

Transport to school

This factsheet gives general information about:

- who is entitled to transport to school
- duties, powers and responsibilities of local authorities (your local council) in providing transport for pupils to and from school.

Who decides if my child is entitled to transport?

Under the law local authorities must make arrangements they consider necessary to provide free transport to school for pupils living in their area.

The law also allows local authorities to provide free transport even when they don't have a legal duty to do so (called the 'power of discretion'). It means different local authorities may have different policies about providing free transport, so you may want to contact your local authority to find out if your child is entitled.

What the local authority takes into account

Distance from the school

Normally, local authorities will offer free transport to school to pupils who live further away than the 'statutory walking distances', which are:

- 3.2 kilometres (2 miles) for pupils under 8
- 4.8 kilometres (3 miles) for pupils above 8.

Regardless of distance, local authorities must take into account the safety of the route to school for pupils, and can provide free transport if necessary.

Type of school

An local authority may provide free transport only to:

- your child's local school, or
- the school where it has offered your child a place, such as a special school that meets your child's needs.

Placing requests

It is advisable to discuss transport before making a placing request. The law about free transport is complicated when you make a successful placing request.

A local authority need not provide free transport if you have made a successful placing request, although it can do so if it wishes.

The local authority should pay attendance costs and may provide free transport if your child has additional support needs and you have made a successful placing request to:

- an independent special or grant-aided special school in Scotland
- a school elsewhere in the UK.

Your child's medical condition

If your child cannot go to their local school because of a short-term or long-term medical condition, the local authority may decide to provide free transport to where education is being provided.

It will normally consult the relevant health board when making its decision.

Respite care

The local authority can charge you for the costs of transporting your child to and from respite care, but most do not do so.

Looked after/accommodated children or young people

The local authority can pay travel costs or make arrangements for the pupil to get to and from school. This is normally done in agreement with social workers.

Temporary homelessness

If you are temporarily homeless, the local authority may pay travel costs or make arrangements for free transport for your child to get to and from school.

Pre-school education

The local authority can provide free transport for your child to travel to pre-school facilities.

If you are moving house

You may wish your child to stay at their current school when you move house. By law, your child cannot be forced to leave their school, unless they are excluded.

If your child is in P7 then the authority may provide free transport to allow your child to finish their primary education at their school. If your child is in S3, then transport may be provided until the end of their exam courses in S4. If your child is in S4, S5 or S6, then transport will normally be provided until the end of the current school year.

If you wish your child to continue at their school at any other stage, you will need to discuss transport with your local authority.

Spare seats

The local authority has a duty to offer any spare seats on a bus or taxi to other pupils, which it can charge for if it wishes. It can also withdraw the offer if the seats are later needed for pupils entitled to transport, but it should give a period of notice to pupils currently using the seats.

What transport will be provided for my child?

Local authorities normally provide transport by bus or taxi. If you decide to take your child yourself, you may be able to claim travelling expenses.

Who is responsible for my child's safety?

The local authority is responsible for your child's safety and supervision while in the bus or taxi. When deciding what type of transport is best, the local authority should consider your child's safety, their age and their additional support needs.

It is very important that the local authority involves you and your child from the start in discussions about transport. For instance, you should all agree in advance what should happen if there is a medical emergency on the way to school.

Escorts may be employed to be with your child in the taxi or bus on the way to and from school. They need to know about your child's needs and should receive training if necessary. Drivers may also need specialist training. By law, anyone who provides childcare or who supervises children should be fully checked through Disclosure Scotland.

All coaches and minibuses used to carry three or more children must have seat belts fitted. The driver of a minibus carrying up to 16 passengers is responsible for ensuring they use their seat belts. Children should be encouraged to use seat belts in coaches and larger minibuses, but there is no law enforcing their use.

Where to get more information

Contact your local local authority for more information on its transport policy.

Publications

The parents' guide to additional support for learning, Enquire (2017)

Education (Scotland) Act 1980

Sections 51, 60-60G

www.legislation.gov.uk/ukpga/1980/44

Standards in Scotland's Schools etc. Act 2000 Section 37

www.legislation.gov.uk/asp/2000/6/contents

Local Government (Scotland) Act 2003

Section 45 www.legislation.gov.uk/asp/2003/1/contents

Education (Additional Support for Learning) (Scotland) Act 2004

www.legislation.gov.uk/asp/2004/4/contents

Guide to Improving School Transport Safety:

www.transport.gov.scot/system/files/documents/guides/Improving_School_Transport_Safety_-_guide_-_final.pdf

Scottish Executive School Transport Guidance Circular

www.gov.scot/Topics/Education/Schools/Parents/transport/transport-guidance

Websites

Disclosure Scotland

www.disclosurescotland.co.uk/

ENQUIRE

Helping you understand additional support for learning

Enquire is the Scottish advice service for additional support for learning. We provide independent and impartial advice to parents and carers, to practitioners in education, social work and health services, and to children and young people themselves.

www.reach.scot offers advice to young people struggling at school. With practical tips on what can help and young people sharing their views and experiences on all sorts of life issues, Reach offers a 'go-to' source of advice to help pupils make the most out of their education.

This factsheet has been awarded the Clear English Standard.



Contact details

Enquire, Children in Scotland, Level 1, Rosebery House,
9 Haymarket Terrace, Edinburgh EH12 5EZ

Helpline: **0345 123 2303**
(Access to interpreters through Language Line)

Office: 0131 313 8800

Email: info@enquire.org.uk

www.enquire.org.uk

Enquire factsheet: Transport to school © Enquire November 2017



Enquire is managed by Children in Scotland
and funded by the Scottish Government