

**Subject:**

**School Transport**

**Target Audience:**

Education and Library Boards/  
Education and Skills Authority  
School Principals  
Parents

**Summary of Contents:**

**This Circular gives advice about transport arrangements which are operational from 1997/98 school year onwards**

**Enquiries:**

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**Governor Awareness**  
School governors

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**Related Documents:** None

**Superseded Documents:** 1992/25

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## **CIRCULAR NO 1996/41**

To: Education and Library Boards/  
Education and Skills Authority

31 October 1996  
updated 18 September 2009

### **SCHOOL TRANSPORT**

1.1 The Department announced on 20 August 1996 decisions arising from a review of the home to school transport policy. This Circular gives current advice about the transport arrangements which came into operation from the beginning of the 1997/98 school year and has been updated in September 2009.

### **THE STATUTORY POSITION**

2.1 Article 52 of the Education and Libraries (NI) Order 1986, as substituted by Article 23 of The Education (NI) Order 1997, requires education and library boards/Education and Skills Authority (ESA), with the approval of the Department, to make such arrangements as they consider necessary to facilitate the attendance of pupils at grant-aided schools and such pupils as the Department may from time to time specify at institutions of further education. This Circular sets out the arrangements approved by the Department under Article 52 (as substituted).

2.2 To determine those pupils who should receive transport assistance, boards/ESA should have regard to "walking distance" as defined in paragraph 3(6) of Schedule 13 to the 1986 Order, i.e. 2 miles in relation to a pupil under 11 years of age and 3 miles for older pupils measured by the nearest available route.

#### **Notes (1)**

(i) The term "walking distance" should not be interpreted as an injunction upon parents that their child must walk to school. The term is applied to a route once it has been established by a Board/ESA that it can be walked. Thereafter it may be used to determine whether responsibility for assisting a pupil with transport to and from school lies with the parent or with the Board/ESA.

### **TRANSPORT ARRANGEMENTS**

3.1 Transport assistance should not normally be provided for any pupil who lives within statutory walking distance of the school or institution of further education attended. A board/ESA may however, consider whether there are circumstances sufficiently exceptional to set aside normal consideration (see paragraph 8). Neither should assistance be provided for pupils before the beginning of the academic year in which they attain compulsory school age. Pupils who pay tuition fees, for example, those in preparatory departments of grammar schools, are not eligible for transport assistance. A board/ESA has no obligation to assist with travel for the whole of a journey, provided that the remainder of the journey does not exceed the statutory walking distance and the board/ESA is satisfied, having regard to the length and time of the total journey, that the remainder of the journey is not excessive.

## Notes (2)

- (i) Boards/ESA have no obligation to provide door-to-door transport assistance. In practice, parents may be expected to contribute with assistance to their child of up to, but not exceeding, statutory walking distance. For example, when asked to assist their child to get to a bus pick-up point.
- (ii) The pupil's home is the residence of the legal guardian of the pupil.

## SCHOOLS

3.2 Where there is a suitable school or schools within statutory walking distance from a pupil's home and a pupil attends a school outside statutory walking distance, transport assistance will be provided only where the pupil has been unable to gain a place in any suitable school within statutory walking distance.

3.3 Where there is no suitable school within statutory walking distance from a pupil's home boards/ESA may provide transport assistance to any suitable school, provided that a suitable board/ESA or public transport service to or in the vicinity of that schools is already available. A board/ESA will not be expected to introduce new bus routes or services for individuals or small groups of pupils where the cost of such transport would result in unreasonable public expenditure.

3.4 A suitable school is a grant-aided school in any of the following categories:-

### PRIMARY/SECONDARY SECTOR

#### Categories of School

Catholic Maintained,  
Controlled, or  
Other Voluntary  
Integrated  
Irish-medium

### GRAMMAR SECTOR

#### Categories of School

Denominational  
Non-Denominational

or bi-lateral school in any of the above categories. [For the purposes of eligibility for transport assistance, the grammar stream of a bi-lateral school shall be treated as a Grammar school and the secondary stream as a post-Primary (Secondary) school.]

## Notes (3)

- (i) The categories of schools do not extend to take account of other factors such as range or nature of curriculum provided, proficiency at particular sports, relationship with parish boundaries, or single sex or co-educational schools. Preferences expressed on these or similar grounds will not qualify for transport assistance if an otherwise suitable school exists within statutory walking distance and the chosen school lies outside this limit.
- (ii) Notwithstanding the above provisions, there is no obligation to seek a place in any Category B voluntary grammar schools within statutory walking distance of a pupil's home.

[Category B schools require parents to pay tuition fees.] The Category B schools are Campbell College and Royal Academical Institution. Pupils outside statutory walking distance who wish to attend these schools must, however, demonstrate that they were unable to gain a place in a non-denominational grammar school within statutory walking distance if they are to qualify for transport assistance.

(iii) The general rules set out above will apply to the “Dickson Plan” area in the Southern Education and Library Board/ESA in regard to attendance at primary schools, transfer to junior high schools at age 11 and transfer to grammar or senior high schools at age 14. Parents will, however, continue to have the right to express a preference at 11+ for a grammar school outside the area and qualify for transport assistance, subject to the provisions of paragraphs 3.2, 3.3 and 3.5.

3.5 As at present, applications may be made for a place in a school in more than one category in each school sector, and for schools in both the secondary and grammar sectors. Following the closure date for such applications by parents, each application will be treated individually for the purposes of assessing transport entitlement and a suitable school will be the category of school in which the pupil is finally placed. To be eligible for transport assistance to a school outside statutory walking distance, application must first of all be made to all schools in the same category that are within statutory walking distance before a preference is expressed for the more distant school. To qualify for assistance to the more distant school applicants must be able to show that they were unable to gain a place in such schools in the same category within statutory walking distance of their home.

### **Pupils Below Compulsory School Age**

3.6 Pupils below compulsory school age, including those in reception classes, are not eligible for assistance with transport. When such pupils reach P1 stage the procedures in paragraph 3.5 must be followed if transport assistance is being sought to a school outside statutory walking distance.

### **FURTHER EDUCATION**

4.1 The terms of this Circular apply to pupils following full-time courses in institutions of further education who are under 19 years of age at the beginning of the academic year in which their course commences, and who are not in receipt of a student award or a boarding allowance.

4.2 A suitable institution of further education is one that provides a place on a full-time course which leads to the qualification sought by the student.

4.3 Notwithstanding the provision of paragraph 4.1, boards/ESA may wish to give consideration to assisting full-time pupils who have special educational needs and who are attending institutions of further education.

### **MEANS OF ASSISTANCE**

5.1 Transport assistance for eligible pupils can be provided by a variety of means including the issue of sessional tickets (commonly referred to as "bus passes") for public transport, the operation of board/ESA vehicles, the hire of buses or taxis and the payment of bicycle or car allowances. In determining the most suitable methods of assisting pupils, boards/ESA should have regard to the interests of efficiency and economy as set out in Article 44 of The Education and Libraries (NI) Order 1986. Cost, availability and convenience, both in the short and in the long term, should be taken into consideration when determining the means of assistance.

5.2 In determining whether a transport service is suitable boards/ESA should also take into account such factors as the age of the pupil, whether it would entail an unduly early start or late ending to the pupil's period of absence from home, the duration of the journey and distance to and from the pupil's home or connection point.

5.3 Pupils should be able to travel in safety and reasonable comfort. Boards/ESA should ensure that the number of pupils being carried on their vehicles does not exceed the maximum laid down in the Public Service Vehicles Regulations. Where Board vehicles are fitted with seatbelts boards/ESA should bring this to the attention of pupils. The Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (NI) 1995, which came into operation on 24 January 1996, removed the 3 for 2 concession allowing 3 children under 14 years of age to sit in a seat fitted with two seat belts.

5.4 Where a board/ESA has been constrained in its response, that is, where it cannot provide a service that meets the aims of paragraph 5.2 and/or paragraph 5.3 within the context of paragraph 5.1, then Boards/ESA may offer parents an allowance in lieu of transport and in such cases responsibility for the journey then rests with the parent.

## **CONCESSIONARY TRAVEL**

6. Where a board/ESA supplies its own transport and seats are available after the requirements of all eligible pupils have been met it may offer seats to ineligible pupils on a concessionary basis. The offer should be made on the basis of a written contract with parents, which should set out the terms and conditions under which the offer is made, and under which it may be withdrawn. It is for the board/ESA to determine which pupils should be given such concessions.

## **ARRANGEMENTS FOR PUPILS WITH STATEMENTS OF SPECIAL EDUCATIONAL NEEDS**

7.1 Where a board/ESA maintains a statement of the special educational needs of a pupil under Article 16 of the Education (NI) Order 1996 ("the 1996 Order"), the decisions about that pupil's placement, including his or her entitlement to free home to school transport, will have been made by the board/ESA. The general arrangements described in this Circular may not, therefore, apply in the case of a statemented pupil, whether the pupil is placed at a grant-aided school or otherwise; (it will be noted in particular that Article 12(2)(c) of the 1996 Order introduces the discretionary power for a board/ESA to provide transport to facilitate the attendance of a statemented child at an independent school).

7.2 Boards/ESA should note, however, that placements of statemented children in response to parental wishes, whether at mainstream schools, special schools or independent schools are subject to the statutory condition that they must, amongst other things, be compatible with the efficient use of resources. Boards/ESA should therefore continue, under the 1996 Order, to give the most careful consideration as to whether the provision of free transport is justified in the particular circumstances of each individual case before indicating it in a statement.

### **EXCEPTIONAL CIRCUMSTANCES**

8. The application of the eligibility rule relating to distance may not always be appropriate and it is for the board/ESA to consider any case which is thought to be outside the provisions in the preceding paragraphs. Such cases considered by Boards/ESA should be by their very nature exceptional.

### **BOARDING PUPILS**

9. Boards/ESA may assist the weekend or term-time travelling of a pupil who is not eligible for assistance under the provisions of Article 135 of the Education Reform (NI) Order 1989, but who is attending the nearest acceptable grammar school as a boarder provided his/her home is beyond the distance from the school defined by the eligibility criterion.

### **GENERAL**

10. The Department should be consulted in any case where a proposal to assist with transport is not covered by this Circular.

11. The Education (School Information and Prospectuses) Regulations (NI) 2003 require boards/ESA to publish their arrangements for the provision of home to school transport and for the information to be published not later than six weeks before the date up to which parents may express a preference for a school. Boards/ESA should ensure that their published arrangements are revised to take account of the advice contained in this Circular. Information should also be made available to prospective further education students.

### **IRISH MEDIUM PROVISION**

12. Article 89(1) of The Education (Northern Ireland) Order 1998 confers upon the Department a duty to encourage and facilitate the development of Irish-medium education. In response to this duty, the boards/ESA, with the approval of the Department, shall make arrangements under paragraph 5.4 to provide an allowance for Irish-medium pupils in lieu of transport services to enable such pupils to attend Irish Medium schools where it would not be reasonably practicable to provide assistance in accordance with paragraph 5.1.

**J D WHYTE (1996)**

**A MCMULLAN (Updated September 2009)**