



## **Transport to School or College for Children with Special Educational Needs and/or Disabilities (SEND)**

Local Authorities (LA's) have particular duties towards some groups of children and young people who require home to school transport arrangements. The entitlements differ depending on the age of the child or young person.

### **Children under 5:**

Children under compulsory school age are not automatically entitled to transport to an early years setting or school. Compulsory school age begins on the first day of the term following the child's fifth birthday.

For children in early years settings, section 509A of the Education Act 1996 gives LAs discretion to make travel arrangements for children receiving early years education other than in a school. LAs are not permitted to refuse to make a transport arrangement simply because they have no strict duty to make it.

For children at school but under compulsory school age, section 508C in the Education Act (EA) 1996 also gives LA's a discretionary power to make such school travel arrangements as they consider necessary for the purpose of facilitating the child's attendance at school.

If your LA refuses to provide transport and you feel that it is necessary for example, because your child has a particular disability and there is no other way to get them to nursery or school then you could appeal against their decision.

### **Children of compulsory school age (aged 5 to 16)**

LAs are required to arrange free, suitable, home to school transport for children of compulsory school age who are 'eligible', to their nearest suitable qualifying school (section 508B of the EA 1996)

Eligible children fall within four categories

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

Compulsory school age begins at the start of term following a child's fifth birthday and ends on the last Friday in June in the academic year in which the young person turns 16.

## A qualifying school is a

- maintained (publicly funded) school or nursery
- non-maintained special school
- pupil referral unit
- city technology college or academy

For a child with an EHC plan, an independent school can also be a qualifying school if this is the **only school or the nearest school named in Section I of the EHC plan.**

## Travel arrangements

This is the term used to describe the arrangement for transporting children and young people to and from educational settings from the pupil's home. **These can only be put into place with parental consent.** Travel arrangements should be decided on an individual basis to meet the child's needs, ensuring that the child or young person arrives to school in as stress free state as is possible and ready to learn. Travel should be safe and comfortable although this does not necessarily mean a door-to-door service. Escorts may be necessary for some pupils with very complex needs.

Those who operate the travel arrangements such as bus drivers and escorts must be subject to enhanced DBS (formerly CRB) checks and should have undertaken disability equality training. Some staff may also be expected to have up to date first aid training depending on the pupils that are being supported.

## Travel Time

The guidance for reasonable travel to an educational setting is as follows:

- Primary school children journey times of 45 minutes
- Secondary school children journey times of 75 minutes

However, for children with SEN and/or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible.

The child's age and disability should be taken into account in considering what is suitable for travel. Breaks might be needed when children live a long way from their school, for example the educational setting is outside Cheshire East.

## Young people aged 16 to 19

Travelling independently can be a challenge for some students for a range of reasons. The LA can support some young people that require additional help; for example they may require a place on a college bus, a bus pass or some travel training. Some students may require a more bespoke a package of support in terms of individual transport and this can be discussed on an individual basis with the young person if requested.

LAs have the discretion to determine what transport and financial support are necessary to facilitate young people's attendance. The LA must exercise its power to provide transport or financial support reasonably, taking into account all relevant matters. A failure to make the arrangements that are specified in a transport policy statement (or ensure that such arrangements are made) would amount to a failure to fully meet the duty.

Although there is no automatic entitlement to transport for those of sixth form age LAs have a discretion to assist with transport arrangements and are expected to target support towards students in particular circumstances (such as those with SEN or from low income families). It is unlikely that such transport will be free.

When assessing what transport arrangements or financial assistance may be required, the LA should consider the needs of the most vulnerable or socially excluded learners. The needs of learners with learning difficulties and/or disabilities should be specifically considered and the arrangements in place for each group must be documented in the Transport Policy Statement.

**Further information:**

Cheshire East Travel Policies and Transport Policy Statement can be found here [https://www.cheshireeast.gov.uk/public\\_transport/school\\_transport/school\\_transport.aspx](https://www.cheshireeast.gov.uk/public_transport/school_transport/school_transport.aspx)

[www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance](http://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance)

<https://www.ipsea.org.uk/pages/category/transport-to-school-or-college>

<https://www.contact.org.uk/>

<https://www.sossen.org.uk/>

<http://sentas.co.uk/>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/772913/Post16\\_transport\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772913/Post16_transport_guidance.pdf)

[https://www.cheshireeast.gov.uk/public\\_transport/school\\_transport/complex\\_special\\_needs.aspx](https://www.cheshireeast.gov.uk/public_transport/school_transport/complex_special_needs.aspx)

	<p>Cheshire East Information Advice and Support (CEIAS)</p> <p>Website: <a href="http://www.ceias.cheshireeast.gov.uk">www.ceias.cheshireeast.gov.uk</a></p> <p>Telephone: <b>0300 123 5166</b></p>
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