

Transport

Children under Compulsory school age (Below 5):

Children that are under school age are not automatically entitled to transport to school or early years settings.

Section 509A of the Education Act 1996 gives Local Authorities (LAs) the choice to make travel arrangements for children under compulsory school age that attend an early years setting.

For children that attend school but are under compulsory school age section 508C of the Education Act 1996 gives LAs the choice to make travel arrangements they feel are necessary in an effort to make sure that the child attends school.

The LA cannot refuse to make travel arrangements for those under compulsory school age just because there isn't a strict duty to make them. A LA cannot have a blanket policy which says that all children under compulsory school age are not allowed transport, it would have to be on a case by case basis.

Children of Compulsory school age (5-16):

Section 508B of the Education Act 1996 states that Local authorities are required to arrange free, suitable, home to school transport for children of compulsory school age who are eligible, to their nearest suitable qualifying school.

There are four categories for Eligible Children:

- Children with SEN, a disability or a mobility difficulty
- Children whose route to school is unsafe
- Children who live beyond the statutory walking distance
- Children from low income families

A qualifying school is a:

- maintained (publicly funded) school or nursery
- non-maintained special school
- pupil referral unit
- University/college technical college , or
- an Academy

An independent school can also be a qualifying school if it is in Section I of the EHC plan and there are no comments saying parents will provide transport. Home to school travel arrangements, in relation to an eligible child, are travel arrangements in both directions between the child's home and the relevant educational establishment.



The Home to School Travel and Transport Guidance (paras 34 and 35) defines suitable travel arrangements. In particular:

- They must enable an eligible child to reach school without such stress, strain or difficulty that they would be prevented from benefiting from the education provided.
- They must enable the child to travel in reasonable safety and comfort although this does not necessarily mean a door-to-door service.
- The home to school travel guidance suggests a maximum reasonable journey times of 45 minutes for primary school children, and 75 minutes for secondary school children.

Children of Compulsory school age (5-16) with SEND and/or an EHCP:

If a child has special educational needs (SEN), a disability or mobility problems which means they cannot reasonably be expected to walk to school, then they are an 'eligible child' and are entitled to home to school transport. This is only if the LA has made no suitable arrangements for attendance at a nearer school.

The legal definition for what walking distance is defined as two miles for under eights and three miles for those eight and over. This is measured by the nearest and safest route for the child to walk accompanied.

If your child has SEN, a disability or a mobility problem then walking them to school may not be safe or manageable. If this is the case then your child may be eligible for free home to school transport even if the school is within the statutory walking distance.

If a school is named in Section I of the EHCP and the Local Authority have agreed that, this school can meet the child's needs they should provide the transport to that school unless stated otherwise.

If a parent decides on a school that is further away and there is a school closer that can meet needs then the Local Authority may name the parents' choice in the EHCP with a caveat stating it is parental preference and transport must be paid by the parents.

Young people aged 16-19:

Although there is no automatic entitlement to transport for those of sixth form/college age, LAs have a choice to assist with transport arrangements and are expected to target support towards students in particular circumstances (such as those with SEN or from low income families). It is unlikely that such transport will be free. If a child has an EHCP and they fall in to this age bracket then it is likely they will still have to pay transport fees but these may be at a discounted price.

Young people aged 19-25:

The LA's duty in respect of 'adult learners' is covered by section 508F of the Education Act 1996. The LA must make transport arrangements for those aged 19+, any transport arrangements provided under this duty must be free of charge.

If an adult learner has an EHC plan, the LA has a duty to secure the special educational provision specified within the EHC plan and will have real difficulty doing so if the young person can't get to college to access that provision. This is likely to mean that they will provide transport for the young person.

