

What does the Devon Local Authority (LA) provide in the way of school transport?

The Devon LA meets its duty under the Education Act 1996 to provide transport between home and school or college by adopting the principles explained in the leaflet "A Guide to School Transport in Devon". If you have not already seen a copy, you may ask the Education Transport Team for one. Details of how to contact the Education Transport Team are on the front of this leaflet.

(a) The LA provides transport from home to school for pupils under 16 where the distance is more than three miles (for children born on or before 31 August 1997) or two miles (for children born on or after 1 September 1997) and where the school in question is the one designated by the LA to serve the home address;

(b) Transport will also be provided, if requested, to pupils registered at a school nearest to their home where that is not the designated school, provided it is beyond the walking distance and is suited to the child's age, ability and aptitude;

(c) Students over 16 who are entitled to assisted transport will normally be charged a fee per term. Those entitled to such transport and who are from families in receipt of certain benefits will get free travel;

(d) Where you choose a school that is not designated by the LA to serve your home address or one that is not the nearest to your home, there is no entitlement to transport and in most cases you must make your own transport arrangements and pay any travel costs yourselves;

(e) If spare seats are available on school transport vehicles (and where no public services exist) children who do not qualify for free transport (see (a) above) may be allowed to travel on a concessionary basis, paying a fee in advance. They may be displaced if other children move into the area who are entitled to free transport or where a route is reorganised or it is necessary to hire a smaller vehicle. If this happens you will be given adequate notice so that you can make alternative arrangements.

These principles are part of a comprehensive policy adopted and published by the LA. If you would like more information or advice, please contact the Education Transport Team. You can inspect the full policy document there if you wish.

The law allows, but does not require, the LA to provide transport to other unentitled pupils as it thinks fit. The circumstances where this may be considered are also set out in the policy document.

What can I do if I am not satisfied with my child's school transport arrangements?

The County Council's Children and Young People's Service makes decisions about who is entitled to travel. The Environment, Economy and Culture Directorate arranges the transport. If you are unhappy about either decisions, please contact the Education Team (see back pages) and explain fully what your problem is. Please tell them everything you think is relevant. The decision will be reviewed and if things can be resolved, this will be done as soon as possible. If not, you will be given an explanation why.

What can I do if I am still not satisfied?

The LA has established an Appeals Committee to hear the cases of parents who are not satisfied with its decisions on transport between home and school.

The Committee will listen to and decide upon any representations from parents about the way the LA's policies have been applied and may ask the Council to look into other matters where this seems necessary. It also hears appeals from parents asking it to exercise its discretion to provide transport where there is no entitlement.

The Committee is made up of elected members of the County Council. It usually meets at County Hall, Exeter.

How do I appeal?

The Education Transport Team will give you an appeal form for you to complete and return to the Chief Executive, County Hall, Exeter, EX2 4QD.

Please complete the form, following the instructions carefully. The information you give on the appeal form will help the Committee reach a decision.

If you need help to complete this form, please telephone 01392 382199.

If you mention any medical condition in connection with your appeal, please supply evidence with your appeal form (such as a note from a doctor).

The information you supply on your form will be treated as confidential.

If you wish, the Chief Executive will let your County Councillor know about your appeal and when it will be heard. If you want your Councillor to come to the appeal with you, you will need to contact him or her directly yourself. You can get more information about appeal arrangements from the Committee Secretariat at County Hall on (01392) 382486.

What will the Appeal Committee take into account?

The law states that school attendance is a parental responsibility and only in a minority of cases does the County Council have to provide help. If you are appealing for transport, then this means that the County Council does not normally have to help someone in your situation with school transport. You need to persuade the Appeals Committee to provide transport as an exception to the normal rules.

If your child lives within walking distance of school the Appeals Committee will consider whether you can get your child to school without help from the County Council. The Committee will want to know whether you can walk with your child to school yourself, get help from others to walk with your child to school, drive your child to school, or pay for someone to transport your child to school.

If your child lives within walking distance of school but you think the route is unsafe the Committee will consider:

- the age of the child
- the availability of parents to accompany the child
- road width

- visibility
- the availability of footpaths and verges
- the volume of traffic at relevant times of day
- the accident record along the route
- space between pedestrians and vehicles
- any other information you provide

If your child is attending a school that is not designated to serve your home address, the Committee will consider your reasons for choosing this school. It will also consider whether you can get your child to school without help from the County Council. It will consider whether you can drive your child to school, whether you could pay for your child to use public transport and whether you could get help from others to get your child to school. It will also give full consideration to other factors that you feel are relevant.

What happens next?

A copy of your statement and supporting papers will be sent to the Education Transport Team. That office will prepare a written report saying why you were not offered transport. Both that report and your appeal form and papers will be sent to the Committee and yourself in advance of the hearing.

Can I bring someone with me to the hearing?

Yes. For example, a friend, relative or your County Councillor (see above). At the hearing you or your County Councillor can put your own case and ask questions about the Education Transport Team's report. You might find it helpful to decide in advance who is going to speak and to make a note of things you want to say.

Who will be at the meeting?

Up to six members of the Committee, assisted usually by three officers:

- * The Committee Secretary who records the Committee's decisions and advises on procedure for the conduct of the meeting;
- * A representative of the Children and Young People's Service who advises on the LA's policy, designated areas served by schools and the exercise of member's discretion to vary policy.

- * A representative of the Environment, Economy and Culture Directorate to advise on the availability of buses and other transport services.

These officers only advise. They are not involved in making the decision.

A representative from the Education Transport Team also attends to put the LA's case (see below). This Officer does not advise or take part in making decisions.

What happens at the hearing?

- * When you arrive at County Hall, report to main reception and you will be given directions to the Committee rooms.
- * When you reach the Committee rooms, please wait outside the room until you are called.
- * When you enter the Committee room, the Chairman will welcome you and introduce everyone.

The hearing will follow this format:

- * the representative of the Education Transport Team will be asked to explain why transport has not been provided.
- * you (and your representative) will be invited to explain why your child should be provided with free transport.
- * You (and your representative) may be asked questions about points in your case. You will be given a chance to ask questions as well.
- * You, your representative and the representative of the Education Transport Team will be asked to leave the room
- * The Committee will come to a decision and you will be notified in writing of the decision within seven working days.
- * The decision of the Committee is final.



EDUCATION APPEALS SCHOOL TRANSPORT

A GUIDE FOR PARENTS

April 2007

Education Transport Team contact:

Exeter (01392) 382199
Barnstaple (01271) 388673