



**Cumberland
Council**



How to apply for School Transport 2022/2023 Academic Year

**Information Sheet for
Parents and Carers**

Find out more at [cumberland.gov.uk](https://www.cumberland.gov.uk)

This information sheet explains the responsibilities of parents/carers and Cumberland Council regarding school transport. It also explains how to apply for school transport. Only people residing in the Cumberland Council area will be considered for school transport assistance from Cumberland Council.

Current legislation encourages parents/carers to state their preference of school. This does not mean you can have transport to any school you would like your child to attend. If you think that your school preference could be affected if transport was not available, you should read this information sheet very carefully before you apply for a place.

This information sheet consists of 6 sections:

Section 1 : Children

Section 2 : Religion and Belief

Section 3 : Applications

Section 4 : Appealing decisions

Section 5 : Young People of Sixth Form Age

Section 6 : Glossary of Terms

Appendix 1: Appeals Process

Section 1 : Children

Parents/carers of children aged 5 – 16 years are responsible for ensuring their child's attendance at school. This means that parents/carers are responsible for their child's transport arrangements.

However, if you live further away than the statutory walking distance from your catchment or nearest qualifying school or you fall within the "low income group" transport arrangements are the Council's responsibility for children up to age 16. Such transport is free.

The statutory walking distance is 2 miles for children aged under eight and 3 miles for children aged eight or over. This is defined as the distance measured by the nearest available walking route. For a route to be available, it must be one which a child, accompanied by an adult, could be expected to walk with reasonable safety.

If your child is in school years Reception to Year 11, you live under the statutory walking distance and you consider all routes to school to be unsafe walking routes, you may ask for them to be assessed. Should transport be given on route safety grounds and it becomes safe at a later date, transport will be rescinded.

Transport can only be provided from one address which should be the child's main residence. In the case of a child having more than one address the one which receives the child benefit will be considered the main residence.

Distance measurements to determine entitlement will be undertaken using the Local Authority's computerised Geographical Information System (GIS) and will be to the nearest entrance on the school site which is available at the time of undertaking the assessment of your application form.

Entitlement to free transport is linked to your catchment or nearest qualifying school. Children from your area may be attending a school which is not the catchment school. To check in which school's catchment area you live, contact the School Admissions Team on **01228 221582**.

It must be stressed that it is the catchment area designated by Cumberland Council which will be used to determine transport entitlement. For community and voluntary controlled schools, the catchment area for deciding priority for admission and assessing transport entitlement will always be the same. For a small number of academies, foundation schools and voluntary aided schools, the admissions policy may include reference to a catchment area which is different to the one designated by the Authority for school transport purposes. If Cumberland Council has not established a catchment area for a qualifying school, the nearest qualifying school will be used to determine transport entitlement. Please contact the School Admissions Team on the above telephone number if you require clarification.

Should you choose a school that is neither your catchment or nearest qualifying school you will be responsible for transport for your child. This would be a long term commitment for you as a parent/carer and it needs your very careful consideration. For most families, the catchment school is usually also the nearest school. Where, however, the nearest qualifying school is a selective school, and you either do not apply or are not offered a place at the school, the next nearest will be recognised as the nearest qualifying school.

If the Local Authority is responsible for your child's transport, it will be provided by the most appropriate means available. Usually it is a pass to travel free by public service or a vehicle which the Local Authority has under contract from an approved transport operator. Taxis, mini-buses and coaches are currently hired as part of the private hire school transport network. Children who are issued a travel pass on a vehicle privately contracted to Cumberland Council will be restricted to travelling in the morning and afternoon at the standard times. Children who are issued with a Stagecoach travel pass may be able to travel flexibly for one journey to and one journey from the school daily. Please contact the Commissioning, Procurement & Contract Management Team who will advise you of restrictions on your route.

If your child is entitled to transport, you will be expected to take/collect them to/from the nearest boarding point/ alighting point. This may be up to half a mile for primary aged children and a mile for secondary pupils. You must also bear in mind that their journey to/from school may not be by the most direct route and that the arrangements are likely to change from time to time. In cases where the parent/carer believes that the use of the allocated boarding point/alighting point, is unsuitable, e.g. due to safety concerns, the Council will, upon a request from the parent/carer, consider the suitability of the travel arrangements and whether a route safety assessment to the boarding point/alighting point is required.

The home to school transport route will involve a number of pick up and drop off points on the way to and from school. As a result your child will take longer to get to school than a non- stop journey or the most direct route from the pick-up point. We aim for home to school journey time each side of the school day to take no more than 45 minutes for Primary schools and 75 minutes for Secondary schools.

Low Income Groups

Children from "low income groups" [defined as those who are entitled to free school meals, or whose families are in receipt of their maximum level of Working Tax Credit] are also entitled to assistance with transport as follows:

- Primary aged children aged 8, 9, 10 and 11 and where the distance is more than 2 miles;
- Children aged 11 to 16 at secondary school have a choice of one from the three nearest schools all of which must be more than 2 miles but not more than 6 miles from home;

- Children aged 11 to 16 attending their nearest faith secondary school preferred by parents on the basis of religion and which is greater than 2 miles but not more than 15 miles from their home.

When choosing a school you will need to consider the possibility of your income increasing above the threshold. Should your family income increase above the threshold limit for low income families, the additional transport benefit will continue up to the end of the current academic year in July. In the following year, assistance will revert to that based on the statutory entitlement.

Children with Special Educational Needs

A Statement of Special Educational Needs or an Education, Health and Care Plan may contain details of transport which the Council considers appropriate to meet a child's individual needs. If this is not the case, the normal school transport policy will apply.

Exceptional Circumstances

There may be rare occasions where the circumstances are such that the Council will assist with transport to ensure a child can access education. For instance, a child with a medical condition living below the statutory walking distance from school may be given transport.

Spare Seats Scheme

If your child does not have an entitlement to transport and there are spare seats available, your child may be able to travel as a 'Spare Seats Scheme' passenger. Information about the Spare Seats Scheme, including the current charge, is available from: www.cumberland.gov.uk

or by contacting the Commissioning Procurement & Contract Management Team on **01228 226427**.

Spare seat(s) can only be sold if they are available based on capacity limits of the vehicle, and if in doing so the Public Services Vehicle Accessibility Regulations 2000 are not contravened.

It will be after the start of term before you hear about the availability of a 'Spare Seats Scheme' seat. If there is a seat available, there is no guarantee about continued availability and it may be withdrawn at very short notice if it is required for an entitled child, or if the route or vehicle size is changed. It must be stressed that until you are advised in writing by the Commissioning, Procurement & Contract Management Team that a seat is available, you must make appropriate arrangements to get your child to school. You should not base your preference of school on the possibility of your child travelling as a 'Spare Seats Scheme' passenger. Your child's transport remains your responsibility and at any time throughout your child's education you may have to make your own transport arrangements.

Your child may become settled in a school to which transport becomes a difficulty for you. If you are able to find a solution it may be expensive. It is important to have alternative arrangements in mind as every year this causes problems for some parents/carers.

Moving House

If you move house you will need to complete an application form for your new address to find out if you will be entitled to assistance with transport.

Section 2 : Religion and Belief

If your child is aged between 5 and 16 and you apply for a place in a school on the basis of religion, and in the view of the Director of Children and Family Wellbeing the appropriate religious education is not provided in the catchment or nearest school, then transport from the nearest boarding point can be made available at an annual cost of £450.40 per child payable termly (£181.00 Autumn term, £170.00 Spring term and £107.40 Summer term), provided:

- Adherence to the relevant denomination can be demonstrated and;
- Your child is attending the nearest such school and it is no more than 8 miles away in the case of a primary school and 15 miles for a secondary school, and;
- Your child is aged under eight and you live more than 2 miles from school or aged eight or over and you live more than 3 miles away, measured by the shortest available walking route.

No refund will be made in respect of any unexpired part of a travel pass no longer required.

Low Income Groups

Children aged 11 to 16 from low income families attending their nearest faith secondary school preferred by their parents/carers on the basis of religion and, which is greater than 2 miles but not more than 15 miles from their home are entitled to assistance with transport.

Should the family income increase above the threshold limit for low income families, the additional benefit will continue up to the end of the current academic year in July. In the following year, assistance will revert to that based on the policy detailed above.

It is important to remember that you, and not the Local Authority, are responsible for your child's transport to school and you must take this into consideration even if you are currently in a 'low income group'.



Section 3 : Applications

If you wish to apply for transport you should do so using the appropriate application forms. Application forms are available online at the website address below or from the Commissioning, Procurement & Contract Management Team. If you qualify for assistance on 'low income' grounds, you will need to re-apply each year. Should a duplicate travel pass be required, a £12 replacement fee is charged.

Due to the volume of applications you need to apply in good time. All application forms must be returned by the 31 May 2022 to guarantee your application will be assessed by the beginning of the academic year. If you apply later, transport may not be in place at the start of term and there may be a considerable delay. In the meantime, you are responsible for your child's transport and any expenses you incur will not be refunded.

If you submit an application by the 31 May and you do not hear anything about your application or receive a travel pass by 23 August 2022, you should contact the Commissioning Procurement and Contract Management Team.

A new application for school transport needs to be made at various stages:

- Starting infant/primary school;
- Transfer from infant to junior school;
- Transfer from junior/primary to secondary school;
- Changing address or changing school at other times;
- Annual review for 'low income' families.

Please complete the relevant application form and return it to the Commissioning Procurement and Contract Management Team or to complete an online form go to: www.cumberland.gov.uk

Section 4 : Appealing decisions

'Please see Appendix 1 which outlines the appeals process'

Section 5 : Young People of Sixth Form Age

A Post-16 Transport Policy statement for the 2022/2023 academic year will be published, as required by statutory guidance, on the 31 May 2022. The purpose of the transport policy statement is to inform young people in years 11, 12 and 13 and their parents/carers about what transport arrangements and support are available locally. The statement is a single point of reference providing information about transport arrangements to all types of provision, including arrangements made by bodies other than the local authority.

The Local Authority does not provide subsidised transport for Post-16 students unless they fulfil criteria for assistance because of 'low income' or have Special Educational Needs.

The 2022/2023 Policy Statement can be accessed on or after 31 May by following the link below: www.cumberland.gov.uk

Section 6 : Glossary of Terms

This Information Sheet contains a number of words and phrases that require definition.

'qualifying school' – qualifying schools are:

- Community, foundation or voluntary schools;
- Community or foundation special schools;
- Non-maintained special schools;
- Pupil referral units;
- Maintained nursery schools; or
- City technology colleges (CTC) city colleges for the technology of the arts (CCTA) or Academies.

'available route' – a route will be available if it is a route along which a child, accompanied as necessary, can walk with reasonable safety to school. A route will be 'available' even if the child would need to be accompanied along it by his or her parent or carer, as long as such accompaniment is reasonably practicable.

'child/children' – 'child' or 'children' refers to those of compulsory school age or below. A child becomes of compulsory school age when he or she reaches the age of five and must start school in the term following his or her fifth birthday. Compulsory school age ceases on the last Friday in June in the school year in which the child reaches the age of 16.

'religion or belief' – the Equality Act 2006 defines what is meant by 'religion or belief' for the purposes of this Act, Section 44 (a) defines 'religion' as 'any religion', a broad definition in line with the freedom of religion guaranteed by Article 9 of the European Convention on Human Rights (ECHR).

'walking distance' – is defined in section 444(5) of the Act as either two miles (if the child is under eight years old), or three miles (if the child is eight years old or older). This is measured by the 'nearest available route'. The route is not necessarily the shortest distance by road; it is measured by the shortest route along which a child, accompanied as necessary, may walk with reasonable safety.

'young person of sixth form age' – is someone above compulsory school age but under the age of 19, or who has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.

How do I find out more about school transport?

Visit our website by using the following link:

www.cumberland.gov.uk

Staff in the Commissioning, Procurement & Contract Management Team are responsible for implementing the Local Authority's school transport policy and making the transport arrangements. They can be contacted on the following telephone numbers:

t: 01228 226427

e: school.transport@cumberland.gov.uk

Appendix 1 : Home to School Transport Appeals Process

There are limited grounds on which you can challenge the Council's decision in respect of school transport. Those grounds are:

- The transport arrangements offered.
- The pupil's/student's eligibility.
- The distance measurement in relation to statutory walking distances.
- The safety of the route.

All other concerns or complaints should be registered via the Council's Corporate Complaints Procedure, please see link below:

www.cumberland.gov.uk

The Council's Home to School Transport Appeals Process consists of 2 stages, as detailed below.

Stage 1 – Review by a Senior Manager

You have 20 working days from receipt of the Council's home to school transport decision to make a written request asking for a review of the decision. The written request should detail why you believe the decision should be reviewed and give details of any personal and/or family circumstances you believe should be considered when the decision is reviewed. Please make sure your request for a review relates to one the grounds of appeal listed above.

Please submit your appeal using the on-line form here or complete the form on page 11 of this document and post to the following address:

Home to School Transport Stage 1 Appeal
Transport Services
Cumberland Council
Parkhouse Building
Baron Way
Kingmoor Business Park
Carlisle
CA6 4SJ

Within 20 working days of receipt of your written request a Senior Manager will review the Council's original decision and provide you with a detailed, written notification of the outcome of your review setting out:

- The nature of the decision reached .
- How the review was conducted.
- Information about other departments and/or agencies that were consulted as part of the process.
- What factors were considered.
- The rationale for the decision reached.
- Information about how you can escalate your case to stage 2.

Stage 2 – Review by an Independent Appeal Panel

You have 20 working days from receipt of the Council's stage 1 written decision to make a written request to escalate the matter to stage 2. The two grounds on which the Independent Appeal Panel can allow an appeal are as follows:

- That the Council has not applied its Home to School Transport Policy.
- That there are compelling grounds to justify making an exception to the terms of the Council's Home to School Transport Policy.

Please submit your appeal using the on-line form [here](#) or complete the form on page 13 of this document and post to the following address:

Home to School Transport Stage 2 Appeal
PA to Assistant Director – Highways and Transport
Cumberland Council
Cumbria House
117 Botchergate
Carlisle
CA1 1RD

Stage 2 Procedure

Within 40 working days of receipt of your request, an Independent Appeal Panel ('the Panel') will convene to consider your appeal. You are entitled to attend your appeal hearing and to make representations. You may be accompanied by a maximum of 2 individuals to provide you with support and/or assistance.

You will be given at least 20 working days' notice of the appeal hearing

At this stage you will be asked to confirm if you are able to attend and who will be attending. If you fail to attend the appeal hearing without prior notification the Panel clerk will endeavour to contact you to establish the reasons for this. Unless there are mitigating circumstances the Panel will proceed in your absence and will consider your representations based on your written submission.

Any additional representations must be submitted to the Council 10 working days prior to the appeal hearing unless there are extenuating circumstances.

The Panel will consider any documentation submitted by the above stated deadline, along with any papers submitted with your application and/or with your stage 1 review. They will also carefully consider any representations made at the appeal hearing.

An officer from the Commissioning, Procurement and Contract Management Team and Transport Services Team will attend the Panel to present the case on behalf of Council ('the Council's Representative').

The appeal hearing operates in accordance with 'natural justice'. This means that every effort will be made to ensure the appeal hearing is fair, impartial, and as far as possible, informal and accessible. Hearings are not to be recorded except where this may help a parent/carer with a stated disability. Permission must be sought prior to the appeal hearing if a recording is needed.

The Panel will consist of the following representatives from the Council who will all be independent of the original decision making process:

- The Chair, a Council officer ..
- Two other panel members will be officers from other service areas within the Council.

There will be a clerk at the Panel who will take a formal note of the discussion, but not take part in the decision making. The usual format of the Panel will be as follows:

- The Chair will welcome you and introduce everyone present.
- The Chair will explain how the proceedings will be conducted.
- The Council's Representative will explain the Council's decision.
- You will be given the opportunity to question the Council's Representative as will the Panel.
- You will be given the opportunity to present your appeal. We recommend you prepare a summary of your case to assist you with this.
- The Panel and the Council's Representative will be allowed to ask you questions.
- The Chair will ask you if you have raised all the issues you wanted to and give you the opportunity to sum up your case. It is important that you have told the Panel everything at this point, as there will be no further opportunity to introduce additional information at the summing up stage.
- The Chair will explain the decision making process as stated below.

Stage 2 Decision

In making their decision the Panel will take into account the Council's Home to School Transport Policy, any timely information/documentation provided by you and/ or the Council's Representative, along with any verbal representations you and the Council's Representative make at the appeal hearing.

The Panel will reach their decision and will provide you with a detailed, written notification of the outcome, within 5 working days, setting out:

- The nature of the decision reached.
- How the review was conducted.
- Information about other departments and/or agencies that were consulted as part of the process
- What factors were considered.
- The rationale for the decision reached.
- Information about your right to put the matter to the Local Government and Social Care Ombudsman.

Referral to Local Government and Social Care Ombudsman

The decision of the Panel is final. When you receive the decision letter, if you consider that there has been a failure to comply with the procedural rules, or if you feel there are any other irregularities in the way your appeal was handled, you may have a right to refer the matter to the Local Government and Social Care Ombudsman for further investigation, please see link below. Please note that this is not a further right of appeal. www.lgo.org.uk/

Alternatively, you may be able to seek a Judicial Review of the decision. However, this is a complex process and it is advisable to seek legal advice prior to pursuing this route.

Further Appeals

Please be aware that a further appeal will not be agreed unless there has been a significant and/or exceptional change to your circumstances, and this change directly affects your application for transport.



Stage 1 Appeal Form – Review by a Senior Manager

Parent/carer name(s):

Parent/carer postal address(s):

Parent/carer telephone number(s):

Parent/carer e-mail address(s):

Accessibility or other requirements which we need to be aware of to assist with processing your appeal:

Pupil's/student's name:

Pupil's/student's date of birth:

Pupil's/student's place of education:

Please select the main ground which your appeal is based on from the list below:

- The transport arrangements offered.
- Pupil's/student's eligibility.
- The distance measurement in relation to statutory walking distances.
- The safety of the route.

Please outline the reasons for your appeal and attach documentation to support your case, where applicable.

When complete post to the following address:

Home to School Transport Stage 1 Appeal, Transport Services, Cumberland Council, Parkhouse Building, Baron Way, Kingmoor Business Park, Carlisle CA6 4SJ

Stage 2 Appeal Form – Review by an Independent Appeal Panel

Parent/carer name(s):

Parent/carer postal address(s):

Parent/carer telephone number(s):

Parent/carer e-mail address(s):

Accessibility or other requirements which we need to be aware of to assist with processing your appeal:

Pupil's/student's name:

Pupil's/student's date of birth:

Pupil's/student's place of education:

Please select the main ground which your appeal is based on from the list below:

- That the Council has not applied its Home to School Transport Policy.
- That there are compelling grounds to justify making an exception to the terms of the Council's Home to School Transport Policy.

Please outline the reasons for your appeal and attach documentation to support your case, where applicable.

When complete post to the following address:

Home to School Transport Stage 2 Appeal, PA to Assistant Director – Highways and Transport,
Cumberland Council, Cumbria House, 117 Botchergate, Carlisle CA1 1RD

Translation Services

If you require this document in another format (e.g. CD, audio cassette, Braille or large type) or in another language, please telephone: 0300 303 2992.

আপনি যদি এই তথ্য আপনার নিজের ভাষায় পেতে চান তাহলে অনুগ্রহ করে 0300 303 2992 নম্বরে টেলিফোন করুন।

如果您希望通过母语了解此信息，
请致电 0300 303 2992

Jeigu norétumėte gauti šią informaciją savo kalba,
skambinkite telefonu 0300 303 2992

W celu uzyskania informacji w Państwa języku proszę
zatelefonować pod numer 0300 303 2992

Se quiser aceder a esta informação na sua língua,
telefone para o 0300 303 2992

Bu bilgiyi kendi dilinizde görmek istiyorsanız lütfen
0300 303 2992 numaralı telefonu arayınız