

Home to school transport

A guide for constituents

July 2026



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This guide provides an overview of the current legal position on local authorities' duties and powers to provide free 'home to school transport' to pupils, or 'learner travel' as is the term in legislation. It sets out the position at the time of this guide's publication.

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1. Introduction

This guide provides an overview of the current legal position on local authorities' duties and powers to provide free 'home to school transport' to pupils, or 'learner travel' as is the term in legislation. It sets out the position at the time of this guide's publication, as well as details of potential sources of financial support and how to find other information.

The previous Welsh Government had prepared and **consulted on updated guidance on learner travel** but did not issue this before the May 2026 Senedd election. The draft guidance was not going to change the law or make different provision, but update the language to reflect other policies and legislation that had been introduced since the current version was **issued in 2014**.

The new Welsh Government, in place after the election, has **said it will review the learner travel legislation**. The updated guidance has therefore not been issued, pending more extensive consideration.

Further information regarding recent developments is provided in Chapter 11 of this guide.

2. Legal position and guidance

The current law on home to school transport was established in 2008, with the latest operational guidance dating back to 2014.

The main legislation in respect of home to school transport in Wales is the **Learner Travel (Wales) Measure 2008** ('the 2008 Measure' or 'the Measure'). The previous Welsh Government also published statutory **Learner Travel Operational Guidance** in 2014 (the '2014 guidance') which outlines statutory provisions, specific duties and responsibilities for relevant bodies. The **Learner Travel Information (Wales) Regulations 2009** set out the information that Local Authorities must publish.

Section 444 of the **Education Act 1996** makes it an offence on the part of a parent to fail to secure the regular attendance at school of a registered pupil. Section 20 of the 2008 Measure amended section 444 to provide that a parent will have a defence to a prosecution if a local authority has failed to discharge, where required, their statutory duties under the Measure to make travel arrangements to facilitate the attendance of their child at school.

3. Assessing need

Local authorities are required to assess the travel needs of learners who are aged under 19 and who are ordinarily resident in their area. This includes those who they are legally required to provide transport for and those for whom they may wish to provide discretionary transport when assessing travel needs.

Local authorities are required to have regard to:

- the needs of disabled learners and learners with learning difficulties;
- any particular needs of learners who are looked after or learners who have formerly been looked after by a local authority;
- the age of a learner;
- the nature of the route that the learner is expected to take between home and the places where they receive education or training.

In assessing the travel needs of learners, local authorities must take into account the fact that travel arrangements they make in light of the assessment must not cause unreasonable levels of stress, take an unreasonable amount of time or be 'unsafe'. Chapter 8 of this guide discusses safety considerations.

The 2008 Measure does not specify a time limit for journeys. However, local authorities are required to assess the individual needs of learners when considering if a journey time is reasonable.

4. The duty to provide home to school transport

Some of the provisions of the 2008 Measure, as explained in the 2014 guidance, place duties on local authorities to provide free transport.

Local authorities **must** provide free home to school transport if a pupil is living either at, or further than, specific distances from the nearest suitable school. This duty only relates to home to school transport and not transport during the school day, for example between a school and a college.

Walking distances

Section 3 of the 2008 Measure sets out the distance criteria whereby learners are entitled to free transport to and from their nearest suitable school. Distances below these thresholds are referred to as 'walking distances'. Local authorities have a legal duty to provide free home to school transport for learners of compulsory school age who live beyond the applicable walking distance.

For pupils attending **secondary** schools, the walking distance is up to 3 miles. This means that pupils who live **3 miles or further** from their nearest suitable school are entitled to free transport.

For pupils attending **primary** schools, the walking distance is up to 2 miles. This means that pupils who live **2 miles or further** from their nearest suitable school are entitled to free transport.

There is **no statutory duty** for a local authority to provide free transport to **post-16 learners** who continue their studies in mainstream further education or training. However, they have discretionary powers to do so (see Chapter 5 of this guide).

The Measure sets out that the walking distance should be measured by the 'shortest available route'. A route is considered to be 'available' if it is safe (as far

as reasonably practicable) for a learner without a disability or learning difficulty to walk the route alone (or with an accompanying adult if the learner's age and levels of understanding requires this). Chapter 8 of this guide provides further details.

If a route is not 'available' and there is no alternative available walking route within the respective distance threshold, the learner cannot be expected to walk to their nearest suitable school, even though the distance from home to school is less than the statutory walking distance. In such cases the local authority has a duty to provide the learner with free transport to and from their nearest suitable school. The 2014 guidance includes details on risk assessing walked routes to school. Local authorities must have regard to this guidance.

Nearest suitable school and parental preference

The 2014 guidance takes the meaning of 'suitable school' from the 2008 Measure's definition of a 'relevant place', which is one:

where the "education or training provided is suitable having regard for the age, ability and aptitudes of the learner and any learning difficulties he or she may have".

In deciding if a school is 'suitable', the 2014 guidance states that local authorities need to consider the suitability of the school when deciding if the placement is appropriate for the learner.

Deciding which suitable school is the learner's 'nearest' is a matter for the local authority to determine in accordance with their own learner travel and education policies. Local authorities must set out how the nearest suitable school is identified and publish this information in their learner travel policy in accordance with provisions outlined in the Learner Travel Information (Wales) Regulations 2009.

Neither a child's or parent's language preference or first language, nor religious faith or conviction of the child necessarily mean a school is considered suitable for these purposes. However in the light of judicial review challenges, some local authorities reviewed their home to school transport policies and do give consideration to language and faith preferences when determining the 'nearest' school.

The same age and distance criteria applies to looked after children as to those who are not looked after. A looked after child is a person under the age of 18 who is in the care of the local authority, or who is provided with

accommodation for more than 24 hours by a local authority in the exercise of its social services functions. This could be a placement with foster carers, in residential homes or with parents or other relatives.

However, the provision that the learner must attend the nearest suitable school to their home does not apply to looked after children in the same way it applies to learners who are not looked after. It is for the local authority looking after the child to determine where they should go to school. The school decided upon might be a school other than the nearest suitable school, due to the need to maintain continuity in education or contact with siblings or friends to promote wellbeing. If that is the case, transport will be provided.

Under the **School Standards and Framework Act 1998**, parents and learners can express a preference for a particular school. If **preference is exercised** and the chosen school is **not the nearest suitable school** agreed by the local authority, the **learner is not entitled to free transport provision**. However, the 2008 Measure provides local authorities with powers to provide discretionary home to school transport for learners, which are discussed in Chapter 5 of this guide.

5. Discretionary provision

In addition to the duty to provide transport to some pupils, the 2008 Measure gives local authorities discretionary powers to provide home to school transport for other learners who do not qualify for free transport under the statutory duty. These are explained further in the 2014 guidance.

Local authorities do not have to use these discretionary **powers** to provide free or assisted travel. However, if a local authority does make use of their discretionary powers, the authority must ensure that the policy **applies to all learners in similar circumstances** living in that authority's area. The local authority should ensure that any policy is fair, reasonable and complies with relevant equality legislation to ensure that they do not discriminate unlawfully between learners when using their discretionary powers. This has been highlighted by the courts in judicial review cases.

While local authorities are not legally required to offer free transport, examples of where discretionary transport provision might be used include:

- children under the age of five - local authorities are required to assess the travel needs of learners who are under compulsory school age, attending nursery education and who are ordinarily resident in the authority's area;
- Welsh-medium schools that are not the nearest suitable school - local authorities and the Welsh Ministers have a duty under the 2008 Measure to "promote access to education and training through the medium of Welsh" when deciding which schools are most suitable for learners in their area;
- faith schools that are not the nearest suitable school; and
- post-16 learners who continue their studies in mainstream further education or training.

6. Equality legislation and school transport

It can be lawful for local authorities to treat some learners differently in respect of home to school transport.

Schedule 3, Part 2, section 11 of the **Equality Act 2010** includes exceptions in relation to religious or belief-related discrimination with regard to the provision of services. It states that in relation to religious or belief related discrimination, the provisions of the Equality Act do not apply with regard to transport to or from school. Therefore, it is legal to provide more favourable treatment to pupils of one particular religion or belief over another type of religion or belief.

However, local authorities still need to ensure that their transport policies do not unlawfully discriminate in relation to other protected characteristics or contravene the Human Rights Act 1998, and also that they comply with the 2014 statutory Learner Travel Operational Guidance.

7. Additional Learning Needs and disabilities

When determining whether a pupil is attending their nearest suitable school, for the purposes of determining eligibility for free transport, a local authority must take into account the suitability of that school by having regard to (amongst other things) any learning difficulties or disabilities they may have. This includes any Additional Learning Needs (ALN) and Individual Development Plan (IDP) they have.

Additional Learning Needs (ALN)

The Learner Travel Operational Guidance from 2014 uses the term 'Special Educational Needs' (SEN), which was the previous legal term but has now been replaced by the term 'Additional Learning Needs' under the **Additional Learning Needs and Education Tribunal (Wales) Act 2018** ('the 2018 Act'). ALN is the term used in this guide.

If a pupil with ALN attends their nearest suitable school or the school named in their IDP (and that school is considered to be their nearest suitable school), and they live further than the statutory walking distance (2 miles for primary and 3 miles for secondary), the local authority is required to provide them with free home to school transport.

A learner only has ALN if they have a 'learning difficulty' or 'disability' that requires Additional Learning Provision (ALP). Similarly, under the previous SEN system, a learner only had SEN if they required Special Educational Provision (SEP).

Learning difficulties and disabilities

The **2008 Measure** uses the terminology 'learning difficulty' and 'disability' in the same sense as they are defined in the first part of the definition of ALN in the **2018 Act** (and the previous SEN legislation):

Learning difficulty: a significantly greater difficulty in learning than the majority of persons of the same age.

Disability: a disability which prevents or hinders a learner from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream settings.

However, the Measure does not include the condition that their learning difficulty or disability must require ALP (or SEP previously) to come under the scope of consideration for free transport. It provides that, if a learner of compulsory school age cannot walk (accompanied or unaccompanied) to their nearest suitable school, because of a disability or learning difficulty which they have, even if the distance to their nearest suitable school is less than the statutory limit for their age group, there is a duty on the local authority to make suitable travel arrangements for that child. The local authority will need to consider what arrangements are appropriate to facilitate the learner's attendance at school in accordance with their learner travel policy.

Section 4 of the Measure in effect creates a specific requirement for local authorities to adjust their travel arrangement provision so that if a child with a disability or learning difficulty lives closer to their nearest suitable school than the specified walking distances, but travel arrangements are necessary to facilitate the child's attendance at that school, the authority has a duty to make those arrangements.

Reasonable adjustments duty

The 'reasonable adjustments' duty (under the provisions of the [Equality Act 2010](#)) is still relevant to the nature of transport or travel arrangements which the local authority make under the 2008 Measure. The local authority should ensure that the arrangements they make allow disabled learners to benefit in the same way as those who are not disabled – for example, by ensuring that the transport provided is accessible and safe for the particular disabled learner.

The Equality Act 2010 prohibits an authority charging for any reasonable adjustments it has made for disabled learners.

8. Safety

The 2014 guidance states that “the safety of children is of paramount importance” and local authorities are required to assess the suitability of travel for learners between home and places of education and training.

When assessing learner needs, the guidance lists a number of things that a local authority is required to have regard to. This includes “the nature of the route that the learner is expected to take between home and the places where they receive education or training”.

The then Welsh Government defined ‘safe travel’ for the purpose of the 2014 guidance as “providing appropriate travel arrangements to ensure that as far as reasonably practicable a learner is not placed at risk, whether known or foreseen, which might result in them or other persons sustaining a trauma and or serious physical injury”.

Neither the Measure nor the guidance specifically mention hazardous route assessments for walking routes to pick up points. However, the then Minister for Economy, Science and Transport said in a letter to all Senedd Members back in 2015 that where travel arrangements made by local authorities require children to walk to and from pick up points for learner transport, they must ensure that both the walked route and the learner transport itself are suitable.

Guidance on risk assessing dedicated school service contracts is provided in the Welsh Government Guidance on Home to School Transport Risk Assessments (2009).

9. Charging for home to school transport

There are stipulated circumstances where local authorities may or may not charge for home to school transport.

Local authorities may not charge for transport arrangements that they have a duty to make for learners of compulsory school age, except in relation to looked after children where the authority is making travel arrangements for a child who is looked after by another authority. In these cases it can recoup costs from the local authority that is looking after the child .

When a local authority uses its powers to provide discretionary travel arrangements for learners not entitled to free transport provision, a charge can be made for these arrangements.

For learners who are not of compulsory school age, there is no restriction on charging. For learners of compulsory school age, charging must be in accordance with sections 455 and 456 of the **Education Act 1996**.

Disabled learners may have specific transport requirements (or reasonable adjustments under the Equality Act 2010 required for this) which may result in increased transport costs. However, the Equality Act 2010 prohibits an authority charging for any reasonable adjustments it has made for disabled learners. For example, where a learner requires an escort or a specialised vehicle, the authority cannot charge extra for those arrangements simply because they cost more to provide.

10. Financial support for home to school transport

Some potential sources of funding to help meet the costs of learner transport are listed below.

There is no statutory duty for a local authority to provide free transport to post-16 learners who continue their studies in mainstream further education or training. However, as discussed in Chapter 5, they have discretionary powers to do so.

Children and Young Persons' £1 Bus Travel Scheme

The previous Welsh Government introduced cheaper bus tickets for 16-21 year olds in September 2025, meaning single journey tickets are £1 and day tickets are £3. 16-21 year olds must have a Mytravelpass to get the discounted price. This was extended to 5-15 year olds in November 2025, with single journey tickets being £1 and day tickets £3. 5-15 year olds do not need a Mytravelpass to get the discount.

Further information is available on the [Transport for Wales website](#).

Educational Maintenance Allowance (EMA)

While it is not specifically for learner transport, 16 to 18 year olds in full-time education may be eligible for the Educational Maintenance Allowance (EMA), which is to help with the costs of education at this age.

EMA is paid fortnightly and is worth £40 per week. It is dependent on household income. If the student is the only dependent child in the household, they are eligible if annual household income does not exceed £24,570 (from September 2026). If there are more than one dependent child in the household, they are eligible if annual household income does not exceed £27,273 (from September 2006). Further information can be found on the [Student Finance Wales website](#).

Welsh Government Learning Grant Further Education (WGLG FE)

Another source of funding that is not specifically for learner travel but can be used for the costs of education incurred by learners aged 19 and over is the Welsh Government Learning Grant Further Education (WGLG FE). It is available for both part-time and full-time study.

The course must be at **level 3 or below**, such as GCSEs, AS or A-Levels, BTEC or NVQ. The college or place of study also has to be involved in the WGLG FE scheme.

This grant is also based on the amount of the **student's household income**. A student's household income must be £18,370 or less in order to receive the WGLG FE. The amount of funding a learner could receive depends on a number of income thresholds and whether they are studying part-time or full-time. Further information can be seen on the **Student Finance Wales website**.

Financial Contingency Fund (FCF)

The **Financial Contingency Fund** (FCF) is money provided by the Welsh Government so colleges in Wales can help learners who might be facing financial difficulties or are likely to leave their education. Some colleges may call them 'Student Support Funds' or 'Student Hardship Funds'.

The **money is given to colleges** so it is for them to administer on a discretionary basis. Each college is responsible for distributing the funding to ensure that support can be tailored to the needs of their learners. Medr (a Welsh Government arms-length body that is the Commission for Tertiary Education and Research) published **guidance on the FCF**.

The money is generally available to eligible students to assist with childcare, books, equipment and transport costs. Funds are administered by individual institutions. To find out more, students should contact their college.

11. Recent developments

Home to school transport / Learner Travel is an area that has been subject to debate and review in recent years.

An internal analysis and evaluation of learner travel was undertaken by Welsh Government officials during 2023. The report of this said, in March 2024, given the planned reforms for the structure of the bus industry (the now Bus Services (Wales) Act 2026) and significant challenges around budget pressures, there should be “no immediate amendment” to the learner travel legislation (the 2008 Measure).

One of the review’s recommendations was to update the 2014 guidance, mainly to reflect changes to legislation and policy that have taken place since the guidance came into force or clarify requirements relating to legislation that was in place at that time.

The previous Welsh Government consulted on revised guidance between June and November 2025 and, while **the law underpinning learner travel has not changed**, said its aims were that the revised guidance:

- aligns with and amplifies legislative developments that have taken place since the guidance was originally published in 2014;
- provides clarity on transport provision for learners with additional learning needs;
- strengthens guidance on section 10 (promoting access to Welsh medium education) and section 11 (promoting sustainable travel) of the 2008 Measure; and
- reflects some of the good practice that has been identified across Wales to encourage collaboration and partnership working between delivery partners.

The previous Welsh Government planned to issue the updated guidance before the May 2026 Senedd election, although this did not happen. The new Welsh Government has said it will review the learner travel legislation, which follows Plaid Cymru’s manifesto pledge to:

review the Learner Travel Measure, and work with local authorities to maximise the number of families that are able to access school transport, addressing particular barriers to accessing Welsh-medium education.

12. Where to find further information

The Learner Travel Information (Wales) Regulations 2009 require local authorities to publish information on travel arrangements.

This information must include:

- the general policy on free transport;
- the general policy on transport for learners for whom free transport is not provided;
- the circumstances in which reasonable travel expenses will be made; and
- arrangements and policies for learners with disabilities or learning difficulties.

The information must be made available by the 1 October in the preceding academic year to which the information relates (e.g. information relating to the 2027/28 academic year must be published by 1 October 2026)

In addition, local authorities must provide free of charge and on request information and advice relating to:

- the assessment of learner travel needs;
- the suitability of transport arrangements;
- decisions as to whether a route is 'available';
- decisions as to whether travel arrangements are necessary to facilitate the attendance of the child each day at the relevant place where they receive education or training; and
- decisions to make travel arrangements using discretionary powers.

Generally, local authority websites publish information on school transport arrangements within their admissions information, as recommended by the

Welsh Government. This aims to help parents understand any cost implications of any parental preference they may make about their child's school.