

Case: 201005084, The Highland Council
Sector: local government
Subject: school transport
Outcome: not upheld, no recommendations

Summary

Mr C complained that the council unreasonably refused his son a place on the school bus. Mr C had to apply for a concessionary seat for his son, who was not entitled to free school transport if he attended a school which was not the school for his catchment area. Mr C was unhappy that the council refused his son's application.

We considered the complaint, the council's responses to Mr C and his MSP, and the council and Scottish Government guidance on entitlement to free school transport when attending a non-catchment area school. We found that councils have a statutory responsibility to provide free school transport to certain categories of pupils. However, if a pupil is placed in a school as a result of a parent's placing request (ie one that is not in the relevant catchment area for where the pupil lives), they are not entitled to automatic free school transport. In cases such as these, parents must apply to the council regularly to request that they be considered for concessionary places. The council does not have a statutory duty to provide these places and they are not guaranteed.

Our investigation found that the decision not to award a place on the bus to Mr C's son was a decision that the council were entitled to make, and that there was no evidence of administrative error in the way they dealt with the matter.