



BEDFORD
BOROUGH COUNCIL

Bedford Borough Council
'SEND Statutory School
Age' Transport Policy
2025/26

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Bedford Borough Council Special Educational Needs and Disability (SEND) ‘Statutory School Age’ Transport and SEND ‘Post Statutory School Age’ Transport 2025/26

This transport policy applies to children with an Education Health and Care Plan (“EHCP”) formerly called a Statement of Special Educational Needs (“Statement”).

This policy contains the following sections;

Section 1 – SEND Transport Entitlement Policy

Section 2 – Transport Operations Policy

Section 3 – Appeals

All other pupils are considered under the mainstream transport policy and alternative education provision transport policy which can be found at; www.bedford.gov.uk/schooltransport

Section 1 – SEND Transport Entitlement Policy

1.1 Statutory School Age

- 1.1.1 Bedford Borough Council has a statutory duty to ensure that suitable travel arrangements are made where necessary to facilitate a child’s attendance at school.
- 1.1.2 The Education Act 1996 (the Act) as amended, details the powers and duties to which Bedford Borough Council must adhere.
- 1.1.3 Bedford Borough Council’s Home to School Transport Policy takes full account of the duties and powers detailed in the Education Act 1996.
- 1.1.4 A child begins to be of statutory school age on the prescribed day, which either falls on or follows their fifth birthday. The prescribed days are currently 31st August, 31st December and 31st March; this is the term following their fifth birthday. A child ceases to be of statutory school age on the school leaving date in the academic year in which they turn 16. The school leaving date is currently set as the last Friday in June. An academic year commences on 1st September and ends on 31st August. Raising the participation age does not affect the statutory school age.
- 1.1.5 Transport is not normally awarded to pupils who are below statutory school age. Transport will only be awarded where there are exceptional circumstances and on a discretionary basis; the decision will take into account the pupil’s SEND, family circumstances, views of parents and guidance from appropriate professionals.

1.2 Qualifying Criteria

- 1.2.1 Applications for home to school travel assistance will be assessed under the following criteria:
 - The parent(s)/carer(s) and child reside in the area of Bedford Borough Council; and
 - The child is aged between 5 and 16 and is attending or due to attend the nearest school or other place of education that the Council considers suitable; and
 - The child has special educational needs, a disability or mobility problems which affect their ability to travel to school either alone or accompanied by a parent(s)/carer(s).
- 1.2.2 The decision on transport entitlement will be made in conjunction with SEND panel decisions and will consider all relevant information gathered during the EHCP review process. However, the Council has no duty to provide free transport if parent(s)/carer(s) send their child to a school that we do not consider to be the nearest, suitable school. In this case, the pupil will be considered as attending a ‘parental preference’ school and parent(s)/carer(s) remain responsible for any necessary transport arrangements or associated costs. Any

contribution towards the cost is at the Council's discretion.

- 1.2.3 Transport entitlement decisions are reviewed annually, taking into account any change of circumstances and/or amendment to the EHCP. Changes to transport entitlement will take effect as soon as is reasonably possible. Where possible, this will be in readiness for the school term following the review.
- 1.2.4 If the decision made is not to approve eligibility for transport based on the evidence considered then the principles in 1.3, 1.4, 1.5, 1.6 below would apply when deciding eligibility.
- 1.2.5 Children who have an EHCP may be provided with free home to school transport if the EHCP outlines specific transport requirements. This is usually in cases such as;
- Long term severely restricted independent mobility, due to a physical disability;
 - Long term severely restricted independent mobility due to a medical condition resulting in severe persistent pain and/or extreme fatigue;
 - A sensory impairment resulting in severely restricted mobility;
 - Severe behavioural emotional and/or social difficulties in comparison with other children of their age. This may be linked with cognitive ability or be as a result of a specific development disorder.

1.3 Distance Criteria

- 1.3.1 Free travel arrangements will be provided if the journey, from the home to school, exceeds the Statutory Walking Distance criteria of;

a) more than 2 miles away from their home for children aged under 8.

Children aged 8 years of age who are entitled to receive free transport under the distance criteria will continue to receive free transport until the end of the academic year in which they reach the age of eight where they live between 2 and 3 miles from the school.

b) more than 3 miles away from their home for children aged between 8 and 16.

Children aged 16 years of age who are entitled to receive free transport under the distance criteria will continue to receive free transport until the end of the academic year in which they reach the age of 16. Students over the age of 16 may be eligible under the Post 16 policy.

1.4 Entitlement on Road Safety Grounds

- 1.4.1 Children who live under the statutory walking distance may be entitled to free travel arrangements where the nature of the route is such that a child cannot be expected to walk, accompanied by an adult as necessary, in reasonable safety.
- 1.4.2 Children living less than half a mile from school are not entitled to receive transport on road safety grounds.
- 1.4.3 Bedford Borough Council follows the guidance published by Road Safety GB to assess walking routes to schools.
- 1.4.4 The walking route must have;
- a). a continuous adequate footway on roads that carry normal to heavy traffic or
 - b). step-offs on roads that are lightly trafficked, but have adequate sight lines to provide sufficient advance warning or
 - c). on roads with low traffic flow, no step-offs, but sufficiently good sight lines to provide adequate advance warning

and

- d). if there is a need to cross roads, there must be crossing facilities e.g. zebra or pelican crossings, pedestrian phases at traffic signals (including necessary refuges), school crossing patrols, traffic calming (sufficient to enable safe road crossing), pedestrian refuges, etc. or;
- e). sufficient gaps in the traffic flow and sight lines to allow enough opportunity to cross safely.

1.4.5 Walking routes are designated as safe or not safe by an independent 3rd party assessment, conducted in accordance with 1.4.4 above.

1.4.6 Route reviews will be undertaken when changes in the road network or additional pathways mean a safe route to school may be identified. Major changes to the public highway will also be considered as and when the change occurs.

1.5 Children entitled to free school meals, or whose parent(s)/carer(s) are in receipt of the maximum rate of Working Tax Credit

1.5.1 Children whose parent(s)/carer(s) are in receipt of benefits entitling them to low income free school meals will be provided with free travel arrangements if the child is aged between 8 and 16 attending their nearest suitable school, where they live more than 2 miles away by the shortest available walking route.

1.5.2 The child must be of the relevant age on 1st September of the academic year for which they wish to apply.

1.6 Medical Reasons

1.6.1 Door to door transport or individual transport will only be provided where there is a medical need or exceptional social circumstances.

1.6.2 Travel assistance may be provided to the nearest qualifying school on medical grounds for either short term provision where a pupil has a temporary medical problem or on a long-term basis if the pupil has a particular long-term condition for one return journey per day, at the beginning and end of the standard school day.

1.6.3 Consideration will be given for either a long term or temporary medical condition and each case is considered on its individual merits. Relevant supporting independent professional evidence will be required. The evidence must clearly state inappropriate types of transport and be specific about appropriate distances before transport can be awarded.

1.6.4 The council reserves the right to commission an independent medical opinion.

1.7 Children for whom there are particular exceptional social circumstances

1.7.1 Children who have exceptional social circumstances may be entitled to free home to school transport where these circumstances would otherwise prevent them from attending school regularly.

1.7.2 Each case will be considered on an individual basis. Examples of exceptional social circumstances include:

- A child whose family has needed to be temporarily re-housed due to fire or flooding.
- A child who is Looked After by the Local Authority and transport is necessary to facilitate regular attendance at school.

- 1.7.3 Transport under these circumstances is provided for a limited, temporary period and is reviewed regularly. Requests should be put in writing to the Transport Officer at Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP.

1.8 Parent(s)/Carer(s) with a Disability or Medical Condition

- 1.8.1 Where parent(s)/carer(s) are relied upon to accompany their children along a walking route for it to be considered safe, free transport will be considered where the parent(s)/carer(s) disability or medical condition prevents them from doing so.
- 1.8.2 In such circumstances, travel assistance will only be provided to the nearest qualifying school for one return journey per day, at the beginning and end of the standard school day.
- 1.8.3 Consideration will be given for either a long term or temporary medical condition and each case is considered on its individual merits. Relevant supporting independent professional evidence will be required. The evidence must clearly state inappropriate types of transport and be specific about appropriate distances before transport can be awarded.
- 1.8.4 The council reserves the right to commission an independent medical opinion.

1.9 General Policy Principles

- 1.9.1 Transport entitlement decisions are reviewed annually, taking into account any change of circumstances and/or amendment to the EHCP. Changes to transport entitlement will take effect as soon as is reasonably possible. Where possible this will be in readiness for the school term following the review.
- 1.9.2 Parent(s)/Carer(s) are expected to accompany their children to and from school where they consider it necessary. The need for parent(s)/carer(s) to be at work would not be considered as a reason why transport should be provided.
- 1.9.3 'Home' is defined as the place where the child is habitually and normally resident. Suitable travel arrangements will only be made using the child's main home address, as defined. The Local Authority is not responsible for providing travel arrangements from any other address. The Local Authority is only responsible for providing travel arrangements for children resident in Bedford Borough. The Local Authority will only provide travel arrangements from one address, which meets the definition described with the exception of 1.9.4.
- 1.9.4 Pupils who live in a joint home arrangement, who fulfil the other criteria for free transport, will be provided with transport from the home where they live for the greater part of the week.
- 1.9.5 The measurement used to calculate the distance from home to school is defined as the shortest route along which a child, accompanied by an adult as necessary, may walk with reasonable safety. As such, the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads. The measurement is calculated from the nearest point on the 'walking route network' to the boundary of the child's home to the nearest accessible school gate.

Section 2 – Transport Operations Policy

2.1 Spare Seats Scheme

- 2.1.1 Where children do not qualify for free travel arrangements, Bedford Borough Council operates a spare seats scheme which is provided on a discretionary basis. This scheme is only available on routes which the Council has specifically contracted to provide free travel arrangements for eligible children. The scheme is not available on commercial routes registered as a public bus service. Charges apply for the spare seats pass. More information about the scheme and the rates which are charged is available at www.bedford.gov.uk/schooltransport or by contacting (01234) 276116.

2.2 Sustainable School Travel Strategy

- 2.2.1 The Local Authority has a sustainable school travel strategy which is available at www.bedford.gov.uk/schooltransport

2.3 Passenger Assistants

- 2.3.1 The Local Authority will consider providing a passenger assistant based on a risk assessment. This will have regard for a number of factors, which may include the child or young person's age, any additional needs they may have, the length of the journey or the size of the vehicle.

2.4 Provision of Transport

- 2.4.1 The council will endeavour to transport children and young people in the shortest possible time and will investigate all possible alternatives taking into account the needs of the individual.
- 2.4.2 The council believes that, where reasonably practicable, the maximum journey times of 45 minutes for pupils under 8 years of age and 75 minutes for pupils aged 8 years and over will be adhered to.
- 2.4.3 Where pupils are eligible for transport this means two journeys per day – one at the commencement of the standard school day and one at the end. Transport to support part-time timetables is not provided and will only be awarded in exceptional circumstances or where it can be offered at no additional cost to the council.
- 2.4.4 Transport is only provided to and from 'home', except where it is agreed that a child will attend a respite placement, during term-time.

2.5 Personal Travel Budgets

- 2.5.1 Travel support may be provided as a Personal Travel Budget (PTB).
- 2.5.2 Typically, a PTB may be agreed when there are no shared transport services available to the school/establishment and the council would be required to commission a standalone service.
- 2.5.3 A PTB may be provided as a 'per mile' or set payment, as determined by the Council, taking into account the distance from home to school.
- 2.5.4 A PTB may also be agreed and included in the EHCP, as part of the special educational provision.

Section 3 – Appeal and Complaints Procedure

3.1 If you feel aggrieved by a decision taken

- 3.1.1 All parent(s)/carer(s) have the right of appeal if their request for home to school transport assistance is declined. Bedford Borough Council offer a two stage appeal process as detailed below.
- 3.1.2 Parent(s)/carer(s) may also wish to consider the Council's formal complaints procedure, which is available at www.bedford.gov.uk/beheard. Please note where an appeals process exists this should always be exhausted before making a complaint. Once these procedures are concluded then it may be possible to use the complaints procedure to investigate the issues, however in most cases this is unlikely to reverse any decisions made as part of these separate processes.

3.2 The Appeal Process

- 3.2.1 Parent(s)/Carer(s) have 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision.
- 3.2.2 The Appeal form is available and can be submitted online at [Transport appeals | Bedford Borough Council](#) or by calling Member Services on (01234) 228905. You may challenge a decision on any or all of the following grounds:
- Eligibility - you believe that we have failed to take into account some significant factor in assessing whether your child is eligible for travel assistance
 - Distance measurement between home and school
 - Safety of the walking route between home and school
 - Transport arrangements offered are not suitable for the child or young person's needs
- 3.2.3 Your appeal should detail all the reasons why you believe the decision should be reviewed and give details of any exceptional circumstances you believe should be considered when the decision is reviewed. You should submit any evidence that supports your appeal (for example letters from your school, medical professional or social worker, or financial evidence such as benefit eligibility). You can appeal for any reason or combination of reasons, but you should carefully consider if you have sufficient additional evidence to support your case.
- 3.2.4 We will acknowledge an appeal within one week of receiving it. Appellants can call (01234) 228905 if they have not received an acknowledgement within 2 weeks of posting their appeal.
- 3.2.5 Within 20 working days of receipt of the appeal a senior officer, who was independent of the original decision, will review the original decision made and send the appellant a detailed written notification of the outcome of their review and information about how the parent can escalate their case to stage two (if appropriate).
- 3.2.6 The Appellant has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two, which is a review by an independent appeal panel. If the Appellant has any access requirements or disabilities we should be aware of, please notify the Clerk to the Appeals Panel upon escalating to Stage 2.
- 3.2.7 Stage two appeals will be decided by a Transport Appeals Panel of three Councillors. All will be impartial and have no member interests/roles in Transport, Education or Social Services. Appellants will be advised of the names of the Councillors who will decide their appeal. If the Appellant thinks they know one of the Panel Members hearing their case, please call the Office of the Clerk on (01234) 228905 immediately
- 3.2.8 The panel will consider all appeals on their individual merits. The procedure will normally be as follows:
- a). The Presenting Officer will be invited to explain the Council's case
 - b). The Appellant and the Panel can ask questions about the Council's case.
 - c). The Appellant will be invited to explain their case.
 - d). The Presenting Officer and Panel will ask the Appellant questions about their case.
 - e). The Presenting Officer will sum up their case (they cannot mention any new evidence or

points).

f). The Appellant will sum up their case (they cannot mention any new evidence or points).

- 3.2.9 The Panel will make their decisions after they have heard all of the appeals they are dealing with on that occasion. Neither the appellant nor the Presenting Officer will not be present when they make their decision. The Clerk will be present to record the decision and provide legal/procedural advice. The Panel will either uphold the appeal or they will dismiss the appeal.
- 3.2.10 The Clerk will notify the Appellant within 5 working days after the decision is made explaining the result and how the Panel reached their decisions.
- 3.2.11 The Appeal Panel's decision is final and binding, they cannot review their decision. However, an appellant may make a complaint to the Local Government and Social Care Ombudsman if they feel there has been any administrative fault in the way the Panel has reached its decision.