

The information below is an extract of Section 3 from Denbighshire's Learner Transport Policy 2018 which shows discretionary arrangements.

3.1 Discretionary Arrangements

Within the Learner Travel (Wales) Measure 2008, discretionary arrangements can be made under section 6 of the Measure. In some instances the cost of such arrangements can be charged to the parent / carer responsible.

3.2 Faith Schools

On a discretionary basis the Authority will provide transport to the nearest suitable Faith school if this is the parental / carers preference. This will apply even if the school is not their nearest suitable school. The distance criteria in section 2.2 will still apply. See the table in Appendix 1 for further details of Faith schools.

If the nearest suitable Faith school is outside of County then transport would still be provided by the Authority.

Where parents / carers have specifically cited Faith based education and the nearest suitable Faith school has no available places, then the next suitable Faith based school will be considered.

3.3 Welsh or English Medium Education

In accordance with section 10 of the Learner Travel (Wales) Measure 2008, the Authority promotes access to Welsh medium education by providing discretionary transport to the nearest suitable Welsh or English medium education, if this is parental / carer preference. This will apply even if the school is not their nearest suitable school.

For Welsh Medium education it would be a school which is categorised as either 1 or 2 within the Welsh Government guidelines on Welsh Medium Provision. For category 2 it would be a school where at least 80% of subjects (excluding Welsh and English) are taught through the medium of Welsh, but are also taught through the medium of English. The table in Appendix 1 shows Denbighshire's Welsh Medium School categories.

If the nearest Welsh or English medium school is outside of County then transport would still be provided by the Authority. Preference will only be considered against Welsh Medium or English Medium schools. The distance criteria in section 2.2 will still apply.

3.4 Feeder School Arrangements

On a discretionary basis the Authority recognises that certain Primary schools are natural feeder schools for certain Secondary schools. Therefore in regard to Secondary education, free school transport may be provided to either the nearest suitable Secondary School or the recognised feeder Secondary school; providing that the learner lives over the distance criteria in section 2.2, and the journey is agreed to be reasonable; this criteria is shown below.

The Authority reserves the right to apply a test of reasonableness to those parents / carers requesting secondary school transport on the basis of feeder schools. To receive free transport on this basis the learner must:

- Have been attending their nearest suitable primary school from their home location as assessed at the point of admission.
- Meet the distance criteria in section 2.2 for secondary schools.
- If learners move house before commencing secondary school, their entitlement will require re-assessment, as per the criteria shown in section 2.
- In instances where learners have not attended their nearest suitable primary school by parental / carer preference, section 3.4 will not apply. The assessment of school transport applications will then be based solely on nearest suitable Secondary school.

3.5 Post 16 Transport

The Local Authority provides discretionary transport beyond statutory school age where a Denbighshire learner resides 3 miles or more from the nearest suitable school or F.E. college. The learner must be studying full time and be less than 19 years of age on 1st September of the academic year in which the course is taken. Transport will be provided to the nearest secondary school designated by the Authority to serve the learner's home address only, or in the case of full-time vocational courses, to the nearest F.E. college. Transport between learning establishments working in a partnership with each other is provided by those partners.

3.6 School Reorganisation

In cases where school reorganisation has taken place, the Local Authority will consider the most appropriate options for school transport. This may include providing free transport for a specified period of time dependant on circumstances. Such arrangements will be provided on a discretionary basis and will be documented within the reorganisation process; so that relevant

schools, governing bodies, parents / carers, and any other stakeholders are all aware of the terms of the arrangement.

3.7 Moving Home

In cases where a learner, who has been in receipt of free school transport, moves home part way through the academic year, transport will cease if they are no longer attending their nearest suitable school.

If part way through a GCSE year (school years 10 and 11) the Authority will continue to provide discretionary transport until the academic years have been completed, i.e. until the end of year 11.

This undertaking is dependent upon the learner being ordinarily resident in the Authority's area. **Note:** The Local Authority also reserves the right to test the reasonableness of the transport requested under this condition, having regard to the distance, time of journey and the proximity of other suitable establishments.

All other reassessments of eligibility will follow the criteria set out in section 2. This section shall not apply where parents / carers have previously exercised a preference as detailed in section 2.7.

3.8 Managed School Transfers

Where managed school transfers are supported by both the new destination school head teacher and Education Services, parents / carers will be aware of this action and be included in these discussions at school level. School transport in these circumstances may be supported on a discretionary basis where it forms part of the action and agreement of all parties to pursue a change of school in the interests of the learner.

It is the parent / carer's responsibility to ensure that they fully engage with the Authority and the school when pursuing a managed transfer. These matters need to be verified and evidence available. This allows Education Support to make an informed decision based upon the evidence supporting the transport request.

Where no evidence is available, and/or where parent / carers refuse to engage in the process with the school and Education Services, the transport request will be refused. This will be based upon the lack of evidence available for an informed decision to be made.

3.9 Withdrawal of Discretionary Transport

A Local Authority can withdraw the provisions of discretionary school transport, provided it has agreed and published the relevant changes to the policy before the 1st October of the year preceding the academic year in which the changes will come into force.

3.10 Other Discretionary Provisions

Other discretionary arrangements regarding school transport can be made under section 6 of the Measure. The Head of Education and Children Services may apply these powers for free transport in cases such as:

- The safeguarding of a learner, or where there is likely to be significant detrimental impact to that learner's welfare.
- Transport on medical grounds may also be applicable under this criteria, including cases where the parent has a disability that restricts the ability of a learner to travel to school without transport for period of time; or where a learner is temporarily incapacitated through illness or injury.
- Temporary housing of a family outside of the previous residential area due to emergency, normally through the Authority's Housing Service, to minimise disruption of education.

This list is not exhaustive and there may be other circumstances where discretion can be applied; however, to ensure consistency of approach regarding discretion evidence may be requested from relevant professionals and the assessment will be recorded.

Where short term discretionary transport arrangements are put in place the Authority will inform parents / carers when these arrangements are to end.