

## Transport

Local authorities must make travel arrangements they consider necessary to enable eligible children to attend school. These arrangements must be provided free of charge under section 508B of the Education Act 1996.

For children of statutory school age with a special educational need, disability or mobility difficulty when attending their nearest qualifying school, statutory walking distances do not need to be considered, the LA must make an assessment based on the child's individual needs. The nearest qualifying school is not necessarily the closest school. This applies to all children with SEND or mobility difficulties not just those with EHC plans or who attend special schools.

Some children may not be able to walk to school because of a physical disability or a medical issue; for others it may be psychological or behavioural issues which may put them at risk. Local authorities should consider whether a child can walk alone or with an adult and if it would be reasonable to expect a parent to accompany the child on foot. The age of the child should be taken into account.

The child may be eligible for free transport under the other criteria – distance, safety or low income – even if they are not eligible under the SEN / disability criteria.

These criteria only apply to children aged 5 – 16 (of compulsory school age). Local Authorities also have the discretion under section 508C of the Education Act 1996 to provide transport for a wider group of children. This could be free or charged for. Other legislation and arrangements apply to those aged 16 – 18 and 19+.

Home to school transport arrangements have a significant impact on the lives of children with SEND, affecting readiness for learning, anxiety, fatigue, happiness, social opportunities, school choice, carer work and family finances.

Hertfordshire County Council (HCC) has 3 transport policies in place. Aged 5 – 16 Transport policy, 16 – 18 Transport Policy and 19 – 25 Transport Policy. These are all different because of the differing legislation that governs them. These are all available on the SEND Local Offer [Transport Policies](#)

In addition to the published policies there are myths and generalised statements that exist, such as a child must be receiving certain benefits or have a blue badge; child won't qualify if they have a Motability car; HCC don't provide transport for pre-schoolers; out of county placements do not get transport or a child needs an EHCP to be eligible for transport. These statements are all irrelevant to decisions about transport mislead or deter parents from seeking particular arrangements to meet their child's needs. These are classed as blanket policies and are not lawful. Even when not eligible for transport, a child should not miss out on education as a result of transport difficulties.

There is a gap in legal eligibility young people aged 16 to 19. In Herts, families routinely pay towards transport costs for 16-18 year olds. Bursary funds may be used to offset transport charges, but this may use up all the Bursary which is meant to support a range of study expenses.

Young people aged 19-25 may benefit from funded transport provision but the current HCC policy is under review.

The process of applying for transport in HCC is labour intensive and bureaucratic and often parents do not realise the date for applications. Letters are posted (not emailed) and post-dated cheques are part of the process. A full reapplication process is required every year. Letters about transport are long winded and key points, such as the criteria and process for application for free transport on the grounds of a low income, are towards the end of the letter after the section on fees required.

HCC apply some of the highest charges in England for home to school transport for those not of compulsory school age.

HPCI is aware of significant parental concern about Transport. These concerns include:

- The length of journey time (the legal guidance suggests a maximum of 45 min each way for a primary age child and 75 mins each way for a secondary/College pupil).
- Staff needing specialist training on behaviour support or health procedures, but assessments of need regarding health and behaviour not being carried out before the transport starts.
- Staff suitability (drivers or escorts) and their training.
- The carrying of ID badges is not always enforced by taxi companies.
- Driver punctuality.
- Last minute changes to arrangements that are not communicated to parents.

HPCI requires HCC to work with HPCI more closely to:

- Jointly review all transport policies to make them more accessible and to fully describe legal rights, exceptions, discretion and dispute resolution processes.
- Incorporate amendments following the Department for Education Transport Review.
- Ensure all transport policies are available on the Local Offer website.
- Provide clearer guidance to transport providers (customer service charter) and share this with all parties to support higher standards, safety, planning and communication.
- Review payments to parents providing alternative transport to include all four journeys made and fairly reflect the genuine cost whilst still providing a cost saving for the LA compared to use of private taxi hire.
- Streamline and link transport referral and problem-solving processes with SEN processes giving a single service for those with an EHCP.

HPCI would like the Department for Education review to recommend that:

- School transport be explicitly referenced in Education Health and Care Plans and recognised as an integral part of special education provision and appealable to SENDIST (rather than separately).
- Eligibility for free school transport be extended to all children and young people where they are accessing newly created entitlements to funded education places (i.e. those aged 0-5 and 16-18).

Further information on Home to School transport in England can be found in this [information sheet](#) from Contact