

# Mythbuster

## School Transport in Wales



This factsheet busts four myths around accessing school transport in Wales. We also have a series of guides and factsheets to help families of children with brain conditions with common problems they may be facing. Covering a range of legal, social and financial issues, these are available at <https://cerebra.org.uk/get-advice-support/legal-and-financial/>

**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 he has specific needs arising from a learning difficulty, a disability or any other factor (such as a temporary mobility problem) which makes particular travel arrangements necessary to facilitate his attendance at school then it must provide him with free transport<sup>3</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 says that your local authority has a duty to provide free transport for all 'eligible' pupils of compulsory school age without exception. Guidance<sup>4</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 a statement of special educational needs in order to be 'eligible' for transport.**

**Yes, he can!** 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 a statement of special educational needs in place. On the other hand, children who have a statement of special educational needs aren't automatically eligible – 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. Please see section 3 of the Learner Travel (Wales) Measure 2008.
3. Please see the Learner Travel Statutory Provision and Operational Guidance, paragraphs 1.34 – 1.37.
4. Please see paragraphs 1.21 – 1.26 of the above guidance.

#### 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 Wales Guide

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



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