

Transport

The local authority has duties to provide school transport to children and young people in certain situations.

What is the law on school transport?

The **Education Act 1996** contains the law on school transport. The government has also issued statutory guidance called **Home-to-school travel and transport 2014**. Local Authorities must have regard to this when carrying out their duties on home to school travel and transport and sustainable travel.

The **Education Act 1996** says the local authority **must**:

...make in the case of an eligible child in the authority's area ...such travel arrangements as they consider necessary in order to secure that suitable home to school travel arrangements for the purpose of facilitating the child's attendance at the relevant educational establishment in relation to him, are made and provided free of charge in relation to the child. (Section 508B (1))

Who is entitled to free school transport?

To qualify as an "eligible child", the child must be of compulsory school age (5—16) attending a qualifying school and must fulfil one of the following criteria:

- The child is living outside of the statutory walking distance of the nearest suitable maintained school.
 - For children aged over 5 but under the age of 8 the statutory walking distance is 2 miles.
 - For children aged over the age of 8 and under 16 the statutory walking distance is 3 miles.
 - The statutory distance is measured by the shortest route along which a child, accompanied if necessary, may walk safely.
 - A suitable school is defined as the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child and considering any SEN the child may have.
 - A child's home is defined as the place where he/she is habitually and normally resident.
- The child cannot reasonably be expected to walk to school because of their mobility problems or other health and safety concerns related to their SEN or disability.

- This will be assessed on a case-by-case basis.
- The local authority will consider whether the child could reasonably be expected to walk if accompanied and whether the child's parent can reasonably be expected to accompany the child.
- The child cannot reasonably be expected to walk the route to school because the nature of the route is unsafe to walk.
 - The local authority will consider whether the child could reasonably be expected to walk if accompanied and whether the child's parent can reasonably be expected to accompany the child.
- The child is entitled to free school meals or their parents are in receipt of maximum Working Tax Credit **and**
 - The nearest suitable school is beyond 2 miles (for children aged 8-11); or
 - The school is between 2-6 miles and there are not three or more suitable nearer schools (for children aged 11-16). (The distance is to be measured by vehicle routes); or
 - The school is between 2-15 miles and is the nearest school preferred on the grounds of religion or belief (for children aged 11-16). (The distance is to be measured by vehicle routes.) Religion or belief includes a lack of religion or belief and so also applies to an atheist parent's wish for their child to attend a non-faith school.

What is a qualifying school?

A qualifying school, for the purpose of identifying an eligible child, includes:

- community, foundation or voluntary schools
 - community or foundation special schools
 - non-maintained special schools
 - pupil referral units
 - maintained nursery schools or
 - city technology colleges (CTC), city colleges for the technology of the arts (CCTA) or academies, including free schools and University Technical Colleges (UTC).
- It will also include an independent school if named on a child's statement or EHCP.

What is suitable transport?

To be suitable, the transport must enable an eligible child to reach school without such stress, strain or difficulty that they would be prevented from benefitting from the education provided. It must allow the child to travel in reasonable safety and in reasonable comfort.

Ideally, a child should not be expected to make several changes on public transport. Best practice suggests that a child of primary school age should not travel for longer than 45 minutes and a child of secondary school age should not travel for more than

75 minutes. Local authorities should also consider the walking distance to access public transport.

How will the transport be provided?

The local authority can:

- Provide expenses e.g. refund travel costs to parents
- Fund public transport e.g. through a season ticket
- Provide school buses
- Provide taxis or minibuses
- Provide escorts to walk children to school.

How do I apply for transport?

Local authorities must publish general arrangements and policies on school transport for children of compulsory school age.

To apply for transport contact the local authority transport department and complete an application form, attaching any evidence necessary to demonstrate that you fulfil the criteria stated above, for example, proof of receipt of free school meals or Working Tax Credit or proof of a child's SEN or disability.

You can also apply online here:

<https://www.bournemouth.gov.uk/Apply/ApplyForms/Forms/travel-assistance-from-home-to-school.aspx>

When might the local authority refuse free transport?

If your child attends a school which is outside of the statutory walking distance but the local authority can demonstrate that there is a nearer suitable school then it is not liable to provide transport. The local authority must show that there is a real prospect that the child could get a place at that suitable alternative school.

What if my circumstances change during the school year?

The expectation is that once assessed as eligible for school transport the child should be eligible for the whole year and the local authority should avoid disrupting a child's education by withdrawing school transport during the year.

What is the law on transport for children with an Education Health Care Plan (EHCP)?

The **SEND Code of Practice 2015** sets out the considerations for a child with an EHCP.

- If the parents' preferred school is further away from the child's home than another school that can meet the child's special educational needs the local authority can name the nearer school if that would be compatible with the efficient use of resources. Alternatively, the local authority can name the parents' preferred school with the condition that the parents agree to pay all or part of the transport costs.
- Where the local authority names a residential placement at some distance from the parents' home and the local authority, they should provide transport or travel assistance (such as reimbursement of public transport costs, petrol costs or provision of a travel pass).
- In exceptional cases where a child has particular transport needs this will be set out in the child's EHCP.

Specifically, for those with an EHCP:

- The Local Offer must contain information about arrangements for transport (including for young people up to the age of 25 with an EHCP) including specific arrangements for specialised transport.
- Transport costs may be provided as part of a Personal Budget where it is agreed and contained in the EHCP.

Can I appeal a refusal of transport?

There is a right of appeal if the local authority refuses transport for your child. The local authority must provide you with details of how to appeal.

Can the local authority withdraw transport because of bad behaviour?

Schools can cover behaviour on school transport under their behaviour and discipline policies and impose sanctions on the child for misbehaviour. It is possible for the school to withdraw transport, either temporarily or permanently, due to poor behaviour. A school can also exclude a child for poor behaviour on school transport. It is worth checking the specific policy in question as there may be options to request a review. You may also wish to discuss the possibility of an escort to ensure future behaviour is better.

Is there transport for young people over 16?

Since June 2015 young people are required to stay in education or training to the age of 18. The government has issued statutory guidance on **Post-16 transport to**

education and training 2014 which local authorities must have regard to when carrying out their responsibilities.

Local authorities have discretion to determine transport and financial support in their area and must publish their policies on this. Local authorities must have regard to:

- The needs of those who could not otherwise access education or training and in particular those not in education, employment or training (NEET), young parents and those living in rural areas.
- The young person having reasonable choice between educational options.
- The distance between home and the educational establishment.
- The journey times.
- The journey costs.
- The needs of learners with learning difficulties and/or disabilities.

SENDiass can also give you:

- support and advice on applying for free home to school transport
- information about other organisations, support groups and information services that could help