

# Mythbuster

## School Transport in England



In this document the “guidance” means the “Home to school travel and transport guidance Statutory guidance for local authorities” (July 2014), available at <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>.

**1. Myth: your child can't get school transport if you live within 3<sup>1</sup> miles of the school.**

**Yes, he can!** If he goes to his nearest 'suitable' school<sup>2</sup> and can't walk the school route because of his disability or special educational needs or a temporary mobility problem, then he must be considered an 'eligible child'<sup>3</sup> and your local authority must provide him with free school transport<sup>4</sup>.

**2. Myth: your child can't get school transport because she receives higher rate disability living allowance (DLA) or enhanced personal independence payment (PIP).**

**Not true!** The law<sup>4</sup> says that your local authority has a duty to provide free transport for all 'eligible' pupils of compulsory school age without exception. Guidance<sup>5</sup> explains the criteria that your child must meet to be 'eligible' for free transport and providing she meets these criteria she must be provided with free transport. The fact that she is receiving DLA/PIP is totally irrelevant and cannot be taken into account even if you have a Motability car.

**3. Myth: a child with special educational needs or a disability must have an Education, Health and Care (EHC) plan in order to be 'eligible' for transport.**

**Not true!** He'll be eligible for transport if he can't reasonably be expected to walk to school because of his special educational needs, disability or mobility problems – they don't need to have an EHC plan in place. On the other hand, children who have an EHC plan aren't automatically eligible – again, the key question is whether it's reasonable to expect an individual child to walk to school. A child with severe dyslexia, for example, may well be able to walk to school with no problem at all.

## References:

1. For children aged over 8 and 2 miles for younger children (this only applies to compulsory school-aged children)
2. The nearest 'qualifying' school with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEN that the child may have. For an explanation of 'qualifying' school please see paragraphs 27 – 30 of the guidance
3. Guidance, paragraph 16
4. Education Act 1996 s508B.
5. Guidance section 1.3

#### 4. Myth: my disabled child can't walk to school so I'll have to drive him there instead.

**Not true!** Your local authority must provide school transport for children who can't reasonably be expected to walk to school and they can't shift their legal responsibility onto parents. The law allows local authorities to consider whether it's reasonable to expect parents to accompany their child along a walking route, but it cannot require parents to drive these children to school themselves.

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### School Transport in England Guide

This guide explains the legal duties on local authorities to provide free school transport for disabled children in England: <https://cerebra.org.uk/download/school-transport-in-england/>



First published 2019. This edition 2019. Review date 2022.

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