

School Transport

Introduction

This factsheet is aimed at parents of children with special educational needs (known as additional support needs in Scotland) who want to find out about school transport. Its purpose is to give you the basic facts and point you in the direction of other help and resources, rather than to serve as a guide to the law on school transport.

England

Top Tips

- Local authorities (LAs) must publish their policy on home-school transport.
- Find out about your LA's policy on home-school transport. The quickest way is to do an internet search on 'home-school transport policy' plus the name of your LA. Information about transport should also be included in your LA's Local Offer which you can find by searching on 'local offer' plus the name of your LA, or you can ring the council and ask for a copy of the policy to be sent to you.
- If you are having difficulty getting school transport, contact one of the organisations at the end of this factsheet. LAs should provide independent advice and support services. If you would like to find out more about information, advice and support services in your area, details should be included in your area's Local Offer, (see above). Alternatively you can find the name of your local advice service by visiting the website of the Independent Advice and Support Services Network: <http://www.iassnetwork.org.uk>. The National Deaf Children's Society may also be able to offer advice and support in relation to annual review meetings, please contact our Helpline.
- For detailed guidance on the law, you can download a copy of *Home to School Travel and Transport Guidance: Statutory guidance for local authorities* from: <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>.

Key facts

- Local authorities (LAs) have a duty to provide eligible children with free and suitable home to school transport when they attend the nearest suitable school. Eligibility will depend on:
 - whether or not the child's special educational needs, disability or mobility problems are such that it would be reasonable to expect the child to walk
 - the walking distance between home and school
 - the child's social and family circumstances
 - the suitability of the walking route for a child of that age/capability.

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- The statutory walking distance, beyond which help with transport should be provided is:
 - Two miles for children under eight years of age.
 - Three miles for pupils aged eight to 16 years.

Distance is measured along the nearest available and suitable route your child could use. However, even if you live within this distance, your child may still be eligible, because other factors also have to be considered, such as mobility and safety.

- If your preferred school is beyond the statutory walking distance but the LA considers that there is a suitable school which is nearer, it does not have to provide transport.
- The walking route to school must be suitable. The LA should take into account factors such as types of road (including speed and volume of traffic), street lighting, whether or not it is practical for the child to be accompanied by an adult, and the child's age.
- The LA does not have to provide transport to an independent school unless the school is named on the Education, Health and Care (EHC) plan or statement (and even then, distance and other eligibility criteria still apply).
- Transport does not necessarily mean individual or door-to-door transport. If your child is eligible for assistance with travel, the type of assistance provided will depend upon their ability to travel. This could range from a door-to-door taxi with escort to a travel pass. The type of transport may change over time. For example, a child may initially have door-to-door transport, then progress to meeting transport at a pick-up point, and eventually it may be appropriate to introduce independent travel training to enable your child to travel alone on public transport. Any changes to transport arrangements should be discussed with you.
- As a rule, transport is recorded on an EHC plan or statement only in exceptional circumstances, where your child has particular transport needs. The fact that it is not recorded does not mean there is no duty to provide it.
- Your child may be eligible for transport if he/she has a medical condition or disability which prevents him/her from walking to school even if you live within the statutory walking distance.
- Children in low-income families (whether or not they have special needs or disabilities) are eligible for free transport if:
 - They are between eight and ten years old and live more than two miles from their preferred suitable school.
 - They are of secondary school age and attending a school (not necessarily the nearest suitable school) between two and six miles from home.
 - They attend the nearest school of parental preference for religious reasons and that school is between two and 15 miles from home.

- Transport for children with statements should be non-stressful. The maximum recommended travel time is 45 minutes each way for children in primary school and 75 minutes in secondary school but this is not a hard and fast rule.
- LAs can, at their discretion, pay all or part of any pupil's reasonable travelling costs.
- LAs should have in place a robust appeals procedure for parents to follow if they have cause for complaint or disagreement concerning the eligibility of their child for travel support. The details of appeals procedures should be published alongside the home-school transport policy.
- You cannot appeal to the Special Educational Needs and Disability Tribunal about the provision of transport (though transport may be discussed as part of an appeal about placement).

Wales

Top tips

- Obtain a copy of the law on learner travel in Wales, *Learner Travel Wales Measure* – an internet search on 'Learner Travel Wales Measure' should take you straight there. Or follow this link: <http://www.legislation.gov.uk/mwa/2008/2/contents>. A summary of the guidance is reproduced below.
- Ask your Local authority (LA) for a copy of its transport policy.

Summary of *The Learner Travel (Wales) Measure 2008*.

The Measure covers, amongst other things, duties on LAs to assess learner travel needs and to make transport arrangements for defined groups of learners. It provides a basis for a better joined up approach for pre- and post-16 learners. Within a common framework for Wales there is now a defined minimum level of transport entitlement with authorities having discretion to do more.

The Measure replaces provisions applying to Wales in sections 509, 509AA, 509AB, 509AC and 509A of the Education Act 1996 (as amended) in relation to the provision of transport for children and others receiving education and training at schools and other institutions.

This guidance is issued under section 15 of the Measure (and section 32 of the Education Act 2002 as amended by the Measure) and takes account of the changes to school transport arrangements required by the Measure. The guidance is statutory, except for Part 6 where Welsh Ministers do not have the necessary powers to issue statutory guidance. Local authorities must have regard to the guidance in undertaking their functions under the Measure. It replaces the non statutory '*Home to School Transport*' guidance issued in April 2008 and statutory guidance for post-16 transport policy statements.

This guidance describes the Welsh Assembly Government's interpretation of the law for school transport and provides a view about how local authorities should discharge their legal duties. It cannot provide a definitive guide to the law as this is a matter for the courts and it is not a substitute for seeking independent legal advice.

Key points for children with SEN and Disabilities:

- Local authorities (LAs) must consider a pupil's special educational needs, irrespective of whether the pupil has a SEN statement, when deciding which is the nearest suitable school. Suitable schools for pupils with SEN are often further away than the nearest local school and a high proportion of pupils with SEN will be entitled to free transport. The transport requirements of pupils with SEN or a disability will depend on individual circumstances and the route they must travel. If a pupil cannot walk to school because of the nature of their special educational needs or disability, the LA must provide free home to school transport even if the distance is less than the statutory limit (section 4 of the Measure).
- LAs should have a clear and consistent policy on transport provision for pupils with SEN and for those with disabilities, covering, for example, conditions such as autistic spectrum disorder for whom disruption of routine can cause great stress.
- Special Educational Needs Code of Practice for Wales sets out the issues to be considered by LAs when providing transport for pupils with a SEN statement. An authority should review a pupil's entitlement and transport needs on a regular basis. For statemented pupils, this might be carried out as part of the annual review of the statement, irrespective of whether or not the statement specifically includes transport matters.
- It is suggested that the following matters are covered by LAs' policies on transport provision for pupils with disabilities or SEN:
 - Groups of pupils covered by the policy and how entitlement for free transport is assessed.
 - Escort provision.
 - Transport to mainstream schools, special schools, and residential facilities.
 - Facilitation of parental preference.
 - Charges for spare places on dedicated transport for pupils not entitled to free transport.
 - Standards for staff and vehicles, including child protection arrangements.
 - Good practice on transporting children in wheelchairs or special seats.
 - Training for drivers and escorts in disability equality and access to specific additional training for escorts.
 - Training for drivers and escorts to use special equipment and communication tools to support pupils in managing their behaviour.
 - Appeals against refusal of requests for free transport.
 - Complaints procedures.
 - Arrangements for monitoring services, including liaison with and feedback from parents and schools.

Northern Ireland

Top tips

- For guidance on the law, visit <http://www.deni.gov.uk/index/schools-and-infrastructure-2/admission-and-transport/transport-to-school.htm> and download a copy of Circular No.1996/41 (updated September 2009).
- If you need help with getting transport for your child, contact one of the organisations at the end of this factsheet or call the National Deaf Children's Society helpline.
- Boards must publish their arrangements for the provision of home-school transport.

Key facts

- The Board has to make such arrangements as it considers necessary to enable children to attend grant-maintained schools.
- In deciding which pupils should receive transport, the Board should have regard to "walking distance" which is defined as two miles for children under eleven years old and three miles for older pupils, measured by the nearest available route which can be walked.
- If your preferred school is outside the statutory walking distance, but there is another suitable school nearer (within the walking distance) where your child could have had a place, there is no duty to provide transport. A suitable school is a grant-maintained school. To qualify for transport assistance to a school outside the walking distance you must be able to prove that you were unable to get a place in schools within the same category within statutory walking distance.
- Children below compulsory school age are not eligible for assistance with transport, even if they are already in a reception class.
- Transport assistance for eligible pupils can be provided by a variety of means, depending on the age of the pupil, the duration of the journey and whether it would entail an unduly late start or early end to the pupil's time away from the family home. For some children this will mean a taxi, whilst for others it will be a bus pass.
- **For children who have a statement of special educational needs**, the decisions about that their placement, including their entitlement to free home-school transport, will have to be made by the Board. The general arrangements described above may not, therefore, apply in the case of a statemented pupil, whether he/she is placed in a grant-aided school or otherwise.
- **The Board has a discretionary power to provide transport to** enable a statemented child to attend an independent school. However, it has a duty to make efficient use of resources and must therefore give careful consideration as to whether the provision of free transport is justified in the particular circumstances of each child, whatever type of school is involved.

Scotland

Top Tips

- Ask your education authority for a copy of its transport policy so that you know what happens in the area where you live. Visit the website of Enquire www.enquire.org.uk/publications/factsheets (The Scottish Advice Service for Additional Support for Learning) and download the factsheet on transport.
- If you need help with the provision of transport, contact the National Deaf Children's Society helpline or contact one of the organisations at the end of this factsheet.

Key facts

- Education authorities must take into account the walking distance from home to school. As a rule, free travel is available if a child lives two miles or more from school under eight years old and three miles or more for older children. This must be by a suitable walking route, taking into account the safety of the route.
- Free transport will usually be provided only to your child's local school or the school where the education authority has given a place, for example a special school.
- If you choose a school managed by another education authority (that is, not the authority in which the child lives), you should arrange to discuss transport before making a placing request, as your child will not be entitled to free transport. The education authority may provide transport at its discretion.
- If your child has additional support needs and you make a placing request in an independent special school or grant-aided special school elsewhere, your child should be entitled to free transport. However, **you should take advice if you plan to request such a placing.**
- The type of transport provided will vary. The education authority, when deciding on the type of transport, must consider safety, your child's age and their additional support needs.

Useful Contacts

General:

Contact a Family

Email: helpline@cafamily.org.uk

Helpline 0808 808 3555

Website: www.cafamily.org.uk

Independent Advice and Support Services Network

Website: <http://www.iassnetwork.org.uk/>

England:

IPSEA (Independent Panel for Special Educational Advice)

Tel: 0800 018 4016.

Website: www.ipsea.org.uk

The Coram Children's Legal Centre

Email: clc@essex.ac.uk

Free Legal Advice: 0808 802 0008 open Monday to Friday 8am-8pm

Website: www.childrenslegalcentre.com

Wales:

Welsh Assembly

Website: www.wales.gov.uk

Northern Ireland:

Children's Law Centre

Freephone: 028 9024 5704

Website: www.childrenslawcentre.org

Education Support

Website: www.education-support.org.uk (includes Tribunal information)

Special Educational Needs and Disability Tribunal

Email: SENDtribunal@courtsni.gov.uk

Tel: 028 9072 8757

Web: <http://www.courtsni.gov.uk/en-GB/Tribunals/SpecialEduNeedsnDisability/Pages/default.aspx>

Department of Education (Northern Ireland)

www.deni.gov.uk

SENAC (Special Educational Needs Advice Centre).

Tel: 028 9079 5779.

Website: www.senac.co.uk

Scotland:

Education Law Unit – Govan Law Centre.

Email: advice@edlaw.org.uk

Tel: 0141 445 1955

Website: www.edlaw.org.uk

Enquire – The Scottish Advice Service for Additional Support for Learning.

Tel: 0845 123 2303

Website: www.enquire.org.uk

Scottish Government

Website: www.scotland.gov.uk

Please note that in producing this factsheet NDCS has taken every care to ensure that the information is accurate and we hope that you will find it helpful. However, we cannot be held responsible for any damage or loss caused by any inaccuracy.

About the National Deaf Children's Society

The National Deaf Children's Society is the leading charity dedicated to creating a world without barriers for deaf children and young people across the UK.

We use the term 'deaf' to refer to **all types of hearing loss or impairment from mild to profound**. This includes deafness in one ear or temporary deafness such as glue ear.

We use the word 'parent' to refer to all parents and carers of children.

For more information take a look at our website: www.ndcs.org.uk.

For information and practical support on issues related to your child's deafness, contact the National Deaf Children's Society Freephone Helpline on 0808 800 8880, email us at helpline@ndcs.org.uk or contact us via Live Chat at www.ndcs.org.uk/livechat.

If you prefer to speak a language other than English, tell us the language of your choice and your phone number (in English). We will call you back with an interpreter within a few minutes.

This information can be requested in large print, in Braille and on audio CD.

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