

Education

Home to School Transport

Policy 2025

CONTENTS

- 1.** Introduction
- 2.** Eligibility Criteria
 - a.** Walking Distance
 - b.** Unsafe Walking Routes
 - c.** Medical Conditions
 - i.** Catchment School
 - ii.** Non-Catchment Mainstream School
 - d.** Additional support needs
 - i.** Mainstream
 - ii.** Specialist Provisions
 - e.** Additional Categories
- 3.** Separated Parents
- 4.** Parental Responsibilities
- 5.** Pick-up and Drop-off Points
- 6.** Other School Transport Provision
- 7.** Vacant Places
- 8.** Gaelic Medium Education
- 9.** Transport Provision
 - a.** Modes of Transport
 - b.** Time Constraints and Determination of Routes
 - c.** Tickets and Passes
- 10.** Conduct and Safety
 - a.** Safety Measures
 - b.** Conduct and Behaviour
- 11.** Application and Appeals Process
 - a.** How to Apply
 - b.** Appeals
- 12.** Monitoring and Review of Policy

1. INTRODUCTION

This policy outlines the provisions and criteria for home to school transport within East Lothian Council. The aim is to ensure safe, efficient and equitable transportation for all eligible children and young people living in East Lothian, supporting access to education across the local authority.

Section 30 of The Education (Scotland) Act 1980 places a duty on parents to provide an efficient education for their child or young person, suitable to the child or young person's age, ability and aptitude, either by sending them to a public school or by other means.

Section 51 of The Education (Scotland) Act 1980 places a duty on local authorities to make such arrangements as they consider necessary for the provision of conveyance, without charge, for the whole or part of the journey between a child or young person's home and their catchment school, for children and young people residing in their area.

Section 42 of The Education (Scotland) Act 1980 allows local authorities a reasonable excuse for not making such arrangements for children and young people who live within walking distance of their school, measured by the nearest available route. "Walking distance" means, for a child under the age of eight, more than two miles from their catchment school, and for children and young people aged eight to sixteen, more than three miles from their catchment school.

The Education (Additional Support for Learning) (Scotland) Act 2004 and 2009 amendment outlines the expected provision of 'adequate and efficient' support that should be in place for children and young people and young people with additional support needs. Within East Lothian, the Child and Young Person's Planning Framework is used to identify, assess, and plan for the provision of support that is required. See [GIRFEC in East Lothian \(google.com\)](#) for more information.

The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act (UNCRC) was introduced by the Scottish Government and received Royal assent in January 2024 and is intended to support, embed and extend children's rights in Scotland. In bringing in the Act, listed public bodies are required to recognise, respect and promote children's rights in what they do. To work towards facilitating these rights within East Lothian, and to 'not act incompatibly' with the Act, East Lothian Council has committed to completing Children's Rights and Wellbeing Impact Assessments (CRIWA) on all new legislation and policy that impact children. See [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act](#) for more information.

2. ELIGIBILITY CRITERIA

a. Walking Distance

Local authorities must ensure that children and young people of school age (5-16) do not have to walk more than the defined walking distances appropriate to their age between their home and their catchment school. "Walking distance" means, for a child under the age of eight, more than two miles from their catchment school, and for children and young people aged eight to sixteen, more than three miles from their catchment school. In such circumstances, the local authority must make such arrangements as they consider necessary for the provision of transport for the whole or part of the journey. The distance from home to school is taken to be from the garden gate (or if there is not a garden, from the front door of the home) to the nearest school gate. The route that is measured is the shortest practicable route for a pedestrian.

The child or young person's home address is defined as the main contact's address registered with their school. This address is where the child resides either permanently or for the majority of their time; this is usually the address in receipt of Child Benefit. It is not within the Council's remit to determine which address is the child's main address but there must be a clearly established main address in all cases.

Transport, if eligible, will be granted to and from one address only. Transport will not be granted to more than one address whether this is the address of a parent, childminder or other relative.

There is a duty on local authorities, where the requirements of eligible children and young people have been met, to allow any vacant places on a vehicle used for transport to be used by other children or young people. As this is about efficient use of resources rather than a duty to provide the transport, local authorities have the option to charge the parent for allocated or offered vacant places.

There is no duty on local authorities to provide transport if the child or young person is attending a non-catchment school (including a specialist provision) as a result of a Placing Request made by a parent, or the child or young person.

There is no duty on local authorities to provide home to school transport as part of an education hosting arrangement with another school. A "hosting arrangement" is where a pupil is placed at another mainstream school (host school) other than the one at which the pupil is enrolled (base school) for a defined period of time, following a Child Planning Meeting.

This policy is subject to regular review, with the most recent version published on the council's website. Should you require this in another format please contact educationenquiries@eastlothian.gov.uk.

Where transport is awarded, the Council will confirm the specific arrangements which will be put in place. Arrangements can include:

- Scottish Government funded Young Persons' (Under 22s) Free Bus Travel passes
- local authority season tickets on public service routes.

Contract buses will be arranged, with taxis used only in exceptional circumstances.

b. Unsafe Walking Routes

There will be instances where the local authority concludes that the route children or young people would have to walk to school, accompanied as necessary, is unsafe. In that situation transport will be provided even if the distance falls short of the defined walking distance. Local authorities may confirm "recommended walking routes" which the Council's Roads and Transport Officers consider safer routes to and from school. These routes will form part of any consideration or application of this policy.

Safety is determined assuming the child or young person will be walking with a responsible adult. Factors which may be considered in determining safety include:

- type and volume of traffic,
- width of carriageway,
- presence of footpaths,
- lighting,
- crossing facilities,
- age of the child or young person,
- existence of public bus services,
- high bankings and
- wooded areas.

While these common safety factors are taken into consideration, the presence of one or more factors does not necessarily indicate that free transport will be offered. For example, where a suitable public bus service exists, parents and carers whose children and young people do not qualify for free transport on grounds of distance have the option to choose this and use the Scottish Government funded Young Persons' (Under 22s) Free Bus Travel as an alternative to walking.

Walking routes will be reviewed regularly and where a route is subsequently deemed to be safer, transport will cease, and parents will be notified. Similarly, if a route is subsequently deemed unsafe, transportation may be offered.

c. Medical Conditions

i. Catchment School

Long term

Where the child or young person has an existing medical condition which means they are unable to utilise standard free transport, an application for transport will be made by the Named Education Contact to hometoschool@eastlothian.gov.uk. Any request will include details of the condition and specific need(s) to be met which will be held securely on file in the form of a 'travel passport'. Such needs can include:

- a harness,
- special or bespoke seat,
- tail lift vehicle,
- or the provision of a passenger assistant.

Transport provision will be reviewed regularly and at minimum once per year with the Named Education Contact.

For children and young people with very specialised needs, such as children or young people requiring emergency medical assistance or medication, the relevant Childs Plan will make recommendations to ensure these needs are met whilst travelling to and from school.

Where the child or young person lives within the defined walking distance of their catchment school, the standard method of transport to school is considered when assessing whether transport is required to be provided by the Council. For example, if the parent would normally have transported the child or young person to school by car, the presence of a medical condition will not necessarily warrant an application for transport assistance. Similarly, if the parent and child or young person lives within the defined walking distance, an application for transport will, in most circumstances, not be warranted.

Short term

In the event of a child or young person experiencing a short-term medical condition meaning they are unable to use their usual method of transport to school, a Vacant Place, if one is available, may be offered for up to six weeks. This would be offered in circumstances where the family has no other means of transporting the child or young person to school. See Vacant Places section 7 of this Policy. An application for transport should be made by the Named Education Contact to hometoschool@eastlothian.gov.uk.

This offer does not extend to the illness of a parent or other family member who may ordinarily support the child or young person to travel to school. Any applications for short term transport assistance will, however, take into account children and young people who are adversely affected by the disability of a member of their immediate family, on a case-by-case basis (Children and Young People (Scotland) Act 1995 Section 23 (2)).

ii. Non-catchment Mainstream School

In exercising their right to choose to place their child or young person in a non-catchment school, parents will be responsible for transporting their child or young person to that school.

Where a child or young person has been placed in a non-catchment school by the local authority, catchment rules apply.

In some instances, after the child or young person starts attending a non-catchment school, medical conditions can develop which, were this their catchment school, would entitle the child or young person to assistance with transport. In such cases, the Council will provide up to six weeks of suitable transport to allow time for parents and carers to arrange longer-term provision.

If transport is deemed to be required for up to six weeks, this will be facilitated by means of Scottish Government funded Young Persons' (Under 22s) Free Bus Travel passes or season tickets on public service routes / contract buses. Individually arranged transport will only be offered in exceptional circumstances if this is the only option available or suitable.

d. ADDITIONAL SUPPORT NEEDS

i. Mainstream

Many children and young people with additional support needs are able to make use of standard free transport. In determining a requirement for individual transport for children or young people with additional support needs registered in mainstream catchment schools who live more than the defined walking distance from school, enhanced transport provision will only be considered when supported in a relevant Childs Plan.

ii. Specialist Provisions

Where a child or young person is enrolled in a Specialist Provision as a result of a Placing Request, parents are responsible for transporting their child or young person to that school. The Council is not obligated to offer home to school transport except for independent or grant aided schools. Where a child or young person has been placed in any non-catchment school by the local authority, catchment rules apply.

Enrolment in a Specialist Provision or the presence of additional support needs does not necessarily mean a child or young person is eligible for home to school transport. Where additional support needs exist and transport is sought, an application for transport should be made by the Named Education Contact to hometoschool@eastlothian.gov.uk. Requests should include the need(s) to be met, such as a harness or provision of a passenger assistant.

These arrangements apply to children and young people who live more than the defined walking distance from their school and whose additional support need means that they are unable to utilise standard free transport, as supported in a relevant Childs Plan.

Where the child or young person lives within the defined walking distance of their catchment school, the standard method of transport to school is considered when assessing whether transport is required to be provided by the Council. For example, if the parent would normally have transported the child or young person to school by car, the presence of a medical condition or additional support need will not necessarily warrant an application for transport assistance. Similarly, if the parent and child or young person lives within the defined walking distance, an application for transport will, in most circumstances, not be warranted.

Enhanced transport provision will be considered within the relevant Childs Plan, which will make recommendations to address travel related needs.

e. Additional categories

In addition, the following additional criteria applies:

- Children and young people who have been permanently excluded or removed from their catchment school and placed elsewhere by the Council. Transport will, in the first instance, be by means of Scottish Government funded Young Persons' (Under 22s) Free Bus Travel passes or season tickets on public service routes. Failing the availability of these, contract buses will be arranged, with taxis offered only in exceptional circumstances. This offer does not extend to an education hosting

arrangement with another school. A “hosting arrangement” is where a pupil is placed at another mainstream school (host school) other than the one at which the pupil is enrolled (base school) for a defined period of time, following a Child Planning Meeting.

- Children and young people residing in Council housing relocated outside of catchment areas due to house fire/flood/extreme damage. Any arrangement made in such a situation will be reviewed after 8 weeks.
- Care Experienced children and young people, on commencement of a long-term Looked After placement will be provided with 6 weeks of transportation between school and that placement, funded by Social Work. This is to promote and encourage stability and success of the placement. Any arrangements made in such a situation will be reviewed after 6 weeks, with the option of extending that transport for up to 6 months, funded by Education. Any extended travel provision beyond that point will be reviewed at the subsequent Looked After and Accommodated Review. Travel will be by means of Scottish Government funded Young Person’s (Under 22s) Free Bus Travel passes or season tickets on public service routes in the first instance. Should a taxi or passenger assistant be deemed necessary, this will be provided by Social Work.
- Children or young people resident in temporary accommodation alongside their families who have been added to the homeless register. Applications can be made for transport for the child or young person to the school at which they are enrolled, until the family is offered permanent accommodation. Should that permanent accommodation be in a different catchment area, transport to the original school will stop and will be considered afresh in the new catchment area.
- Children or young people who have had their catchment school temporarily changed due to a school mothballing will be offered transport for the duration of the mothballing, subject to meeting the normal distance criteria.

3. SEPARATED PARENTS

The child or young person’s home address is defined as the main contact’s address registered with their school. This address is where the child resides either permanently or for the majority of their time; this is usually the address in receipt of Child Benefit. It is not within the Council’s remit to determine which address is the child’s main address but there must be a clearly established main address in all cases.

Transport, if eligible, will normally be granted to one address only. However, there may be exceptional circumstances in the case of a child or young person’s additional support need where transport from both parents’ addresses is necessary. Additional transport provision in these exceptional circumstances will be considered with reference to the child’s needs and family circumstances, on recommendation from the team around the child or young person (TAC), including the Named Education Contact. It will be at the discretion of the Council to assess whether additional transport provision is justified and what this provision will be. If granted, in the event of any change to scheduled arrangements, parents are required to give adequate notice of no less than one term for consideration of a new transport request. The Council makes no guarantee that any new schedule would result in equivalent transport arrangements.

4. PARENTAL RESPONSIBILITIES

Where a child or young person does not qualify for home to school transport, it is the parents' responsibility to ensure that the child or young person travels to and from school safely. This may include personally escorting the child or young person or ensuring that another responsible person does this. The illness, working arrangements, financial position, or any personal circumstances of the parents are not considered in determining whether a child or young person qualifies for home to school transport. Consideration, however, may be given to children and young people who are adversely affected by the disability of a member of their immediate family, on a case-by-case basis (Children and Young People (Scotland) Act 1995 Section 23 (2)).

Where a child or young person is enrolled in a school via a Placing Request, transport will not be granted and parents will be responsible for transporting their child or young person to that school.

5. PICK-UP AND DROP-OFF POINTS

School transport is not required to be a door-to-door service. Local authorities may require children and young people to walk to and/or from a central pick-up/drop-off point. Any pick-up/drop-off point would be no further from the child or young person's home than the defined walking distance applicable for a child or young person of that age.

Parents are responsible for making arrangements for their child or young person's travel to and from pick-up/drop-off points. The Council will take appropriate measures to ensure that pick-up/drop-off points are safe and accessible.

Door-to-door service may be provided in exceptional circumstances on a case-by-case basis, for example to children and young people with medical conditions which prevent the child or young person from accessing the pick-up/drop-off points.

Requests to pick up from or merge one child or young person's transport with transport from another child or young person's address on the same route, or from any address that is not the established residence of the child or young person will be refused. Requests to amend transport routes should be sent to hometoschool@eastlothian.gov.uk and include full details of any request. Drivers should not be approached to vary transport routes or arrangements at any time.

6. OTHER SCHOOL TRANSPORT PROVISION

In addition to home to school transport, Education transport provision can additionally extend to certain activities necessary to support the curriculum. Such activities may include:

- P5 swimming lessons if the pool is more than one mile from school
- Adjusted timetables during examinations
- School to college transport for children and young people under school leaving age where there are no suitable public service buses. Pupils may have to make more than one change of transport.

- Transport may be provided to support curricular progression only available at an alternative school within the local authority, such as Higher courses. Individually arranged transport such as a taxi or bespoke bus will only be provided if Scottish Government Funded Young Person's (Under 22s) Free Bus Travel pass routes are unavailable.

7. VACANT PLACES

Section 51 of The Education (Scotland) Act 1980 places a duty on local authorities when meeting the transport requirements of eligible children and young people to allow any Vacant Places in vehicles used for transport to be used by other children and young people. This duty applies when a space in a vehicle is available and there will be no additional cost incurred by the Council.

The Council will not provide a larger vehicle than is necessary to meet the requirements of those who are eligible, nor will vehicles deviate from the specified route, in order to meet the requirements of children and young people who request Vacant Places.

Vacant Places are offered on request, on a first come, first served basis, to hometoschool@eastlothian.gov.uk from parents or carers of children and young people who do not qualify for home to school transport where:

- a vehicle providing home to school transport has a Vacant Place, and
- no expense falls upon the Council in acceding to the request (Education Scotland Act 1980 Section 51).

It should be borne in mind that, should an eligible child or young person come along who requires it, the place is no longer considered vacant and will be withdrawn from the pupil occupying it on a Vacant Place basis.

In the event that more Vacant Places are requested than are available, priority shall be given:

1. To those attending their catchment school over those attending an alternative school by parental choice.
2. Amongst those attending their catchment school, to those who live furthest away.
3. Amongst those attending an alternative school by parental choice, to those who live furthest away.

A Vacant Place must be reapplied for each academic year. The granting of a place in a previous year does not guarantee a place will be granted in any subsequent years. The granting of a place to one sibling does not guarantee a place will be granted to other siblings.

A Vacant Place may be withdrawn **at any time** if an eligible child joins the route. This may be at short notice; every effort is made to give notice of the withdrawal of any places offered. There is no legal right of appeal of the withdrawal of a Vacant Place allocation. In such situations the Council will make every effort to offer an alternative transport arrangement. However, if none are available, no offer will be made. The priorities above will be used to determine which Vacant Place would be withdrawn to accommodate eligible children.

Some contracted transport routes carry defined and required unoccupied space for safety reasons and should not be viewed as available capacity. Officers cannot discuss the individual needs of other service users, children or young people for reasons of confidentiality, and the decision of the Officer is final in determining the safety of travel. There is no legal right of appeal of the refusal of a Vacant Place. Please see our website for more information on how to make a comment or complaint to the Council.

8. GAELIC MEDIUM EDUCATION

The Council will provide transport in the form of contracted buses from central pick-up points in East Lothian to Bun-sgoil Taobh na Pàirce or the Gaelic Provision of James Gillespie's High School, both in Edinburgh.

In the case of a child or young person's additional support needs, enhanced transport provision will only be considered on recommendation from the team around the child or young person (TAC) including the Named Education Contact when supported in a relevant Childs Plan.

9. TRANSPORT PROVISION

Home to School Transport is managed by Transport Services on behalf of the Education Department. Transport Services remit includes:

- Securing home to school transport for those children and young people who qualify for such transport in the most economic and environmentally efficient way.
- Advising the Head of Education on matters connected with home to school transport practice or policy, and the implications of any proposed change in that practice or policy.

a. Modes of Transport

Transport is encouraged to be by means of Scottish Government funded Young Person's (Under 22s) Free Bus Travel passes as far as possible. Where required, the Council will provide season tickets on public service routes, school buses or contracted services. In certain circumstances, transport may be provided by taxis or minibuses, in particular for children and young people with specific medical or additional support needs.

In cases where families feel their child or young person is not ready to have the freedoms of national free travel, the child or young person's card can be programmed with only the Council home to school transport programme. This means the child or young person will still have access to their funded home to school transport, but not the wider national network. Requests for restricted route availability can be requested via email to hometoschool@eastlothian.gov.uk.

All school transport contracts for buses, minibuses and taxis are awarded by competitive tender. Operators are required to provide evidence that they hold the necessary licences and insurances prior to any contract award.

In the event of any complaint concerning the condition of a school transport vehicle or the operation of a school service, Transport Services will investigate and respond. Should an

operator be found to be in breach of contract, financial penalties can be applied. After a second written warning of any breach, a contract may be terminated by the Council. In the event of a serious offence (eg operation without appropriate licence or insurance) a contract may be terminated immediately. All drivers and Passenger Assistants on the Council's contracted home to school transport routes are appropriately checked via Disclosure Scotland.

In vehicles of 16 passenger seats or fewer, only one child or young person is allocated to each seat and a seatbelt must be provided for and used by every child or young person (Motor Vehicle Construction & Use Regulations 1997). In vehicles of 17 passenger seats or more that are fitted with seatbelts, the required capacity is estimated on the basis of one child or young person per seat. Public services buses or buses that are contracted by the Council but licenced under public service specification are not required legally to have seatbelts.

b. Time Constraints and Determination of Routes

Transport Services is responsible for determining the optimum network of routes and the best form of all home to school transport and for the allocation of individual children or young people to these routes. Routes are arranged to serve more than one school wherever possible and scheduled for normal travel conditions.

There is a general presumption in favour of using public service buses where these are available at suitable times. This will;

- Support the use of Scottish Government funded Young Persons' (Under 22s) Free Bus Travel
- Maximise support for a comprehensive network of public transport in East Lothian
- Allow individual children and young people the flexibility to travel on alternative services throughout the day
- Encourage better behaviour on East Lothian buses providing a service to adult fare paying passengers and children and young people
- Minimise the use of additional vehicles in East Lothian to safeguard and protect the environment.

Where no suitable public service buses are available, children and young people may be allocated to contracted school buses, minibuses, private hire taxis or Council-owned transport.

Where there is no other option of transport, for example if a family is living outside any established route, a parental mileage allowance may be offered. The mileage rate is paid at East Lothian Council's public services rate (currently 45p per mile). Mileage rates are not individually negotiable. A parent shall not be asked to include the children and young people of any other family.

Normally, school transport is timed to arrive no more than 20 minutes and no less than 5 minutes before the start of the school day. Transport is scheduled to be waiting 10 minutes before the end of the school day where possible, and to leave no more than 20 minutes after the end of the school day. There are exceptions at specific schools due to the nature of the school site.

Children and young people in primary schools will normally share transport with their associated secondary schools unless it is more cost effective to provide separate transport for them.

c. Tickets and Passes

Secondary school children and young people travelling on public service buses for home to school transport are encouraged to register for Scottish Government funded Young Person's (Under 22s) Free Bus Travel, as this affords them the benefit of free national travel.

For safeguarding reasons and to allow capacity monitoring, children and young people travelling on contracted home to school bus services will receive a pass which is programmed for their individual journey only and cannot be used on any other route or any other time than the prescribed route. Passes will be checked by drivers and misuse of passes will be deemed to be in breach of the guidelines on conduct and behaviour (see section 10b Conduct and Behaviour). Home to school bus passes are issued by Transport Services. Replacements for lost passes are subject to a charge, currently £5. This cost is subject to annual review.

10. CONDUCT AND SAFETY

a. Safety Measures

Transport Services will ensure that all vehicles used for school transport meet safety standards and that drivers are appropriately vetted, trained and licenced.

Passenger Assistants will only be provided in school transport to meet the additional support needs of a child or young person or group of children and young people on that vehicle. Such provision will be required following recommendation from the team around the child or young person (TAC) including the Named Education Contact (NEC). Passenger Assistants are normally supplied by the Contractor.

Passenger Assistants for Care Experienced children who are being transported at the request of the Social Work Department, are provided and paid for separately by Social Work.

b. Conduct and Behaviour

All children and young people using home to school transport are expected to demonstrate their school values and behave as they would were they in school. This includes behaving respectfully towards drivers, fellow passengers and staff; wearing seatbelts where they exist; having consideration for the vehicle by not littering or vandalising; remaining seated whilst the vehicle is in motion; following the instructions of the driver and staff.

Guidelines issued to Drivers emphasise their prime responsibility is the safety of the vehicle on the road but also requests their co-operation in reporting any concerns about a child or young person's behaviour.

Unacceptable conduct on school transport will be reported to Transport Services who will liaise with schools. Schools will involve parents in the process at an early stage and warnings and/or sanctions will be based on the severity of the incident.

In cases of repeated or serious misconduct that may endanger others and/or seriously distract the Driver, the Council reserves the right to withdraw the transport either temporarily or permanently. Parents will be notified in advance, and alternative arrangements will need to be made by the parent or carer.

11. APPLICATION AND APPEALS PROCESS

a. How to Apply

Parents must apply for home to school transport through their school office. Applications will be reviewed by Transport Services based on the eligibility criteria.

Eligibility for transport assistance will be reviewed annually. Parents must report any changes in circumstances that might affect eligibility.

b. Appeals

If an application is refused, parents or carers may appeal the decision (not applicable for Vacant Places decisions). Appeals must be submitted in writing to educationenquiries@eastlothian.gov.uk within 30 days of receiving the decision, stating the grounds for the appeal. A review panel will consider the appeal, and the decision of this panel will be final. Please see our website for more information on how to make a comment or complaint to the Council.

12. MONITORING AND REVIEW OF POLICY

This policy will be monitored regularly to ensure its effectiveness and compliance with relevant legislation. It will be reviewed every three years or sooner if required due to changes in legislation or local circumstances.