Transport to and from School - Mainstream Policy

Responsible Officer: Andrew Sneddon

Date of Next Review: Session 2027/28

1.0 Policy Background and Statutory Position

1.1 Section 51 of the Education (Scotland) Act 1980, as amended, requires education authorities to make such arrangements as they consider necessary for the provision of transport to and from school.

1.2 Section 42 (4) of the Education (Scotland) Act 1980 sets a statutory walking distance of 2 miles for any pupil under the age of 8, and three miles for any other pupil.

1.3 West Lothian Council has agreed to provide free transport to and from their designated catchment school for all secondary pupils living more than 2 miles from their designated catchment school and for all primary pupils living more than 1.5 miles from their designated catchment school.

1.4 If a place cannot be granted at a catchment school, transport to and from the nearest equivalent West Lothian school will be provided as long as the distance from home to school by a suitable walking route is over the qualifying distance (1.5 miles for primary pupils and 2 miles for secondary pupils.)

1.5 Where a pupil does not qualify for free transport to and from school, parents/carers are responsible for travel to and from school. In cases where transport to and from school is provided, the parent/carer is responsible for supervising the pupil's journey to and from the bus stop or pick-up point and set down point.

1.6 Scottish Executive Education Department Circular 7/2003 states that Education Authorities have a common law duty of care for the safety of pupils under their charge and this duty extends to pupils using transport to and from school.

1.7 There is no statutory requirement for education authorities to provide supervisors on school transport.

1.8 A separate **Transport to and from School – Additional Support for Learning** policy deals with transport for pupils attending additional support for learning schools and classes. Applications for transport to and from school on behalf of pupils with additional support for learning needs who are integrated into mainstream schools fulltime are dealt with in terms of this Transport to and from Schools- Mainstream policy. Applications for transport to and from school on behalf of pupils with additional support for learning needs who are integrated into mainstream schools on a less than fulltime basis are dealt in terms of the **Transport to and from School – Additional Support for Learning** policy.

2.0 Seat Belts

2.1 Coaches (large buses with a maximum gross weight of more than 7.5 tonnes and with a maximum speed exceeding 60 mph) and minibuses (vehicles designed or adapted to carry more than 8, but not more than 16 seated passengers in addition to the driver) must be fitted with seat belts when carrying three or more children aged three or over but under the age of 16. The Road Vehicles (Construction and Use) Regulations 1986 (as amended) require that a forward facing seat must be provided with a seatbelt in these circumstances. For vehicles first used on or after 1 October 2001, rearward facing seats may also be used subject to these complying with seatbelt requirements. In addition, from 1 October 2001 seat belts have been required in all forward and rearward facing seats of all new minibuses, coaches and buses (apart from those specifically designed for urban use with standing passengers.)
This requirement applies to transport to and from school and all school excursions.

2.2 All transport to and from school and transport for school excursions carrying primary school pupils must use vehicles equipped with seat belts.

2.3 Transport to and from school and transport for school excursions carrying secondary school pupils need not use vehicles equipped with seat belts, as long as legislative requirements are met.

2.4 It is the driver's legal responsibility to ensure that pupils under 14 years of age, travelling in vehicles designed to carry 16 seated passengers in addition to the driver, wear the seat-belts provided. Passengers aged 14 years and over are themselves responsible for doing so. This requirement applies to transport to and from school and all school excursions.

2.5 Where a minibus is being driven by a contracted operator, the driver will be responsible for ensuring that legislative requirements are met regarding seatbelts. Where a Council employee is driving a minibus, that employee will be responsible for ensuring that legislative requirements are met regarding seatbelts, and advising and reminding all pupils to use seat-belts provided.

2.6 School staff should advise and remind pupils to use seat-belts provided, for example at school assemblies. Parents/carers should be asked to reinforce this message with pupils, for example in school handbooks, websites and newsletters.

3.0 Transport to and from School – Supervision of Arrival and Departure

3.1 Headteachers must conduct a risk assessment of arrangements for supervising arrival and departure of pupils on transport to and from school. This will be retained in writing and reviewed annually or whenever there is a significant change in arrangements for transport to and from school.

3.2 Consideration of any risk arising from transport will be part of the process of planning any school excursion.

3.3 This policy will form the basis for managing supervision of arrival and departure of pupils on transport to and from school, although it is recognised that Headteachers will have to exercise discretion in relation to the particular layout of their school site and any particular local circumstances. Risk assessments should take account of the individual circumstances and layout of school grounds and reflect good practice in endeavouring to minimise risks to pupils. The level of supervision required will depend on the outcome of the risk assessment.

3.4 ***There is a general expectation that departure of transport from school will be supervised, especially where multiple vehicles are present at the same time. All supervision must be achievable within the resources available to the school's management.***

3.5 ***There is no general expectation placed on schools that the arrival of transport to school will be supervised, except where required due to the particular layout of their school site and any particular local circumstances following a risk assessment. Playground supervision is in place at all primary schools for 20 minutes before the start of the school day, and such staff may, dependant on the particular layout of the school site, monitor the arrival of pupils from transport to school whilst undertaking their principal task of supervising the playground. All supervision must be achievable within the resources available to the school's management.***

3.6 Schools must ensure that pupils are released from classes in good time to allow them to board transport from school without unnecessary haste, which can give rise to risk.

3.7 Transport timetables specified to contracted operators by the Public Transport Unit after consultation with the school must be adhered to by contract drivers. Any deviation from the agreed time-table should be reported to the Public Transport Unit. Any change to the agreed timetable can only be made with the agreement of the Public Transport Unit.

3.8 There is no expectation that a register of pupils will be taken before a bus departs. School staff and bus drivers cannot be expected to know if all pupils who should be travelling are on board.

4.0 Transport to and From School - School Staff Responsibilities

4.1 School staff can contribute to safety and efficiency of transport to and from school by:-

- Ensuring that pupils understand the rules for safe travel on transport to and from school, including the consequences of misbehaviour and banned activities such as smoking, vandalism, fighting, moving about the vehicle and tampering with the emergency doors and windows.
- Taking firm action against any pupil reported misbehaving, behaving dangerously or smoking on or around transport to and from school in co-operation with operators and the Public Transport Unit.
- Warning pupils of the danger of distracting the driver's attention on the vehicle.
- Encouraging pupils to stand back from the edge of the kerb when waiting for the bus.
- Ensuring that all pupils and parents are aware of contingency plans for bad weather and other emergency situations which may prevent transport to and from school from running.
- Reminding all pupils and parents/carers, for example at assemblies and in school handbooks, that they should have in place a contingency plan for any occasion that the pupil misses transport to school, or where transport does not arrive.
- Putting in place a contingency plan for situations where a pupil misses transport from school at the end of the school day, and publicising this, for example in school handbooks and at assemblies.
- Advising and reminding pupils to use seat-belts provided, for example at school assemblies. Parents/carers should be asked to reinforce this message with pupils, for example in school handbooks, websites and newsletters.

5.0 Behaviour on Transport to and from School

5.1 Operators must report misconduct or disturbance by pupils to the school so that appropriate action may be taken. In serious cases of misconduct or disturbance, the pupil's travel permit may be withdrawn. Schools will take appropriate action, and involve the pupil's parent/carer in seeking assurances regarding future behaviour and a negotiated return to transport. The Public Transport Unit will liaise with the operator in this regard.

6.0 Award of Free Transport to and from School

6.1 The Public Transport Unit is responsible for the provision of free transport to and from mainsteam schools

6.2 The parents/carers of pupils wishing transport to and from school must make written application to the Public Transport Unit. Application forms and guidance notes are available in each school and from the Public Transport Unit.

6.3 The Public Transport Unit will issue permits to pupils whose applications are approved. Operators must only carry pupils who hold permits issued by the Public Transport Unit, and will not carry pupils at the request of Headteachers, parents/carers or any other person.

6.4 Free transport to and from school may be awarded on the following grounds:-

- the distance from home to school by a suitable walking route is over the qualifying distance (1.5 miles for primary pupils and 2 miles for secondary pupils.)
- no suitable walking route from home to school exists
- medical reasons
- the parent has requested Gaelic Medium Education or a curricular subject not available in West Lothian
- the pupil is resident at a temporary address/Women's Refuge
- a catchment school cannot admit the pupil
- the pupil is in care
- childminding arrangements

6.5 Where free transport is awarded, it is by means of contracts with bus, minibus taxi/private hire car providers. Season tickets on public service routes may be provided where appropriate.

7.0 Award Criteria - Distance

7.1 All pupils living within the catchment area of the school they attend qualify for free transport if their home is more than 2 miles, for secondary pupils, and 1.5 miles, for primary pupils, from the school. The home is defined as that of the parent or legal guardian. The distance is measured as the shortest suitable walking distance from home to school using public footpaths between the house gate (or door where this does not apply) and the nearest school gate.

8.0 Award Criteria - No Suitable Walking Route to School

8.1 Pupils qualify for free transport to and from the catchment school, or the nearest equivalent West Lothian school if a place cannot be granted at a catchment school, if the Council agrees there is no suitable walking route to school. The standard criteria for suitable routes are that they are of adequate width, have an all weather surface, and are street lit. Routes which cross or follow derestricted main roads may not be considered suitable for primary aged pupils.

8.2 The Council will take reasonable steps to ensure the suitability of walking routes to schools, including improving lighting and lighting repairs, and cutting back vegetation.

8.3 Free transport to and from school is not provided on the grounds of personal safety. The Council does not consider any route in West Lothian unsafe for a responsible adult to follow on the grounds of personal safety.

8.4 The Council is committed to safe and healthy travel to school, to improving walking and cycling routes to schools and to road safety education in terms of the Curriculum for Excellence. The Council cannot, however, guarantee the safety of any pupil travelling to or from school.

9.0 Award Criteria - Medical Reasons

9.1 Transport to and from school for medical reasons will normally be granted only to those pupils attending their catchment school.

9.2 A parent requesting free transport to and from school for medical reasons, or requesting special equipment or arrangements for medical reasons, should ask their school to apply to NHS Lothian on their behalf. NHS Lothian will provide a written response to the Council. The Council will follow the recommendations of NHS Lothian in relation to the provision of transport to and from school for medical reasons, and requests for special equipment or arrangements.

9.3 All decisions regarding transport to and from school on medical grounds will be taken with regard to the Council's duties under equalities legislation.

10.0 Award Criteria – Request for Gaelic Medium Education/Curricular Subject Not Available in West Lothian

10.1. West Lothian Council does not have any schools offering Gaelic Medium Education, and will provide transport to a Gaelic medium school that is located in an authority that shares a boundary with West Lothian or in Glasgow. This will be in the form of a bus and/or rail pass. Pupils may have to make more than one change of transport. If public transport to the venue of the chosen subject is not a reasonable option due to travelling times or poor services, the Council will only contribute the equivalent of a public transport fare.

10.2 Where West Lothian Council does not have any schools offering a particular subject or course, the Council may provide transport to a school that is located in an authority that shares a boundary with West Lothian or in Glasgow. This will be subject to the approval of the Head of Service with responsibility for the school the pupil attends. This will be in the form of a bus and/or rail pass. Pupils may have to make more than one change of transport. If public transport to the venue of the chosen subject is not a reasonable option due to travelling times or poor services, the Council will only contribute the equivalent of a public transport fare.

11.0 Award Criteria - Pupil Resident at Temporary Addresses/Women's Refuges

11.1 The Council recognises that moving school as a result of a temporary change of address may have a detrimental effect on a pupil's education and for this reason transport to and from school may be provided.

11.2 The Council will provide transport to and from school from temporary address/women's refuges subject to the following:-

- The distance from the temporary address to school by a suitable walking route is over the qualifying distance (1.5 miles for primary pupils and 2 miles for secondary pupils.)
- Parents/carers have applied to the appropriate housing officer and a referral has been made to the Public Transport Unit from the appropriate officer within Housing Services recommending that transport is provided.
- Parents/carers have asked Women's Aid to make a referral to the Public Transport Unit recommending that transport is provided.

11.3 When a family who are in receipt of transport to and from school from a temporary address/women's refuge returns to a permanent home address, transport to and from school will only be provided under the normal qualification criteria.

12.0 Award Criteria - Place Cannot be Granted at Catchment School

12.1 If a place cannot be granted at a catchment school, free transport to and from the nearest equivalent West Lothian school will be provided as long as the distance from home to school by a suitable walking route is over the qualifying distance (1.5 miles for primary pupils and 2 miles for secondary pupils.) If no place exists at any equivalent school within West Lothian, transport to and from an equivalent non-West Lothian school where places are available will be provided, taking account of the Council's duty to obtain best value.

13.0 Award Criteria - Children in Care

13.1 The Council's Social Policy Service is responsible for transport to and from school for pupils in care.

14.0 Award Criteria - Childcare Arrangements

14.1 The Council may agree to provide transport to and from school for pupils being looked after by child-minders on a regular and permanent basis away from their normal home address, subject to the following:-

- The pupil is attending the catchment school for his or her home address, or the nearest equivalent West Lothian school, if a place cannot be granted at a catchment school.
- The pupil is entitled to free transport to and from school from his or her home address to the catchment school, or the nearest equivalent West Lothian school, if a place cannot be granted at a catchment school.
- The child-minders address is within the catchment area of the pupil's catchment school, or the nearest equivalent West Lothian school, if a place cannot be granted at a catchment school, and is more than the qualifying distance from the school.
- Transport will normally only be provided from one address, and not multiple addresses.

15.0 Transport to and from School – Non-Entitled Pupils

15.1 If there is spare seating capacity on any transport to and from schools, this will normally be offered on a fare paying basis.

15.2 Where the route is not fare paying, spare capacity may be offered to non-entitled pupils free of charge at the discretion of the Public Transport Unit.

15.3 Transport provided for non-entitled pupils may be withdrawn at any time in order to allow the Council to meet its obligations in terms of this policy, or its meet its obligations to achieve best value.

16.0 Changes to School Hours - Transport to and from School Arrangements

16.1 The Public Transport Unit must be consulted at least a term in advance on proposal to change school hours as many transport to and from school routes are operated to coincide with adjacent schools' needs or are integrated with public services. It may not be possible to alter school hours if this cannot be done within existing resources.

16.2 Head Teachers must not instruct operators to change their route or other arrangements unless it has been approved by the Public Transport Unit, except to prevent a risk to pupils.

17.0 Contract Conditions

17.1 Operators must comply with the Council's current Conditions of Contract.

17.2 Contracts will be subject to procurement legislation and the Council's Standing Orders.

18.0 Monitoring of Operator Performance

18.1 The Public Transport Unit will assess and monitor the capacity of operators and their performance. All complaints and irregularities are investigated.

18.2 Head Teachers will report any problems with transport to and from school, including with time-keeping, the standard of vehicles, or the conduct of drivers, to the Public Transport Unit.

18.3 Transport to school should arrive at the school not more than 15 minutes and not less than 5 minutes before the start of the school day. Transport from school should be in position prior to the school dismissal time at the end of the school day. Departure at the end of the school day will be 10 minutes after the official dismissal time or otherwise as previously agreed with school staff.

19.0 Procurement of Transport

19.1 Schools should consult the Public Transport Unit in relation to all procurement of transport, in order to achieve best value.

20.0 Curricular Activities - Transport

20.1 Education Services retains responsibility for transport arranged to support curricular activities including:-

- sports and swimming activities out-with the school campus
- Senior Phase Travel or other arrangements for secondary pupils
- attendance at Scottish Centres or Lowport school camps
- school excursions

21.0 Transition Events - Transport

21.1 The Public Transport Unit will transport P7 pupils to the appropriate catchment secondary school for a maximum of three days to support transition from primary to secondary education. This transport will be provided where possible through existing transport to and from schools where there is existing spare seating capacity.

21.2 Schools may request a higher level of service, at their own expense.

22.0 Examinations - Transport

22.1 Where an examination falls on a school day, no additional home to school transport will be provided for examinations which start after the normal school start time.

22.2 Where an examination falls on a day when transport to and from school would not otherwise be provided (including local holidays and in-service days) the Public Transport unit will provide transport to school to arrive in time for the first examination of that day, and transport from school after the last examination of that day.

22.3 Where an examination finishes after the normal departure time for school to home transport, arrangements will be made by the Public Transport Unit to either reimburse journey costs for pupils affected, or to provide transport where it is not feasible for a pupil to travel home independently.

22.4 Schools may request a higher level of service, at their own expense.

23.0 West Lothian College - Transport

23.1 The Public Transport Unit will meet the costs incurred by West Lothian College in providing bus passes to pupils below school leaving age who attend West Lothian College in arrangement with their school. Funding will cease at the end of the school term in which the pupil reaches school leaving age.

24.0 Breakfast Clubs - Transport

24.1 The Public Transport Unit will not provide transport to breakfast clubs unless this can be provided at no additional cost.

25.0 After School Activities - Transport

25.1 The Public Transport Unit will not provide transport in connection with after school activities unless this can be provided at no additional cost.

26.0 Hosting and Permanent Exclusion

26.1 If a child is placed in a host school in terms of the Council's Hosting Policy, the following procedures should be followed:

- the host school will ascertain whether the parent/carer has the capacity (including financial capacity) to ensure that their child gets to the host school safely and on time.
- if this is not possible/feasible then transport will require to be made available.
- this will be organised and approved by the Headteacher of the base school in liaison with the Headteacher of the host school and the Public Transport Unit.
- for the period of the hosting (not exceeding six weeks), transport will be funded by the Public Transport Unit.
- If, after the end of the hosting, the pupil is enrolled at the host school then this shall be treated as a placing request and standard criteria for transport to and from school will apply.

26.2 Following a permanent exclusion, the Council will provide transport to the alternative West Lothian school to which the pupil is admitted, as long as the distance from home to school by a suitable walking route is over the qualifying distance (1.5 miles for primary pupils and 2 miles for secondary pupils.)