



Department
for Education

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

Government consultation response

June 2023

Contents

Introduction	3
Summary of responses	3
Key themes	3
Government response	4
Question analysis	6
Question 1a: clarity of the guidance	6
Question 1b: areas that could be improved	6
Question 2a: helpfulness of the examples	7
Question 2b: comments about the examples	7
Question 2c: further examples	7
Question 3: Universal Credit	8
Question 4: medical needs	8
Question 5: local school travel policies	9
Question 6: additional comments	9
Question 7: equalities impact	11
Question 8: costs and savings	12
Annex A: List of organisations that responded to the 2019 consultation	15
Annex B: summary of responses to the 2022 survey	19
Annex C: List of organisations that responded to the 2022 survey	22

Introduction

Local authorities have duties under the Education Act 1996 to arrange free home to school travel for eligible children and to promote sustainable home to school travel. The Department for Education publishes statutory guidance to help them fulfil these duties. Local authorities must have regard to the statutory guidance.

We have not made any changes to the primary legislation but have revised the statutory guidance to help local authorities ensure their home to school travel policies are lawful and easy to understand.

We consulted on draft revised statutory guidance from 19 July to 31 October 2019. Our intention was to publish the final version of the guidance in spring 2020, but we had to pause analysis of the responses until 2022 due to the coronavirus (COVID-19) pandemic.

We shared a further iteration of the guidance with key stakeholders in late 2022 and asked them to complete a short survey to capture their views. We also took account of this feedback when drafting the final guidance. A summary of responses to the survey is included in annex B.

The final draft of the guidance has also been informed by views shared by local authorities at quarterly meetings with the Department's home to school travel policy team, which all authorities are invited to attend (each round of meetings attracts 150 to 200 attendees) and by engagement with other stakeholders such as the Association of Directors of Children's Services (ADCS) and the Association of Transport Co-ordinating Officers (ATCO).

Summary of responses

The consultation received 302 responses, 158 from individuals (for example, parents) and 144 from organisations (for example, schools, local authorities and charities). A list of organisations that responded to the consultation can be found in annex A.

Key themes

- The revised guidance is clear and easy to understand and will help local authorities meet their school travel duties.
- Local authorities are concerned about the escalating cost of home to school travel.
- Some authorities are concerned the revised guidance may mean they need to arrange free travel for more children. Others think it will help them develop better policies which will enable them to make savings.
- Some parents are concerned about the fairness of existing local school travel policies or the suitability of their child's travel arrangements.

- Many authorities find it challenging to put effective arrangements in place to meet children’s medical or behavioural needs, particularly for children with special educational needs and disabilities (SEND).
- Some authorities do not properly understand the circumstances in which a child with SEND is eligible for transport.
- Some parents and organisations think it is unfair to expect parents of older children with SEND to take them to school.

Government response

Local authorities’ spending on home to school travel has been rising for several years and reached £1.6 billion in 2021-22¹. More than two thirds of this amount went on travel for children with SEND. There are several causes for this, including fuel price inflation and an increase in recent years in the number of children with SEND who require transport.

The revised guidance aims to support local authorities in delivering their statutory duties. In some cases this will help ease the financial burden of school travel, for example:

- it will help local authorities improve their school travel policies which may reduce the number of complaints they receive
- it sets the expectation that local school travel and SEND teams should work together to consider travel arrangements when deciding the school to name in a child’s Education Health and Care (EHC) plan, and makes clear that they should take the cost of travel into account
- we have worked with NHS England to explain in the revised guidance how local authority transport teams should be able to access expert help when they need it to manage children’s medical needs
- it explains that local authorities should be able to expect the support of schools to manage a child’s challenging behaviour on transport – whether or not this is related to the child’s SEND.

We are now considering what more we can do to support local authorities with the areas they find most challenging – for example, engaging health professionals; attracting and retaining drivers; and supporting children with complex needs.

Reforms in the wider school system will also help to ease the pressure on school travel. For example, the SEND and Alternative Provision Improvement Plan, together with £2.6

¹ Expenditure on travel arrangements for children of compulsory school age. Source: [s251 outturn data](#)

billion of capital investment, will result in fewer children needing to travel long distances to school, and local SEND and Alternative Provision Partnerships will bring together education, health and care professionals to create local inclusion plans that will set out how the needs of children in the area will be met. We will expect them to factor transport into their plans.

Question analysis

Question 1a

Do you agree that the new guidance is clear and easy to understand?

	Total	Percent
Yes	214	71%
No	76	25%
Not answered	12	4%

Although a significant majority of respondents agreed that the guidance is clear, some thought parents would find it difficult to understand. The purpose of this guidance is to help local authorities fulfil their statutory duties. Parents are not its main audience, but they do need to understand the school travel system so we are considering ways to help them do so.

Question 1b

Are there any areas of the revised guidance you believe could be further improved?

	Total	Percent
Yes	219	73%
No	67	22%
Not answered	16	5%

There were a number of areas of the revised guidance that respondents thought could be improved. We have considered all of these and made amendments wherever appropriate, including:

- making clearer what local authorities' school travel responsibilities are when a child travels to a place other than their home after school (for example, to childcare); when a child has two homes (for example, one with each parent); and if a child attends school on a part time basis
- making clear that a child with SEND does not need an EHC plan to be eligible for free travel

- providing additional information about school travel for children with EHC plans
- providing information about the role of travel training in helping children with SEND live an independent adult life
- providing additional guidance on meeting children’s medical needs; managing children’s behaviour; and the circumstances in which a parent may be expected to accompany their child on the journey to school.

Question 2a

Do you think the examples will help local authorities meet their statutory duties?

	Total	Percent
Yes	218	72%
No	63	21%
Not answered	21	7%

Question 2b

Please provide additional comments on any of the examples, ensuring you refer to the example to which your comment relates.

Although a significant majority of respondents thought the examples were helpful, a small number would have preferred detailed case studies. Given the majority view, we have not provided these, but we are considering how we can further support local authorities with the areas they find most challenging.

Question 2c

Are there any areas in which you believe an example may be useful, or where you could provide a further example?

We have provided additional examples on the following topics in response to requests from respondents:

- journey times
- accompaniment

Although we have not included examples on the following topics requested by respondents, we have instead included additional guidance on:

- assessing eligibility when a child is in a wheelchair

- local authorities' responsibilities when a place becomes available at a child's nearest school after the authority has awarded them transport to a school that is further away
- how local authorities should determine what is a reasonable use of public funds when deciding which school to name in a child's EHC plan.

A small number of respondents also requested examples on the following topics:

- assessing route safety
- the impact of staff training on the quality of travel arrangements.

We have not provided these but will consider how we can support local authorities in these areas.

Question 3

Are paragraphs 15-19 clear about the interaction between Universal Credit and extended rights?

	Total	Percent
Yes	229	76%
No	40	13%
Not answered	33	11%

Although most respondents thought this section of the guidance was clear, a small number said they found it confusing. We have made some clarifications in response to this feedback.

Question 4

Do you agree that this is an effective and proportionate approach to the management of children's medical needs on school transport?

	Total	Percent
Yes	192	64%
No	76	25%
Not answered	34	11%

Some local authorities are concerned about the management of children's medical needs on transport and about the administration of emergency medication by a driver or passenger assistant. They feel they need more support when making judgements about

the arrangements that need to be made for individual children and what can be expected of drivers and passenger assistants.

We understand these concerns, but it is important that children can travel to school safely. For a small number of children, this means they need to travel with someone who can administer their medication in an emergency. The revised guidance makes clear that local authorities should be able to expect support from health professionals and schools when making arrangements for children's medical needs. We will consider how we can further support local authorities in this area.

Question 5

Do you agree that Part 4 and the checklist in annex 1 will help local authorities make sure their transport policies are lawful?

	Total	Percent
Yes	221	73%
No	54	18%
Not answered	27	9%

Very few comments were received on this question. Some respondents thought that it would be helpful if we also provided a model policy. We will consider how to support the sharing of examples of good quality policies between local authorities.

Question 6

Please provide any additional comments you wish to make on the draft guidance. In particular, we would be grateful for any comments on:

- **personal transport budgets**
- **independent travel training**
- **behaviour.**

We are also keen to hear about any positive strategies that local authorities have employed to manage behaviour on home to school transport and may reflect these in the guidance.

Personal transport budgets

We received a number of responses from parents who are unhappy with the way their local authority administers their child's personal travel budget. It is for local authorities to decide whether and how to pay personal transport budgets. The revised guidance

includes a new section on fairness and getting things right. Beyond that, we do not think it would be appropriate to include more detail about how authorities should administer personal transport budgets.

Some authorities thought that paying personal transport budgets to parents on a monthly basis (as suggested in the draft guidance) would be unnecessarily burdensome. We have worked with the Department for Work and Pensions to amend this part of the guidance so that it does not preclude making payments on a termly basis, and to provide further information about the interaction between personal transport budgets and Universal Credit.

Independent travel training

Several local authorities were concerned that the revised guidance clarifies that they must obtain parental consent in order to meet their school travel duty by arranging travel training. They said that learning to travel independently is an important life skill that will help children live fulfilling lives as they get older and are concerned that their life chances will be limited if their parents refuse consent.

The requirement to obtain parental consent is in primary legislation. Parents may be understandably anxious about their child's ability to undertake travel training, so we believe it is important to get their buy-in, rather than impose independent travel training on their child. We have provided further information in the guidance about the importance of independent travel training and will consider what more we can do to support local authorities in this area.

Behaviour

Some local authorities did not think the guidance provided enough clarity about who is responsible for managing children's behaviour on transport, and how it should be managed. Some parents were concerned that drivers and passenger assistants did not understand how best to support the behaviour of children with SEND. We have amended the guidance to make it clear that schools have an important role to play in supporting the management of children's behaviour on transport, and to provide specific guidance on managing behaviour that is part of child's SEND.

Positive strategies that have been employed to manage behaviour on home to school transport

Respondents gave examples of a number of strategies that have been used to successfully manage children's behaviour, including:

- collaborating with schools to ensure clear and consistent expectations for children's behaviour
- drivers speaking politely and kindly to all children and getting to know their names

- providing drivers and passenger assistants with information about the child's SEND and strategies to support them
- drivers and passenger assistants going into school to receive training and meet the children they will be transporting
- providing parents with pictures of vehicles, drivers and passenger assistants to help prepare a child with SEND for changes
- asking older children to act as School Bus Monitors to report back on any problems they observe
- delivering classroom activities and assemblies in schools to promote good behaviour on transport
- an officer travelling on buses where poor behaviour has been identified
- asking children and parents to sign a behaviour contract, and reminding them of it if issues arise – this respondent said they experience few issues as a result
- where persistent problem behaviour occurs, creating an acceptable behaviour agreement which sets specific behavioural targets for the child to meet and is signed by the child, parent, school and local authority
- a school taking on the contract for a route in which behaviour issues regularly arose – a significant decrease in issues was reported, because the children knew the passenger assistant well from school
- Travel Care Coordinators liaising with parents, schools and other professionals and having access to children's EHC plans to ensure appropriate arrangements for a child's journey.

Question 7

We do not believe the proposed changes will have a negative impact on any children with one of more of the relevant protected characteristics outlined in the Equality Act 2010. Do you agree with this assessment?

	Total	Percent
Yes	216	71%
No	47	16%
Not answered	39	13%

Most respondents did not think the revised guidance would have a negative impact on children with [protected characteristics](#). A small number thought that disabled children of secondary-school-age who need to be accompanied on their journey to school should be eligible for free travel. We have made sure the guidance is clear that local authorities

should consider cases where a parent says there are good reasons why they would not be able to accompany their child, or make other suitable arrangements, and make reasonable decisions.

Some respondents thought the guidance should do more to promote independent travel for disabled children. We have provided additional guidance on this and will consider what more we can do to support local authorities in this area.

Question 8

Do you believe the revised guidance will result in new costs or savings for local authorities?

	Total	Percent
Yes	124	41%
No	129	43%
Not answered	49	16%

- Approximately one third of the local authorities that responded to the consultation thought the revised guidance would not result in any new costs or savings.
- Roughly one third thought it would result in new costs. A small number thought the new costs would be significant.
- Some thought it would result in savings.

Many local authorities will already be fulfilling their duties within their existing budgets. As the revised guidance does not introduce any new requirements, there should not be any additional cost for local authorities that have lawful school travel policies. There may be costs for authorities whose policies contain unlawful elements. Where there are new costs, they may be balanced out by savings elsewhere, for example:

- by helping local authorities ensure their school travel policies are lawful, the guidance may result in them receiving fewer appeals and complaints
- by making clear that authorities may take the cost of transport into account when deciding whether to name a parent's preferred school in an EHC plan
- one authority thought the guidance would help them encourage greater independence for children with SEND, which would lead to a reduction in demand for other council services in the longer term.

We do not collect data about which authorities have unlawful policies, so it is not possible to identify authorities that may incur additional costs. Where additional costs are incurred, they will vary from authority to authority. This will depend, for example, on factors such as the number of children in each area that might currently be missing out on free home to

school travel because of unlawful local policies. It is, therefore, not feasible to quantify the additional costs authorities may incur.

The main areas in which local authorities thought there may be new costs, and the action we are taking in response, are set out below:

Training for drivers and passenger assistants so that they can administer emergency medication

Some local authorities believe this is a new burden. We do not agree. We believe it is implicit within the statutory duty that authorities should enable eligible children to travel to school in safety, and the existing statutory guidance is already clear that a child's travel arrangements must be safe. For a small percentage of children this will mean the administration of their medication in an emergency.

We do acknowledge that it may result in new costs for local authorities that do not currently make provision for the administration of emergency medication. We also acknowledge that local authority transport teams often struggle to get the expert help they need to understand whether a child's medical needs may affect them when travelling, and what arrangements should be put in place to manage those needs.

We have worked with NHS England to explain in the guidance how local authority transport teams should be able to access expert help when they need it. To facilitate better collaboration to meet children's medical needs in future, we will ensure school travel is taken into account as the policy on local area inclusion plans is developed.

The fact that parental consent is required for a local authority to meet their duty in respect of an eligible child by providing independent travel training

This is required by section 508B(4)(b)(i) of the School Standards and Framework Act 1998. There will be new costs for authorities that do not currently comply with this requirement if, when they begin seeking consent (i) some parents refuse, and (ii) arranging travel for the child concerned is more expensive than providing independent travel training. It may also result in new costs if the child remains eligible for free travel for longer because of not receiving travel training.

Increased parental expectations as a result of revised drafting, meaning authorities may have to handle more complaints

The statutory duties have not changed, and it was not our intention that the revised guidance should increase parental expectations. We have also worked with ADCS to revise the guidance to clarify responsibilities wherever possible. We are considering ways in which we can help parents better understand what they can and cannot reasonably expect of their local authority.

More eligible children

Several authorities thought the revised guidance would result in more eligible children. This is not the case because the eligibility criteria are set out in legislation and have not changed. There will, however, be new costs for any authorities that may currently be refusing travel for some eligible children. It is possible that these costs may be at least partially offset by savings if the same authorities receive fewer complaints and appeals once their school travel policy is lawful.

Annex A: List of organisations that responded to the 2019 consultation

London Borough of Barking and Dagenham
Barnet Council
Bedford Borough Council
London Borough of Bexley
Birmingham City Council
Blackburn with Darwen Borough Council
Bolton Council
Bournemouth, Christchurch and Poole Council
Bracknell Forest Council
Bradford Metropolitan District Council
Brent Council
Brighton and Hove City Council
Cambridgeshire County Council
Cheshire East Council
Cheshire West and Chester Council
Cornwall Council
London Borough of Croydon
Derby City Council
Derbyshire County Council
Devon County Council
Ealing Council
East Riding of Yorkshire Council
East Sussex County Council
Gloucestershire County Council
Hackney Council
Hampshire County Council
Herefordshire Council
Hertfordshire County Council
London Borough of Hounslow
Hull City Council
Islington Council
Kent County Council
London Boroughs of Kingston and Richmond Upon Thames
Knowsley Council
Leeds City Council
Leicestershire County Council
London Borough of Lewisham
Medway Council
Middlesbrough Council
Newcastle City Council

Norfolk County Council
North Somerset Council
North Yorkshire County Council
Northamptonshire County Council
Northumberland County Council
Oxfordshire County Council
Peterborough City Council
Plymouth City Council
Portsmouth City Council
Reading Council
London Borough of Redbridge
Redcar & Cleveland Borough Council
Rotherham Metropolitan Borough Council
London Borough of Southwark
Rutland County Council
St Helens Council
Salford City Council
Sandwell Metropolitan Borough Council
Sheffield City Council
Somerset County Council
South Gloucestershire Council
Southampton City Council
Southend Borough Council
Staffordshire County Council
Stockton Borough Council
Stoke on Trent City Council
Suffolk County Council
Sunderland Together for Children
Surrey County Council
Telford & Wrekin Council
The Royal Borough of Kensington and Chelsea
Torbay Council
Trafford Council
Wakefield Council
Walsall Metropolitan Borough Council
Warwickshire County Council
West Sussex County Council
City of Westminster Council
Wiltshire Council
City of York Council

Achievement for All
Alliance for Inclusive Education
Ambitious about Autism

Amaze (charity including SENDIAS services for East Sussex and Brighton & Hove)
Anti-Bullying Alliance
Association of School and College Leaders
ATCO (Association of Transport Coordinating Officers)
Boomerang Travel Limited, trading as Pilkington Bus
Brighton and Hove Parent Carer Council
Catholic Education Service
The Challenging Behaviour Foundation
Contact
Council for Disabled Children
County Councils Network
Credo Care Disability Fostering
Cerebra
DPCC
Disclosure and Barring Service
Diverse Abilities
The Down's Syndrome Association
Ealing Mencap
Epilepsy Action
Essex Against School Transport Cuts
FLARE
Guide Dogs CYP Services - Education Team
HCT Group
Hounslow and Richmond Community NHS Trust
Hertfordshire Parent Carer Involvement
IMPOWER Consulting
IPSEA
Living Streets
Local Government and Social Care Ombudsman
Modeshift
National Autistic Society
National Network of Parent Carer Forums
North Somerset Parent Carers Working Together (Parent Carer Forum)
Perton Action for Safe School Travel
Positive Parents Action Group
Public Health England
Public Transport Consortium
Royal National Institute of Blind People
The Royal Society for the Prevention of Accidents
SEND Information and Advice Support Service (SENDIASS)
Sense
South Gloucestershire Parents and Carers
Special Educational Needs Transport Advocacy Service
Spurgeons

Suffolk School Bus Campaign
The Literary Gift Company
Young Epilepsy

All Saints School
Claremont School
Crowdys Hill school
Minsthorpe Community College
Oak Bank School
Redbridge High School
Reynalds Cross School
Stony Dean School
Tees Valley Education Multi Academy Trust
Thurston Community College

Annex B: summary of responses to the 2022 survey

We received 58 responses to the 2022 survey, 54 from local authorities and 4 from other organisations. A list of those that responded can be found in Annex C. We also received email responses from several other organisations which we have also considered.

Not every respondent answered every question. In the tables below, the percentages given are the percentages of respondents to each question.

Do you find the guidance helpful and an improvement on the current published version?

	Total	Percent
Yes	47	82%
No	10	18%

Would you like to add any comments to explain your answer?

Respondents commented that the revised guidance is well structured and easy to read, and that it will give local authorities more confidence in their decision-making. Some thought there were areas that could be improved further, particularly in relation to children with SEND and managing behaviour.

We have added new content on when it would be reasonable to expect a parent to accompany their child, assessing risk, managing children's behaviour and ensuring fairness. Do you find these additions helpful?

	Total	Percent
Yes	44	79%
No	12	21%

Would you like to add any comments to explain your answer?

Some respondents liked the guidance's overarching emphasis on fairness and thought it struck the right balance between allowing authorities flexibility whilst emphasising empathy for families. Others were concerned that it would raise parents' expectations about what they can reasonably expect from their local authority. One local authority commented that they would find the information about accompaniment particularly useful when working with parents.

Some local authorities find risk assessment challenging, particularly for children with complex medical needs or challenging behaviour.

Is there anything not currently covered in the guidance that you would like to see included?

	Total	Percent
Yes	37	69%
No	17	31%

If yes, please explain

Respondents asked for more information about ensuring efficient use of Council resources, independent travel training, parents' responsibilities and meeting children's medical needs.

Do you believe the revised statutory guidance will result in any new, or reduced, operational burdens for local authorities?

	Total	Percent
Yes	38	70%
No	16	30%

Some respondents thought that the clarity of the revised guidance would reduce ill-informed challenge and therefore reduce burdens. Others thought it might increase burdens by raising parents' expectations, particularly in relation to the administration of medication.

Do you believe the revised statutory guidance will result in any savings or new costs for local authorities?

	Total	Percent
Yes	29	54%
No	25	46%

Some respondents thought limited savings might be possible. Others thought additional costs were possible, particularly in relation to the administration of medication.

Do you have any comments about the potential impact of the revised statutory guidance on individuals on the basis of their protected characteristics?

Some respondents thought that requiring parental consent for independent travel training will hold able children back. Some thought it unfair that parents of children of secondary school age with disabilities can be expected to accompany them to school. Others commented that they did not think there would be a detrimental impact on any group with protected characteristics.

Annex C: List of organisations that responded to the 2022 survey

Barnet Council
Bath and North East Somerset Council
London Borough of Bexley
Brighton & Hove City Council
London Borough of Bromley
Buckinghamshire Council
Calderdale Council
Cheshire East Council
Cheshire West and Chester Council
Cornwall Council
Croydon Council
Cumbria County Council
Derbyshire County Council
Devon County Council
Doncaster Council
Durham County Council
East Sussex County Council
Essex County Council
Gateshead Council
Halton Borough Council
Hampshire County Council
London Borough of Haringey
Hertfordshire County Council
London Borough of Hounslow
Kent County Council
Kirklees Council
The Royal Borough of Kingston Upon Thames
Milton Keynes City Council
Newcastle City Council
Norfolk County Council
North East Lincolnshire Council
North Yorkshire County Council
Nottingham City Council
Nottinghamshire County Council
Oxfordshire County Council
Reading Borough Council
Leicestershire County Council
Rotherham Metropolitan Borough Council
London Borough of Richmond Upon Thames
Shropshire Council

Somerset County Council
Southampton City Council
London Borough of Southwark
Staffordshire County Council
Suffolk County Council
Swindon Borough Council
Torbay Council
Tower Hamlets Council
Wakefield Council
Wandsworth Council
West Berkshire Council
West Northamptonshire Council and North Northamptonshire Council
Wiltshire Council
City of York Council

Cerebra
Department for Transport and Active Travel England
Local Government and Social Care Ombudsman
Sense



Department
for Education

© Crown copyright 2023

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3.

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

About this publication:

enquiries www.education.gov.uk/contactus

download www.gov.uk/government/publications



Follow us on Twitter:
[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:
facebook.com/educationgovuk