



**Home to School Transport Guide**

**Fact Sheet 22 August 2025**

# horizontal line

Disclaimer: This is a guide and should not be treated as legal advice. Although SENDIASS Manchester makes all reasonable efforts to ensure that the information contained in this factsheet is accurate and up to date at the time of publication, we cannot accept responsibility suffered because of any reliance placed upon it.

# The hyperlinks in this factsheet are correct as of August 2025.

## **Sections:**

## **Glossary**

**Local Authority** (“LA”) is the body in law who has duties for certain groups of children and young people (YP) to make home to school transport arrangements.

**Post 16** (for the purpose of transport duties) are YP of ‘sixth form age’ who are defined in law as someone over compulsory school age (typically 16) but under the age of nineteen, or who has begun a particular course of education or training at the establishment before attaining the age of nineteen and continues to attend that course.

**Adults** (for the purpose of transport duties) are YP who are defined in law those who are neither a child nor a person of ‘sixth form’ age.

**The Education Act 1996** is the law which sets out LA transport duties.

**Case law** is law which has been made by the courts and decided by judges.

**Home to school travel and transport guidance for children of compulsory school age**

[Travel to school for children of compulsory school age](https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance) is statutory guidance which explains the duties the LA has towards children of compulsory school age. When guidance is ‘statutory’ this means all the professionals it applies to must have regard to it. Put simply, they are expected to follow the guidance unless they have a good reason to depart from it.

[Post-sixteen transport and travel support to education and training](https://www.gov.uk/government/publications/post-16-transport-to-education-and-training) - Statutory guidance for local authorities 2019 is the statutory guidance which explains the duties the LA has towards YP.

**New Guidance overview**

|  |
| --- |
| New guidance for Home to School Transport was produced in January 2024 [Travel to school for children of compulsory school age (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/media/659d7ebb0dd0a200138b612a/Travel_to_school_for_children_of_compulsory_school_age.pdf)According to the notes from the SEN Law conference the key headlines are below. There is a further breakdown of the points in the resource notes which can be found here. ([SEN Law Conference 2024 - Google Drive](https://drive.google.com/drive/folders/1CZosWt0J8mr-xYIJGwqG7w3OaVKTVj-j))**BASIC PRINCIPLES OF SCHOOL TRANSPORT**• School Transport will rarely be considered SEN/SEP and therefore, save for in limited circumstances, cannot be specified in an EHC Plan.• A CYP’s entitlement to (and LA’s obligations in respect of) School Transport depends on the age of the CYP. There are four broad categories of entitlement: Children under compulsory school age, Children of compulsory school age (i.e. 5- 16), Young People aged 16-19 and Young People aged 19 and over.• The duty to provide travel arrangements does not extend beyond the compulsory part of the school day, see P v East Sussex CC [2014] EWHC 4634 (Admin).• The LA must ensure that any travel arrangements that they make take account of the needs of the child concerned and are non-stressful, see §§81-85 of the 2024Guidance and R v Hereford & Worcestershire ex P 2 [1992] 2 FCR 732.• The LA should not withdraw a child’s transport arrangements due to behaviouralchallenges unless as a last resort. If the LA does withdraw arrangements for thisreason, it will need to meet its transport duties in an alternative way, see §113 of the 2024 Guidance.* Eligibility is partly decided by reference to Working Tax Credit, which is being

phased out by Universal Credit. However, a child’s eligibility will not be affected by the roll out of Universal Credit, because if a parent currently claims maximum Working Tax Credit, their child will become eligible for free school meals (if they are not already) when the parent is transferred to Universal Credit, and their eligibility will be satisfied on that basis, see §37 of the 2024 Guidance.**Where a child has is eligible for DLA and / or parent has a car on the Motability Scheme** If a child is eligible under one of the four eligibility categories, the fact that they are also eligible for **disability living allowance or have access to****a Motability vehicle is not relevant to their eligibility** for free travel to school –they will still be eligible, see §§72-74 of the 2024 Guidance. |

This guide will tell you about the LA’s duty to make home to school transport arrangements for children who are considered ‘eligible’ for the purpose of the law.

**Key Point**- Eligibility for transport differs significantly depending on the age of the child/YP. It will be important to identify which category your child/YP falls under to see whether they are eligible for transport or transport assistance. If you are in doubt, seek advice.

## **Children under five**

Children under compulsory school age are not automatically entitled to transport. Compulsory school age begins on the first day of the term following the child’s fifth birthday.

For children in early years settings, section 509A of the Education Act 1996 gives LAs discretion to make travel arrangements for children receiving education other than at a school. LAs are not allowed to ‘fetter their discretion.’ This means they cannot refuse to make transport arrangements simply because they have no strict duty to make it.

For children at school but under compulsory school age, the Education Act also gives them a discretionary power to make such arrangements as they consider necessary for the purpose of facilitating the child’s attendance at school.

If you have been refused transport and believe it is necessary, then you should consider appealing this decision. Consider the following example:

Eve is four and has cerebral palsy. Evie’s parents do not have use of a car and the specialist nursery she has a place at would involve two journeys on public transport and this is a struggle because they must carry Evie and her walker. They have applied for transport assistance, but the LA has said they have no duty to provide transport because Evie is under compulsory school age. Without transport Evie is unable to access education and her special educational provision.

The appeal process is explained in section 2 of this guide.

## **Children of Compulsory School Age (typically aged 5-16 years)**

### **The law:** Section 508B Education Act 1996 contains the LA’s duty to make home to school travel arrangements and can be summarised as follows:

* LAs are required to arrange free, suitable, home to school travel arrangement for children of compulsory school age, who are ‘eligible’ to their nearest suitable qualifying school.

Compulsory school age begins with the start of the term following a child’s fifth birthday and ends on the last Friday in June in the academic year in which the child turns sixteen.

Children who are ‘eligible’ are defined in Schedule 35B Education Act 1996 and they fall into four categories:

1. Children with SEND (Special educational needs and disability), a disability or a mobility issue who cannot be expected to walk and live within statutory walking distance.
2. Children whose route to school is unsafe who live within statutory walking distance.
3. Children who live beyond the statutory walking distance
4. Children from low-income families

The four categories of ‘eligible’ children are individual – they cannot be combined.

Note – statutory walking distance is defined as:

* Children over five but under the age 8 2 miles
* Children over 8 to 16 3 miles

Example: Joel is seven and lives one mile away from his school. Joel has Down’s Syndrome and no sense of danger. He also has reduced mobility. Joel’s mother has applied for home to school transport but has been informed that although he would ordinarily qualify due to his SEND, he does not live beyond statutory walking distance so is not eligible for transport.

In the above example this is clearly incorrect. Category 1 (above) applies because Joel lives within walking distance and could not be expected to walk because of his SEND. Combing the categories of both SEND and statutory walking distance would be unlawful as this rules Joel out from being eligible.

In addition to being eligible, a child must be attending what is referred to as a ‘qualifying school.’ These are:

* Maintained nursery schools.
* Community, foundation, or voluntary schools
* Community or foundation special schools
* Non-maintained special school
* Pupil referral unit
* City Technology colleges
* An Academy

For a child with an EHC plan, an independent school can also be a qualifying school if this is the only school, or the nearest school named in section I of the plan.

Children who receive education somewhere other than at school (e.g., at an alternative provision for pupils, who are excluded or have medical needs, which means they cannot attend school) can also qualify as eligible children.

## **What are travel arrangements?**

‘Travel arrangements’ are defined in law as:

* Home to school travel arrangements, in relation to an eligible child, are travel arrangements in both directions between the child’s home and the relevant educational establishment.

They include arrangements for the provision of transport and any of the following arrangements - but only made with parental consent:

* Provision of one or more escorts (whether alone or together with other children) when travelling to or from the relevant educational establishment
* Payment of the whole or any part of a person’s reasonable travelling expenses
* Payment of allowances in respect of the use of modes of travel
* “Travel arrangements,” in relation to an eligible child, include travel arrangements of any description made by any parent of the child only if the parent makes those arrangements voluntarily.

The definition of travel arrangements is wide. Therefore, it does not necessarily follow that an eligible child will always have a taxi or bus. However, whatever arrangements the LA makes, they must be suitable.

## **Suitability - case law and statutory guidance**

The case of R v Hereford and Worcester County Council, ex parte P2 [1992] 2 FCR 732 determined that when an LA has responsibility for transporting a child, the child must be able to arrive at their education setting without ‘undue stress or strain’. In other words, the expectation is that their transport is ‘non-stressful.’

The Home to School Travel and Transport Guidance sets out several principles in relation to this:

* Travel arrangements must enable an eligible child to reach school without such stress, strain, or difficulty that they would be prevented from benefiting from the education provided.
* They must enable the child to travel in reasonable safety and comfort although this does not necessarily mean a door-to-door service.
* However, arrangements that entailed a child walking an unreasonably long distance to catch a public bus would be unlikely to be suitable.
* The guidance suggests maximum reasonable journey times of 45 minutes for primary school children and 75 minutes for secondary school children. It notes, however, that for children with SEND and/or difficulties, journeys may be more complex and a shorter journey time, although desirable may not always be possible. The child’s age and disability would have to be considered in considering what is suitable. Breaks may be needed when children live a long way from their school.
* Those who operate the travel arrangements such as bus drivers and escorts must be subject to enhanced DBS checks and should be undertaking disability equality training.

## **What is the nearest suitable school principle?**

In general, children who are eligible are entitled to transport to their ‘nearest suitable school.’ There is an exception to this. Schedule 35B describes this as follows:

* No suitable arrangements have been made by the local authority for enabling him to become a registered pupil at a qualifying school nearer to his home.

Consider the following example: Ryan attends a school 1.5 miles away. He has SEN and evidence supports he could not reasonably be expected to walk to school. There is a closer school 1.2 miles away, but Ryan’s parents have been told it is full in Ryan’s year group, so it is not possible for him to attend.

In the above scenario, the exception to Ryan only being entitled to transport to the nearer school applies as there are no places. Therefore, he would appear entitled to transport even though he is not attending his nearest school. However, if the nearer school had places and the LA offered Ryan a place but his parents refused, then it is unlikely Ryan would be eligible for transport as the LA, by offering the place, had enabled Ryan to attend the nearer school.

## **Children with EHC plans**

The ‘nearest suitable school’ principle is different for those who have EHC plans. The reason for this is because case law has developed this area of law further. The case of S and another v Dudley Metropolitan Borough Council [2012] EWCA 346 determined that even when there is a nearer suitable school with places, the LA must name the parents’ preferred school (even if this is further away) unless this represents an ‘inefficient use of resources. Transport costs are relevant to this test. If the LA cannot demonstrate this, then parents’ preference must be named unconditionally in Section I of the EHC plan. It then follows that if the child falls under one of the four categories of ‘eligibility’ (detailed above), the LA must make a transport arrangement even though there is a nearer suitable school with places.

Please see the ‘example of challenges’ part in section 3 of this guide for a good example of how this applied in practice.

## **Can the LA request I accompany my child to school?**

When a child attends a school within statutory walking distance and they cannot reasonably be expected to walk because of their SEND/mobility or the route is unsafe (children falling under categories 1or 2 above), the LA may ask whether you could accompany your child if accompanying them would mean they could walk safely. However, if accompanying your child would not result in the route being safe or they still could not reasonably be expected to walk because of their SEND/mobility then the LA will be expected to make a travel arrangement for them.

LAs must consider all the circumstances. Therefore, if your child could be expected to walk if they were accompanied, but your family circumstances mean this is not possible, then the LA would have to take this into account. There is a model letter for appealing this type of scenario in section 3 of this guide.

## **What you should do next**

Application for home to school transport

If you have not done so already, make a transport assistance application. For Manchester families this can be done online [here](https://www.manchester.gov.uk/info/500132/special_educational_needs/1856/travel_assistance_for_pupils_with_special_educational_needs_and_disabilities_send/2).

If you are unsure about your child’s eligibility, seek advice first. If you make an application and are denied transport assistance, then you may wish to consider appealing. Section 2 of this guide explains the appeal process. Remember, even when a LA is not under a strict duty to make a travel arrangement, they always have discretion to arrange or help towards it.

There is also travel training for young people, which can be provided.

[Parental Guide to Travel Training](https://search3.openobjects.com/mediamanager/manchester/fsd/files/parental_travel_guide3_a5.pdf)

## **Young People Aged 16-19**

Where a young person is of sixth form age and attending school or college, the law on transport is different. There is no entitlement to a transport arrangement in the same way that there is for children of compulsory school age or those who are classified as ‘adult learners.

The law requires LAs to have a ‘Transport Policy Statement’ setting out home to school/college transport arrangements for YP. This statement can be found on the LA website and/or on their local offer. There is also statutory guidance which outlines the LA’s duties and lists the groups of YP LAs should prioritise transport support to - this includes YP with SEND.

The purpose of the Transport Policy Statement is to specify the arrangements for the provision of transport that the LA considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training.

As detailed in the glossary section of this guide, sixth form age means the YP is over compulsory school age but under nineteen. If a YP began the course they are studying at school or college before their 19th birthday, they remain of sixth form age until they complete the course.

The legislation gives LAs the discretion to determine what transport and/or financial support is necessary to facilitate YP's attendance. The LA must exercise its power to provide transport or financial support, considering all reasonable matters. A failure to make the arrangements that are specified in a transport policy statement (or ensure that such arrangements are made) would amount to a failure to fully meet the duty.

Although there is no entitlement to transport for those of sixth form age in the same way there is for ‘eligible’ children of compulsory school age, LAs have a discretion to assist with transport arrangements. They are expected to target support toward students in particular circumstances (such as those with SEND or from low-income families). It is unlikely that such transport will be free.

When assessing what transport arrangements or financial assistance may be required, the LA should also consider the needs of the most vulnerable or socially excluded learners. The arrangements in place for each group must be documented in the Transport Policy Statement.

## ‘**Adult learners’ - YP aged nineteen and over.**

The LA’s duty in respect of ‘adult learners’ is covered by section 508F Education Act 1996. An ‘adult learner; is a YP over sixth form age.

When considering adult learners, the LA must make ‘such arrangements for the provision of transport, as they consider necessary and must do so for two purposes.

The first purpose is to facilitate the attendance of adults receiving education at institutions:

* Maintained or assisted by the authority and providing further or higher education (or both), or
* Within the further education sector

The second purpose is: Facilitating the attendance of ‘relevant young adults’ (those with EHC plans) receiving education or training at institutions outside both the further and higher education sectors, but only in cases where the LA has secured

1) the provision of education or training at the institution in question, and

 2) the provision of boarding accommodation.

Any transport arrangements provided under this duty must be free of charge.

If an adult learner has an EHC plan, then this could well strengthen the argument that travel arrangements are ‘necessary.’ The LA has a duty to secure the special education provision specified within the EHC plan and will have difficulty doing so if the YP cannot get to college to receive their special educational provision without a transport arrangement being made for them.

Consider the following example: Claude has complex physical disabilities and is a wheelchair user. He is nineteen and has just started a new course at college. His parents have applied for transport but have been told Claude is not entitled to transport as he has use of a Motability vehicle. His parents have explained that they cannot use it to transport Claude as they work and have other commitments. The parents have been told to appeal if they are not happy with the decision.

In the above example, something has clearly gone wrong. The reason for this is Claude is an adult and parents cannot be compelled to support his transport arrangements either physically or financially. If Claude cannot drive the Motability vehicle himself, then the LA must consider whether the transport arrangement is necessary.

In a reminder to LAs published in 2018, the Local Government and Social Care Ombudsman (“LGSCO”) said the [following](https://www.lgo.org.uk/information-centre/news/2018/aug/council-school-transport-policies-must-not-fail-young-adults-with-disabilities):

“Where a college is named in a young adult’s EHC Plan, a council must consider how the young person will travel to college and whether it needs to provide free transport to ensure they can attend… They cannot offload the responsibility onto parents, when they have their own demands on their time, and are under no obligation to meet the needs of another adult…I would urge other councils across the country to use the lessons from this report to scrutinise their own transport policies and ensure they meet the latest guidance.”

In short, transport for YP and which duty applies can be summarised as follows:

* Age 16/17 – Transport Policy Statement will apply in terms of eligibility.
* Age 18+ - Transport Policy Statement will apply if continuing a course that they started before their 19th birthday. But parents cannot be compelled to support transport arrangements physically or financially due to the YP being an adult.
* Age 19+ - ‘Adult learner’ duty will apply if ‘necessary’ and no cost contribution can be requested as the transport must be free.

## **What you should do next**

* The first place to look, when looking for information about post sixteen home to school/college transport arrangements, is the LAs ‘Transport Policy Statement’ on post-sixteen transport. This is the policy which will apply whether your YP is classified as a ‘sixth form learner’ or ‘adult learner.’ This will also tell you how to apply for a transport arrangement. If you are unsure seek advice.
* If you are denied transport assistance, then you may wish to consider appealing. Section 2 of this guide explains the appeal process. Remember, even when a LA is not under a strict duty to make a travel arrangement, they always have discretion to pay for some or all of the cost.



### **Children with EHC plans where the LA has named two schools or refers to a ‘nearer suitable school’ in addition to the named school in Section I.**

**In the above circumstances you will need to appeal the naming of more than your preferred school to the SEND Tribunal. This will only be open to you if you are within your time limit for appealing. It is important to note that the SEND Tribunal is unable to decide whether children are eligible for transport. However, they can decide whether the school of your preference is in fact the nearest suitable school or, if it is not, whether it represents an inefficient use of resources to name it unconditionally in Section I. It is important to seek advice if you are unsure.**

**If your appeal succeeds and there is only your preferred school named in Section I and your child falls under one of the four categories of eligibility, they will be entitled to home to school transport.**

## **Local appeals**

**The statutory guidance on transport recommends that LAs follow the appeals procedure set out in Annex 2 of the guidance.**

The appeals process should be on the LA’s website and the guidance suggests it should set out a clear and transparent two stage process (with paper copies available on request) for parents who wish to challenge a decision about:

* The transport arrangements offered.
* Their child’s eligibility
* The distance measurement in relation to statutory walking distances
* The safety of the route.

## **Stage 1 – Appeal of the original decision**

The Delivery Co-ordinator will consider the appeal.

The Appeals Form is available from:

* Manchester Council’s Customer Service Centre 0161 219 6400 (note calls are taken by environment on call on behalf of the transport team)
* By writing to Home to School Transport Team, Access and Sufficiency, Directorate for Children’s Services, Manchester City Council, PO Box 532, Town Hall Extension, Manchester, M60 2LA.
* Email to: hometoschool@manchester.gov.uk

The parent/carer/YP will receive confirmation the appeal is being considered. Further evidence may be requested to support the appeal and consultation with caseworkers and professional bodies may be required.

A decision and notification will be made within twenty working days from receipt of the appeals form.

The notification will include the nature of the decision reached, how the appeal was conducted and information about other agencies and departments that were consulted as part of the appeal process. An overview will be given of the factors that were considered, the rationale for the decision reached and information of how to proceed to Stage 2.

If the parent/carer/young person remains dissatisfied with the outcome, they should notify the Council in writing **within twenty working days** of receiving the appeal decision. If the parent/carer wishes the matter to be considered further, the parent/carer/young person should request the matter proceeds to Appeal to Stage 2.

## **Appeal Stage 2**

The appeal will be heard independently from the Travel Co-ordination Unit by a minimum of two Reviewing Officers who are independent from the Travel Co-ordination Unit.

A Stage Two appeal will consider the evidence gathered and the reasons for the decision being made at Stage 1. A decision will be made within forty working days.

The parent/carer/YP will be notified five working days after the decision for the Stage 2 appeal. In some cases, a meeting with the parent/carer/YP may be necessary.

The notification to the parent/carer/YP will include the nature of the decision reached, how the appeal was conducted, information about other agencies/departments that were consulted as part of the appeal process and what factors were considered and the rationale for the decision reached. A Stage 2 decision is final. The statutory guidance recommends LAs make it clear that there is a right of complaint to the Local Government and Social Care Ombudsman (“LGSCO”) in the Stage 2 refusal letter.

A complaint to the LGSCO can be made by the parent/carer/YP only if there has been a failure to comply with the procedural rules or there has been maladministration of the policy. The following flowchart is outlined in the statutory guidance:



## **SENDIASS Case study – an example of a challenge**

Thomas:

Challenge to a home to school transport decision made by the LA for a school age child with an EHC plan.

|  |
| --- |
| Consent has been obtained from the Parent and parental advocate (Briony) in this case and names have been changed to ensure anonymity. Background: Thomas has an EHC plan and is at a mainstream high school which for the purpose of the case study shall be referred to as Tawa high school. The only setting written in section I (placement) was Tawa high school. In preparing the plan the LA had consulted with other schools, but none were found to be suitable, and the LA therefore named parental preference Tawa High School.Briony applied for transport and arrangements were made for Thomas in the form of a bus. This was later changed to fund a taxi to / from school. This arrangement worked well until the LA started to use a different taxi firm – there were several late arrivals and cancellations. Briony complained to the LA and requested that the original taxi firm be used. The LA reviewed the transport and decided to stop it entirely. When Briony queried this decision, the LA responded that as the school named in the EHC plan was parental preference, Thomas was not eligible for transport under section 4.1 of the LA policy, therefore it had been withdrawn.**Part 4.1 of the Travel Policy - Parental preference for a school**Whilst parents/carers have the right to express a preference for which school they wish their child to attend, a child and young person who attends a school which is further away than the nearest suitable qualifying school with places available, will not be eligible for travel support, except in exceptional circumstances, even if the distance from home to the school they attend is more than the qualifying walking distance.Any travelling arrangements or expenses will be the responsibility of parents/carers if there is a nearer suitable qualifying school. It is the parents’/carers’ responsibility to ensure their child gets to and from school safely and they should consider the practicalities of choosing a school that is not within the qualifying walking distance.Support Given: SENDIASS discussed the law and guidance around Section 508B and 35 B of the Education act 1996.Section I of the plan named Tawa High School only – another suitable qualifying school had not been identified or referred to in Section I.If the LA had entered Tawa High School into section I and named another suitable school (a decision which the parent could challenge at the SEND Tribunal) then this may be different but only if  the total cost of the parent’s choice of school compared to the LA’s choice of school (including transport) is so significant as to represent an inefficient use of resources. It is in these circumstances that the LA can name two schools, with the condition the parents provide transport to their choice of school. This is set out in the case law: S and another v Dudley Metropolitan Borough Council [2012] EWCA Civ 346)Briony was aware of her right to make a stage 1 appeal against the LAs decision and set out her reasons for her appeal – excerpt below:‘I refer you to the Education Act 1996 and Special Educational Needs and Disability Code of Practice (0-25 years), 2015. Thomas is eligible for transport to school in accordance with section 444(5), section 508B and schedule 35B of the Education Act 1996 for the following reasons:* He has special education needs and SEN diagnosis (omitted for anonymity)
* He is of compulsory school.
* He attends a school beyond the statutory walking distance.
* Tawa High School is named in his EHC plan and is his nearest suitable available school.
* You are aware that Thomas has an Educational Health Care Plan in which Tawa High School is named in section I as his school.
* You are aware that no closer suitable available school is named within the EHC plan, and that Tawa High School is not stated on his EHC plan as being ‘parental preference.’
* As you are aware, the legal position is that Tawa was named in Thomas’s EHC plan as the nearest available suitable school.
* The Local Authority was unable to suggest any other suitable available school. We understand that they consulted other schools, however the names of those schools were not shared with us.
* The only school that responded to the consultation stating that they could meet needs and offer a place was Tawa High School. In law it is, and was named as, the nearest available suitable school, not parental preference.

I would also draw your attention to the case of S and Another v Dudley Metropolitan Borough Council [2012] EWCA Civ. 346 where it was confirmed that even if the Local Authority had named 2 suitable schools in section I and identified Tawa High School Academy as parental preference with the condition that parents provide transport, (in which case we would have challenged this at Tribunal ), that they can only do so if they can evidence that the total cost of the parent’s choice of school compared to their choice of school, including transport, is so significant as to represent an inefficient use of resources. It is highly unlikely that they would have been able to evidence this in the circumstances described above. However, this does not apply as Tawa High School Academy is in law the nearest suitable available school. I would also remind you that you originally assessed Thomas as eligible for transport and this commenced in xxxx. Your decision was further reinforced in xxxx when you changed his transport from a shared minibus to a taxi.Thomas is an eligible child, you assessed him as such in January, there have been no changes to his circumstances since then. There is no legal basis for withdrawing transport. Therefore, suitable transport should be reinstated without delay. My email dated xxxx sets out what we consider is suitable in this respect based on Thomas’s special educational needs. I look forward to receiving your written response within 20 days, and the reinstatement of suitable transport for Thomas together with confirmation that this will continue into the next academic year.**Outcomes and feedback** Briony submitted her appeal but had to remind the LA that they had exceeded their deadlines: * You had twenty working days to respond. This expired yesterday - xxxx
* No response has been received. Therefore, it is my intention to:
	+ Make a formal complaint.
	+ Seek legal advice to start Judicial Review proceedings.
* This does not absolve you from your obligation to respond to this appeal.

And several days later Briony again contacted the LA with regards to the matter being allowed to drift:* To comply with the Council’s policy, we should have received a response to this appeal by 13th xxxx.
* Below you state it would be heard by your appeals panel on 19th xxxx. This was 5 days ago, and we still have not received a response.
* This is unacceptable and contravenes the Council’s policy.
* Please provide the response without further delay. If this is not received by 17.00 on Monday, then we shall take the further action detailed below.
* Regards,

The LA finally wrote to Briony to advise that they had reconsidered their decision and would offer transport. The LA stated that the application was processed correctly and in line with the Travel Policy, however on this occasion they found that the Briony had presented sufficient information which demonstrated that there were exceptional circumstances and therefore transport should be arranged outside the policy. **Reflection and lessons learned.** Briony although pleased with the eventual outcome was both disappointed and exhausted with the amount of effort that she had had to put into resolving the dispute. Moreover, as Thomas could not travel into school after the transport was removed, he missed site learning, whilst the dispute was underway. From an SENDIASS perspective learning that came out of this was to update the Home to School Transport guide for parents with next step advice on disagreement resolution and ways of expediating a resolution. |

## **Model letter.**

Model letter to be used in circumstances where child lives within statutory walking distance, but they cannot be expected to walk because of their SEND/mobility or they could, but only if accompanied by a parent/carer.

The letter below can be altered to suit the child’s circumstances and should be sent to:

|  |
| --- |
| Travel Assistance Appeals The Corporate Complaints TeamPO Box 532 Town Hall Manchester M60 2LAhometoschool@manchester.gov.ukDear Sir / Madam I write to appeal your decision not to provide home to school transport for my child. They require transportation to and from school as they are eligible. My child has Special Educational Needs. The legal requirements relating to transport to school and for children with special educational needs and disabilities in particular are set out in section 508B and Schedule 35B of the Education Act 1996. Schedule 35B, paragraph 2 states:“Children with special educational needs, a disability or mobility problems2A child falls within this paragraph if—S/he is of compulsory school age and is any of the following— (a) a child with special educational needs; a disabled child; a child with mobility problems, (b) S/he is a registered pupil at a qualifying school which is within walking distance of home, (c) no suitable arrangements have been made by the local education authority for enabling him/her to become a registered pupil at a qualifying school nearer to his/her home, and (d) having regard to whichever of the following are relevant— * Their special educational needs.
* Their disability.
* Their mobility problems,

s/he cannot be expected to walk to the school mentioned in paragraph (b).My child qualifies under the above criteria. The legal test requires that the child cannot reasonably be expected to walk to school because of a SEN, disability, or mobility problem.​ ​You will see from the above statutory provision that there is no requirement that a child with SEN lives beyond the statutory walking distance; indeed, the provisions relating to children with SEN require them to live within statutory walking distance.My child’s needs are as follows (Add parts from any reports you have detailing your child’s SEN needs and / or a description of their need)The evidence demonstrates my child could not be expected to safely and independently get from home to school.If the LA are saying your child could be expected to walk if accompanied use the following:Work and other commitments (say what they are) prevent us from being able to take my child to and collect them from school. We understand that the LA must take all the circumstances into account.I thank you for your consideration of this matter and welcome your decision in writing. Yours faithfully  |
|  |

|  |
| --- |
| **Contact Details for SENDIASS Manchester**Helpline Telephone number: 0161 209 8356. Please clearly leave your name, contact number and a brief message on the answerphone and a member of the team will contact you within 24 hours or the next working day. **Or**Email your query to us: **sendiass@manchester.gov.uk** leaving your name, child’s name and their date of birth.You can complete our website contact form: [**Contact Us (iasmanchester.org)**](https://www.iasmanchester.org/contact)Visit Manchester SENDIASS website [**About SENDIASS Manchester (iasmanchester.org)**](https://www.iasmanchester.org/)Manchester SENDIASS Podcasts [**Listen to our SEND Talk podcasts**](https://www.iasmanchester.org/podcasts)Manchester SENDIASS YouTube channel [**https://www.youtube.com/@SENDIASSManchester**](https://www.youtube.com/%40SENDIASSManchester)**QR code for the website QR code for Facebook page** |

**More information:**

**Statutory Guidance. Travel to School for children of compulsory school age**

[Home-to-school travel - GOV.UK](https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance)

You can also listen to our SEND Talk podcast at: <https://www.iasmanchester.org/podcasts>

Series 2 Episode 7: “Is my child eligible for Home to School Transport?”

More information can be found on the website <https://sentas.co.uk>