



**City of York Council
Home to School
Transport Policy
2008/2009**

Introduction

Section 508B of the Education Act 1996 Act (inserted by Education and Inspections Act 2006) deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.

Parents are responsible for ensuring that their children attend school regularly. However, section 444 of the 1996 Act outlines the situations in which a parent may have a defence in law against a prosecution by a local authority for their child's non-attendance at school. Section 444(3B) provides a parent with a defence if he or she proves that:

- the qualifying school at which the child is a registered pupil is not within statutory walking distance;
- no suitable arrangements have been made by the local authority for boarding accommodation at or near to the school;
- no suitable arrangements have been made by the local authority for enabling the child to become a registered pupil at a qualifying school nearer to his/her home; and
- the local authority has a duty to make travel arrangements in relation to the child under section 508B and has failed to discharge that duty.

Schedule 35B of the 1996 Act (inserted by the Education and Inspections Act 2006) 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, these arrangements must be provided free of charge.

This policy document is divided into the following parts:

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| Part A | Home to School Transport for Children Attending Mainstream Schools |
| Part B | Home to School Transport for Pupils Requiring Special Arrangements |
| Part C | Home to School Transport on the Grounds of Religion or Belief |
| Part D | Removal of Free Travel Arrangements |
| Part E | Review of Decisions |
| Part F | Post 16 Transport |

The provisions set out in this policy include places other than schools where a child is receiving education by virtue of arrangements made under section 19(1) of the Education Act 1996 by the Local Authority.

This policy only applies to children of statutory school age who are resident in the area covered by the City of York.

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PART A

Home to School Transport Policy for Children
Attending Mainstream Schools

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1 Statement of Intent

The purpose of this policy is to support the attendance at qualifying schools of eligible children who are of statutory school age by the provision of free transport.

2 Meanings

2.1 Qualifying schools are:

- (i) community or voluntary schools;
- (ii) pupil referral units;

A qualifying school also includes places other than a school at which a pupil might receive education under section 19(1) of the Education Act 1996.

2.2 Eligible children are:

- (i) children who cannot reasonably be expected to walk to their catchment area school because of the unsafe nature of the routes;
- (ii) children who live 2 miles (using the shortest, safest walking route) from their catchment area primary school;
- (iii) children who live 3 miles (using the shortest, safest walking route) from their catchment area secondary school;
- (iv) children entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit who are aged 11 to 16 and attend one of their three nearest qualifying schools which is above 2 miles but less than 6 miles from their ordinary place of residence.

2.3 Distance

Distance is measured by:

- (a) shortest, safest walking for options (i), (ii) and (iii) in paragraph 2.2
- (b) shortest distance by road for option (iv) in paragraph 2.2.

2.4 Ordinary place of residence

The child's place of residence will be deemed to be the residence at which the child resides during the normal school week at the closing date for receiving applications for admission to school during the normal admission round.

3 Travel arrangements

3.1 Travel arrangements are those provisions made by the Local Authority for children to receive free home to school transport.

3.2 The duty to provide free home to school transport will be for the journey at the:

- (a) start of the school day; and
- (b) end of the school day.

3.3 The school day is deemed to be the session times as approved by the governing body of the qualifying school.

3.4 Nothing in the travel arrangements made for any child shall be for any travel between education institutions during the school day. Where a child moves from one establishment to another, in order to receive education, that cost will fall to the school to pay.

3.5 For arrangements to be free of charge, every feature of the arrangements will be free, except the provision of photographs (where required), which cost shall fall to the parent/carer to pay.

3.6 Travel arrangements will be:

- (a) normally a travel pass unless not suitable for the child's needs; or
- (b) refunded travelling expenses according to the cheapest available public transport route; or
- (c) mileage expenses in accordance with the Council's current rate for pupils requiring special arrangements; or
- (d) a place in a vehicle contracted by the authority to supply home to school transport (taxi, mini-bus or bus/coach); or
- (e) the provision of a cycling allowance; or
- (f) employ a walking escort/chaperone.

4 Provision of free travel

4.1 Children who cannot reasonably be expected to walk to school.

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- (a) Where children live within the statutory walking distance of their catchment area school and it is suspected that there is no available walking route to that school the Local Authority will undertake a risk assessment of the route.
 - (b) Where the outcome of the risk assessment is that the route is not available to the child (accompanied by the parent/carer) free travel will be provided.
 - (c) In the circumstances where the risk assessment shows that the route is available, then the parent has the right to have that decision reviewed in accordance with the Council's procedure.
- 4.2 Children who live above 2 miles (using the safest, shortest walking route) from their catchment area primary school from their ordinary place of residence.
- 4.3 Children who live above 3 miles (using the safest shortest walking route) from their catchment area secondary school from their ordinary place of residence.
- 4.4 Children entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit .

(a) *Secondary School*

Where a child has attained the age of 11 years and :

- (i) is attending a secondary school; and
- (ii) that secondary school is one of the three nearest to their ordinary place of residence; and
- (iii) that school is above 2 miles but below 6 miles from their ordinary place of residence;

they shall receive free home to school transport.

- (b) Where a parent is offered a place at a school as a result of an independent appeal for admission to that school, the child will be eligible for free home to school transport where the conditions in paragraph 4.4(a) are met.
- (c) For pupils transferring into the school following 1 September paragraphs 4.4(a) and (b) shall apply.
- (d) The date of eligibility for paragraph 4.4(a) shall be 1 September 2008,

5 Eligibility

- 5.1 The assessment of a child's eligibility for free home to school transport to secondary school, will in the first instance be the 1 March for pupils transferring from primary to secondary school, and subsequently confirmed before 1 July in that same school year.
- 5.2 Once eligibility has been determined and confirmed then the pupil will remain eligible for the entirety of the school year for which the assessment is made unless the child's home address changes when a reassessment of eligibility will take place.
- 5.3 In each subsequent year the child's eligibility will be re-assessed on 1 July.

6 Discretionary provisions related to the statutory walking distance for secondary schools.

- 6.1 Where a child is attending a secondary school and they move house and the parent wishes the child to continue at the school the Council will consider providing free home to school or making a contribution towards the transport costs if the pupil is in year 10 or 11. The authority in considering the exercise of discretion will take into account the cost of providing transport, the length of journey, the ease of transferring to a nearer school and whether the change of address was voluntary or forced.
- 6.2 Where pupils are absent from their normal place of residence for reasons beyond the control of the parents, the authority may provide transport for up to three months from a temporary address if it is beyond walking distance from the school attended. This may include where pupils are being 'looked-after' by the authority on a temporary basis or where a family has been re-housed on a temporary basis by a housing association or authority.
- 6.3 Where a pupil of compulsory school age lives within walking distance of school, but is unable to walk to school because of a medical condition, free transport will be provided.

Evidence of a medical condition will be required from the family Doctor, though the authority reserves the right to seek further evidence.

Discretion is not normally exercised to support pupils who are attending a school that is other than their catchment area school. This is because transport is a parental responsibility for the whole time the child is at the preferred school.

- 6.4 The Local Authority has the discretion to make such school travel arrangements as considered necessary for any child not already

provided for in this section of the policy for the purpose of facilitating their attendance at school.

7 Transitional arrangements in the event of the re-organisation of school provision

7.1 In circumstances where the Council proposes to re-organise school provision which involves the discontinuing of existing schools and the establishing of new schools, transitional arrangements may be made in respect of the provision of home to school transport, which may also include the provision of free transport to pupils who would not ordinarily be eligible.

7.2 Transitional arrangements shall be determined by the Authority.

7.3 Where transitional arrangements are approved they will be stated in the appropriate statutory notices.

PART B

Home to School Transport Policy for Pupils
Requiring Special Arrangements

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1 Statement of Intent

The purpose of this policy is to support the attendance at qualifying schools of eligible children who are of statutory school age who have special education needs, disability or a mobility problem by the provision of free transport.

2 Meanings

2.1 Qualifying schools are:

- (i) community or voluntary schools;
- (i) community special schools;
- (iii) non-maintained special schools;
- (iv) pupil referral units.

A qualifying school also includes places other than a school at which a pupil might receive education under section 19(1) of the Education Act 1996.

2.2 Eligible children are:

- (i) children with a statement of special education needs;
- (ii) children with a disability;
- (iii) children with a statement of special education needs who are entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit who are aged 11 to 16 and attend one of their three nearest qualifying schools which is above 2 miles but less than 6 miles from their ordinary place of residence. This applies from September 2008. The distance is measured using the shortest distance by road

2.4 Ordinary place of residence

- (a) The child's place of residence will be deemed to be the residence at which the child resides during the normal school week at the closing date for receiving applications for admission to school during the normal admission round.
- (b) Where the child subsequently move address the eligibility for free home to school transport will be re-determined.

3 Travel arrangements

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- 3.1 Travel arrangements are those provisions made by the Local Authority for children to receive free home to school transport.
- 3.2 The duty to provide free home to school transport will be:
- (a) for children attending a school on a daily basis will be for the journey at the:
 - (i) start of the school day; and
 - (ii) end of the school day.
 - (b) weekly residential place:
 - (i) one journey at the start of the school week; and
 - (ii) one journey at the end of the school week.
 - (c) termly residential place:
 - (i) one journey at the start of each half-term; and
 - (ii) one journey at the end of each half-term.
- 3.3 The school day is deemed to be the session times as approved by the governing body of the qualifying school.
- 3.4 Travel arrangements will be:
- (a) normally a travel pass unless not suitable for the child's needs; or
 - (b) refunded travelling expenses according to the cheapest available public transport; or
 - (c) mileage expenses in accordance with the Council's current rate for pupils transported in the parent's/carer's own vehicle; or
 - (d) a place on a vehicle contracted by the authority to provide home to school transport (taxi, mini-bus or bus/coach); or
 - (e) access to the YILTS training package if appropriate; or
 - (f) employ a walking escort or chaperone.
- 3.5 Nothing in the travel arrangements made for any child shall be for any travel between education institutions during the school day. Where a child moves from one establishment to another, in order to receive education, that cost will fall to the school to pay. In some circumstances pupils will be formally dual placed at two educational establishments meaning they will be on the roll of two schools. In these cases transport will be considered to ensure the pupil is able to attend both establishments.

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- 3.6 For arrangements to be free of charge, every feature of the arrangements shall be free, except the provision of a photograph, where appropriate, which cost shall fall to the parent to pay.
- 3.7 The York Transport Team will make arrangements to provide escorts to accompany children subject to taking account of:
- (a) a risk assessment of the child needs;
 - (b) age of the child;
 - (c) length of journey.

The provision of Escorts will be subject to a continuous review undertaken by the Education Officer (SEN & Transport) and School Transport Officer.

The provision of an Escort will not be written into the statement of special education needs.

4 Provision of free travel

- 4.1 Children with a statement of special education needs.
- (a) For children attending a special school maintained by the Authority and it is named in their statement of special education needs, free home to school transport will be provided for full time pupils:
 - (i) up to the age of 11 years who live over 2 miles from the special school;
 - (ii) in Year 7 to the end of Year 11 for those children who live over 3 miles from the special school.
 - (b) Where a child does not qualify for free home to school transport under paragraph (a) free transport may be provided subject to an assessment by the SENAP (Special Educational Needs Assessment Panel – see paragraph 5).
 - (c) Where a child attends a special school or other specialist provision maintained by another local authority or body, free home to school transport will be provided as set out in paragraphs 4.1 (a) and (b).
 - (d) Where a child attends a specialist unit maintained by the Authority the entitlement at paragraphs 4.1 (a) and (b) will similarly apply.
 - (e) Where a child has a mainstream school that is determined and named in their statement of special education needs by the Authority and is above the statutory walking distance, free home to school transport may be provided, subject to an assessment by the SENAP.

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- (f) Where the mainstream school named in the child's statement of special education needs is their catchment school and is nearest to their home and is below the statutory walking distance, free home to school transport may be provided, subject to an assessment by the SENAP.
- (g) Where a child has a mainstream school that is determined and named in their statement of special education needs by the Authority and where the identified school is not their catchment school but it is the nearest school to their normal place of residence and is below the statutory walking distance free home to school transport may be provided, subject to an assessment by SENAP.
- (i) The provision of free home to school transport will not be written into the statement of special education needs.
- (ii) The Authority in this instance may insist on the parent/carer paying some or all of the transport costs.
- 4.2 Children with special requirements or that is: a disabled child; a child with mobility problems.
- (a) Children with physical and/or medical difficulties may be provided free transport at the discretion of the Authority subject to an assessment by the SENAP.
- (b) The conditions in paragraph (a) above can be permanent or temporary.
- 4.3 Children entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit and the parents have exercised parental preference.

The provisions set out in paragraphs 4.3 (a) to (i) apply to those children not in receipt of free home to school transport set out 4.1 and 4.2.

(a) *Primary School*

Where a child has attained the age of 11, they will be provided with free home to school transport to their catchment area school where it is more than 2 miles from their ordinary place of residence.

(b) *Secondary School*

Where a child has attained the age of 11 years and :

- (i) is attending a secondary school; and

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- (ii) that secondary school is one of the three nearest to their ordinary place of residence; and
 - (iii) that school is above 2 miles but below 6 miles from their ordinary place of residence;

they shall receive free home to school transport.

- (c) Where a parent is offered a place at a school as a result of an independent appeal for admission to that school, the child will be eligible for free home to school transport where the conditions in paragraph 4.3(b) are met.
- (d) For pupils transferring into the school following 1 September paragraphs 4.3 (a), (b) and (c) shall apply.

4.4 In-Year Fair Access Protocol

Primary and Secondary Schools

- (a) Where the Reintegration Panel determines, under the provisions of the In-Year Fair Access Protocol, that a child is provided with an alternate school place, free travel arrangements will be provided where it is considered necessary in order to ensure the attendance of that child at the alternate school.
- (b) Free travel arrangements will be:
 - (i) normally a travel pass unless not suitable for the child's needs; or
 - (ii) refunded travelling expenses according to the cheapest available public transport; or
 - (iii) mileage expenses in accordance with the Council's current rate for pupils transported in the parent's/carer's own vehicle.
 - (iv) A place on a vehicle contracted by the authority to provide home to school transport.

5 **Special Educational Needs Assessment (SENAP)**

- (a) The membership of SENAP includes :
 - (i) Head of SEN Services;
 - (ii) Education Officer (SEN and Transport);

(iii) Inclusion Development Worker

(iv) Parent Partnership Officer

- (b) SENAP will review the individual circumstances of the child and make a determination as to whether or not the child receives free home to school transport (see Criteria for the provision of discretionary transport).
- (c) Where during the course of any school year SENAP determine that the provision of free home to school transport need no longer be provided it will cease at the end of the term in which the Panel's decision was made.
- (d) Where a child receives free home to school transport it will be subject to review on an annual basis and particularly at:
- (a) at the end of Year 6;
 - (b) during Year 11 for those children transferring to Post 16 in a maintained school;
 - (c) following the successful completion of Independent Travel Training (YILTS).

The parents of some pupils may be in receipt of the higher rate mobility component (HRMC) of the Disability Living Allowance (DLA). This is the gateway to the Motability scheme that supplies vehicles, adapted or unadapted, in return for the DLA, usually on contract hire terms. If a pupil is the HRMC recipient and the family obtain a vehicle through the Motability scheme, then the vehicle is supposed to be used for the benefit of the disabled pupil. When determining whether or not to provide travel assistance, the SENAP may take account of a Motability car where this has been provided for the benefit of the pupil.

Similarly SENAP will take account of the HRMC of the DLA where this has been provided for a child but has not been used to obtain a vehicle.

PART C

Home to School Transport on the Grounds of
Religion or Belief

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1 Statement of Intent

The purpose of this policy is to support the attendance at qualifying schools of eligible children where the parents have expressed a preference on the grounds of religion or belief (For definition see annex A).

2 Meanings

2.1 Qualifying schools are:

- (i) community, foundation or voluntary schools;
- (ii) community or foundation special schools;
- (iii) non-maintained special schools;
- (iv) pupil referral units;

A qualifying school also includes places other than a school at which a pupil might receive education under section 19(1) of the Education Act 1996.

2.2 Eligible children:

- (a)
 - (i) children who are entitled to free school meals or whose parents are in receipt of their maximum level of Working Tax Credit; and
 - (ii) are aged 11 to 16; who have been allocated a place at a nearest suitable school preferred on the grounds of religion or belief where their ordinary place of residence is more than 2 miles, but not more than 15 miles from that school;
- (b)
 - (i) children who are entitled to free school meals; and
 - (ii) are aged 5 to 11; and are attending their nearest suitable school preferred on the grounds of religion or belief where their ordinary place of residence is more than 2 miles from that school.
- (c) Children not entitled to free school meals and whose parents are not on the maximum level of Working Tax Credit but are attending their nearest suitable school preferred on the grounds of religion or belief where their ordinary place of residence is:

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- i. over 2 miles for primary school pupils; or
 - ii. over 3 miles for secondary school pupils;

from that school.

2.3 Ordinary place of residence

- (a) The child's place of residence will be deemed to be the residence at which the child resides during the normal school week at the closing date for receiving applications for admission to school during the normal admission round.
- (b) Where a child subsequently moves address, the eligibility for free home to school transport will be re-determined.

2.4 Distance

Distance is measured by:

- (a) for children set out in paragraph 2.2 (a) and (b) on roads suitable for a motor vehicle;
- (b) for children set out in paragraph 2.2 (c) suitable walking route.

3 Travel arrangements

3.1 Travel arrangements are those provisions made by the Local Authority for children to receive free home to school transport.

3.2 The duty to provide free home to school transport will be for the journey at the:

- (a) start of the school day; and
- (b) end of the school day.

3.3 The school day is deemed to be the session times as approved by the governing body of the qualifying school.

3.4 Nothing in the travel arrangements made for any child shall be for any travel between education institutions during the school day. Where a child moves from one establishment to another, in order to receive education, that cost will fall to the school to pay.

3.5 For arrangements to be free of charge, every feature of the arrangements will be free, except the provision of photographs, which cost shall fall to the parent to pay.

3.6 Travel arrangements will be:

- (a) normally a travel pass unless not suitable for the child's needs; or

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- (b) refunded travelling expenses according to the cheapest available public transport route; or
 - (c) mileage expenses in accordance with the Council's current rate for pupils requiring special arrangements; or
 - (d) the provision of a cycling allowance.
 - (e) a place on a vehicle contracted by the authority to provide home to school transport;
 - (f) employ a walking escort or chaperone.

4 Provision of free travel

- 4.1 Free home to school travel will be provided for eligible children where it can be demonstrated that attendance at a qualifying school is on the grounds of religion or belief.
- 4.2 Evidence to support the following will be provided by the parent:
 - (i) where the preference to attend a school is based on the parent's religion or belief;
 - (ii) where the parent does not wish the child to attend a school which is any of three schools nearest their home and within 2 miles based on the parent's religion or belief.

5 Eligibility

- 5.1 In each subsequent year the child's eligibility will be re-assessed on 1 July.

PART D

Removal of Free Travel Arrangements

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- 1 The Authority shall withdraw the provision of free home to school transport where it is considered that a child has demonstrated such poor behaviour whilst using that transport as to put at risk:
 - (a) the driver of the vehicle; or
 - (b) other passengers; or
 - (c) used threatening or violent language; or
 - (d) damage to the vehicle.
 - 2 The withdrawal of free home to school transport will be:
 - (a) temporary; or
 - (b) permanent.
 - 3 Temporary shall be a specified number of weeks and permanent shall be for the remainder of the school year.
 - 4 Where a permanent withdrawal is imposed during the Spring and Summer terms the authority will consider continuing imposing the withdrawal of transport for the equivalent of three school terms.
 - 5 The withdrawal of home to school transport (either temporary and permanent) on a particular child shall not imply that travel arrangements were not necessary and should not be provided. The withdrawal would be saying travel arrangements were necessary and had been made, but that the child's behaviour was such that they cannot take advantage of it.
 - 6 Nothing in this policy prevents the operator of a commercial service to exclude a child if they demonstrate poor behaviour as set out in paragraph 1.

PART E

Review of Decisions

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- 1 Any parent who makes an application for free home to school transport under the provisions set out in the Council's Policy and that application is refused will have the right to have their case reviewed.
 - 2 The review procedure is set out below.
 - (i) The parent/carer will be requested to submit a notice of review setting out the ground for their review in accordance with paragraph 7.
 - (ii) The documentation relating to the parent's/carer's case along with the comments of the authority will be presented to a review panel comprising three elected members.
 - (iii) A meeting shall be convened within 30 working days to consider the parent's case based on the documentation provided.
 - (iv) The decision will be:
 - (a) to uphold the decision not to provide free home to school transport;
 - (b) reverse the original decision and provide free home to school transport. The Review Panel can approve transport for a limited period subject to a review.
 - 4 The procedure for hearing the appeals is set out below.
 - (a) Local Authority (LA) representative to give evidence on the authority's decision.
 - (b) Parents to ask questions of the Local Authority representative.
 - (c) Panel to ask questions of the Local Authority representative.
 - (d) Parents to give evidence in support of their appeal.
 - (e) LA representative to ask questions of parents.
 - (f) Panel to ask questions of parents.
 - (g) Summing up by LA representative.
 - (h) Summing up by Parents.

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- (i) LA representative and parents to retire.
 - (j) Panel decision, with reasons, to be announced.
 - (k) Decision to be sent in writing to parents.
- 5 Notification of the decision made at the review will be sent to the parent(s)/carer(s) in writing giving a reason for the decision.
- 6 Nothing in this review procedure prevents the parent making a complaint to the Local Government Ombudsman.
- 7 Grounds for requesting a review of the Authority's decision not to provide free home to school transport are:
- (a) suitable walking route;
 - (b) measurement of distance;
 - (c) determination of eligibility;
 - (d) another qualifying school;
 - (e) religion or belief;
 - (f) exclusion from transport;
 - (g) SEN transport.

PART F

Post 16 Transport Eligibility

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- 1 For students over compulsory school age the policy of the authority to enable a student to qualify for free transport is that they must fulfil the following conditions:
 - (i) the student must be aged post 16 but under 19 on the 31 August 2009; and
 - (ii) the students parents' joint net income must have been less than £14,495 during the financial year ending 5 April 2008; and
 - (iii) the nearest educational establishment offering the students chosen course is more than 3 miles using the shortest, safest walking route from their ordinary place of residence; and
 - (v) the student is attending a full-time course
 - 2 For students who are not eligible for assistance under the authority's policy, can occupy seats on a concessionary basis on a vehicle contracted by the authority for home to school transport work if places are available.
 - 3 For post 16 students with special educational needs please refer to Section B (Transport policy for pupils requiring special arrangements)
 - 4 Assistance with transport for those students who have reached the age of 19 are considered by the authority's Adult Services directorate.