GUIDELINES-

APPEALING FOR TRANSPORT ON THE GROUNDS OF DISTANCE OR EXCEPTIONAL ROAD SAFETY HAZARDS
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1.0 INTRODUCTION

2.0 PURPOSE

It is the statutory obligation of the Education Authority to provide transport for eligible pupils in order to facilitate attendance to their nearest suitable school.

Where a parent\(^1\) is not satisfied with the initial assessment made by the Authority, a request to review the application can be made.

3.0 OBJECTIVES OF THE GUIDANCE

Where an application is made to review the initial decision made by the Authority, it is the responsibility of the parent\(^1\) to provide as much relevant evidence as possible to demonstrate why it is felt that the initial assessment is incorrect and requires review. The Education Authority reserves the right to request additional information which it considers to be appropriate in the circumstances.

4.0 COMPLIANCE WITH RELATED LEGISLATION, POLICIES AND GUIDANCE

The Education Authority award transport assistance to all eligible applicants as per the terms set out in the Department of Education’s Circular 1996/41 – School Transport (18 September 2009).

As outlined in Paragraph 2.2 of Circular 1996/41 the Education Authority has a statutory obligation to provide transport assistance to Primary School pupils residing 2 miles or more from the nearest suitable school and to Post Primary School pupils residing 3 miles or more from the nearest suitable school.

5.0 GUIDANCE SCOPE

There are two principal grounds of appeal:

1. That the qualifying distance from home to school has been incorrectly measured.
2. That the qualifying route is unavailable due to exceptional road safety hazards.

\(^1\)‘Parent’ is defined as:
- The natural parents of a child, whether married or not.
- Anyone who although not a natural parent has parental responsibility for a child.
- Any person, who although not a natural parent, has care of a child.
6.0 GUIDANCE STATEMENT

6.1 Principal grounds of Appeal

6.1.1 Appealing on the grounds that the qualifying distance from home to school has been incorrectly measured

The Education Authority is required to provide transport assistance in accordance with the Department of Education Circular 1996/41 (updated September 2009). The Circular states that:

“Transport assistance should not normally be provided for any pupil who lives within the statutory qualifying distance of a school” (this is defined as 2 miles in relation to a pupil attending Primary School and 3 miles for Post Primary, measured by the nearest available route)."

In assessing eligibility for transport assistance, the Authority uses the latest Geographical Information System (GIS) to electronically calculate a definitive measurement from a pupil’s permanent parental home address to school using the nearest available route, based on the latest mapping and address database maintained by Land & Property Services (LPS); which is the common standard address for every property in Northern Ireland. The distance measured is based on the nearest available route and consequently is not always measured via the road network and will typically include footpaths, bridleways and other pathways.

To ensure parity for all applicants, the Authority must assess all transport applications based on the distance and suitable school criteria as defined by Department of Education only.

Whilst other mapping systems are comparable i.e. Google Maps, Bing Maps, AA / RAC Route Planner etc., these systems do not provide the required level of accuracy to determine the actual distance. Likewise distances recorded on vehicle odometers are not considered to have the required level of accuracy.

The Authority **will not** carry out a walked assessment of the route but will review the route taken by the Online App technology to determine if it has been correctly mapped and if the chosen route is appropriate.
6.1.2 Appealing on the grounds that the qualifying route is unavailable due to exceptional road safety hazards

The Education Authority may provide transport assistance where a pupil resides under the statutory qualifying distance only if it considers the route to school is such that a child accompanied by a responsible adult could not walk it in reasonable safety.

As all roads are potentially dangerous, whether in a rural or urban setting, it is not considered for that reason alone, necessary to make special provision over and above that provided under the normal transport policy. However, on occasion, due to other factors, routes may be considered unsuitable in either the short or long term and it is in these cases where special transport arrangements may be considered subject to the specific criteria set out below:

1. Consideration is only given to relevant highway and traffic conditions and not for personal or security reasons (which are the responsibility of the parent).  
2. It is assumed that the child would be accompanied as necessary by a responsible adult at all times. 
3. It is the responsibility of the parent to ensure that they make themselves visible at all times. 
4. Each route is considered objectively on its own merits at the time of appeal. 
5. In the first instance, the Authority will drive the route in both directions at relevant morning or afternoon school run times; and sections considered unacceptable, will be subject to further detailed assessment.  
6. Where a footway or roadside strip of reasonable condition exists, or a suitable/adequate public footpath or bridleway is available, this will normally be assumed to provide an acceptable route for that part of the journey. 
7. Where a suitable verge exists on a lightly trafficked or narrow road which can be stepped onto by the child and accompanying person when vehicles are passing, it can normally be assumed to provide an acceptable route for that part of the journey. 
8. Many routes may lie along roads having neither footway nor verge. On such roads consideration will be given to the width of the carriageway, traffic speed and composition (such as frequent HGV's) and to visibility (i.e. sharp bends with high hedgerows or banks or other obstructions to visibility). 
9. Consideration will be given to the relevant injury collision record of the route for the latest 3 year period, with particular regard to the effect on pedestrian movements. 
10. Where road crossings are necessary, the availability of facilities to assist such crossing should be taken into consideration. Where no crossing facilities exist an assessment of the risks which may be generated by crossing the road (bearing in mind traffic speeds and flows, sight lines etc.) It will be assumed that any crossing facilities (zebra, toucan or pelican crossing) will be used
where provided. If such facilities are not provided and the pedestrian is required to cross the road, the ‘gap time’ of passing vehicles will be assessed to determine a safe crossing point.

11. In reaching a recommendation, the Officer concerned will make a critical judgement based on whether the route affords sufficient opportunity for pedestrians and vehicle drivers to avoid dangerous conflict while progressing normally along it.

12. It should be noted that lack of street lighting does not constitute a safety hazard.

The assessments are conducted in accordance with Road Safety GB “Assessment of Walked Routes to School” Guidelines by appropriately trained Officers within the Authority.

Assessments of this nature cannot commence until 1st September as it must be conducted in ‘real time’ home to school travel situations.

It is the responsibility of the parent\(^1\) to provide as much evidence as possible in support of the application. Types of evidence include:

- Detailed map of route
- Perceived hazard(s) clearly identified on the map
- Full description of hazards faced and why they deem the route unsuitable to walk.

The onus rests with parents\(^1\) to ensure that all applications are supported by sufficient evidence of the perceived hazard(s). Only one Appeal can be submitted in respect of each case (refer to Section 6.2.2).

Where applications are not supported by any or insufficient evidence or are otherwise incomplete, the Application may be refused. Alternatively the Education Authority may return the Application with an indication of the deficiencies in the supporting evidence and invite the Application to be resubmitted within 8 weeks from the receipt of the returned Appeal Application form.

The correct applicant is the parent\(^1\) and applications will not be considered without the signature of the parent\(^1\). Where an application form has not been signed, it will either be refused or returned.

Any request for further assessment will only take place should there be substantial changes to the road layout, traffic flow or crossing assistance etc.

6.2 Application Process

If you have applied for transport assistance for your child and have been refused on the basis of the Education Authority’s interpretation of the transport circular you may make written request to appeal this decision.

Relevant Appeals Application forms can be downloaded from the EA website www.eani.org.uk
The completed form (including any supporting evidence) can be returned via email or post to the appropriate Transport Office:

**ARMAGH OFFICE:**
Transport Manager  
Education Authority  
3 Charlemont Place  
The Mall  
ARMAGH  
BT61 9AX  
Tel: 028 3751 2391  
Email: Transport-Armagh@eani.org.uk

**BALLYMENA OFFICE:**
Transport Manager  
Education Authority  
182 Galgorm Road  
BALLYMENA  
BT42 1HN  
Tel: 028 2566 1370  
Email: Transport-Ballymena@eani.org.uk

**BELFAST OFFICE:**
Transport Manager  
Education Authority  
29A Fortwilliam Park  
BELFAST  
BT15 4AR  
Tel: 028 9056 6200  
Email: Transport-Belfast@eani.org.uk

**DUNDONALD OFFICE:**
Transport Manager  
Education Authority  
Grahamsbridge Road  
Dundonald  
BELFAST  
BT16 2HS  
Tel: 028 9056 6200  
Email: Transport-Dundonald@eani.org.uk

**OMAGH:**
Transport Manager  
Education Authority  
1 Hospital Road  
OMAGH  
BT79 0AW  
Tel: 028 8241 1411  
Email: Transport-Omagh@eani.org.uk

6.2.1 Notification of the outcome of the Appeal Process

Not all Appeals will be fully considered by the 1st September and if you have appealed under safety grounds investigations will not commence until this date.

The Authority will write to you formally detailing the outcome of the Appeal. **Until this is received it is parental responsibility to make alternative arrangements for your child(s) safe transport to and from school.**

6.2.2 If the Appeal is refused

**If the Appeal is refused there is no further right of Appeal to the Education Authority.**

6.2.3 If the Appeal is successful

If the appeal is upheld the Education Authority will arrange transport assistance for your child as per the terms set out in the Department of Education Circular 1996/41 (updated September 2009). The Authority reserves the right to provide transport assistance to the parent which is different from the form of transport requested, but which the Education Authority considers to be consistent with the:

- welfare needs of the child (as opposed to those of the Parent) and/or
efficient management of transport services and resources

Transport assistance can be provided by a variety of means including the issue of sessional tickets (commonly referred to as ‘bus passes’) for public transport, the operation of EA vehicles and the payment of car allowances.

It is a matter of parental choice whether to accept the transport assistance which the Authority is willing to provide.

Be advised that if transport assistance is required for the following academic year a new application and supporting evidence must be submitted.

6.2.4 Contact with the Education Authority re Appeals

Refer to the contact details provided in Section 6.2.