary school age children and where possible works with schools to support cycle and walk to school initiatives.

### **3.2 Picking up / Setting down Points from Home**

Statutorily entitled pupils are collected at a reasonable walking distance from their home. For primary school age pupils the distance to a pick up point may be up to 1 mile, for secondary school age pupils it may be up to two miles. Pick up points will generally be at marked public bus stops or designated points in villages or lane ends. Pupils will be set down in the afternoon at the point as near as possible to where they were picked up.

Pick up points will not be added, or variations arranged, to the route to accommodate pupils paying for concessionary spare seats.

Parents are responsible for their children's safety in getting to and from the notified pick up and setting down points. They are also responsible for their children while they are waiting for transport and when they leave the transport at the end of the day.

### 3.3 Journey Times

The council will do its best to ensure that pupils are travelling for the shortest possible time. As far as possible pupils will be conveyed to school by the most direct route. But to use its resources efficiently, the council reserves the right to arrange routes that might give some pupils a longer, indirect journey. However, we would not expect any journey to take more than 75 minutes. for children at secondary school attending their nearest or *catchment* school.

### 3.4 Session Times

Transport will be provided for entitled pupils only at the start and the end of the school day. Transport might be provided at other times at the council's discretion only where there is no additional cost and sufficient notice is given.

If a child has to go home during the day, or stay late at school, it is the school's or parent's responsibility to provide transport.

Where a school changes its session times, and this results in transport costs increasing, for example because a change of contract is involved, the school will be charged for the extra cost. We ask schools to consult the school transport service before they decide to change their session times so that they can take the impact on school transport into account.

### 3.5 Use of Parents' Own Transport

If a child is entitled to receive free transport but no suitable transport contract is available, or there is no public service, parents willing to drive their children to school may be reimbursed at a mileage rate agreed by the Council. For details contact 01724 297218.

### 3.6 Mixed Loading

To use its resources efficiently, the council may decide to integrate pupils from different schools and age groups. This means that pupils from all age groups and different schools may use the same vehicle.

### 3.7 Type of Transport

The transport we provide may be a closed contract school bus, pass to travel on a registered service bus, minibus or taxi. It will depend on the number of pupils travelling from the area, route along which the vehicle travels, availability of public transport and needs of the passengers on board.

Seatbelts are compulsory in vehicles with up to 16 seats on public roads. Seatbelts are not compulsory on coaches or public transport vehicles Where seatbelts are fitted the council expects pupils to use them. If they do not the child may be refused transport.

The council does not normally provide passenger assistants on school transport unless following a risk assessment they are considered necessary for the safety of a specific child or group of pupils.

Some buses have CCTV installed to help to monitor and deal with incidents arising during the school journey, for example resulting from pupil misbehaviour.

## **4. Operational Procedures**

### **4.1 Behaviour on School Transport**

Parents, schools, pupils, transport contractors and the council all share responsibility for the behaviour of pupils on school transport.

The council has produced a Code of Conduct for Safe Behaviour on School Transport. You can find a copy on the council's website.

When pupils misbehave on transport parents will be notified of the incident warning that further incidents may lead to a suspension of transport. For repeated or serious misbehaviour we may withdraw transport for a period of time. Extreme or persistent misbehaviour that threatens the safety of other pupils or road users may result in transport being withdrawn permanently. In these cases parents are responsible for their child's travel to school.

Contractors may seek recompense from parents where if their children deliberately cause damage to their vehicle.

### **4.2 Child protection**

We obtain enhanced disclosures from the Disclosure and Barring Service for council staff who work in school transport, taxi drivers and contracted bus drivers. Depending on the content of the disclosure the council will decide whether or not to allow the individual to work on school transport.

### **4.3 Severe Weather**

Transport operators will decide whether or not to run transport in severe weather. They will liaise with the council's school transport office as necessary. If services are excessively delayed, brought forward or cancelled, we will tell parents via local radio and on the council's website. Schools will often contact parents and post messages on their own websites. We have issued guidance for parents when transport fails to arrive, which is on the council's website.

### **4.4 Transport Granted in Error**

Where there has been an error in the granting of school transport which the council has decided to correct, for example to avoid unnecessary expenditure, it will give one term's notice to parents. Parents have the right to appeal against the decision.

#### **4.5 No Pass, No Travel**

On some school buses, in agreement with the school and bus operator, we operate a 'No Pass, No Travel' scheme. The scheme was introduced to:

- Prevent unauthorised pupils from boarding buses
- Ensure pupils travel on the correct bus
- Deal effectively with pupils who misbehave and have been suspended from transport
- Avoid overloading buses

Drivers check pupils' passes daily and if they do not have a valid pass they will not be allowed to board the bus, unless it is a registered public service and they pay the bus fare.

We send parents information about the scheme before allocating their child a seat on the bus. Parents are responsible for making sure their child has a pass or money for the fare, and that they successfully board the bus each morning.

Pupils who have mislaid their pass can get a temporary replacement when they get to school. They must apply for a replacement pass before the temporary pass expires.

#### **4.6 Replacement Passes**

If a pupil loses their bus pass, a charge will be made for replacements. You can apply for a replacement pass on the council's website.

#### **4.7 Applying for Transport**

When children first start at a North Lincolnshire school in September before their fifth birthday, and move up to secondary school at the start of year 7, we receive information about them and their new school from the council's admissions database\*. We use this information to assess the child's eligibility for free transport. We issue application forms to the parents of children eligible for transport and send them passes once we have received the completed forms. Families moving into the area whose children are admitted to North Lincolnshire schools during the year should contact the School Transport Service on 01724 297218, or e mail us at the address: [school.transport@northlincs.gov.uk](mailto:school.transport@northlincs.gov.uk).

\*This may not be possible for some academies if the council does not receive information from them about their pupils on roll and new admissions. In this case parents must apply to the council if they think their child is eligible for transport support.

## 5. Complaints and Appeals Procedure

Parents who wish to comment or complain about the service they have received on school transport should follow the council's complaints procedure, details of which are available on the council's website. Alternatively you can call 01724 297000 or visit one of our customer service centres.

Parents can appeal about a decision taken to refuse their child transport. Appeals can be made on the grounds that:

- The policy has not been applied correctly
- There are compelling grounds to justify making an exception to the policy

Appeals cannot be made against the policy itself.

The appeals procedure has two stages:

**Stage One:** Parents should write to the council giving reasons for the appeal, including details of any exceptional circumstances. A senior manager will consider the case and may approve transport support if they consider the information provided justifies it.

**Stage Two:** The parent may then appeal against the decision taken by senior management by submitting their case in the agreed format to an Appeals Panel. The panel's decision will be final.

## 6. Contact Numbers

For further information about the policy and its application in practice contact one of the following:

For details of the policy and pupils' eligibility for transport, call 01724 297218.

For advice about transport once pupils' eligibility to receive it has been confirmed, call 01724 297216.

## Appendix A

### The Legal Framework for the policy

#### A1 Transport Legislation

The legal (or statutory) basis relating to home to school transport for pupils of school-age is set out in Section 508, 509 and Schedule 35B of the 1996 Education Act as amended by the Education and Inspection Act 2006.

Sections 509(1) and (2) place a duty upon local authorities (LAs) to provide free transport where necessary to facilitate the attendance of children and students at schools and institutions both within and outside of the further and higher education sectors.

Section 509(3) allows LAs to pay for the whole or any part of reasonable travelling expenses when not making provision under S09 (2) above.

Section 509(4) requires LAs to take certain factors into account including the child's age, the nature of possible routes and parental wishes for the provision of education at a school or institution in which the religious education is that of the religion or denomination to which the parent adheres.

Section 509AD defines the duty placed on LAs to have regard to religion and belief in exercising their school travel functions.

Section 508B of the Act deals with the duty on LAs to make such travel arrangements as they consider necessary to facilitate attendance at school for 'eligible' children.

Section 35B of the Act defines 'eligible children' – those categories of children in an authority's area for whom travel arrangements will always be required. A condition of each category is that they are of compulsory school age.

Under Section 508B, every feature of these arrangements must be provided free of charge.

Section 508C of the Act provides Local Authorities with the discretionary powers to make arrangements for those children not covered by Section 508B.

Statutory Walking Distance is defined in Section 444(s) of the Act as either 2 miles (if the child is under eight years of age) or three miles (if the child is eight years old or older).

## **The Equality Act 2010**

The Act places a duty on local authorities to advance equality of opportunity for all people and to eliminate unlawful discrimination.

Part 2 Chapter 1 Section 6 of the EA 2010 defines disability.

Schedule 2 of the EA 2010 describes the reasonable adjustments necessary to ensure that disabled people are not discriminated against.

The LA is under a legal duty to publish a policy that reflects these provisions.

## **A2 Definitions**

### **A2.1 Catchment**

All community and voluntary controlled schools maintained by North Lincolnshire Council have defined catchment areas as part of their admission arrangements. For the purposes of home to school transport the council also has defined catchment areas for non-maintained schools, including academies. If a school converts to an academy after this policy has been approved, the academy's catchment area will be deemed as the last catchment area determined by North Lincolnshire Council for the community or controlled school.

### **A2.2 Shortest Available Route**

Routes are measured from the nearest point that the home property meets the public highway (e.g. front gate) to the nearest school entrance, which is designated by the school as one that pupils may use. Private driveways and farm tracks are not included in the calculations. Measurements are strictly applied. To do otherwise would lead to inconsistencies and unfairness. The distance is measured on a computerised geographic mapping system (GIS) using ordnance survey information.

Walking routes (3 miles and under) may include footbridges and public rights of way. Driving routes are road routes.

An available route is the shortest one along which a child accompanied by a responsible adult as necessary, can walk to school reasonably safely.

Reasonable safety is determined following guidelines set out by Road Safety GB, see **hazardous journey** below

### A2.3 Qualifying School

For children without an Education, Health and Care Plan (EHCP), these are:

- Community, foundation or voluntary schools
- Community or foundation special schools
- Non maintained special schools
- Pupil referral units or other provision in which the council has placed the child
- Academies, university technical colleges, city technical colleges, city colleges for the technology of the arts

For children with an Education, Health and Care Plan (EHCP), these are:

- As above, plus
- Independent schools if it is the only school named in the plan, or the nearest of two schools named in the plan

If the child is attending an independent school, which is not a qualifying school, that school will be deemed a qualifying school if it is the nearest school at which the child can become a registered pupil.

### A2.4 Religion of Belief

Parents must have chosen a school on the basis of their faith. Evidence is needed, such as that provided by the admission category under which the child was offered a place, and a signed statement from a minister or religious leader to confirm that the parent's belief is genuinely held. The parent's faith does not have to be the same as the school's denomination, but they must have chosen the school because they believed that the faith school would provide education more in line with their faith than a non-faith school.

### A2.5 Road Safety GB Guidelines

Where a parent questions the suitability of a walking route, a council officer will complete an assessment applying Road Safety GB guidance. The guidance takes account of the following factors:

- If there is a footpath along the entire route it will almost always be considered suitable
- Absence of a footpath will not necessarily make the route unsuitable, as long as there is room to step off the road and allow traffic to pass
- Blind bends, sight lines and road narrowing
- Road crossing points and traffic volumes

**Note** – lonely roads, moral danger, water courses, unmanned level crossings, motorway bridges and absence of street lights are not factors taken into consideration when making a route assessment. Neither are parents' financial circumstances, domestic arrangements and weather conditions taken into account.

## **A2.6 Managed Moves**

At times it may be appropriate for the Local Authority to ask schools to admit a pupil from another mainstream school, for reasons other than that the pupil has moved into a new school catchment area. For example, this may happen when parents and the school agree that the pupil concerned is at risk of a underachievement, educational disengagement and even permanent exclusion due to the pupil's attitude/behaviour in their current school or if relationships have broken down between the pupil and/or parents/carers concerned and the current mainstream school.

Heads and principals have agreed to co-operate with a protocol that is followed on these occasions, which involves the Authority identifying an alternative school for the pupil and helping with their reintegration at the new school.

Normally the school will be that nearest to the pupil's home address. Parental preference will also be taken into account, but this may affect eligibility for transport support if the school preferred by the parent is not the nearest suitable school.