



Department  
for Education

# **Travel to school for children of compulsory school age**

**Statutory guidance for local authorities**

**June 2023**

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# Summary

## About this guidance

This is statutory guidance from the Department for Education. It is issued under the duties placed on the Secretary of State by sections 508A (7) and 508D (1) of the Education Act 1996. It replaces the previous *Home to School Travel and Transport Guidance* from 2014.

Local authorities are under a duty to have regard to this guidance when carrying out their duties in relation to:

- arrangements for travel to school for children of **compulsory school age**;
- the promotion of sustainable travel to school (this duty applies in relation to young people of sixth form age as well as children of **compulsory school age**).

There is [separate guidance on travel to post-16 education and training](#).

## Review date

This guidance will be kept under review and updated when necessary.

## What legislation does this guidance refer to?

This guidance refers to the legislation governing travel to school for children of **compulsory school age**, in particular:

- section 508A of the Education Act 1996: sustainable travel to school;
- section 508B of and Schedule 35B to the Education Act 1996: travel arrangements for eligible children;
- section 508C of the Education Act 1996: travel arrangements for other children;
- the School Information (England) Regulations 2008: publication of information about travel arrangements.

Links to some of the legislation that relates to travel to school can be found in annex 3: additional resources.

## Who is this guidance for?

This guidance is for local authorities, in particular their school travel teams and **special educational needs** casework teams.

It may also be of interest to schools, academy trusts, **parents**, organisations that advise **parents** and travel operators.

## Main points

- **Parents** are responsible for ensuring their child attends school. This means they must take all the action necessary to enable their child to attend school.
- For most **parents**, this includes making arrangements for their child to travel to and from school. Local authorities must make arrangements, free-of-charge, for eligible children to travel to school (see part 1 of this guidance).
- Local authority school travel and **special educational needs** teams should work together to ensure travel arrangements are considered when deciding what school to name in a child's **Education, Health and Care plan** (part 1).
- Local authorities have a discretionary power to arrange travel to school for other children (part 2).
- Local authorities are responsible for deciding what travel arrangements to make, provided they are suitable for the needs of the children for which they are made (part 3).
- Schools should support local authorities to deliver their home to school travel functions, for example, by promoting good behaviour on transport, and sharing information to ensure children's needs are met, and taking travel arrangements into account when making changes to their **school day**.
- Local authorities' school travel policies should be easy for **parents** to find and understand (part 4).
- Local authorities should have a fair and transparent process so that **parents** can appeal a decision about travel to school for their child (part 5).
- Local authorities have a duty to promote sustainable and active travel to school (part 6).

In updating this guidance, we have had regard to:

- a [School Transport Inquiry](#) conducted by the charity [Contact](#);
- a [School Transport Report](#) by the charity [Cerebra](#);
- the [coroner's regulation 28 report to prevent further deaths](#) issued in 2016, following the death of a child on a **dedicated** school bus;
- responses to our [2019 public consultation](#);
- stakeholder comments provided in late 2022 and early 2023.

## Words used in this guidance

Where the words ‘**must**’ and ‘**must not**’ are used, they represent a statutory requirement. Where the word ‘should’ is used, it represents something authorities ought to do or something that is considered good practice but is not a mandatory requirement.

The word ‘**reasonable**’ is used throughout this guidance. Local authorities are expected to act reasonably in the performance of their functions. Whether an action is reasonable may vary according to the circumstances in which it is being considered and local authorities will need to use their judgement. In general, they should seek to act in a way that is fair and rational and takes into account relevant factors.

An explanation of words in ***bold italics*** can be found in annex 1: explanation of terms used in this guidance.

## Context

Home to school travel is an integral part of the school system. It ensures no child of ***compulsory school age*** is prevented from accessing education by a lack of transport or the cost of transport.

The cost of delivering free home to school travel has increased significantly in recent years. It is important that local authorities take travel costs into account when planning the supply of school places. Capital expenditure, revenue costs and travel costs need to be considered together to ensure financial sustainability.

The [SEND and Alternative Provision Improvement Plan: Right Support, Right Place, Right Time](#) sets out the Government’s plans for a national ***special educational needs, disability*** and alternative provision system that fulfils children’s potential, builds ***parents’*** trust and provides financial sustainability. The new system will improve early identification of needs and set clear expectations for the types of support that should be ordinarily available in mainstream settings, meaning fewer children will need to access support through an ***EHC plan***. Taken together with [£2.6 billion of Government investment](#) in new places and improvements to existing provision for children with ***special educational needs*** and ***disabilities*** or who require alternative provision, this will mean fewer children will need to travel long distances to a school that is able to meet their needs.

The Improvement Plan also sets out plans for local SEND and alternative provision partnerships which will bring together partners in education, health and care to plan and commission support for children and young people with ***special educational needs*** and ***disabilities*** and in alternative provision. The partnerships will create local inclusion plans that will set out how the needs of children and young people in the local area will be met. Home to school travel is important in enabling children to access the support available to them and partnerships will factor it into their plans.

We know that local authorities need schools to support them to deliver their home to school travel functions by:

- promoting good behaviour on transport;
- sharing information to ensure the needs of children with **special educational needs, disabilities** or **medical needs** are met;
- considering any implications for travel arranged by the local authority when arranging for children to be educated off-site or proposing changes to their **school day** or week; and
- promoting sustainable travel to school.

## Fairness and getting things right

Free travel to school is a valuable service for many families, but budget pressures mean local authorities often have to make difficult decisions about how to make best use of the limited resources available to them. They must comply with their duty to arrange free travel for eligible children but have some discretion in how they do this. This means they need to make a range of decisions, many of which can be challenging. For example, they need to decide what travel arrangements to make for eligible children, whether a child with **special educational needs** can reasonably be expected to **walk** to school, and whether to exercise their discretion to provide travel for children that are not eligible.

School travel can sometimes become the subject of disputes between **parents** and their local authority and of complaints to the Local Government and Social Care Ombudsman (LGSCO). It is not always possible to make a decision that **parents** are happy with, but it is important they are treated fairly and understand how the decision has been reached.

It is important to have policies to guide decision making but genuine consideration should be given to each case, rather than rigidly adhering to a policy, particularly when considering whether to exercise discretion.

Annex 4 sets out some questions that local authorities may find helpful when reviewing their policies and procedures. LGSCO has published [guidance on good administrative practice and the effective handling of complaints](#).

## The public sector equality duty

The Equality Act 2010 requires local authorities to comply with the public sector equality duty. This means they must consider how their school travel decisions and policies affect people with protected characteristics, and must have due regard to the need to:

- eliminate discrimination against people with protected characteristics;

- promote equality of opportunity between people who have a protected characteristic and those who do not; and
- foster good relations between people who have a protected characteristic and those who do not.

The public sector equality duty is likely to be particularly relevant when local authorities are revising their school travel policies (see part 4), deciding whether to exercise their discretionary power (see part 2) and deciding whether it would be reasonable to expect a **parent** to accompany their child on their journey to and from school (see paragraphs 47 to 52).

### **Duty to have regard to religion or belief**

Section 509AD of the Education Act 1996 requires local authorities to have regard to any wish of a **parent** to have their child educated at a school based on their **religion** or **belief** when exercising their school travel duties. This does not mean local authorities must arrange travel to a school with a **designated religious character** for a child whose **parents** have chosen it on the grounds of their **religion** or **belief** (unless the child would be eligible for free travel to that school), but they should not have a blanket policy that they never provide travel assistance to schools with a **designated religious character** and may need to make decisions on a case-by-case basis if asked to exercise their discretionary power in relation to such a school.



## Part 1: local authorities' statutory duty in relation to eligible children

1. Subject to paragraph 64 below, local authorities must make free-of-charge travel arrangements to facilitate the attendance at school of eligible children resident in their area<sup>1</sup>.

2. A child is eligible<sup>2</sup> if they are of **compulsory school age**, attend their nearest suitable school and:

- live more than the statutory **walking** distance from that school (see paragraphs 9 to 12), or
- could not reasonably be expected to **walk** to that school because of their **special educational needs, disability or mobility problem**, even if they were accompanied by their **parent** (see paragraphs 13 to 26), or
- would not be able to **walk** to that school in reasonable safety, even if they were accompanied by their **parent** (see paragraphs 27 to 30).

3. There are 'extended rights' to free travel to school for children from low-income households (see paragraphs 31 to 35).

### Suitable school

4. A suitable school for school travel purposes is a qualifying school (see paragraphs 7 to 8 for the definition of a qualifying school) that is suitable for the child's age, ability, aptitude and any **special educational needs** they may have<sup>3</sup>. It should also be suitable for the child's sex, for example a girls' school could not be considered the nearest suitable school for a boy.

5. 'Suitable school' does not mean the most suitable school for a child. Schools are able to meet a wide range of needs. The nearest secondary school to the **home** of a child of secondary school age, for example, will almost always be their nearest suitable school (provided it would be able to admit them).

6. Where a child has an **EHC plan**, the school named in the plan will normally be considered to be their nearest suitable school. (See paragraphs 20 to 26 for more

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<sup>1</sup> [Section 508B of the Education Act 1996](#)

<sup>2</sup> The categories of eligible children are set out in [schedule 35B of the Education Act 1996](#)

<sup>3</sup> [Section 7 of the Education Act 1996](#) (Duty of parents to secure education of children of compulsory school age) defines suitable education.

information about children with **EHC plans** and paragraphs 36 to 46 for more information about suitable schools and qualifying schools.)

**Child A** is thirteen years old. Their nearest school is a co-educational secondary school that is 3.4 miles from their **home**. Their **parents** choose to send them to a single sex secondary school that is 5.3 miles from their **home**. Child A is not eligible for free travel to the single sex school because the co-educational secondary school is their nearest suitable school.

**Child B** is twelve years old. They attend School 1, a secondary school 3 miles from their **home**. Their **parents** chose this school because it offers a choice of several modern foreign languages at GSCE. School 2 is 1 mile from Child B's **home** and would have been able to admit them, but it only offers one modern foreign language. Child B is not attending their nearest suitable school because School 2 would have been able to provide them with an education that was suitable for their age, ability and aptitude.

## Qualifying schools

7. Qualifying schools<sup>4</sup> are:

- community schools, foundation schools, voluntary aided and voluntary controlled schools;
- academies (including those which are free schools, university technical colleges, studio schools and special schools);
- alternative provision academies;
- community or foundation special schools;
- non-maintained special schools;
- pupil referral units;
- maintained nursery schools (where attended by a child of **compulsory school age**); and
- city technology colleges and city colleges for the technology of the arts.

8. For children with **special educational needs**, an independent school is a qualifying school if it is the only school named in their **EHC plan**, or the nearest of two or more schools named in the **EHC plan**. (See paragraph 20 to 26 for more information about children with **EHC plans** and paragraphs 36 to 46 for more information about suitable schools and qualifying schools.)

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<sup>4</sup> Qualifying schools are defined by paragraph 15 of [schedule 35B to the Education Act 1996](#).

## Statutory walking distances<sup>5</sup>

9. The statutory **walking** distances are used to determine whether a child is eligible for free travel to school. They are the distance beyond which a child who is attending their nearest suitable school is eligible for free travel arranged by their local authority. Where a child lives within the statutory **walking** distance (and is not eligible for free travel on any of the other grounds set out in this guidance) the **parent** is responsible for arranging their child's travel to school. There is no expectation that the child will **walk**. It is for the **parent** to determine what arrangements would be suitable for their child.

10. A child under the age of 8 is eligible for free travel to their nearest suitable school if it is more than 2 miles from their **home**.

11. A child aged 8 years or over is eligible for free travel to their nearest suitable school if it is more than 3 miles from their **home**.

12. When a local authority assesses whether the distance between a child's **home** and their school is further than the statutory **walking** distance, the route they measure must be the shortest route along which a child, accompanied as necessary, may **walk** in reasonable safety. This is not necessarily the shortest distance by road. The route may also include footpaths, bridleways, other pathways and alternative entrances to the school (see paragraph 47 to 52 for guidance about accompaniment).

**Child C** is six years old and attends their nearest suitable school. It is 2.3 miles from their **home**. Child C is eligible for free travel to school.

**Child D** is seven years old and attends a primary school that is 2.6 miles from their **home**. There is another suitable primary school 1.2 miles from their **home** which has places available. Child D is not eligible for free travel to school, as they are not attending their nearest suitable school.

**Child D** is eleven years old and attends their nearest suitable school. It is 2.6 miles from their **home**. Child D is not eligible for free travel to school.

## Special educational needs, disability or mobility problems

13. A child is eligible for free travel to school if:

- they attend their nearest suitable school, and
- it is **within** the statutory **walking** distance of their **home**, and

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<sup>5</sup> The statutory walking distances are prescribed by [section 444\(5\) of the Education Act 1996](#).

- they could not reasonably be expected to **walk** there because of their **special educational needs, disability or mobility problem**, even if they were accompanied by their **parent** (see paragraph 47 to 52 for guidance about accompaniment).

14. To be eligible on these grounds, a child **does not** need to:

- have an **Education Health and Care plan (EHC plan)**; or
- have travel to school specified in their **EHC plan** if they have one; or
- attend a special school; or
- live beyond the statutory **walking** distance.

15. Not every child with an **EHC plan** or who attends a special school will be eligible for free travel to school.

16. Local authorities will need to assess eligibility on the grounds of **special educational needs, disability or mobility problems** on a case-by-case basis. The assessment should take account of the child's physical ability to **walk** to school and any health and safety issues related to their **special educational needs, disability or mobility problems**. It may take account of whether they would be able to **walk** to school if they were accompanied (see paragraphs 47 to 52 for guidance about accompaniment).

17. Information that local authorities may take into account when assessing a child's eligibility may include (but need not be restricted to) the following, where it illustrates why the child may not be able to **walk** to school:

- information provided by the **parent**;
- information provided by any professionals involved in the child's care, for example, an educational psychologist or hospital consultant;
- information provided by the child's school;
- any relevant information in the child's **EHC plan** if they have one;
- any relevant information in their **individual healthcare plan** if they have one.

18. It is likely local authorities will need to ask **parents** to provide some or all the information they will need to make their decision. Wherever possible, they should avoid asking **parents** for any information which is not already in their (the **parent's**) possession or is not easy for them to obtain.

**Child F** is fourteen years old and has a **disability** that requires them to use crutches to walk. They need to take their time to ensure they are balanced. They attend their nearest suitable school. It is 1 mile from their **home**. The local authority decides that they could not reasonably be expected to **walk** to school. Child F is eligible for free travel to school.

**Child G** is eleven years old and has been diagnosed with a long-term medical condition which causes them to take a long time to recover after strenuous physical activity. They attend their nearest suitable school which is a short **walk** from their **home**. The **parent** applies for free travel to school on the basis that the child needs to recover for a long time after any strenuous activity. Based on the information available to them, the local authority decides that Child G would not need to recover for a long time after the short **walk** to their school. Child G is not eligible for free travel to school.

19. A child may be eligible because of temporary **mobility problems** but, due to the short-term nature of some **mobility problems**, it may not always be practicable for the local authority to make travel arrangements before the child has recovered.

## Children with EHC plans

### Key points

- Subject to the exception set out in paragraphs 23 to 26 below, the school named in a child's **EHC plan** will be their nearest suitable school for school travel purposes.
- Local authorities should take the cost of travel into account when deciding whether it would be incompatible with the efficient use of resources to name the **parent's** preferred school in the **EHC plan**.
- It is important for local authority school travel and **special educational needs** teams to work closely together and to engage with one another early in the process for drawing up an initial **EHC plan** and when changing the school named in an existing plan following review.

20. The naming of a school in a child's **EHC plan** is governed by section 39 of the Children and Families Act 2014. **Parents** have the right to ask for a particular school to be named in their child's **EHC plan** (when the plan is first drawn up and when the local authority amends the existing plan). The local authority must name that school in the plan unless it would be unsuitable for the child's age, ability, aptitude or **special educational needs**, or incompatible with the efficient education of others or the efficient use of

resources<sup>6</sup>. Where the child will be eligible for free travel, they should take the cost of travel into account as part of this decision. Travel arrangements may also be relevant to the decision about the school that should be named in the plan in other ways, for example, the effect the journey may have on the child and their ability to learn when they arrive at school.

21. Where naming the **parent's** preferred school would be unsuitable for the child's age, ability, aptitude or **special educational needs**, or incompatible with the efficient education of others or the efficient use of resources, the local authority must name a different school that they think would be appropriate for the child.

22. This means that, where a **parent** would prefer their child to attend a school that is further away from their **home** than the nearest school that would be able to meet their needs, the local authority should consider whether arranging travel to the preferred school would be incompatible with the efficient use of resources.

23. The local authority should determine the cost of providing the child with free travel to each of the two schools. If travel to the preferred school would cost more than travel to the nearer school, they should decide whether the additional cost of providing travel to the **parent's** preferred school is incompatible with the efficient use of resources. This will include deciding whether the educational benefits and other advantages the school will provide for the child outweigh the additional cost.

24. If the local authority determines that providing travel to the **parent's** preferred school would be incompatible with the efficient use of resources, the local authority may:

- name a different school that would be appropriate for the child's needs (this may be the nearer school), or
- name the **parent's** preferred school on the condition that the **parent** arranges the travel or provides some or all of the cost of the travel.

25. When the local authority names the **parent's** preferred school on the condition that the **parent** arranges or pays for the travel, but the **parent's** circumstances subsequently change and they are no longer able to arrange or pay for the transport, the authority may conduct a review of the **EHC plan** to reconsider whether naming the parent's preferred school is incompatible with efficient use of resources. If they determine that providing travel to the parent's preferred school would be incompatible with the efficient use of resources, they may amend the plan to name a different school that would be appropriate for the child's needs.

26. The local authority should clearly record their decision to name the **parent's** preferred school on the condition that the **parent** arranges or pays for the travel, and

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<sup>6</sup> See paragraphs 9.78 and 9.79 of the [Special educational needs and disability code of practice: 0 to 25 Years](#)

should make it clear that they may review the school named in the **EHC plan** if the **parent** is then unable or unwilling to arrange or pay for the travel. Transport should not normally be recorded in a child's **EHC plan**<sup>7</sup>. We therefore recommend that the local authority records this information in a formal letter to the **parent**.

## Unsafe walking route

27. A child is eligible for free travel to school if:

- They attend their nearest suitable school, and
- it is **within** the statutory **walking** distance of their **home**, and
- the nature of the route means they could not be expected to **walk** there in reasonable safety even if accompanied by their **parent**, and
- there is no alternative route within the statutory **walking** distance that they would be able to **walk** in reasonable safety, even if accompanied by their **parent**.

28. When assessing whether a route can be **walked** in reasonable safety, local authorities should consider the whole of the route. This will include, for example, any sections that use footpaths or bridleways, as well as sections that use roads. They should consider a range of risks such as canals, rivers, ditches, speed of traffic and fields of vision for the pedestrian and motorist.

29. Some local authorities use the '*Assessment of Walked Routes to Schools Guidelines*', published by Road Safety GB<sup>8</sup>, which provide advice to local authorities on assessing the risk posed to pedestrians by traffic. These guidelines can form the basis from which to develop a route safety assessment but are not a complete assessment and should be used in conjunction with local context and knowledge.

30. Modern technology is valuable in identifying, measuring and assessing routes but it may sometimes be appropriate for a route to be assessed by **walking** it at the times of day and on the days of the week that the child would travel, particularly if the safety of a route is challenged.

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<sup>7</sup> The [Special Educational Needs and Disability Code of Practice: 0-25 Years](#) says that transport should be recorded in the EHC plan only in exceptional cases where the child has particular transport needs.

<sup>8</sup> [Road Safety GB](#) is a national road safety organisation made up of representatives from groups across the UK, including local authority road safety teams.

**Child H** is twelve years old. They attend their nearest suitable school. It is 2 miles from their **home**. The only **walking** route to this school is along a busy road with no footpaths or stepping off points. The local authority carries out an assessment of the route and decides it would not be possible for a child to **walk** it in reasonable safety, even if they were accompanied by their **parent**. Child H is eligible for free travel to school.

## Extended rights

31. Extended rights are designed to support low-income families to exercise school choice. A child is eligible for free travel to school if they are eligible for free school meals **or a parent** with whom they live receives maximum Working Tax Credit **and** they are:

- aged 8 or over but under 11, attend their nearest suitable school and it is more than 2 miles from their **home**; or
- aged 11 to 16 years, and attend one of their three nearest suitable schools provided it is more than 2 miles but not more than 6 miles from their **home**; or
- aged 11 to 16 years, attend a school that is more than 2 but not more than 15 miles from their **home** that their **parents** have chosen on the grounds of their **religion** or **belief** if, having regard to that **religion** or **belief**, there is no suitable school nearer to their **home**.

**Child I** is eleven years old and eligible for free school meals. Their nearest suitable school is 2.5 miles from their **home**. Their second nearest suitable school is 3 miles away. Their third nearest is 5 miles away. Child I would be eligible for free travel to any of these schools.

**Child J** is eleven years old and eligible for free school meals. Their three nearest schools are School X, School Y and School Z. School X is 1.5 miles from their **home**, School Y is 2.2 miles from their home, and School Z is 5.5 miles from their **home**. Child J would be eligible for free travel to School Y or School Z, but not to School X.

**Child K** is thirteen years old and is eligible for free school meals. Their **parents** are Sikh and wish them to be educated in a school with a **religious character**. They attend a **designated** Sikh school that is 8 miles from their **home**. There are other schools which are nearer to their **home**, but none of these is a Sikh school. Child K is eligible for free travel to the Sikh school.

32. When a local authority assesses, for the purposes of extended rights, whether a child lives more than 2 miles from a school, the route should be measured in the way



described in paragraph 12. When assessing whether a child lives within the 6- or 15-mile upper limits, the local authority should measure **road routes** only. There is no expectation that a child would **walk** these distances and so **walking** routes should not be used for assessing eligibility.

33. Where, during the course of an **academic year**, a child ceases to be eligible for free school meals, or their **parent** ceases to receive maximum Working Tax Credit, the local authority should continue to provide free travel to school for the remainder of that **academic year**.

34. Working Tax Credit is being phased out as claimants are transferred onto Universal Credit. This **does not** change the way eligibility for extended rights to free travel to school is determined. It remains the case that children will be eligible for free home to school travel if they are eligible for free school meals **or** live with a **parent** who receives maximum Working Tax Credit (and meet the criteria set out above). Once the roll out is complete, no further children will come forward who are eligible because their **parents** claim maximum Working Tax Credit.

35. No child will cease to be eligible for extended rights because of the roll out of Universal Credit. **Parents** who claim maximum Working Tax Credit will have an earned income of no more than £7,400. This means their children will become eligible for free school meals (if they are not already) when they (the **parent**) are transferred to Universal Credit. More information about eligibility for free school meals is available in [Free School Meals: guidance for local authorities, maintained schools, academies and free schools](#).

## More information about suitable schools and qualifying schools

36. Children may sometimes live a very similar distance from more than one school. Where the schools are within the **walking** distance, local authorities should determine which is the nearest by measuring the shortest route along which a child, accompanied as necessary, may **walk** in reasonable safety.

37. Where the schools are beyond **walking** distance, local authorities may consider it more appropriate to measure the shortest **road route** or the straight-line distance. It should be made clear in the local authority's school travel policy how the route will be measured.

38. Where a child's nearest school is oversubscribed and unable to offer them a place, the nearest school with places available is their nearest suitable school for school travel purposes. A child's nearest school may be in a neighbouring local authority area.

39. In most cases, a child's eligibility for free school travel will be assessed following the **normal school admissions round** once **parents** have been offered a place for their child to begin primary school or transfer to secondary school. In some cases, eligibility

will need to be assessed at other times, for example due to a family moving into the area in-year.

40. When an application for travel is considered following the **normal admissions round**, it can be difficult for a local authority to know whether a child could have been admitted to their nearest school if their **parent** did not list that school as a preference when they applied for a school place. It is, therefore, reasonable for a local authority to expect **parents** to list their nearest school on their application form if they intend to apply for free travel to school. Some local authorities have alternative ways of determining whether a child's nearest school could have offered them a place.

41. Where a local authority expects **parents** who intend to apply for free travel to list their nearest school on their application form, this information should be clearly available to all **parents** at the time they are deciding which schools to apply for. It should also be clear to parents how they can find out which is their nearest school for admissions purposes and whether this is also their nearest school for school travel purposes. Some authorities have a postcode checker on their website that parents can use for this purpose.

42. Local authorities may expect **parents** to list their nearest school as their first preference. However, in the Department's view, this should not normally be necessary. School admission authorities must provide ranked lists of all applicants to the local authority. If a parent lists their nearest school as their second or lower preference, it should be possible for the local authority to tell whether their child could have been offered a place at that school. This can be done by comparing the child in question with the last child to be offered a place at the school and determining which of them would have higher priority. This will often be a straightforward matter of determining which child lives closest to the school.

43. Local authorities may find it helpful to have a set date that they use for the purposes of determining whether a child could have been offered a place at their nearest school, for example, would they have been offered a place on National Offer Day<sup>9</sup>.

44. Where a child has begun attending a school that is not their nearest because their nearest school was unable to offer them a place, a place may subsequently become available at the nearer school. In these circumstances, some **parents** may choose to move their child to the nearer school. Where they do not, local authorities should not withdraw the child's home to school travel, because moving to the nearer school would be likely to cause significant disruption to their education.

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<sup>9</sup> National Offer Day is the day each year on which local authorities send an offer of a school place to parents in their area. Secondary National Offer Day is 1 March. Primary National Offer Day is 16 April. Where 1 March or 16 April falls on a day that is not a working day, National Offer Day is the next working day.

**Child L** is eleven years old and attends School 1 which is 4.2 miles away from their **home**. Their **parents** applied for this school as their first preference. The nearest secondary school is School 2 which is 3.7 miles from their **home**. They chose not to apply for this school, despite information on the eligibility for free travel to school being readily available at the time they submitted their preferences. School 2 is undersubscribed, and Child L would have been offered a place there had their **parents** applied. Child L is not eligible for free travel to School 1 because School 2 is their nearest suitable school and has available places.

**Child M** is eleven years old and attends the second nearest secondary school to their **home**. It is 4.2 miles away. Their nearest secondary school is 3.7 miles from their **home**. Their **parents** applied for this school, but it was oversubscribed and they were not offered a place. Child M is eligible for free travel to school as they are attending their nearest suitable school with available places.

45. A child may be eligible for free travel to a place that isn't a qualifying school:

- where they receive education at a place other than a school by virtue of arrangements made under section 19 (1) of the Education Act 1996 (which requires local authorities to make arrangements for the provision of suitable education for children of **compulsory school age** who would otherwise not receive suitable education for reasons such as illness or exclusion)<sup>10</sup>
- where they are suspended (temporarily excluded) from a school (but remain a registered pupil of that school) and attend an educational establishment that is not a qualifying school and is not within the statutory **walking** distance of their **home**, then that educational establishment must be treated as if it were a qualifying school for the purposes of eligibility for free travel<sup>11</sup>

46. We expect schools to collaborate with the local authority when arranging educational provision for a child during a suspension where the pupil might be eligible for free travel to the place where they will be receiving education. More information is available in the [School suspensions and permanent exclusions](#) guidance.

## Accompaniment

47. A child will not normally be eligible for free travel to school on the grounds of their **special educational needs, disability or mobility problem**, or on the grounds that the route is unsafe, if they would be able to **walk** to school if they were accompanied. Where

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<sup>10</sup> This is set out in paragraphs 3, 5, 7 and 10 of [schedule 35B of the Education Act 1996](#).

<sup>11</sup> This is set out in paragraph 8 of schedule [35B of the Education Act 1996](#).

the local authority determines that a child would be able to walk if they were accompanied, the general expectation is that the **parent** will accompany them or make other suitable arrangements for their journey to and from school. A child will not normally be eligible solely because their **parent's** work commitments or caring responsibilities mean they are unable to accompany their child themselves, but local authorities must act reasonably in the performance of their functions.

48. In most cases, local authorities will not need to consider whether a **parent** would be able to accompany their child, but they should not have a blanket policy that they will never arrange free travel for a child who would be able to walk to school if accompanied. They must consider cases where the **parent** says there are good reasons why they are unable to accompany their child, or make other suitable arrangements for their journey, and make a decision on the basis of the circumstances of each case.

49. The circumstances that a local authority should take into account may include, but are not limited to, whether the **parent** has a **disability** or **mobility problem** that would make it difficult for them to accompany their child, and the **parent's** reasons for not being able to accompany their child or make other suitable arrangements.

50. Reasons such as the **parent's** working pattern or the fact they have children attending more than one school, on their own, will not normally be considered good reasons for a parent being unable to accompany their child. These apply to many **parents** and, in most circumstances, it is reasonable to expect the **parent** to make suitable arrangements to fulfil their various responsibilities (for example, their responsibilities as an employee and as a **parent**.)

51. Where a local authority determines that a child could not reasonably be expected to walk even if they were accompanied, they are eligible for free home to school travel regardless of whether their **parent** would be able to accompany them or make other arrangements for their journey.

52. We know it can be difficult for local authorities to make decisions in relation to children of secondary school age whose **special educational needs, disability** or **mobility problem** mean they could not reasonably be expected to **walk** to school unaccompanied. Other children of this age may normally be expected to **walk** to school unaccompanied which might, for example, enable **parents** to increase their working hours. When deciding whether it is reasonable to expect the **parent** of a child with **special educational needs, disability** or **mobility problem** to accompany their child to school, local authorities should be sensitive to the particular challenges **parents** of such children may face.

**Child N** is nine years old and has autism. They attend their nearest suitable school which is 2.5 miles from their **home**. They are unaware of danger and need to be accompanied even on very short journeys. They also become distressed and can act unpredictably in noisy environments. Their **walk** to school would be along busy roads. The local authority determines that the **parent** would not be able to keep them safe on this journey. Child N is eligible for free travel to school.

**Child O** is seven years old and attends their nearest suitable school which is 1.5 miles from their **home**. They do not have **special educational needs**, a **disability** or **mobility problem**. The local authority determines that they would be able to **walk** to school in reasonable safety if they were accompanied. There is no good reason why the **parent** could not reasonably be expected to accompany them or make other arrangements for their journey to and from school. Child O is not eligible for free travel to school.

**Child P** is fifteen years old and is blind. They attend their nearest suitable school which is a short **walk** from their **home**. The local authority determines that they could reasonably be expected to **walk** to school if accompanied. Child P's **parent** is a single **parent** with a **disability** which means they would not be able to accompany Child P to school. The local authority considers the individual circumstances of Child P and decides it would not be reasonable to expect their **parent** to make arrangements for their journey to and from school. It decides to arrange free travel to school for Child P.

**Child Q** is fourteen years old and is also blind. They attend their nearest suitable school which is a short **walk** from their **home**. The local authority determines that they could reasonably be expected to **walk** to school if accompanied. There is no good reason why Child Q's **parent** could not reasonably be expected to accompany them or make other arrangements for their journey to and from school. Child Q is not eligible for free travel to school.

## Promoting independence for eligible children with special educational needs and disabilities

53. The *Special educational needs and disability code of practice: 0 to 25*<sup>12</sup> sets the expectation that professionals working with children with **special educational needs** or **disabilities** will support them to prepare for adult life and help them to achieve the best outcomes in employment, independent living, health and community participation. Planning should start early. Where a child has an **EHC plan**, local authorities must

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<sup>12</sup> Further information on the local authority role in supporting children and young people to prepare for adulthood is available in the [Special Educational Needs and Disability Code of Practice: 0-25 Years](#).

ensure that the annual review of the **EHC plan** from at least year 9 onwards includes a focus on preparing for adulthood, including independent living.

54. For many children, learning to travel independently is an important part of preparing for adulthood and will help them lead fulfilling adult lives. When making travel arrangements for eligible children with **special educational needs** or **disabilities**, local authorities may take account of how best to support them to develop independence. For example, they might consider whether a child who would otherwise travel in a taxi, might be able to travel on a public service bus if provided with support to do so, or whether a child who uses a wheelchair might be able to **wheel** to school rather than travel in a minibus, if provided with support to do so.

55. **Parents** may be anxious about their child's ability to travel independently. The child may also be worried about this. It will be important to work sensitively with them to help them understand the benefits of independent travel and to build their confidence.

56. Wherever possible, local authorities should offer independent travel training to children with **special educational needs** or **disabilities** who are eligible for free travel to school and who they think will be able to complete the programme.

57. Independent travel training is a tailored programme to help children with **special educational needs** or **disabilities** travel independently, for example by public transport or **walking**. Some children may need to participate in travel training again if their circumstances change, for example if they move school.

58. Once an eligible child can travel independently, their travel arrangements may need to be reviewed. For example, they may now be able to **walk** or catch a bus to school rather than travel in a taxi. Local authorities must not withdraw free home to school travel from an eligible child who does not successfully complete the travel training programme.

## Parental consent and independent travel

59. Section 508B (4) (b) of the Education Act 1996 requires local authorities to obtain parental consent in order to meet their school travel duty in respect of an eligible child by:

- providing someone to escort the child, or
- paying their travelling expenses.

60. This means, for example, that the **parent's** consent is required for a local authority to meet their school travel duty by providing independent travel training, or providing someone to accompany a child so they can **wheel** to school in their wheelchair. Where the **parent** does not provide consent, the local authority must make alternative arrangements for the child's travel to school.

**Child R** has **special educational needs**. They live in a village 4 miles from their nearest suitable secondary school and are eligible for free travel to school. Other children living in the village attend the school. The local authority meets its school travel duty in respect of these children by providing them with a pass for free travel on the public service bus. When Child R joined the school in Year 7, the local authority determined their **special educational needs** meant they would not be able to travel on the bus with their peers. The local authority arranged a taxi to take Child R to school.

When Child R moved to Year 9, the local authority reassessed their needs. They determined Child R was ready for independent travel training. Child R's **parent** was hesitant at first, but the local authority explained the benefits and the **parent** agreed, knowing Child R would need the skill in adulthood.

The travel trainer helps Child R with understanding things such as where to wait for the bus, which bus to get on and what to do if they miss the bus or it is late. Once Child R has completed the travel training programme, the local authority reassesses their needs and determines they are now able to travel independently on the bus. They withdraw the taxi and provide Child R with a bus pass.

## More information about travel to school for eligible children

61. Local authorities must make arrangements to enable a child to travel to school for the beginning of the **school day**, and to return **home** at the end of the **school day**. They are not required to make arrangements:

- for children to travel between institutions during the **school day**;
- to enable children to attend extra-curricular activities and other commitments outside school hours; or
- to enable children to get to and from before and after school childcare, whether formal (for example, a childminder) or informal (for example, a grandparent)<sup>13</sup>.

62. Where particular classes, year groups or pupils have a start or finish time that is different from most pupils at the school, it will not normally be possible for the local authority to make separate travel arrangements. Schools may need to make arrangements to accommodate these pupils. There may be a small number of circumstances in which local authorities consider it appropriate to arrange transport at an

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<sup>13</sup> To note, a local authority may have a separate duty under [section 2 of the Chronically Sick and Disabled Person's Act 1970](#) to provide transport enable a child in need to access any services provided for them by the authority in accordance with [section 17 of the Children Act 1989](#). This guidance does not seek to provide advice on that duty.

alternative time of day, for example if a child has a medical condition which means they are not well enough to attend school for the whole day.

63. Where a local authority names a residential school in the **EHC plan** of an eligible child, the local authority must provide reasonable free travel to enable the child to attend that school, for example, on a Monday and Friday for children who are weekly boarders, or before and after school holidays for children who board full-time.

64. A local authority is not required to arrange travel for an eligible child where:

- suitable free travel is provided by someone else, for example, their school or the local transport authority (for example, Transport for London); or
- a **parent** chooses to make their own arrangements for the child's travel to and from school (this does not prevent the **parent** from later requesting free travel to school).

## Ways in which free travel may be provided

65. It is for local authorities to decide how they will arrange free travel for an eligible child. For example, they might provide a pass for travel on a service bus or arrange a **dedicated** school bus or a taxi. The arrangements must be free of charge to the **parent**.

66. The legislation<sup>14</sup> permits local authorities to meet their duty in respect of an eligible child in a range of alternative ways, provided they have the consent of the **parent**. For example, with the agreement of a **parent**, the local authority might:

- provide expenses<sup>15</sup> to enable the **parent** to make their own travel arrangements for their child;
- pay a cycling allowance to enable a child to cycle to school;
- provide independent travel training to a child where it is appropriate to do so (see paragraphs 53 to 58 for more information about independent travel training);
- provide someone to escort the child, for example when they are **walking** or **wheeling** to and from school.

67. Where a **parent** has agreed to receive travelling expenses, it is for the local authority to determine how to administer this. They may require **parents** to provide copies of receipts and other supporting documentation.

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<sup>14</sup> This is set out in section [508B \(4\)\(b\) of the Education Act 1996](#).

<sup>15</sup> Some local authorities call this a personal travel budget or a mileage allowance.



68. To ensure the arrangements are free of charge to the **parent** of an eligible child, the travelling expenses may need to be sufficient to cover the **parent's** journey **home** having taken their child to school in the morning, and their journey back to school to collect their child in the afternoon (in other words, all four legs of their journey to school and back). There will be exceptions to this, for example if a **parent** works close to their child's school and does not travel **home** after taking their child to school. (See paragraphs 70 to 72 below for information about the interaction between the payment of travelling expenses and other benefits and allowances.)

69. The examples below provide further suggestions of alternative ways in which local authorities might meet the duty if they have parental consent.

**Local authority 1** has introduced a scheme it believes will promote consistency and routine for children at a local special school. Rather than contracting a travel operator, they have leased a minibus. The local authority funds the special school for the cost of a driver and fuel. The school can use the minibus during the **school day** provided they also use it to provide travel to and from school. The school knows the children well and is better able to make travel arrangements that meet their needs.

**Local authority 2** has received an application for free travel to school for a child with **special educational needs**. The child is an eligible child. The **parent** would prefer to take the child to school themselves, because they get distressed when travelling with anyone else, but are unable to do so because they need to take their other child to school. The other child is not an eligible child. Local authority 2 suggests to the **parent** that the authority should make travel arrangements for the non-eligible child, enabling the **parent** to take the eligible child to school. The **parent** is happy with this arrangement, and it does not cost them any more to take the eligible child to school than it would to take their other child.

## Interaction with other benefits and allowances

70. A child's eligibility is not affected by any further benefits or allowances they or their **parents** may receive. Disability Living Allowance (DLA) for children is a contribution towards the extra cost associated with being disabled. It has two components – a care component payable at three rates, and a mobility component payable at two rates. **Parents** who receive the higher rate mobility component for their child may choose to use it to lease a Motability vehicle, but there is no requirement for them to do so. Being eligible for DLA or having access to a Motability vehicle is not relevant to a disabled child's eligibility for free travel to school (except as evidence of their **disability**).

71. Foster carers receive an allowance to cover the cost of caring for a child. Being in receipt of foster care allowance does not affect a child's eligibility for free travel to school, but a local authority may meet their duty in respect of an eligible child by including

additional funding in the foster care allowance, provided this is agreed with the foster carer.

72. Regular payments made by the local authority to reimburse the cost incurred by a **parent** in providing a child's travel to school:

- will not be taken into account in a Universal Credit assessment. (Should a local authority need to pay a **parent** any additional amounts, for example to cover unexpected expenses relating to a child's travel to school, these would be treated as capital in the Universal Credit assessment and the **parent** would need to declare them)<sup>16</sup>
- should not give rise to income tax liability, but individuals should satisfy themselves that they meet HMRC's requirements<sup>17</sup>.

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<sup>16</sup> When a person's Universal Credit is calculated, any capital they have is taken into account. Capital includes savings, investments and property (other than the home they live in). Claimants should declare any lump sum payment that would form part of their capital. Regular payments from the local authority which the claimant then spends on their child's travel will, therefore, not be taken into account. However, local authorities should be aware that, if they need to pay a parent any additional amounts and if, for example, they chose to pay 12-months' worth of additional amounts in one lump sum, this may be taken account in the Universal Credit assessment. This is because it would be considered to form part of their capital until such point as they need to spend it. More information is available about [Universal Credit](#).

<sup>17</sup> Further information is available about [income tax](#).

## Part 2: local authorities' discretionary power

73. Local authorities have a discretionary power to provide travel to school for children resident in their area who are not eligible children<sup>18</sup>, referred to in this part as 'discretionary travel'.

74. Discretionary travel may be provided in either direction between the child's **home** and their school, or both. It may be provided free, or a charge may be made. Any charges should be reasonable. Local authorities may wish to consider waiving or reducing charges for children from low-income families but are not required to do so.

75. With **parents'** consent, local authorities may pay all or part of a child's reasonable travel expenses, provide them with a travel allowance, or arrange for them to be accompanied by a passenger assistant. Discretionary travel need not be limited to children of **compulsory school age**.

76. It is for each local authority to decide whether and how to exercise their discretionary power. Most use it to provide free travel to school for 4-year-olds attending reception classes if they will be eligible for free travel when they reach **compulsory school age**. Some use it to enable children who are not eligible for free travel to take spare seats on vehicles providing free travel for eligible children. Local authorities will usually charge for this service.

77. They may also offer discretionary travel to support school choice, for example, by having a policy of providing travel to enable children to attend a school with a **designated religious character** or a **selective school**. The Department for Education supports this wherever it is possible but acknowledges that budget pressures often mean authorities have to make difficult decisions to balance the benefits of discretionary travel with their other priorities. Where local authorities routinely offer discretionary travel in this way, they should make this clear in their home to school travel policy. Part 4 provides guidance on local school travel policies.

78. There is an expectation that local authorities will act reasonably in the performance of their functions. They should not have a blanket policy of never providing discretionary travel and should be prepared to consider cases where the **parent** says there are reasons why their child needs free travel to school and make decisions on a case-by-case basis. The Department acknowledges that local authorities will not usually be able to consider matters such as the **parent's** working pattern, the cost to the **parent** of public transport, or the fact the **parent** has children attending more than one school, **on their own**, to be exceptional circumstances in which they will arrange travel on a discretionary basis.

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<sup>18</sup> This is set out in [section 508C of the Education Act 1996](#).

## Part 3: suitability of travel arrangements

### Taking account of children's needs

79. Local authorities must ensure that the travel arrangements they make take account of the needs of the child concerned. For example, it would not be appropriate to provide a pass for free travel on a service bus to a child whose **special educational needs** meant they would be unable to travel on a service bus.

80. The arrangements should enable the child to travel in reasonable safety and comfort, and without undue stress, strain or difficulty, so that wherever possible they arrive at school ready to learn.

81. It may not always be necessary to provide children with 'door to door' transport in order to meet their needs. Many will be able to **walk** to a suitable pick-up point to be collected, provided they would be able to do so in reasonable safety, accompanied by their **parent** if necessary. Some children's needs will mean they need to be collected from their **home**. Local authorities should not have a policy that they never provide door to door transport and should make decisions on a case-by-case basis.

82. Some children may need particular arrangements to be made to meet their needs. For example, some children might require the support of a passenger assistant on their journey, or a child may use a wheelchair or walking frame that needs to travel with them.

83. A child's needs may need to be reassessed from time to time, for example if their level of need changes or if they move to a new school. Some children with **special educational needs** can find change distressing. Local authorities should provide **parents** with as much notice as possible of any changes to a child's travel arrangements.

### Risk assessment

84. Health and safety law requires local authorities to put in place reasonably practicable control measures to protect their employees and others (including the children for whom they arrange travel) from harm. Under the Management of Health and Safety at Work Regulations 1999, they must:

- identify hazards – things that could cause injury or illness;
- assess the risk – how likely it is that someone could be harmed and how seriously;
- put in place proportionate measures to eliminate the hazard or control the risk;
- record their findings; and
- regularly review and update their risk assessments.

85. The Health and Safety Executive provides advice on managing risk, including a template and example risk assessments. Further information is available in [Managing risks and risk assessment at work](#).

86. It is for local authorities to decide what is reasonably practicable in each circumstance. They may consider that an individual risk assessment is required for some children, for example those with complex **medical needs**, but it is unlikely that all children will require an individual risk assessment.

87. Matters local authorities may need to consider could include, but are not limited to:

- the **medical needs** of the children and the likelihood of them requiring emergency medical assistance while travelling to and from school;
- their behaviour – including where this is related to their **special educational needs or disability** – and the likelihood of this causing harm to them or others while travelling;
- the safety of children while travelling on the vehicle and while boarding and alighting;
- the safe loading and tethering of wheelchairs.

## Children with medical needs

88. When a local authority makes travel arrangements for a child with **medical needs**, they should consider whether and how those needs might affect the child during their journey to and from school and, where necessary, put in place proportionate arrangements to manage those needs.

89. Not every child with the same condition will need the same arrangements, so assessments should be undertaken on a case-by-case basis. The matters that should be considered are likely to include:

- the medical condition, its triggers and symptoms;
- the likelihood and consequences of the condition affecting the child on the journey to and from school; and
- the action that may need to be taken to manage the condition, for example whether the child may require medication and, if so, what dose is required, how it should be administered, and by whom.

90. Local education, health and social care services should work together to ensure children get the right support. Local authority school travel teams may need to work with local partners to make suitable travel arrangements for children with **medical needs**. They should be able to expect the support of their local authority's **special educational needs** team, local health partners, and the schools to which they arrange travel.

91. In the first instance, local authorities should consult **parents** about their child's **medical needs**. It is likely that the child's school will have arrangements in place to manage their **medical needs** during the day. They may be able to help the local authority identify whether those needs will affect them on the journey to and from school and decide what arrangements to put in place.

92. If the child has an **EHC plan** or **individual healthcare plan**, these may contain information that is relevant to the local authority's assessment. The school should share information from the **individual healthcare plan** with the local authority where it is relevant to the journey to and from school.

93. Local authorities may sometimes need to seek specialist advice about a child and their condition. A range of different health professionals may be involved in a child's care, for example a community nurse, specialist nurse or doctor. The **parent** should be able to help the local authority identify the appropriate health professional in relation to their child. The child's school and the local authority's **special educational needs** team may also be able to help with this.

94. The local authority should ensure the driver of a vehicle providing **dedicated** school transport, and any passenger assistant involved in providing the child's travel, are aware of their needs and how to respond to them and have received any training necessary to enable them to do so. See also paragraphs 100 to 105 on training.

## Administering medication and performing medical procedures

95. There is no expectation that a child's routine medication will be administered on the journey to and from school, or that routine medical procedures will be carried out. It may sometimes be necessary to administer a child's emergency medication. Emergency medication should be administered in accordance with instructions from a health care professional. The driver or passenger assistant responsible for administering the medication should receive training from a health care professional.

## Journey times

96. As a **general guide**, the maximum journey time for a child of primary school age should be 45 minutes each way, and 75 minutes each way for a child of secondary school age, including any time taken to **walk** to a pick-up point, but there will be circumstances in which this is not possible, for example in rural areas where children live in remote locations, where a child needs to travel a long way to the school named in their **EHC plan**, or when journey times are extended by traffic delays. Wherever possible, a child should not be expected to make several changes on public transport.

97. Travel arrangements for children with **special educational needs, disability** or **mobility problems** can be particularly complex to make. Shorter journeys may be

particularly desirable, perhaps because a child's **special educational needs or disability** mean they become distressed while travelling, but a child may need to travel a long way to the school that is able to meet their needs and one vehicle may need to collect several children. Travel arrangements may be relevant to the decision about the school that should be named in the plan.

98. Where long journeys are unavoidable, local authorities should consider whether there are measures they can take to minimise negative impacts for the child, for example if the child becomes distressed on long journeys the **parent** or school may be able to offer advice on effective ways of keeping them calm.

**Child S** is seven years old and has an **EHC plan** which names their nearest suitable school. This school is 20 miles from their **home**. The route is often very busy meaning the journey from Child S's home typically takes 45 minutes. The taxi collects one other child on the way, which adds 10 minutes to Child S's journey, meaning a total journey time of 55 minutes. Given the additional expense that would be involved in providing Child S and the other child with separate vehicles, the local authority decides it is reasonable to exceed the recommended journey time in Child S's case.

**Child T** is fourteen years old and has an **EHC plan** which names a school that is 10 miles from their **home**. Previously they travelled in a taxi with one other child and the journey took 30 minutes. The local authority then combined several routes into one. Child T now travels in a minibus with 11 other children. Due to the extra stops, the journey time is now 90 minutes. Child's T's school makes the local authority aware that, due to their **special educational needs**, they often become very distressed at being in the minibus for that length of time. On arrival at school, it takes them a long time to calm down. As a result, they miss some of the activities other children participate in. The local authority decides it is not reasonable to exceed the recommended journey time in Child T's case and reinstates their original travel arrangements.

## Safeguarding

99. The **safeguarding** of children is of paramount importance. Local authorities should ensure that:

- an enhanced Disclosure and Barring Service (DBS) check, with a check of the children's barred list, has been carried out for drivers and passenger assistants involved in providing **dedicated** school transport;
- drivers and passenger assistants have received any training they need to perform their role in relation to **safeguarding**;
- drivers and passenger assistants know how to report any concerns they have about the children in their care;

- they share any concerns they have about the driver of a **taxi** or **private hire vehicle** with the authority that licenses them<sup>19</sup> – the Local Government Association and Institute of Licensing have produced a [short guidance note](#) to assist with this;
- they consider whether concerns they have about a driver should be referred to the DBS – further information is available at [Making barring referrals to the DBS](#).

## Training

100. Local authorities should ensure that drivers and passenger assistants working on **dedicated** school transport have undertaken appropriate training and that this is kept up to date. It is for the local authority to decide what training is required, how it will be delivered and how often it should be refreshed. These decisions should be informed by their risk assessments. The training that a driver or passenger assistant requires may be dependent on the needs of the children who are travelling. Not all drivers and passenger assistants will need the same training.

101. It is for the local authority to decide how training should be delivered, for example by the local authority, the travel operator, or an external provider. It need not always be delivered through a formal course, for example the **parents** of a child with **special educational needs** may be experts in strategies to calm the child when they become distressed while travelling.

102. School staff will receive training to enable them to manage a child's **medical needs** in school. Arrangements for delivering this training are made locally. Wherever possible, we would expect the transport staff that will be working with the child to be able to participate in this training.

103. As a minimum, training should include:

- **safeguarding**;
- the handling of emergency situations, for example what to do in a medical emergency or if there is a road accident;
- equality, for example recognising, supporting and communicating with children with disabilities;
- any training required to meet the specific needs of the children travelling – for example, administering their emergency medication or managing their behaviour.

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<sup>19</sup> Local authorities will also need to consider their duties under the [Data Protection Act 2018](#) and the [General Data Protection Regulations](#). In doing so, they may find the advice on page 21 of [Working Together to Safeguard Children](#) helpful.



104. It is recommended that training in the handling of emergency situations includes training in basic life support skills. Some bus and coach drivers may have undertaken such training as part of the ongoing training they are required to do to retain their [Driver Certificate of Professional Competence](#).

105. Local authorities should also consider the training that their officers responsible for making travel arrangements need in order to do their job effectively. It is recommended that this includes equality training.

## Behaviour on school travel

106. Local authorities should collaborate with schools to promote good behaviour on school travel. Schools have the power to sanction pupils for misbehaviour outside the school premises to such an extent as is reasonable, including for misbehaviour which takes place on school travel (see the guidance on [Behaviour in Schools](#)).

107. Unacceptable behaviour may include, but is not limited to, being rude, pushing and kicking, bullying, distracting the driver, refusing to wear a seatbelt, or refusing to remain seated. It may endanger the safety and wellbeing of other people.

108. Schools' behaviour policies should set out what the school will do in response to poor behaviour and bullying which occurs off the school premises and is witnessed by a staff member or reported to the school, including the sanctions that will be imposed on pupils.

109. Local authorities and schools should work together to:

- set high expectations for children's behaviour on school travel and ensure they are communicated clearly to **parents** and children;
- ensure arrangements are in place to report and manage incidents of unacceptable behaviour;
- work with operators to put in place measures to manage unacceptable behaviour where it occurs. Some local authorities have reported that interventions that have been successful include seating plans and 'bus prefects'.

110. Local authorities should ensure drivers and passenger assistants have received any training they need to manage children's behaviour while travelling.

111. An eligible child's travel arrangements should only be withdrawn as a last resort and, in these circumstances, the local authority should meet their duty in respect of the eligible child in an alternative way.

## Managing behaviour that is part of a child's special educational needs or disability

112. A child's challenging behaviour may be part of their **special educational needs** or **disability** and they may use it as a way to communicate their needs, for example a child who exhibits challenging behaviour may be trying to communicate discomfort or distress. Local authorities should work with travel operators, schools and **parents** to find positive ways to manage this behaviour wherever possible.

113. **Parents** and schools may be able to help local authorities and travel operators understand the reasons for a child's challenging behaviour and the strategies that might be helpful in managing it. For example, a **parent** may be able to let the operator know that their child may shout and pull their hair because they find being stuck in traffic distressing, but that having a familiar toy can help to calm them. The Association of Transport Co-ordinating Officers (ATCO) is working with the Department for Education and the Department for Transport on some guidance which shares good practice in managing behaviour that is linked to child's **special educational needs** or **disability**.

**Child U** is twelve years old, has **special educational needs** and is eligible for free travel. They have recently moved to a new school. Having travelled quite happily in a taxi to their original school, they become distressed when travelling in a minibus to their new school. Their **special educational needs** mean they are unable to explain why they are distressed. The driver works with Child U's **parent** to resolve the issue. They identify that Child U's distress is caused by having the radio on during journeys. The driver agrees to keep the radio switched off whilst Child U is travelling.

114. Some children may find change distressing and benefit from having consistency in their travel arrangements wherever possible. Where a change to travel arrangements is planned, time to get used to the idea of a new route or vehicle, or an opportunity to meet a new driver or passenger assistant, may be helpful.

**Child V** is 4 years old and has ***special educational needs***. They are about to begin school for the first time and will be eligible for free travel. They can become very distressed in unfamiliar situations. The local authority arranges for their driver and passenger assistant to visit Child V's ***home*** to meet them before the start of term. This gives Child V the opportunity to familiarise themselves with the vehicle and sit in the seat they will use on the journey to school.

It also gives the driver the opportunity to let the ***parent*** know that two children will already be on the vehicle when it comes to collect Child V and that it will collect one further child after Child V. This enables the ***parent*** to talk to Child V to prepare them for what will happen on the journey to school. The ***parent*** is also able to let the passenger assistant know about some strategies they have found useful when Child V has become distressed when travelling.

## Part 4: local school travel policies

115. Local authorities must:

- publish their school travel policy for children of **compulsory school age**<sup>20</sup> on their website;
- make paper copies available on request;
- include information about their school travel policy in their composite prospectus for school admissions (which must be published by **12 September** each year);
- include information about travel to school for children with **special educational needs** and **disabilities** in their **SEND Local Offer**.

116. Local authorities should keep their school travel policy under regular review to ensure it continues to meet local needs and comply with statutory requirements. An up-to-date policy must be available by **19 September** each year so that **parents** may take it into account when deciding which schools to apply for during the **normal admissions round**.

117. An effective school travel policy will:

- be easy for **parents** to find on the local authority's website;
- be clearly written so that **parents** may easily understand it – local authorities should pay careful attention to the wording, layout and length of their school travel policies;
- enable **parents** to understand the circumstances in which a child is eligible for free travel to school, or any help the local authority provides using its discretionary power;
- tell **parents** how and when they should apply for free travel to school (or apply for help the local authority provides using its discretionary power);
- tell **parents** how they may appeal against the local authority's decision in relation to travel to school for their child.

118. A checklist of the necessary components of a school travel policy can be found in annex 5. Local authorities may find this helpful in ensuring their policies are lawful.

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<sup>20</sup> This is required by regulation 8 and 9 of the [School Information \(England\) Regulations 2008](#), and paragraphs 10 and 11 of schedule 3 to those regulations. In addition, regulation 5 and paragraphs 5 and 6 of schedule 2 to these regulations require local authorities to include information about their school travel policy in their composite prospectus for school admissions.

119. Local authorities may, if they wish, set their school travel policy out in more than one document but they should ensure that a reader of any of the documents is able to easily understand the basic provisions of the whole policy.

120. School travel policies may signpost **parents** of children who are not eligible for home to school travel to other sources of information about travel to school – for example, the websites of local travel providers.

## School travel and school admissions

121. **Parents** should consider how their children will get to school at the time they are choosing which schools to apply for. For some, the availability of free travel to school may be an important factor in their decision making. Information about travel to school should, therefore, be easily available to **parents** during the **normal admissions round**.

122. **Parents** will need to easily understand:

- how they can find out which school is their nearest suitable school for school travel purposes, including where this may not be the same as the nearest school for admissions purposes; and
- whether the local authority expects **parents** to include their nearest suitable school in their application for a school place if they intend to apply for free travel (see paragraphs 40 to 44 for more information on this).

## Policy changes

123. Where they propose changes to their school travel policy which may affect children's eligibility for transport, local authorities should consult locally. As a minimum, this should include consulting:

- schools whose pupils will be affected by the proposed changes, including those located in other local authority areas;
- **parents** whose children will (or may) be affected by the proposed changes, including those whose children attend school in a neighbouring authority, and those whose children may be affected in the future – for example, because they live in the catchment area of, or attend the feeder school of, a school affected by the proposed changes; and
- the local **Parent Carer Forum**.

124. Consultation should last for at least 28 working days during term time. Local authorities may not consider it necessary to consult on minor amendments or corrections.

125. Local authorities should give careful consideration to:

- the impact proposed changes to their policy will have on **parents'** choice of school, particularly where travel arrangements have been made to support **parents'** preference for their children to attend a school with a **designated religious character** (some such arrangements are associated with long-standing local agreements about the siting of schools);
- the financial impact the changes will have on affected families, paying particular attention to the potential impact of any changes on children from low-income families;
- the impact the changes will have on people with protected characteristics – see annex 2 for further information about protected characteristics and the public sector equality duty.

126. Wherever possible, local authorities should phase in changes so that children who begin attending a school under one set of travel arrangements continue to benefit from those arrangements until they leave that school.

## Part 5: appeals

127. All local authorities have a procedure for handling complaints about the services they provide. **Parents** should be able to complain about the service they have received in relation to travel to school. They should also be able to appeal a decision taken by the local authority about their child's travel to school.

128. It is for local authorities to determine which matters should be handled as complaints and which should be handled as appeals. Typically, matters such as whether a child is eligible for free travel, or whether the travel the local authority has arranged is suitable for the child's needs will be handled as appeals. Matters such as the punctuality of a school bus, or a delay in replying to correspondence from a **parent** will be handled as complaints. The guidance in this part relates to appeals.

129. An effective appeals policy will:

- be easy for **parents** to find on the local authority's website;
- be clearly written so that **parents** may easily understand it;
- tell **parents** the circumstances in which they may appeal the local authority's decision;
- tell **parents** how and when they may appeal.

130. It is for local authorities to determine how their appeals process will operate. We recommend they adopt the two-stage process set out below. It will be similar to many local authority complaints procedures. The timings are recommended, not mandatory. Some appeals may be dealt with more quickly. Some complex cases may take longer but should still be completed as soon as possible. A flow chart setting out the suggested appeals process is included in annex 6.

### Stage one: review by a senior officer

131. Stage one provides an opportunity for the local authority's school travel team to review their decision. The process should allow a **parent** 20 working days from the day they received the local authority's school travel decision to submit a written appeal. This should explain why the **parent** believes the local authority should review its decision and include any information they would like to be considered as part of the review.

132. A senior officer in the local authority's school travel team (or in the team's line management chain), should review the decision in light of the information provided by the **parent**. Some local authorities arrange for the review to be conducted by a panel of senior officers, rather than an individual, but this is not mandatory.

133. Within 20 working days of receiving a **parent's** appeal, the senior officer(s) should notify the **parent** in writing of the outcome of the appeal. They should clearly explain:

- whether they have upheld the local authority's original decision;
- why they reached that decision;
- how the review was conducted;
- the factors considered in reaching their decision;
- any other agencies or departments that were consulted as part of the review.

134. Where they have upheld the original decision, they should also explain how the **parent** may escalate their appeal to stage two of the process.

## Stage two: review by an independent appeal panel

135. Stage two provides for impartial re-consideration of the case. The process should allow a **parent** 20 working days from the day they received the outcome of stage one to notify the local authority in writing that they wish to escalate the matter to stage two, and to provide any additional information that they wish to be considered in light of the stage one decision.

136. The local authority should make arrangements for an independent panel to review the case. The panel members should be independent of the original decision-making process but need not be independent of the local authority. They should have the knowledge, skills and experience to ensure that the local authority complies with its statutory duties, that a balance is achieved between meeting the needs of **parents** and of the local authority, and that children are not placed at unnecessary risk.

137. The local authority should enable any **parent** that wishes to, to attend an appeal hearing, virtually or in person, to present their case. Where a **parent** does not wish or is unable to attend a hearing, the panel should make its decision based on the **parent's** written representations.

138. The review should take place within 40 working days of the **parent** notifying the local authority that they wish to escalate their appeal to stage 2. The panel should consider information provided at stage one of the appeal as well as any additional information provided and any oral representations made at stage two.

139. Within 5 working days of completing its considerations, the appeal panel should notify the **parent** in writing of the outcome of their review. They should clearly explain:

- whether they have upheld the local authority's original decision;
- why they reached that decision;
- how the review was conducted;
- the factors considered in reaching their decision;
- which other agencies or departments were consulted as part of the review, if any.



140. The local authority should make the **parent** aware that they may complain to the [Local Government and Social Care Ombudsman](#) if they believe the local authority has made a mistake in the way it has handled their case. If a **parent** considers the decision of the independent appeals panel to be flawed on public law grounds, they may apply for a judicial review.

## Part 6: sustainable school travel

Local authorities have a duty to promote the use of sustainable travel on journeys to and from places of education in their area<sup>21</sup>. Sustainable travel in this context is that which may improve:

- the physical wellbeing of users, and/or
- the environmental wellbeing of all or part of the local authority's area.<sup>22</sup>

Sustainable travel benefits children and everyone around them by helping people keep healthy, improving mental wellbeing, easing congestion and reducing toxins in the air.

In this guidance, 'sustainable travel' includes:

- public transport and shared transport'
- active travel – **walking**, **wheeling**, cycling and scooting.

Support is available to local authorities through organisations and initiatives such as:

- Modeshift STARS;
- Bikeability;
- Living Streets; and
- School Streets.

These are supported by the Department for Transport and Active Travel England. Further information can be found in annex 2.

141. The duty to promote the use of sustainable travel applies in relation to travel to and from:

- schools;
- further education institutions;
- 16 to 19 Academies;

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<sup>21</sup> This duty is set out in section [508A \(1\) \(c\) of the Education Act 1996](#).

<sup>22</sup> This definition is set out in section [508A \(3\) of the Education Act 1996](#).

- any place where children and young people receive education by virtue of arrangements made in accordance with [section 19 \(1\) of the Education Act 1996](#)<sup>23</sup>.

142. This duty applies to young people of sixth form age as well as children of **compulsory school age** and is also covered in the [statutory guidance for local authorities on travel for post-16 students](#).

143. Local authorities must:

- **assess** the school travel needs of children of **compulsory school age** and persons of sixth form age resident in their areas (paragraphs 144 to 145);
- **assess** the facilities and services for sustainable modes of travel to, from and within their area (paragraphs 146 to 148);
- **promote** the use of sustainable travel to places of education in their area; and
- **publish** a document which sets out their strategy to promote the use of sustainable travel to places of education in their area (paragraphs 149 to 153).

## Assessing school travel needs

144. The school travel needs of a local authority's area relate to journeys to and from places of education undertaken by children and young people who are:

- resident in the local authority's area, or
- live outside the local authority's area but travel to a place of education in the area.

145. Local authorities should consider any information provided by schools and colleges when assessing school travel needs. Where schools have travel plans, these will include information that will be useful to the local authority.

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<sup>23</sup> Section 19 (1) of the Education Act 1996 requires local authorities to make arrangements for the provision of suitable education for children of **compulsory school age** who would otherwise not receive suitable education for reasons such as illness or exclusion.

The Modeshift STARS Education system gathers much of the data that local authorities need to fulfil the sustainable school travel duty. Each participating school:

- provides data on how their pupils travel to school;
- conducts an audit of their sustainable travel and travel infrastructure; and
- provides details on the number and type of sustainable travel initiatives that they deliver.

School A is a Modeshift STARS Primary School of the Year. This recognises their excellence in growing the amount of sustainable travel to their school. The school is situated in an area of high deprivation; they knew some of their pupils may not have access to cycles and chose to concentrate on promoting the benefits of **walking** through **walking** programmes and Park and Stride points. The school also worked with other local schools to purchase a fleet of cycles to share amongst pupils and secured funding to run a community cycling hub.

## Assessing facilities and services to support sustainable school travel

146. The assessment should show how places of education are served by:

- bus and other public transport routes;
- school travel arranged by the local authority, and any that may be provided by education settings;
- safe and accessible **walking** and cycling routes including footways, footpaths, off-road cycle tracks and bridleways;
- road safety and accessibility features such as crossing points and patrols, dropped kerbs, traffic calming measures and speed limits;
- arrangements such as:
  - cycle training;
  - road safety training;
  - independent travel training;
  - **walking** promotion schemes;
  - car sharing schemes;
  - park and stride/ride schemes;
  - cycle and scooter parking.

147. It should also take account of other factors that may influence travel choices, such as:

- the quality of the facilities and services and their suitability for the age and ability of the children they serve;
- perceptions of personal safety which may be influenced by factors such as:
  - volume of traffic, speed limits and parking around school gates;
  - behaviour on school travel, public transport and the **walked** route to school;
- the travel needs of children with **special educational needs, disabilities or mobility problems** and whether they would benefit from independent travel training (see paragraphs 54 to 58 for more information about independent travel training).

148. Where schools have travel plans, they may help local authorities understand any specific local issues, the views of schools and the perceptions of pupils and **parents**.

Local authorities may wonder what they can do to promote active travel for children who live a long way from their school. Schemes such as 'Park and Stride' support all children to take part in active travel. Families park away from the school gates and **walk, wheel, cycle** or scoot the rest of the way. Advice on Park and Stride and other active travel initiatives for schools is available from Living Streets. Further information on Living Streets can be found in annex 3.

## Sustainable modes of travel strategy

149. Local authorities must publish a sustainable modes of travel strategy for each **academic year**. The strategy should:

- set out the local authority's vision, objectives and work programme for:
  - improving the infrastructure for sustainable travel;
  - promoting sustainable travel to places of education;
- aim to provide:
  - health benefits for children and their families through active journeys, and
  - environmental improvements through reduced congestion and improved air quality.

150. Local authorities must:

- publish their strategy on their website;
- make paper copies available on request;
- include information about their strategy in their composite prospectus for school admissions.

151. Local authorities are not required to annually conduct a formal review of their sustainable modes of travel strategy, but they should keep it under regular review to

ensure it continues to meet local needs and comply with statutory requirements. The most up to date policy must be published by the **19 September** each year.

152. Local authorities may find it helpful to make links between their strategy and other local strategies such as the Local Transport Plan, and the Local Cycling and Walking Infrastructure Plan.

153. Modeshift can provide guidance and support to help local authorities produce their strategy. Further information on Modeshift and links to other sources of information can be found in annex 3.

## Annex 1: explanation of terms used in this guidance

<b>academic year</b>	Defined in the <a href="#">School Information (England) Regulations 2008</a> as a period commencing with 1st August and ending with the next 31st July.
<b>belief</b>	Defined by section <a href="#">509AD (3) of the Education Act 1996</a> as any religious or philosophical belief. A reference to belief includes a reference to lack of belief.
<b>compulsory school age</b>	<p>Set out in <a href="#">section 8 of the Education Act 1996</a> and The <a href="#">Education (Start of Compulsory School Age) Order 1998</a>.</p> <p>A child reaches compulsory school age on the prescribed day following their fifth birthday, or on their fifth birthday if it falls on a prescribed day. The prescribed days are 31 December, 31 March and 31 August.</p> <p>A child ceases to be of compulsory school age on the last Friday in June in the academic year in which they reach age 16.</p>
<b>dedicated transport</b>	Transport which exclusively carries children and young people to and from their place of education and cannot be boarded by members of the public.
<b>designated religious character</b>	Schools with a designated religious character are schools which are designated as such under <a href="#">section 69(3) of the School Standards and Framework Act 1998</a> . They may deliver religious education and collective worship in accordance with the tenets of their faith. They may also prioritise admissions for pupils of their faith and recruit staff on the basis of their faith.
<b>disability</b>	Defined in <a href="#">section 6 of the Equality Act 2010</a> . A person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial and long-term effect on their ability to carry out normal day-to-day activities. A chronic physical or mental health condition may constitute a disability. Not all disabilities are visible.

<p><b><i>Education Health and Care (EHC) plan</i></b></p>	<p>An Education, Health and Care (EHC) plan details the education, health and social care support that is to be provided to a child or young person who has special educational needs or a disability. It is drawn up by the local authority after an EHC needs assessment of the child or young person has determined that an EHC plan is necessary, and after consultation with relevant partner agencies.</p> <p>Home to school travel arrangements are not normally considered to be special educational provision. In exceptional cases travel arrangements may be deemed to constitute special educational provision because they fulfil an education or training function. In these circumstances the travel arrangements should be recorded in section F of the EHC plan.</p> <p>Travel costs can also be provided as part of a Personal Budget, where one is agreed and included in the EHC plan as part of the special educational provision. This should be recorded in section J of the plan.</p>
<p><b><i>home</i></b></p>	<p>The place where a child is habitually and normally resident. Local authorities should make clear in their school travel policies how they will determine a child's home address for the purposes of assessing their eligibility for travel, including in circumstances where their parents do not live together and the child spends part of the week with each parent. In these circumstances, there is no expectation that local authorities should provide travel to and from two separate addresses.</p>
<p><b><i>individual healthcare plans</i></b></p>	<p>Drawn up by schools in consultation with parents and relevant health professionals. They capture the key information and actions that are required to effectively support a child with medical needs in school. For more information about supporting children with medical needs in schools see <a href="#">Supporting pupils with medical conditions at school</a>. This guidance suggests that schools may wish their policies on supporting pupils with medical conditions to refer to home to school travel.</p>
<p><b><i>licensing authority</i></b></p>	<p>Taxi and private hire operators and drivers must be licensed by a local licensing authority – usually a unitary authority or district council in a local area, but Transport for London is the licensing authority for all London boroughs.</p>



<b>medical need</b>	A health need that has the potential to put a child's safety or wellbeing at risk while travelling to and from school.
<b>mobility problem</b>	A physical impairment that impacts a child's ability to walk to school.
<b>normal admissions round</b>	The period during which parents apply for school places. The deadlines for applications are 31 October for secondary school places and 15 January for primary places. Places are offered to parents on National Offer Day. Secondary National Offer Day is 1 March, or the next working day. Primary National Offer Day is 16 April, or the next working day.
<b>parent</b>	References to parent in this document include birth parents, adoptive parents, foster parents, carers or legal guardians with parental responsibility.
<b>parent carer forum</b>	Voluntary organisations made up of parents and carers from a local area who have children with SEND. They work with local authorities, schools and other professionals to support the strategic participation of parents, carers and their families in local SEND policy service and delivery.
<b>private hire vehicles (PHVs)</b>	May carry up to 8 passengers and can only be pre-booked via a licensed private hire vehicle operator. See also the definition of <b>taxi</b> below.
<b>religion</b>	<a href="#">Section 509AD (3) of the Education Act 1996</a> defines religion as any religion. A reference to religion includes a reference to lack of religion. See also definition of <b>belief</b> above.
<b>road route</b>	A route passable by a motor vehicle.
<b>safeguarding</b>	Defined in <a href="#">Keeping Children Safe in Education</a> as: <ul style="list-style-type: none"> <li>• protecting children from maltreatment</li> <li>• preventing the impairment of their mental and physical health and development</li> <li>• ensuring they grow up in circumstances consistent with the provision of safe and effective care</li> <li>• taking action to enable all children to have the best outcomes.</li> </ul>

<b><i>school day</i></b>	<p>Schools are responsible for deciding when their school day will start and end. The expectation is that local authorities will arrange travel for eligible children to enable them to attend for the 'normal' school day.</p> <p>Schools should organise the school day and school week in the best interest of their pupil cohort. They are expected to act reasonably when making changes to their school day or week. It is unacceptable for them to shorten their day or week unless it is a direct action to enhance pupils' education.</p>
<b><i>selective school</i></b>	A school that can select all or some of the children it admits by testing for aptitude or ability, for example a grammar school.
<b><i>SEND Local Offer</i></b>	Sets out, in one place, information about the provision local authorities expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have an EHC plan. Further information can be found in the <a href="#">Special education needs and disability code of practice: 0 – 25 Years</a> .
<b><i>special educational needs (SEN)</i></b>	Defined in <a href="#">section 20 of the Children and Families Act 2014</a> . A child or young person has special educational needs if he or she has a learning difficulty or <b><i>disability</i></b> which calls for special educational provision to be made for him or her.
<b><i>taxis</i></b>	Also known as hackney carriages, black cabs and cabs. May carry up to 8 passengers. May be pre-booked or can be hired immediately by hailing on the street or at a rank. See also definition of <b><i>private hire vehicle</i></b> above.
<b><i>walk</i></b>	In this guidance walk has its literal meaning. A child could not be considered to be able to walk to school if they would need to travel in a wheelchair, but a local authority may decide, for example, that suitable travel arrangements for a child would be an assistant to push them in a wheelchair.
<b><i>wheel</i></b>	Refers to people who use wheelchairs and mobility scooters and may not identify with walking.

## Annex 2: further information

### Equalities legislation and home to school travel

Local authorities must comply with the [Equality Act 2010](#) and the [European Convention on Human Rights](#) (which is incorporated into UK law by the [Human Rights Act 1998](#)) when exercising their school travel functions.

#### The Equality Act 2010

The Equality Act (the Act) prohibits a local authority from discriminating against someone on the grounds of a 'protected characteristic'. The protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Through an exemption in Part 2 of Schedule 3 of the Act, the discrimination provisions on age and **religion** or **belief** do not extend to a local authority's school travel arrangements. So, for example, a local authority would not be unlawfully discriminating on **religion** or **belief** grounds if it arranged a school bus to a school with a **designated religious character** but not to another school in the area.

The Act also places a legal obligation on local authorities to comply with the public sector equality duty. This means they must consider how their school travel decisions and policies affect people with protected characteristics, and must have due regard to the need to:

- eliminate discrimination against people with protected characteristics;
- promote equality of opportunity between people who have a protected characteristic and those who do not;
- foster good relations between people who have a protected characteristic and those who do not.

#### The European Convention on Human Rights (ECHR)

Article 2 of Protocol 1 of the ECHR gives **parents** the right to have their children educated in accordance with their religious and other views.

In addition, section 509AD of the Education Act 1996 requires local authorities to have regard to any wish of a **parent** to have their child educated at a school based on their **religion** or **belief** when exercising their school travel duties.

This does not mean that **parents** have a specific right to have their children educated at such a school, or to have travel arrangements made by their local authority to and from any such school.

Local authorities should, nonetheless, have regard to the provisions of the ECHR and section 509AD when considering any request made by a **parent** for travel assistance to a school they have selected on the grounds of their **religion** or **belief**.

They should not, for example, have a blanket policy that they never provide travel assistance to schools with a **designated religious character**. Should they receive a request from a **parent** for travel to such a school, they should consider whether it would be appropriate to exercise their discretionary power.

## Parent's responsibility to ensure their child receives education

[Section 7 of the Education Act 1996](#) requires **parents** to ensure their children of **compulsory school age** receive a suitable full-time education. If a child of **compulsory school age** is registered at school but fails to attend school regularly, their **parents** may be guilty of an offence and can be prosecuted by the local authority. Under [section 444 \(3B\) of the same act](#), **parents** will have a defence in law against such prosecution if the child is eligible for free travel to school and the local authority has failed to make home to school travel arrangements for them.

## Children registered at more than one qualifying school

Some children may be registered at more than one qualifying school, for example if they attend a hospital school or a special school on temporary basis. Children of no fixed abode may be registered at more than one qualifying school because their **parent's** trade or business requires them to travel from place to place. This is known as dual registration. Children with **EHC plans** may have a 'dual placement' and attend more than one school<sup>24</sup>.

The School Travel (Pupils with Dual Registration) (England) Regulations 2007 clarify a child's eligibility for free travel to school in these circumstances. Where a child is registered at two qualifying schools which are not pupil referral units, the local authority's duty to provide free travel to school applies to whichever of the schools the child is attending on any **school day** on which travel is required.

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<sup>24</sup> See paragraph 9.85 of the [Special Educational Needs and Disability Code of Practice: 0-25 Years](#).

## Disclosure and Barring Service checks

A Disclosure and Barring Service (DBS) check is a check of a person's criminal record. There are 4 types of DBS check:

- a basic check which shows unspent convictions and unspent conditional cautions;
- a standard check which shows spent and unspent convictions, cautions, reprimands and final warnings;
- an enhanced check which shows the same as a standard check plus any information held by local police that is considered relevant;
- an enhanced check with a check of the relevant barred list, which shows the same as an enhanced check plus whether the applicant is on the barred list.

The DBS keeps two barred lists – one of people who have been barred from working in regulated activity with children, and one for people barred from working in regulated activity with adults.

People who carry out regulated activity are eligible for an enhanced check with a check of the relevant barred list. It is a criminal offence for a barred person to work in regulated activity and for an employer to knowingly employ a barred person to work in regulated activity.

'Driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children'<sup>25</sup> is regulated activity if:

- the driver is doing it as part of their job – paid or otherwise<sup>26</sup>, and
- it is carried out by the same person once a week or more often, or on more than 3 days in a 30-day period.

**Dedicated** school transport will almost always be regulated activity.

## Taxis, private hire vehicles and public service vehicles

**Taxi** and **private hire vehicle** drivers must be licensed. **Licensing authorities** must not issue a licence to an applicant unless they are satisfied that they are a fit and proper person to hold such a licence, and they should revoke a licence if they consider a driver is no longer a fit and proper person. Each **licensing authority** decides on the requirements that applicants must meet for them to issue a licence.

All **licensing authorities** require an enhanced DBS check and most include a check of the children's and adults' barred lists. They may also require a medical check, a knowledge test and a driving test. Vehicles used as **taxis** and **private hire vehicles** are

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<sup>25</sup> [Paragraph 2\(1\)\(f\) of Schedule 4 of the Safeguarding Vulnerable Groups Act 2006.](#)

<sup>26</sup> [Regulation 3 of The Safeguarding Vulnerable Groups Act 2006 \(Miscellaneous Provisions\) Regulations 2009.](#)

usually required to pass an annual MOT test<sup>27</sup>. They must also be inspected and licensed by a **licensing authority**. The **licensing authority** may set additional requirements, for example around roadworthiness, comfort and cleanliness, and safety and security.

Operators of buses and coaches must have a public service vehicles operator's licence issued by the [Traffic Commissioners](#). Vehicles must have an annual MOT test and operators are required to keep them in a roadworthy condition. They may be inspected by the Driver and Vehicle Standards Agency (DVSA). If local authorities have any concerns about a bus or coach operator, they can [report it directly to DVSA](#).

Professional bus and coach drivers are required to hold a Driver's Certificate of Professional Competence. This requires them to undertake 35 hours of approved training every five years. Training providers offer a range of courses from a set syllabus. No specific part of the syllabus is mandatory. The [syllabus](#) includes, amongst other things:

- ability to assess emergency situations;
- ability to anticipate, assess and adapt to risks in traffic;
- ability to ensure passenger comfort and safety.

Organisations that provide transport on a 'not-for-profit' basis can apply for permits under section 19 or section 22 of the Transport Act 1985. These permits allow the holder to operate transport services for hire or reward without the need for a full public service vehicle operator's (PSV 'O') licence. Further information is available from the [Department for Transport](#).

## Seatbelts and standing passengers

All minibuses, coaches and buses – except for buses designed for urban use with standing passengers – must be fitted with seatbelts. This means that many vehicles used for travel to school will have seatbelts fitted.

Buses designed for urban use with standing passengers (the types of bus typically used as public service buses) do not have seatbelts fitted and may also be used for travel to school.

Local authorities may, if they wish, specify in their contracts with school travel providers that they will only accept vehicles fitted with seat belts. In deciding whether to do so, they will need to consider factors such as:

- the speed at which the vehicle will be travelling, and at which other vehicles on the same route may be travelling;

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<sup>27</sup> Legislation that exempts new vehicles from the MOT test applies to PHVs but not taxis.

- the likelihood of an accident happening on the route the vehicle will be travelling (local authorities may find road accident statistics helpful);
- the cost and availability of suitable vehicles fitted with seat belts.

It is also important to note that:

- although primarily designed for use on urban routes, public service buses are also widely used to provide public bus services in rural areas;
- public service buses are generally a very safe mode of travel with a very low casualty rate.

[The Public Service Vehicles \(Carrying Capacity\) Regulations 1984](#) provide that three children under the age of 14 may count as two passengers when travelling on a service bus and occupying seats which do not have seatbelts fitted (for example, on a service bus they may occupy a bench seat designed for two adults). Few of this type of vehicle are now in service. Local authorities should only make use of this concession on an exceptional basis.

## **Public Service Vehicles Accessibility Regulations (PSVAR)**

The Government's vision is for disabled people to have the same access to transport as everyone else<sup>28</sup>. The [Public Service Vehicles Accessibility Regulations 2000](#) (PSVAR) require buses and coaches with more than 22 seats, used on local or scheduled services (including home to school journeys) that carry at least one fare-paying passenger to have features which enable disabled people to board, alight and travel in comfort and safety.

When commissioning home to school services that are in scope of PSVAR, local authorities should procure compliant vehicles where possible, but may procure non-compliant vehicles where necessary if they are covered by medium-term exemptions.

Medium-term exemptions are valid from 1 July 2022 until 31 July 2026. These are qualified exemptions that require operators to take specific steps to make their fleet progressively more compliant. Further information is available at [Apply for an exemption from PSVAR accessibility regulations for home to school or rail replacement services](#).

The Government has committed to review PSVAR by the end of 2023.

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<sup>28</sup> More information is available in the [2018 Inclusive Transport Strategy](#).

## Annex 3: additional resources

<b>Assessment of Walked Routes to Schools Guidelines</b>	Produced by <a href="#">Road Safety GB</a> (a road safety organisation made up of representatives from groups across the UK, including local authority road safety teams) to provide advice to local authorities on assessing the risk posed to pedestrians by traffic.
<b>DBS checks</b>	<a href="#">DBS checks: detailed guidance</a>
<b>Behaviour in Schools</b>	<a href="#">Behaviour in schools</a>
<b>Statutory taxi and private hire vehicle standards</b>	<a href="#">Statutory taxi and private hire vehicle standards</a> <a href="#">Taxi and private hire vehicle licensing: best practice</a>
<b>LGA safeguarding guidance</b>	<a href="#">School transport guidance note   Local Government Association</a> Provides guidance on the role of local authorities and licensing authorities with regard to safeguarding and taxi and private hire vehicles used for travel to school.
<b>Climate change: a strategy for education and children's services</b>	<a href="#">Sustainability and climate change strategy</a> Includes the Department for Education's commitment to support the Department for Transport in increasing active travel to school.
<b>Active Travel England</b>	<a href="#">Active Travel England</a> The Government's executive agency responsible for making walking, wheeling and cycling the preferred choice for everyone to get around in England.
<b>The second Cycling and Walking Investment Strategy</b>	<a href="#">The second cycling and walking investment strategy</a> Sets out the Government's ambition for walking and cycling until 2025. Includes an objective to increase the percentage of children aged 5 to 10 who usually walk to school from 49% to 55% in 2025.
<b>Planning local cycling and walking networks</b>	<a href="#">Planning local cycling and walking networks</a> Guidance and tools to help local authorities plan cycling and walking infrastructure.



<b>The Healthy Schools Rating Scheme</b>	<a href="#">Healthy schools rating scheme</a> A voluntary scheme for schools that recognises and encourages their contribution to supporting pupils' health and wellbeing. Includes active travel to school.
<b>Bikeability</b>	<a href="#">Cycle Training for Everyone - Deliver Safer Training   Bikeability</a> Department for Transport's flagship national cycle training programme aimed at children, young people and families in England.
<b>British Cycling</b>	<a href="#">Home - British Cycling</a> National governing body for cycling. Can provide advice on cycling to school and cycle training.
<b>Cycling UK</b>	<a href="#">Cycling UK   The UK's cycling charity</a> Enabling and inspiring more people to cycle more often, including to school.
<b>Modeshift</b>	<a href="#">Modeshift – Sustainable Travel – UK's leading sustainable travel organisation</a> Membership organisation that shares best practice in the delivery of sustainable travel. Over 100 local authorities are members. <a href="#">Modeshift STARS - Travel Plan in Education, Business &amp; Communities</a> The Modeshift STARS Education scheme supports schools and local authorities to develop and monitor school travel plans and provides a tool for local authorities to assess the sustainable travel and transport infrastructure in their areas and the school travel needs of pupils.
<b>Sustrans</b>	<a href="#">Home - Sustrans.org.uk</a> Sustainable transport charity that provides a range of advice and support to enable children to walk, wheel and cycle to school safely.

<b>Living Streets</b>	<a href="#">Living Streets</a> Charity for everyday walking. Runs the annual WOW Walk to School challenge and offers resources and support to schools and local authorities.
<b>Armed Forces Covenant Duty</b>	<a href="#">Armed Forces Covenant Duty</a> Places a legal obligation on local authorities to have due regard to the Covenant principles when exercising certain functions, including their home to school travel functions.
<b>Driving school minibuses</b>	<a href="#">Driving school minibuses advice</a> Advice on when a school employee with a car driving licence may drive a minibus.
<b>Length of the school week: minimum expectation</b>	<a href="#">Length of the school week: minimum expectation</a> The Government has set the expectation that all state-funded mainstream schools will deliver a school week of at least 32.5 hours by September 2023:
<b>REAL disability equality training</b>	<a href="#">REAL training: bus and coach modules</a> Training to improve confidence and skills in delivering inclusive journeys for disabled passengers.
<b>Special Educational Needs and Disability Code of Practice: 0 to 25 years</b>	<a href="#">SEND code of practice: 0 to 25 years</a>
<b>SEND and alternative provision improvement plan</b>	<a href="#">SEND and alternative provision improvement plan</a>
<b>Travel to education and training for young people aged 16 and over</b>	<a href="#">Transport to education and training for people aged 16 and over</a>

<b>Education Act 1996</b>	
<a href="#"><u>Section 7</u></a>	Duty of parents to secure education of children of compulsory school age
<a href="#"><u>Section 19 (1)</u></a>	Provision of education in pupil referral units
<a href="#"><u>Section 444 (3)</u></a>	Offence: failure to secure regular attendance at school of registered pupil
<a href="#"><u>Section 508A</u></a>	Duty to promote sustainable modes of travel
<a href="#"><u>Section 508B</u></a>	Travel arrangements for eligible children
<a href="#"><u>Section 508C</u></a>	Travel arrangements for other children
<a href="#"><u>Section 508D</u></a>	Secretary of State's duty to issue guidance in relation to sections 508B and 508C
<a href="#"><u>Section 509AD</u></a>	Duty to have regard to religion or belief in exercise of travel functions
<a href="#"><u>Schedule 35B</u></a>	Meaning of eligible child
<b>Other relevant legislation</b>	
<a href="#"><u>The Public Service Vehicles Accessibility Regulations 2000</u></a>	
<a href="#"><u>The School Travel (Pupils with Dual Registration) (England) Regulations 2007</u></a>	
<a href="#"><u>School Information (England) Regulations 2008</u></a>	

## **Annex 4: questions local authorities may find helpful when reviewing their policies and procedures**

### **Transparency**

- Is the school travel policy easy for parents to find and understand?
- Is it available to parents at the point they are choosing which schools to apply for?
- Is it easy for parents to find out which is their nearest suitable school?
- Is it easy for parents to find out how and when to apply for travel, and when they can expect to receive a response?
- Is it easy for parents to find out how to appeal the local authority's decision, or complain about their service?
- If a parent's application is refused, or their appeal is unsuccessful, are the reasons communicated to them clearly?
- If the local authority is unable to comply with expected timescales, does it let parents know and explain why?

### **Fairness**

- Does the local authority always follow its published procedures when handling applications, appeals and complaints?
- Does the authority consider all relevant information when making decisions in response to applications, appeals and complaints? Are irrelevant considerations ignored and assumptions avoided?
- Does the authority keep an open mind when considering applications, appeals and complaints?
- At appeal, are parents given sufficient opportunity to make their case? Are they able to attend an appeal hearing, virtually or in person, at stage 2 if they wish to?
- Does the local authority keep a clear and accurate record of the information it considered during an appeal, the decision that it reached and the reasons for that decision?

## Annex 5: home to school travel policy checklist

A local authority school travel policy needs to contain a number of elements to be considered lawful. There are other elements a school travel policy should include to ensure it is clear and easy for parents to understand. The main elements are listed below, but this is not an exhaustive list. Authorities may add elements they consider necessary, provided they are lawful.

- The policy includes a clear introduction explaining what the reader can expect to learn from the document.
- The policy clearly explains all four categories of eligible children (statutory walking distances; special educational needs, disability and mobility problems; unsafe walking routes; and extended rights).
- Where a local authority has a separate policy document for a category of eligibility (for example, special educational needs) they should refer to this in the main policy so parents reading one document may easily understand all the categories of eligibility.
- The policy includes information on how a parent can apply for travel to school.
- The policy clearly explains terms such as 'home address' and 'nearest suitable school'. It explains how, in instances of dual living arrangements such as equal shared custody for separated parents, the local authority determines the child's home.
- Where appropriate, the policy explains that a child's nearest school for school travel purposes may not be their nearest suitable school for admissions purposes.
- The policy clearly explains how a child's eligibility will be assessed. This includes how distances will be measured and how route safety is assessed.
- The policy clearly explains that the eligibility of children with special educational needs, a disability or mobility problems will be assessed on an individual basis.
- The policy clearly explains the ways in which travel is provided, for example, passes for public service buses, dedicated school buses, taxis.
- The policy clearly explains any other arrangements that are in place for children who are not eligible for free home to school travel, such as spare seat schemes, and any charges that may be made for these.

The policy clearly explains how a parent may appeal the local authority's decision in response to their application for travel to school.

## Annex 6: flowchart of the suggested appeals process

Officer A declines a parent's school travel application or offers travel arrangements that a parent considers unsuitable.



Within 20 working days of receiving Officer A's decision, the parent submits their written appeal.



### **Stage one: review by a senior officer**

Within 20 working days of receiving the parent's request, Officer B (a senior officer) reviews Officer A's decision and notifies the parent in writing of the outcome.



Within 20 working days of receiving Officer B's decision, the parent submits written notification that they wish to escalate the matter to stage 2.



### **Stage two: review by an independent appeal panel**

Within 40 days of receiving the parent's notification, an independent appeal panel considers written/oral representations from the parent, Officer A and Officer B, and reaches a decision.



Within 5 working days of reaching their decision, the independent appeal panel notifies the parent in writing.



A parent may make a complaint to the LGSCO if they feel the local authority has made a mistake in the way it has handled their case; or may request a judicial review if they believe the decision to refuse travel is flawed on public law grounds.



Department  
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