

Education Transport Policy 2020-21

Contents

| | |
|--|----|
| Contents..... | 2 |
| 1. Introduction..... | 3 |
| 2. Legislation | 4 |
| 3. Mainstream School Transport Policies | 6 |
| 4. Mainstream School Transport – Discretionary | 11 |
| 5. Special Educational Needs Transport Policy | 13 |
| 6. Post 16 (16-18) Education transport policy | 17 |
| 7. Other Key Policy Areas..... | 21 |
| 8. School Transport Appeals | 22 |
| 9. Spare seats policy | 26 |
| 10. Contacts | 27 |
| Appendix 1 - Guidance for parents: School Transport operations in extreme weather conditions | 28 |
| Appendix 2 – Behaviour on school transport..... | 29 |
| Appendix 3 – Drugs and Alcohol on Swindon School Transport | 37 |
| Appendix 4 – Designated transport areas | 39 |

1. Introduction

- 1.1 This document sets out the Local Authority's duties and responsibilities on school transport.
- 1.2 The aim of this document is to set out policies and approaches that provide the very best service to our customers by producing information in one document that is widely available to all parties with an interest in school transport.
- 1.3 It therefore clarifies the Local Authority's responsibilities for the delivery of mainstream, Special educational needs and post-16 transport and includes additional policies on transport for students, school transport operations in extreme weather conditions, behaviour and drugs and alcohol policy on school transport.
- 1.4 The policy is reviewed on a regular basis in consultation with other Council directorates and stakeholders, including schools, transport providers, neighbouring Local Authorities and Diocesan Authorities.
- 1.5 This policy only applies to those students living with the borough boundary of Swindon.
- 1.6 This document has been reviewed in line with the Home to School travel and transport guidance published by the Department for Education (DfE) in July 2014.
- 1.7 For the purposes of this document, the Local Authority (LA) is defined as the department within Swindon Borough Council that administers Education.
- 1.8 For further information and advice on this document, please contact:

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2. Legislation

- 2.1 The Education and Inspections Act 2006 inserted sections 508(b) and 508(d) into the Education Act 1996. These sections place a duty on Local Authorities to ensure that suitable travel arrangements are made where necessary to facilitate the student's attendance at school.
- 2.2 The duty applies for home to school travel arrangements made at the start of the day and school to home travel arrangements at the end of the day for students of compulsory school age. It does not relate to travel between educational institutions during the school day.
- 2.3 Parents are responsible for ensuring that their children attend school regularly. However section 444 of the Act outlines the situation where a parent may have a defence in law against prosecution by a Local Authority for their child's non-attendance at school. Section 444(3)(b) provides a defence if he or she provides that:
- a. The qualifying school at which the student is a registered student is not within statutory walking distance.
 - b. No suitable arrangements have been made by the Local Authority for boarding accommodation at or near to the school
 - c. No suitable arrangements have been made by the Local Authority for enabling the student to become a registered student at a qualifying school near to his/her home
 - d. The Local Authorities has a duty to make travel arrangements in relation to the student under section 508(b) and has failed to discharge that duty.
- 2.4 The definition of eligible students (s.35 (b) of the Act) is "those categories of students in an authority's area for whom travel arrangements will always be required".
- 2.5 Section 508(b) prescribes that every feature of these arrangements must be provided free of charge. In the case the students do not qualify for free transport, section 508(c) provides a discretionary power for authorities to provide assistance by paying all or part of the student's reasonable travel expenses. Each authority decides whether and how to exercise these powers.
- 2.6 The Special Educational Needs and Disability Regulations 2014 section 53) indicate that the following must be published in the local offer in relation to transport assistance. Schedule 2(14) Transport arrangements for children and young people with special educational needs or a disability to get to and from school or post-16 institution, or other institution in which they are receiving special educational provision or training provision including—

- (a) arrangements for specialist transport;
- (b) arrangements for free or subsidised transport;
- (c) support available in relation to the cost of transport, whether from the local authority or otherwise.

3. Mainstream School Transport Policies

Eligibility

- 3.1 Students will be entitled to free travel assistance from a suitable pick up point near to their home to a suitable set down point near the school they attend if:
- a. They attend the designated appropriate school
- and either**
- b. They are aged between five and seven years old and live more than 2 miles (3.218688 kilometres) from the school they attend;
- or**
- c. They are aged between eight and sixteen years old and live more than 3 miles (4.828032 kilometres) from the school they attend;
- 3.2 Distances will be measured by the safest walking route as defined by Swindon Borough Council using mapping software.
- 3.3 To qualify for transport assistance the student must be attending the designated appropriate school **AND** qualify under the distance criteria.

The designated appropriate school

- 3.4 The designated appropriate school for the purposes of assessing eligibility is the school within the **designated transport area** for the home address in **Appendix 4**.
- 3.5 When such a school is unavailable (i.e. there is no space in the relevant year group), the designated appropriate school will be considered to be the next nearest school with a place available. The next nearest school is measured as a straight line between the Local Land and Property Gazetteer (LLPG) address point of the applicant's home address and of the school with those living closest to school receiving higher priority.

Home address

- 3.6 Transport to and from school will be determined and approved from a single permanent residence. This is the one where the student spends most time with the parent/guardian and has been used for admission purposes and the school.
- 3.7 Transport provision will normally cease if there is a change in the home address that would lead to attendance not being at the designated appropriate school for the new address.

- 3.8 In exceptional circumstances, where there is a change in the student's home address, or placement if in public care, the Local Authority may consider the continued attendance at the current school to be the student's best interest. Consideration will be given to whether the change of address was entirely outside any parental control.
- 3.9 Recognised exceptions to the rules given above are as follows
- 3.9.1 In some cases of temporary disability of the student on the advice of the Local Health Authority. Evidence of this would be required.
- 3.9.2 For some students resident in Swindon in Year 10-13 whose families move out of the designated area for the Swindon school they are attending and live more than three miles by a safe walking route and receive Income Support or income-based Job Seeker's Allowance, to help them complete a GCSE or A-level Course.
- 3.9.3 Where a student studies somewhere other than the designated appropriate area school, sixth form or college to follow a course that is not provided, in broadly similar terms by the designated area colleges and the student's family receive Income Support or income-based Job Seeker's Allowance.

Road Safety

- 3.10 Transport is assessed for a safe walking route using "Assessment of Walked Routes to School Guidelines" published by Road Safety GB which identifies hazards and the assessment of risk of walked routes to school.

The assessment of a safe walking route

- 3.11 As it is the duty of parents to ensure that students attend school, the law on safe walking routes assumes that a responsible adult will accompany students to and from school.
- 3.12 A safe route will be on footpaths along the majority of its length. Short sections of road with a speed limit of 30mph or less may be acceptable, subject to assessment.
- 3.13 Crossings of major routes, including all routes with a speed limit of more than 30mph, will either be by controlled crossing or by under- or over-pass. This can legitimately involve a diversion or even doubling back on a route, but any additional distance will be included in the route measurement.
- 3.14 In determining entitlement to free transport, the route used in assessing the distance is the shortest safest available walking route in accordance with National Road Safety Guidance.

Primary School Aged Students

3.15 Transport can be provided, on road safety grounds if the journey to the designated appropriate school would involve the use of roads without footpaths or lighting.

Secondary School Aged Students

3.16 There are a number of criteria that need to be met for Secondary School students to receive transport on road safety grounds. The following criteria are based on the expectation that parents will accompany their children to and from school where they consider it necessary:

- a. There is no footway, or;
- b. Students have to walk along a dual carriageway with a speed limit of 40 mph or higher, and they have to cross a dual carriageway, and there is no safe crossing point available. A safe crossing point is defined as any of the following:

Light Operated Crossings
Zebra Crossing
Pedestrian Refuge
Foot Bridge
Underpass
School Crossing Patrol in Operation

Students unable to walk to school by reason of their disability, or mobility problem (including temporary medical conditions).

3.17 Where a student is attending their nearest qualifying school (or designated school if this is not the nearest) which is within the relevant walking distance (i.e. within 2 miles if aged under 8, and 3 miles if aged over 8), but is unable to walk to that establishment (accompanied as necessary) by reason of their SEN and/or disability, he or she will be eligible for transport assistance by providing appropriate evidence from their consultant, for example:

- Long term severely restricted independent mobility (something that is likely to last at least a year, this can include sporadic conditions such as epilepsy or multiple sclerosis).
- a physical disability e.g. severe cerebral palsy which may necessitate the daily use of significant mobility aids such as a wheelchair,
- a medical condition resulting in severe persistent pain and/or extreme fatigue, an example of this might be juvenile arthritis,
- a medical condition resulting in serious persistent health and safety risks. Examples of this might be intractable epileptic seizure disorders

- 3.18 Transport may be provided to the designated appropriate school on medical grounds for either short-term provision, where a student has a temporary medical problem or on a long-term basis if the student has a particular long-term condition. In both cases recommendations must be received from the Local Health Authority.
- 3.19 Evidence would be required and any application would be considered on a case by case basis. In all cases recommendations must be received from an appropriate medical officer from the Local Health Authority, this should be a Consultant looking after the student.
- 3.20 If assistance is granted this would be reviewed termly, with the need for new evidence to be submitted. If assistance is granted the LA, in the first instance would seek to provide petrol expenses. If a parent cannot provide evidence from the Local Health Authority, the LA will remove that assistance.

The Nature of Transport Arrangements

- 3.21 The arrangements for assisted travel which may be made under this policy will be at the LA's discretion and area made on the most cost-effective basis. These arrangements may take the form of:
- a. Travel pass for use on public transport (season ticket);
 - b. A parent consenting to use their car in return for a mileage allowance;
 - c. Travel pass or other authorisation for use on private contract services;
- 3.22 Rail passes for public service routes will be issued to students where appropriate and at the discretion of the LA.

Parental preference

- 3.23 The Local Authority has no duty to provide transport where parents exercise their right to express a preference for their child to
- a. Attend a particular school other than the school which the LA has designated as serving the area where they live, or
 - b. Attend a particular school other than the designated appropriate school.

Education and Inspections Act 2006

- 3.24 The Education and Inspections Act 2006 provides extended right for students from low income groups.
- 3.25 Low income groups are defined as where the student is entitled to free school meals or where the parents receive the maximum Working Tax Credit are entitled as follows
- a. Students aged between eight and eleven years old – where the nearest suitable school is beyond two miles
 - b. Students aged between eleven and sixteen

- i. To one of the three closest schools to the home address between 2 and 6 miles, or
 - ii. To a school between 2 and 15 miles where preferred on the grounds of religion or belief
- 3.26 The LA may review all eligibility for transport on a yearly basis. If the student is no longer eligible for transport assistance on these grounds then the transport will be withdrawn.
- 3.27 There is a right of appeal for parents to the Education Transport Appeals Sub-Committee for transport on road safety grounds, in relation to the issue of their ability to accompany their children to school. (The need for parents to be at work would not usually be considered as a reason why transport should be provided). Details of the Appeals process are set out later in the document.

4. Mainstream School Transport – Discretionary

The Key policies involving discretionary transport are:

Students of pre-statutory school age

- 4.1 Transport may be provided for students of pre-statutory school age where transport is already running and where there are spaces available on current transport.

Education other than at School (EOTAS) and elective home education

- 4.2 Where parents, in conjunction with the school if appropriate, have chosen to educate their child other than at school, no assistance will be available from the LA in connection with any transport need arising.

Education other than at School (EOTAS) and referral units

- 4.3 Where the LA arranges for a student to have education other than at school, the LA will provide transport subject to normal eligibility rules on home to school transport.

Students without an Education, Health and Care Plans (EHCP)

- 4.4 All transport for students without EHCPs who are attending mainstream schools will be provided on the basis of normal eligibility criteria.
- 4.5 If a Local Authority places a student at a school or unit this will be deemed as the **designated appropriate school** for school transport purposes irrespective of the Local Authority's normal zoning arrangements

Children in the care of the Local Authority

- 4.6 The school at which a student is placed by the LA will be deemed the **designated appropriate school** for school transport purposes irrespective of the LA's normal zoning arrangements in order to provide continuity of educational provision for such students. The allocation of a school place will be reviewed as part of the student's regular Care Plan review.

Continuity

- 4.7 Where students resident within the Borough move home during Years 10 and 11 out of the designated area for the current Swindon school in which they are studying, the LA may provide free home to school transport.
- 4.8 This is applicable when the current Swindon school is more than 3 miles from home and the parents are in receipt of the relevant qualifying benefits, (Income support or income-based Job Seeker's Allowance). This is to assist the student to complete their GCSE courses.
- 4.9 Any entitlement under continuity grounds must fulfil all the criteria in the paragraph above.

School Transport Appeals

- 4.10 Parents have a right of appeal to the Education Transport Appeals Subcommittee of Swindon Borough Council set out in part 8 of this policy

5. Special Educational Needs Transport Policy

- 5.1 Students with special educational needs have the same entitlement to transport assistance under legislation or policies agreed by Swindon Borough Council as all other students (please see section 3 of the policy, Eligibility). The special educational needs of the student may also be taken into account (please refer to 3.17).
- 5.2 However, where a student has special educational needs the nearest appropriate school/ establishment (i.e. that provides education suitable to the age, ability and aptitude of the student, including any special educational needs) may well be different than that for another students.
- 5.3 Where a School is named by the Local Authority on a student's Education Health and Care Plan (EHCP), that school will be deemed to be the student's nearest appropriate school for the purposes of transport eligibility, unless named as a result of parental preference, and in the Authority's view, the child's needs could be met at a nearer school, which has also been named in the EHCP.
- 5.4 The appropriate transport provision for a student with special educational needs will be determined by the Council based on the student's needs.
- 5.5 Parent/carers may chose a different school to the nearest suitable school, as long as the school will still meet the needs of the student as outlined in the EHCP. However, the parent/carers will then become liable for the transport costs to that school.
- 5.6 If the Local Authority names a residential school at some distance from the parent / carer's home, the SEN code of practice states that the Local Authority should provide transport or travel assistance. The frequency of such journeys will be determined at time of placement and reviewed as appropriate.
- 5.7 All transport arrangements will be subject to an Annual Review for those children with an EHCP. The type of transport or level of support may change to reflect the changing needs of the student. The provision of transport may change or cease to be necessary as the child grows older, to support increased independence as appropriate. Such decisions will be taken on an individual basis and will take full account of the child's needs.
- 5.8 When a student with an EHCP transfers to post 16 provision they will then be assessed using the post 16 transport policy (section 6).
- 5.9 Transport assistance will not be provided for:
- 5.9.1 Parents or students to attend extra-curricular activities
 - 5.9.2 Students to attend doctors, dental or any other appointments
 - 5.9.3 Students to attend breakfast or after school clubs / activities
 - 5.9.4 Students excluded during the school day
 - 5.9.5 Students to attend work experience placements

5.9.6 Students that are unwell and have to be collected from school during the school day

Students undergoing Statutory Assessments in Special Schools

5.10 The assessment period will not exceed more than the statutory 20 weeks by which time the assessment should have been completed and a decision made as to whether the student has an EHCP.

Provision of Passenger Assistants

5.11 A passenger assistant will only be provided following the outcome of an assessment of the student's Special Educational Needs and / or medical needs in order to meet the needs of the students travelling to and from school. This determination will be made by the Special Educational Needs and Disability Assessment Team in liaison with the Passenger Transport Team taking into account:

5.11.1 A student's medical needs, particularly where rescue medication is required.

5.11.2 Where an individual student's needs create a clear danger or health and safety risk to themselves and other passengers on the vehicle

5.11.3 Where an assessment of the students on the vehicle and the journey to be undertaken highlight a clear danger or health and safety risk to all passengers on the vehicle.

5.12 The consideration for a passenger assistant will be made by the Special Educational Needs and Disability Assessment Team and Passenger Transport Team based on evidence received from all relevant parties and will be reviewed regularly, where appropriate and whenever a contract is re-tendered.

Change of address

5.13 If a student changes address, even temporarily, their entitlement to transport assistance will need to be reassessed. Parents /carers must inform the Special Educational Needs and Disability Team well in advance of the moving date to ensure the student's case is re-assessed for transport assistance, and if they are not informed in good time, parents / carers will be responsible for the student's transport to school until new arrangements can be made.

Travel arrangements made by the local authority or other bodies/persons:

5.14 Other bodies or persons making travel arrangements might include:

- A parent consenting to a personal travel budget (PTB) to enable travel arrangements for the student.
- A parent consenting to use their car in return for a mileage allowance
- A school or group of schools reaching an agreement with a local authority to provide transport in minibuses owned by the school;
- Or a transport authority providing free bus passes for all children under the age of 16.

- 5.15 Swindon local authority may otherwise provide transport in one of the following ways, according to the needs of the student.
- Provision of a pass for a public service bus or other means of public transport.
 - Provision of a seat on a bus or minibus provided by the local authority
 - Provision of a seat in a taxi where more individualised arrangements are necessary

Personal Travel Budgets

- 5.16 The option of a personal travel budget (PTB) is available if the parent/carer would prefer to make their own arrangements and consent to this.
- 5.17 A PTB is a sum of money provided to parents or carers of students with SEN who are eligible for travel assistance. PTBs enable families to arrange their student's transport directly and, if they choose, to work with other families to achieve the best possible travel arrangements for the students. Ways in which the PTB can be used include:
- Purchasing a travel pass for a parent or a trusted adult to accompany the student on public transport
 - Paying for a passenger assistant for the student to walk to school or to travel by public transport. Parents or carers may also choose to do this themselves.
 - Covering the cost of parents driving or cycling with their child to school
 - Arranging shared travel arrangements with other parents, such as shared driving responsibilities, walking buses or joint taxi bookings
 - Overcoming barriers that may prevent parents accompanying their child to school, e.g. travel/childcare arrangements for siblings.
- 5.18 Personal Travel Budgets are voluntary. Parent/carers can stop them if their circumstances change as long as six weeks' notice is given in order that an alternative form of travel assistance can be determined. They do not have any impact on any other benefits. Parents will be required to sign an agreement with the local authority and provide bank details in order that monthly payments can be made.
- 5.19 For more information on PTB's go to <http://children.mycaremysupport.co.uk/>

Independent Travel Training.

- 5.20 Swindon local authority is committed to providing the best and most appropriate travel assistance for families. In the future, if the circumstances are right, other forms of travel assistance may be more appropriate for children with SEN such as Independent Travel. Students will be identified by their school as being ready to learn to travel independently. The local authority SEN travel advisor will then work with families and education providers to ensure a smooth transition takes place where appropriate.
- 5.21 Travel support may be available as set out in section 5 above for students attending residential special schools on a weekly or termly boarding basis. Students attending special school on a termly boarding basis may be eligible

for support at the beginning and end of each term and at any weekend when the school is closed.

School Transport Appeals

Parents have a right of appeal to the Education Transport Appeals Sub-committee of Swindon Borough Council set out in part 8 of this policy

6. Post 16 (16-18) Education transport policy

- 6.1 There is no legal requirement for Local Authorities to provide transport beyond the completion of Year 11
- 6.2 This policy aims to ensure access to further education opportunities to all 16-18 year olds living in the Borough of Swindon, as required under the Education Act 2002.
- 6.3 Given the urban nature of the Borough, Swindon offers good transport accessibility within its boundaries. This presents very few barriers to learning for the majority of mainstream students.

Policy

- 6.4 There is no automatic discretionary subsidised support for pupils accessing mainstream Post 16 education although the transport on the school bus will be provided to the Ridgeway School 6th form from within the Ridgeway Transport Area if over 3 miles or due to an unsafe walking route. This will require an annual parental contribution of £495.
- 6.5 The council will take account of statutory guidance (DfE guidance post -16 transport to education and training –see further information as to the guidance later in this report under Legal implications) including the needs of young people who are not in education, employment of training, young parents and those who do not have the ability to access any other travel arrangements.
- 6.6 To consider applications for subsidised assistance from full-time pupils who can demonstrate that they could not access any post 16 education without additional help from the council. This will include pupils who:
 - 6.6.1 are unable to access education unsupported;
 - 6.6.2 are young parents;
 - 6.6.3 have exceptional individual circumstances (i.e. for vulnerable or socially excluded young people)
- 6.7 Such decisions for discretionary support will be made on a case by case basis within the established discretionary process of senior officer reviews. This process will take into consideration points such as the setting attended and its distance from home, the availability and cost of transport and the needs of the learner. The financial situation of the family will be taken into account when determining the appropriate level of subsidy to be offered.
- 6.8 There will be no changes for pupils already attending Post 16 schools or colleges who received travel assistance prior to September 2018

16-19 Bursary Funding

- 6.9 The 16-19 Bursary funding replaced the Education Maintenance Allowance (EMA) and is the scheme intended to provide financial support to help the most vulnerable 16-19 year olds participate in full-time education

- 6.10 Bursary funding is available for the following categories of vulnerable students, some which may be used to support transport costs to enable participation in post-16 training:
- Young people aged 16 & 17 in care;
 - Care leavers, aged 16,17 & 18;
 - Students in receipt of Income Support; Disability Allowance and Employment Support Allowance;
 - Additional students recognised by their post-16 Provider to need financial support for transport through a discretionary bursary.
- 6.11 Bursary funding is allocated by the post-16 provider, according to the need of the student.
- 6.12 A student must declare any Bursary funding for transport support when applying for any other transport subsidies from Swindon Borough Council and this may exclude the student from any further transport subsidies in that academic year.
- 6.13 Post-16 providers will not consider Bursary funding for transport support if the student is already receiving transport subsidies through Swindon Borough Council funding.

Students with Education Health and Care Plans or disabilities and/or learning difficulties

- 6.14 Students with Education Health Care Plans continuing in education post-16 or students with disabilities and/or learning difficulties are subject to the same entitlement for post 16 transport assistance as mainstream students above but their special educational needs or disability and / or learning difficulties will also be considered.
- 6.15 In response to the new SEND framework, the council Has changed how subsidised travel assistance is provided for pupils aged 16-25 with learning difficulties and/or disabilities entering post 16 education from September 2018.
- 6.16 Whilst transport is not automatically provided for pupils with an EHCP, currently additional consideration for support is given when their learning difficulty or disability makes travel assistance essential, or they have to travel much further from home to attend a school or college which can meet their needs.
- 6.17 Therefore support will be considered for pupils with an EHCP who are studying on a full-time basis (over 540 guided learning hours for the academic year) at their nearest school or college which can meet their educational needs and is over the 3 mile walking distance. This covers pupils who are:
- Completing a non specialist course - until the end of the academic year in which they reach 19 years of age;

- Completing a specialist course - until the end of the academic year in which they reach 21 years of age;
 - Completing a course funded by Swindon Borough Council using the high needs top-up funding available for the individual - until the end of the academic year in which they reach 25 years of age
- 6.18 Pupils transferring to post 16 education must complete an application form to request assistance. Pupils already attending post 16 settings and receiving assistance will be contacted to review their requirements. For all pupils the primary offer of assistance will be through a Personal Travel Budget (PTB) or buss pass. In exceptional circumstances where a PTB is unsuitable for the individuals needs a further transport needs assessment will be undertaken and alternative transport provision could be deemed appropriate.
- 6.19 The Local Authority will consider requests for assistance on a case by case basis, therefore, the level of assistance ultimately offered will depend upon the needs of the learner and the travel arrangements already serving the school or college. The annual review process will provide an opportunity to discuss a pupil's transition to post 16 education and to take travel implications into account when making decisions.
- 6.20 The council is committed implementing the DfE guidance to create opportunities and provide support for young people with learning difficulties and/or disabilities to prepare for adulthood and fully engage in their community. This leads to an emphasis on tailoring assistance to individual pupils and helping them to gain independent travel skills – to a level and timescale appropriate for them.
- 6.21 This will not change who receives support, but will help the council to give young people and their family's more choice and control over decisions affecting them and help them to improve independence as they move into adulthood. This will provide pupils with:
- the flexibility to make their own travel arrangements with the help of a personal travel budget
 - enhanced life skills to travel independently by supporting travel training and activities
 - additional support for those with exceptional needs
- 6.22 Discussions will take place with pupils and their family as part of the EHCP annual review and transition planning process. The council will continue to consider requests for assistance on a case by case basis, but we will only offer a Personal Travel budget or buss pass in most circumstances.
- 6.23 The Personal Travel Budget (PTB) will be the council's contribution towards the cost of the learner's travel arrangements, and will be paid direct to the learner or their family.

- 6.24 Where a parent has decided that they do not wish for their child to go to the school or college that the Special Educational Needs Assessment and Disability Service has decided can meet the students needs and decide to seek a placement at an alternative establishment, transport will not be provided.
- 6.25 It is important to note that although a student may have an Education Health and Care Plan or may have had one whilst at school, this does not automatically entitle the student to travel assistance once in post 16 provision and they must apply under the post 16 policy.
- 6.26 Parents or carers submitting an application for transport assistance should provide relevant evidence to the Special Educational Needs and Disability Assessment Team to support their application for the assessment for transport assistance as noted above.

Timetable and process for applications

- 6.27 Application forms are available online from colleges, schools and Swindon Borough Council from April/May each year.
- 6.28 Applications for current school transport to a sixth form should be returned by the 30th June each year to Passenger Transport.
- 6.29 Swindon Borough Council will accept application forms after this time, however the Council cannot guarantee transport will be available for the start of the academic year.

7. Other Key Policy Areas

Other relevant, key policies are set out below:

- 7.1 The home address given on the application form must be the address where the child resides for most of the week with their parent or carer. Where a child has a joint address or the parents have dual responsibility, then the address that the child benefit is paid will be taken as the child's home address. The LA may ask parents or carers to provide proof of these circumstances.
- 7.2 Students may be required to walk up to one mile from home to the pick-up point and, where students use public service routes, they may be required to walk up to one mile from the setting-down point to the school or 1.5 miles to a 16-18 provider.
- 7.3 Requests for changes in transport arrangements will be considered but changes, such as additional stops, are not always possible for reasons of safety and timing.
- 7.4 Students aged eight years of age who are entitled to free transport under the distance criteria will continue to receive free transport until the end of the academic term in which they reach the age of eight.
- 7.5 Where, for any reason, transport facilities have been approved in error, the LA reserves the right to withdraw that provision at any time convenient to the LA, and will normally do so, after giving due notice of its intention to do so.
- 7.6 Transport is only provided if the student attends the nearest education establishment offering the qualification irrespective of the module content.
- 7.7 Students who do not have an Education Health and Care Plan but who are deemed to have a level of special needs below that required for a formal statement, would not normally be entitled to free transport but would have the right to appeal for transport to the Education Transport Appeals Panel.

8. School Transport Appeals

- 8.1 In accordance with the revised guidance for transport appeals, since September 2016, the LA has adopted a 2 stage review and appeal process.
- 8.2 This appeals policy is applicable to children who live within the Borough of Swindon that are attending mainstream and special schools. This appeals policy applies to children with or without an Education, Health and Care Plan (EHCP).

Right to Appeal

- 8.3 Where a parent has been refused transport assistance they can challenge the decision for the following reasons
- 8.3.1 The nature of the transport arrangements offered
 - 8.3.2 Their child's eligibility
 - 8.3.3 The distance measured in relation to statutory walking distances; and
The safety of the route

Stage 1

- 8.4 Within 20 working days from the receipt of the local authority's home to school transport decision, a parent can make a request asking for a review of the decision.
- 8.5 A parent will be advised of the right for a review within the decision letter.
- 8.6 The request for review should be made by completing the transport appeal form online. A link will be provided by email. The parent should state the reason why the decision should be reviewed and given details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- 8.7 Within 20 working days of the receipt of the parent's written request a senior officer will review the original decision and will notify the parent by way of detailed written notification of the outcome of the review.
- 8.8 The decision letter will contain the following
- 8.8.1 The nature of the decision reached;
 - 8.8.2 How the review was conducted (including any standards followed e.g., Road Safety GB)
 - 8.8.3 Information regarding other parties consulted
 - 8.8.4 What factors were considered
 - 8.8.5 Information how the parent can escalate their case to stage 2 if appropriate

Stage 2

- 8.9 Following the receipt of the local authority's stage one decision notification, a parent can within 20 working days submit a request to escalate the matter to Stage 2.
- 8.10 A parent should complete a transport appeal form online. A link will be provided by email.
- 8.11 Within 40 days of receipt an appeal will be scheduled with the Education (Transport) Appeals Sub-Committee who will consider both written and verbal representation from both parents and officers involved in the case.
- 8.12 The parent will be notified of the outcome by telephone following the outcome of the appeal panel and will receive formal notification of the outcome within 5 working days. The notification will include
- 8.12.1 The nature of the decision reached;
 - 8.12.2 How the review was conducted (including any standards followed e.g., Road Safety GB)
 - 8.12.3 Information regarding other parties consulted
 - 8.12.4 What factors were considered
 - 8.12.5 If refused, information about how the parent can refer to the case to the Local Government Ombudsman
- 8.13 Where an appeal is upheld, this does not guarantee funding throughout the school life of the child, and the circumstances under which the appeal was upheld would be kept under review.

Education Transport Appeals Sub-Committee

- 8.14 An Education Transport Appeals Sub-Committee will meet to consider transport appeals. The membership of this Sub-Committee is made up of three Councillors selected from a pool appointed by the Appeals Committee. These Councillors will not have been involved with the case previously and should not have any close connection with the appellant. If one of the Councillors does have a remote connection with the appellant, they may be allowed to take part in the hearing if neither the LA's representative nor the appellant objects
- 8.15 The Education Transport Appeals Sub-Committee will consider case papers for each appeal consisting of the reasons as to why the LA have refused to provide transport assistance, any other relevant information and the parents appeal giving reasons as to why they are appealing against this decision.
- 8.16 Each Councillor will remain a Committee member for at least one year but there will be no limit on how long they wish to continue as a member providing there is no conflict of interest in the areas mentioned above.
- 8.17 All Councillors on the Appeals Committee will undertake training on the Transport Policy at least once per academic year to ensure that Councillors become 'expert' in this field.

- 8.18 The Education Transport Appeals Sub-Committee will consider all appeals on their individual merits. The decision of the Sub-Committee is final with no further rights of appeal.
- 8.19 The Education Transport Appeals Sub-Committee must operate within the Transport Policy at all times.
- 8.20 The Education Transport Appeals Sub-Committee must take into consideration the cost of transport should the appeal be upheld.
- 8.21 If the Education Transport Appeals Sub-Committee agrees to uphold an appeal, it must indicate the length of time for which the transport has been agreed.
- 8.22 Once the appeal has been heard the Education Transport Appeals Sub-Committee will make its decision that day and the Committee Officer will endeavour to contact the parent by telephone the same day to give the result of the appeal. A decision letter outlining the Education Transport Appeals Sub-Committee decision and its reasons will follow usually within one week.
- 8.23 If parents are not happy with the decision of the Education Transport Appeals Sub-Committee then they are able to contact the Ombudsman. The Ombudsman will only be able to look at the way the appeal was conducted and establish whether the LA followed all its processes in the correct manner.
- 8.24 If the Appeal is in relation to a placement made by order of an SEN & Disability Tribunal, the Appellant and the Local Authority may be bound by any decision relating to travel that the Tribunal has made. The SEN and Disability Tribunal may have specifically come to a decision about placement based on the inclusion of travel costs.
- 8.25 For appeals on the grounds of road safety, parents can only appeal if they believe that they are unable to accompany their child to school. However, the Appeals Sub-Committee will not usually accept the need for parents to be at work as the reason why transport should be provided.
- 8.26 The Education Transport Sub-Committee is able to consider applications for assistance from parents of children receiving nursery education as per the School Standards and Framework Act 1998.

Grounds Under Which the Education Transport Appeals Sub-Committee can Uphold an Appeal

- 8.27 The grounds under which the Education Transport Appeals Sub-Committee can allow / uphold an appeal are:
- 8.27.1 The Transport Policy has not been applied properly.
- 8.27.2 There are discrepancies in the way the application has been handled.

8.27.3 The individual circumstances put forward by the applicant outweigh the normal policy considerations and are considered to be exceptional circumstances.

8.28 Examples of exceptional circumstances are:

8.28.1 If there are exceptional circumstances within the immediate family unit where the child lives that affects the child ability to attend their designated school such as domestic violence. Evidence would be required to support this.

8.28.2 Death or serious illness of parent with whom the child has been living.

8.28.3 In cases of students with Special Educational Needs – additional evidence of need that the Education Transport Appeals Sub-Committee is asked to consider.

9. Spare seats policy

- 9.1 This refers to spare seats on home to school/ college transport routes.
- 9.2 These are routes that are operated for the benefit of those who are entitled to transport assistance to and from school. The key points regarding this scheme are set out below:
- 9.2.1 The Council cannot guarantee that a young person will keep the seat for longer than one term;
 - 9.2.2 Fare prices are reviewed annually;
 - 9.2.3 The parent must complete a Spare Seat application form.
 - 9.2.4 Payment is required in advance;
 - 9.2.5 The price charged covers a return journey for every school day of the relevant period;
 - 9.2.6 There will be no rebates for those deciding to travel for fewer than the maximum number of possible journeys per term, for example there is no rebate if a young person decides to use his/her bus pass for morning travel and returns by some other private means in the afternoon;
 - 9.2.7 The route of the journey is home to school / college and only operates as per the timetables set by the Council.
 - 9.2.8 No guarantee can be given that the transport will continue to run throughout a young person's time at a school / college, or that the place on the bus will not be withdrawn at some future date if the place is required for a young person who is entitled to transport assistance.
 - 9.2.9 If a place on transport is needed, the last child offered the place will be given notice of 2 weeks that their place is no longer available. There is no route to appeal this decision.
 - 9.2.10 When there are more requests to pay for seats on a particular route than there are seats available they will be allocated in the descending order of priority shown in the table "Priority for Spare Seats":

Priority for Spare Seats / places

- 9.3 Priority for spare seats determined as follows
- 9.3.1 **Priority 1** - Those with a Statement of Special Educational Needs or Education Health Care Plan naming the school.
 - 9.3.2 Looked After Children
 - 9.3.3 Year 11, if there is no service of train link
 - 9.3.4 Those who travelled on the route the previous term and then first come first served

10. Contacts

Please contact education transport at:
educationtransport@swindon.gov.uk

Or SEN travel at:
senttravel@swindon.gov.uk

Please also refer to the local offer <http://children.mycaremysupport.co.uk/>

Appendix 1 - Guidance for parents: School Transport operations in extreme weather conditions

When there is snow, ice or flooding, school transport may be disrupted. If the bad weather occurs overnight it may not be easy for a parent to find out whether school transport is running. Local radio stations give out information on school closures and school bus cancellations. If a child travels on a school bus contract, then it should be ensured that they have a contact telephone number for the bus/coach operator so they can contact them direct for information.

Alternatively, parents/carers can telephone the school, or check the school website for updated information.

If parents/carers cannot find out for certain and school transport is over 20 minutes late then it should be assumed that the school bus is not operating at all. If a parent decides to take their child into school themselves, they must also be able to collect their child in the afternoon because school transport may still not be able to operate.

When there is very bad weather, parents' should not assume that their child will be taken to school. They need to make sure that their child knows what to do if transport does not run. If their child cannot return home, arrangements should be made so that he or she can go home with a friend or relative.

Where very bad weather is forecast or prolonged, the LA will make a decision after 2 p.m. the previous day as to whether to provide transport. In these instances information will be available on the local radio station and Council website.

Further information is available from:

Passenger Transport Manager at:
educationtransport@swindon.gov.uk

Appendix 2 – Behaviour on school transport

The majority of students travelling to and from school behave well. For a few, this is not so and these few can make the journey very unpleasant for other passengers (students and members of the general public), road users and the driver of the bus or coach.

Behavioural problems on school transport have increased and in the past students may have been seen as misbehaving on the school bus, but behaviour has deteriorated in some instances as to be considered dangerous. Allegations of bullying on the bus journey to and from school, also appears to be an increasing trend. Unacceptable behaviour will not be tolerated. In all instances of unacceptable behaviour the school and parents of those concerned will be contacted. Bullying, vandalism or unruly behaviour can result in exclusion from transport.

The Local Authority has in place a Behaviour on School Transport Policy which is intended to give both students and parents/carers information/guidance on how good behaviour on school transport can be encouraged, and the way incidents of poor behaviour will be managed.

Part of the process will include the issue of a guide to students and parents to help define the operator's expectations of passengers, whilst travelling to and from school.

These guides will also help parents/carers and students to define their expectations of home to school transport.

Education Transport is responsible for receiving and investigating complaints from schools, parents/carers or students regarding home to school transport provided by private vehicle operators. Concerns should be raised directly to educationtransport@swindon.gov.uk

Further details can be obtained from:

Passenger Transport Services
Swindon Borough Council
Wat Tyler House
Beckhampton Street
Swindon
SN1 2JH
Tel: 01793 445500

Information provided to students and parents/carers

Students

When traveling by bus:

- Please be at the bus stop 5 minutes before the bus is expected.
- Treat the Driver with respect and follow their instructions.
- Students who have a right to travel on school buses also have a responsibility to behave well. In the interests of **safety** it is of paramount importance that all students behave in an acceptable manner.
- Wait for the bus in an orderly manner without disturbing others.
- Take care when getting on and off vehicles.
- Remain seated throughout the journey, and wear seatbelts where provided.
- Do not shout or disturb the driver, except in an emergency.
- Only use the emergency exits if there is a genuine emergency or when told to by the driver.
- Do not throw things inside the vehicle or out of windows.
- Do not intimidate or be rude to other passengers and respect the rights of other students to travel without fear of bullying.
- Students are not allowed to eat or drink during the journey.
- They should carry out any instruction given by the driver.
- Smoking is not allowed.
- Do not drop any litter.
- Do not damage the bus, if it is damaged the police will be contacted and your parents or carers may have to pay for the damage.
- If the bus breaks down or is in an accident, follow the driver's instructions and stay with the bus until another one arrives.
- Always try and set a good example for younger passengers.
- If you see others behaving inappropriately tell the driver and your school.

Your Travel Pass:

- Carry your travel pass with you when you travel to and from school.
- Be ready to show your pass. If you are unable to show it you may not be able to travel.
- Only use your pass to travel on the route it is for.
- Do not use anyone else's pass or let them use yours or it may be confiscated.
- If you lose your pass contact the school office for a replacement for which a fee will be charged.

Your Pick Up Point:

- You and your parents or carers are responsible for making sure that you get to the pick-up point safely.
- Arrive at the pick-up point at least five minutes before the bus is due. It runs to a timetable and cannot wait if you are late,
- When waiting at the pick-up point do not go onto, or damage, private property
- You should always follow the Green Cross Code when you're walking to a bus stop or station.
- If a bus is late only wait at the pick-up point for 20 minutes and agree with your parents what to do if the bus doesn't arrive. This could be going home or going to a friend's house to arrange another way to get to school.
- If there is a storm or snow, listen to the local radio stations or phone your school for advice before setting out. If your parents or carers take you into school in the morning because they are not sure if the bus is running, they must also be prepared to collect you in the afternoon, if the weather is still bad.

Keeping Safe:

- Queue sensibly for the bus, and stand well away from the edge of the road.
- Don't push or trip others.
- Don't try to open the doors of the bus yourself.
- Let other passengers get off before you get on.

- Get on and off in a sensible way so you don't hurt yourself or other people. Do not try to get back on the bus once you have got off.
- Be careful not to get coats, bags or scarves caught in doors.
- If you need to cross the road once you have left the bus, wait until the bus has driven away so you can see other vehicles and their drivers can see you.
- Where a seatbelt is provided please wear it - as from September 2006 it is the law.

Younger Children:

- Ensure that young children are taken to the bus stop in good time and at least 5 minutes before the scheduled pick up time. Take and collect young children on the same side of the road as the bus collects and sets them down.
- Once the vehicle arrives please encourage your child to find a seat. Where seat belts are provided they must be worn
- Ensure that young children are met when the bus returns from school. It is not the bus driver or schools responsibility to ensure that the children return home safely after they have got off the bus.
- If an adult is not available to take care of the student the driver may take the child, for their own safety, to a local police station or social care establishment. It will be your responsibility to arrange for them to be collected.

Students picked up from home by small vehicles:

- Your child needs to be ready before the transport arrives so that others are not held up and made late for school/college, or late getting home.
- The drivers and passenger assistant are not able to leave the immediate vicinity of the vehicle as they have to supervise the passengers on board. Please ensure that you are watching for the vehicle.
- The student must not go near the vehicle until it has stopped, do not run towards it, or around it.
- Please ensure that the student puts their seatbelt on in the vehicle.
- The students must listen to the driver and passenger assistant where applicable and do as he or she says.
- Students must always, when they are in the vehicle, stay in their seats at all times when the vehicle is moving.

- The student must not engage in horseplay, or play silly games on the transport, as this is dangerous and could cause an accident.
- Must not eat and drink on the transport.
- Must not cause damage, including graffiti, must not spit, or interfere with doors or window mechanisms or leave litter in the vehicle.
- Must take care that their coats, scarves or bags are not caught in the door as they enter or leave the vehicle.
- Must make sure that they have all their belongings as they leave the vehicle, If they have forgotten something, telephone the taxi company that operates the vehicle

The Response to Students Who Fail to Observe this Policy:

- All reports of misconduct will be investigated and appropriate disciplinary action taken which might include:
 - a. Official warnings
 - b. Exclusion
 - c. Withdrawal of transport
 - d. Payment for any damage caused
- Criminal damage or behaviour will be reported to the Police.
- Parents/carers will be contacted if:
 - a. A student smokes on the bus
 - b. A student's behaviour falls below the standards required
 - c. A student's actions put the safety of other passengers and road users at risk
 - d. A student's actions cause the driver of the bus to become distracted
 - e. A student's bus pass is confiscated.
- You need to be aware that many bus operators monitor the behaviour of passengers using CCTV. CCTV footage will be used as evidence if drivers or passengers are hurt or the bus damaged.

What constitutes serious misbehaviour?

The list below is a guide to what would lead to an instant ban or a much longer ban than normal:

- Vandalism
- Arson

- Tampering with CCTV equipment
- Bullying both physical and verbal
- Carrying weapons
- Abusing the Driver
- Fighting
- Drug or solvent abuse
- Using derogatory, offensive language
- Anything liable to seriously endanger yourself or others

This list is not exhaustive, your school may have other ideas and they will guide us. Each incident reported to us will be dealt with in its individual merits.

Parents/Carers

- We would like you to encourage your child to behave well on school transport.
- We would like you to co-operate with the School, the LA and the Operator if your child is having any problems.
- We would like you to make other arrangements for your child to travel to school if transport is withdrawn, because of your child's conduct.
- If you move house please let us know in advance as this may affect your child's entitlement to transport or they may need to be on a different bus. If you have any queries about the area you are moving into please contact us and we will be able to tell you the catchment areas for the school your child attends.

Schools

- Make sure that children understand the rules for safety on buses and other transport.
- Ensure children understand the consequences of misbehaviour on transport and at bus stops.
- Work with parents/carers, drivers, passenger assistant and LA staff in cases of problem behaviour.
- Consider appointing transport prefects or assisting the operator to draw up a seating plan if needed.
- Provide adequate supervision at set down and pick-up points, and advise operators of any special parking arrangements at your school.
- Wherever possible, make sure that private cars do not obstruct bus stops outside schools.

- Agree contingency plans with the LA in case of bad weather or other emergencies, ensure that the LA is aware of inset, or early finish days.
- Should the school transport fail to arrive, contact the Passenger Transport Department. Keep children together wherever possible.
- Ensure that students understand that season tickets or passes, where issued, must be produced when requested by operators, drivers or LA Representatives.
- Notify the Passenger Transport Department of any changes to students circumstances, e.g. change of address, moving away from the area or leaving the school.

Special Needs Vehicles

Please refer also to the Special Educational Needs section of the Transport Policy.

- If a passenger assistant is provided on the vehicle they will work together with the driver and aim to provide an enjoyable journey to and from school.
- Any medication to be taken during the school day can be handed to the passenger assistant for safekeeping on the journey but must not ask the passenger assistant to administer medication.
- The driver and passenger assistant should not leave the vehicle when there is still a student on board. Unless otherwise specifically instructed the passenger assistant duties are restricted to the supervision of the students on the vehicle. They cannot be expected to take children across roads.
- Passenger assistants should have a Local Authority identification badge, which shows their picture and name.
- A parent, carer or other responsible adult must be at home at the times the transport calls to collect or deliver the student.
- You have to take your child to and from transport, if they need you to do this, the passenger assistant or driver cannot do this for you.
- Details of the child's special needs provided by the Local Authority Children's Services Directorate will be given to the passenger assistant, however please talk to them about anything important that we may not know about, such as any medication your child may be taking, or any medical conditions.
- If you are going to move house please inform Children's Services in advance in writing. This may affect your transport entitlement and we may not be able to make new arrangements in less than 10 working days notice.

- Wheelchairs are checked by Passenger Transport to see if they are safe to use on transport. If you know that your child is getting a new one you must phone 01793 466215 to ask for it to be checked. At least 5 working days notice is needed. Less notice could mean that it cannot be transported until it has been checked that it is safe.
- If your child has a special seat or harness provided by the Council then they must use it. These seats and harnesses belong to the LA and must not be removed from transport.
- Safety of your child and others may be affected if allowed to travel using other equipment. Passenger assistants and drivers have been told not to allow any changes without permission from Passenger Transport.

Appendix 3 – Drugs and Alcohol on Swindon School Transport

The Local Authority recognises its responsibility to provide a safe and healthy journey to and from our education establishments for students using our transport and that this can be put at risk by students or other passengers, who use illegal drugs, misuse other drugs or misuse alcohol.

- In accordance with the Misuse of Drugs Act 1971, use of illegal drugs will not be tolerated at any time.
- The Licensing Act 2003 states that it is an offence to sell alcohol to a young person under the age of 18, and to buy alcohol if you are less than eighteen years of age. The Confiscation of Alcohol (Young Persons) Act 1997 allows the police to confiscate alcohol from individuals less than eighteen years of age who are drinking in public and to contact their parents.
- If an individual is found using illegal drugs, alcohol or misusing drugs on any transport provided by the Local Authority, the following procedure will be followed:
 - a. The individual should be challenged, unless there are real concerns about personal safety of the driver, passenger assistant, individual or other passengers. In such a setting, the behaviour should be challenged at the earliest opportunity or the relevant school/college informed.
 - b. The individual should be instructed to cease the activity immediately. Where possible, the controlled drug or alcohol should be confiscated, but only in circumstances where personal safety is not put at risk.
 - c. If the individual refuses, the driver or passenger assistant should report to the senior member of staff at the school/college attended by the individual, who has designated responsibility for the management of drug and alcohol related incidents. This should be done immediately on arrival at the school/college premises or, if the incident occurs on a return journey, immediately the following day. The individual should be informed of this course of action, and reminded that the school/college may opt to involve the parents and the police in this matter.
 - d. Should any controlled drug or alcohol be found or seized on the transport by the driver or passenger assistant, these should be passed to the proprietor of the company operating as our contractor or in the case of the Local Authority Fleet Transport the Fleet Operations Manager who should place them in a sealed, lockable cabinet in the first instance. Alcohol should be stored on the premises and depending on what action is to be taken should be disposed of if it is no longer required for evidence, or returned to the owner if required to do so by the Police or Local Authority. Small quantities should not be destroyed, but placed in a sealed bag (preferably a self sealing evidence bag to be supplied by the Police) and placed in a lockable metal cabinet. This should be recorded and

witnessed by the person who found the substance and a member of the Companies or LA senior management team. At the earliest opportunity, Wiltshire Police should be contacted to arrange for the collection of the substance. If the contractor or the Local Authority Fleet Transport Operations Manager or their delegated representative takes the confiscated substance to Wiltshire Police, they should ring ahead to ensure the duty desk is aware of their intentions. The contractor and any Local Authority staff must not dispose of any substance themselves. Drugs should only be confiscated where possible, and if personal safety is not put at risk.

- e. If this is the first instance, the individual should be warned that future incidents will be dealt with more robustly e.g. immediate involvement of Wiltshire Police.
- f. Following the incident, other senior staff, drivers and passenger assistants should be informed and asked to be vigilant for reoccurrence.
- g. The individual may still be in illegal possession of controlled drugs. They should be reminded that this means that they are committing an offence under the Misuse of Drugs Act (1971), and informed of the legal risks this carries.
- h. If there is more than one incident while using education transport concerning an individual, then the Local Authority's Fleet Transport and Transport Contracts Teams may in conjunction with the Education Welfare Team instigate a behaviour contract between student, parents/carers, school/college and transport contractor. Failure to abide by this behaviour contract may lead to the child being permanently excluded from education transport. This would also include the situation if a student has been excluded permanently from one school and needs to travel to another using education transport
- i. Where quantities of drug or packaging suggest supply may be taking place, Wiltshire Police should be involved immediately.
- j. Any drug or alcohol-related incident must be recorded immediately on the Contractor/Local Authority Fleet Transport incident report form and reported to a line manager and supervisor and to the Passenger Transport Team who commission the transport on behalf of the Local Authority.
- k. If this is a recurring problem, more robust action should be taken, including direct involvement of Wiltshire Police where appropriate, but always in consultation with the school/college concerned.
- l. The contractor and Local Authority vehicle fleet will provide information and publicity about drugs and alcohol information and local treatment services through posters in buses and other transport provided by them on behalf of the Local Authority.

- m. The Local Authority reserve the right to seek and employ other enforcement and deterrent procedures including use of CCTV and police interventions (e.g. searches, use of passive drugs dogs etc) to identify persistent offenders, working with and on the advice of Wiltshire Police.
- n. The Local Authority and its contractors should ensure any incident relating to drugs, alcohol or other substances is addressed and managed in partnership with the school/college concerned (in conjunction with schools drugs policies) and with the appropriate Wiltshire Police School/College Liaison Officer, to ensure consistency of approach and clarity for students regarding drugs and alcohol incident procedures.

Appendix 4 – Designated transport areas

The maps outlining the designated transport areas are found in a separate document to be read in association with this document (this can be made available on request to educationtransport@swindon.gov.uk)