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/parent-guides/

1. Myth: your child can't get school transport if you live within 3[1] miles of the school.

Not true.

If he goes to his nearest 'suitable' school[2] 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[3].

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 Learner Travel (Wales) Measure 2008 sets out the extent of a local authority's duties to provide school transport and it makes no reference to DLA or PIP, so they're not relevant to school transport decisions. See our Parent Guide for more details. It's unlawful for a local authority to try and narrow the scope of their school transport duties by introducing other conditions.

3. Myth: a child with special educational needs or a disability must have a statement of special educational needs or individual development plan in order to be 'eligible' for transport.

Not true.

A local authority must provide transport for a child who lives within walking distance from school if it thinks that it's necessary to do so, in light of the child's disability or learning difficulty. The child doesn't need to have a statement (or IDP) in place. Conversely, children who have a statement or IDP aren't automatically eligible – again, the key question is whether it's necessary to make travel arrangements for a child because of their disability or learning difficulty.

References:

1. For secondary school children or 2 miles for primary 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 1.86 of the above guidance.

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

Not true.

If a child is unable to walk to school, the local authority has a duty to consider whether it's necessary to provide transport. It cannot shift this responsibility to parents and expect them to drive a child to school. Guidance says that if a child cannot *walk* (accompanied or unaccompanied) because of a disability or learning difficulty, the local authority will have a duty to make suitable travel arrangements, even if the child lives within walking distance of his/her school.[4] Local authorities are allowed to consider whether a child could get to school if accompanied by a parent – but this means being accompanied on the walk to school, not taken by car.

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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