



Transport provision for post-16 learners

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This note outlines the arrangements for transport to college for learners between the ages of 16 and 19 and discusses the implications of raising the participation age on transport provision.

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1 Local authority statutory duty regarding post-16 transport

The [Education Act 1996](#) s509 gives local authorities the discretion to determine what transport support is necessary in their particular area to assist young people with attendance in post-16 education. The [Education Act 1996](#) also places a duty on local authorities to prepare and publish an annual **Transport Policy Statement** specifying the arrangements the authority considers necessary to facilitate the attendance of persons of sixth form age receiving education or training. Transport Statements must be published by 31 May in order to give students and parents time to make informed choices about educational provision for the following academic year.

The Department for Education (DfE) document [Post-16 transport to education and training Statutory guidance for local authorities](#) February 2014, sets out local authority responsibilities with regard to post – 16 transport. Pages 7-13 of the guidance discusses what local authorities must take into consideration when formulating their transport policy statements, such as:

- The needs of those who could not access education or training provision if no arrangements were made
- The need to ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided
- The distance from the learner’s home to establishments of education and training
- The journey time to access different establishments
- The cost of transport to the establishments in question
- Alternative means of facilitating attendance at establishments
- Non-transport solutions to facilitate learner access
- Preferences based on religion

Individual local authority transport statements are available on each local authority’s website, these can be accessed directly or by using the GOV.UK webpage [Subsidised college transport for 16 to 19 year olds](#).

Information on the DfE website in November 2012 explained the funding arrangements for post – 16 transport:

To fund this duty, LAs use funding from central Government and locally raised revenue, including council tax. The funding received by LAs is not specifically allocated to support 16- to 18-year-olds in their transport arrangements. LAs have the discretion to prioritise any funding they receive, or generate, to meet local needs.

LAs are expected to work with local partners, e.g. schools, further education colleges and other LAs that may be appropriate in preparing their transport policies. Working with partners will help identify the transport needs of students and identify how best to support these students to ensure that transport is not a barrier to them accessing education and training.¹

¹ National Archives Department for Education webpage [Post-16 transport 30 November 2012](#)

Local authorities should not differentiate between providers or institutions in their arrangements, provisions should therefore be the same for learners of sixth form age attending schools, Academies, further education institutions or independent specialist providers for learners with learning difficulties and/or disabilities.

2 Further education provider support with post-16 transport costs

Individual post-16 education providers are allocated additional government funding through the [16-19 Bursary Fund](#); this fund is designed to help further education providers support students facing the greatest financial barriers to participation. 16-19 bursary funding may be used to help students with transport costs. A written answer to a PQ in April 2011 explained the relationship between local authorities' statutory duties relating to post-16 transport and the 16-19 bursary fund:

Students: Transport

Annette Brooke: To ask the Secretary of State for Education whether he plans to bring forward proposals to change local authority duties relating to 16 to 19 transport under the Education Act 1996 following the introduction of his Department's bursary scheme for 16 to 19 year-olds in education. [51722]

Mr Gibb: The Government have no plans to amend local authorities' statutory duties relating to post-16 transport arrangements. The 16-19 Bursary Fund, which we announced on 28 March 2011 will give schools, colleges and training providers the flexibility to make payments to support students' transport costs. This does not replace the statutory duty that local authorities have to make sure that no young person in their area is prevented from attending education post 16 because of a lack of transport.²

The 16-19 bursary fund therefore sits alongside the duty on local authorities to publish a transport policy statement each year. The bursary fund and the duty on local authorities together provide a framework which enables schools, colleges and local authorities to decide how best to ensure young people are not prevented from participating in post-16 education or training because of their financial circumstances.

3 Transport for learners with difficulties or disabilities

Under Section 509AB of the *Education Act 1996* local authorities are required to set out in their Transport Policy Statement to what extent the provisions include arrangements for learners with learning difficulties and/or disabilities up to age 25.

4 Issues

4.1 Raising the participation age (RPA)

The proposal to raise the participation age to 18 was contained in the *Education and Skills Act 2008*. The [Impact Assessment](#) of the Act stated that raising the participation age would require local authorities to take account of appropriate factors when considering options for young people's transport and that in future 'travel time' should be factored into the transport statements of local authorities:

We are proposing that 'travel time' is added as one of the range of factors to be considered by local authorities when devising transport plans for the purpose of facilitating the attendance of persons of sixth form age receiving education. We do not expect this change to place any additional cost burdens on local authorities. We want

² [HC Deb 26 April 2011, c299W](#)

to ensure that all authorities are focused on outcomes which meet young people's learning needs and that they take into account all the appropriate factors when considering the options for young people's transport. The objective is for the local authority to strike a balance between all the competing factors in drawing up their transport statement, and that one factor does not take overriding precedence over others.³

The IA also said that the proposal to raise the participation age should not create any additional cost to local authorities:

16-18 transport is funded through a formula grant from central government and income generated by councils. There are no additional costs to local authorities as a result of this proposal. The objective is for the local authority to strike a balance between all competing factors when drawing up their transport statement.⁴

The Department for Children Schools and Families published a delivery plan for RPA in a 2009 document - *Raising the Participation Age: supporting local areas to deliver*; the publication said the following on transport provision on p37:

Financial and travel support for young people

4.19 Under RPA, local transport needs to give all young people reasonable opportunities to choose between different establishments at which education or training is provided. This needs to be done alongside the Education and Inspections Act 2006 duty on local authorities to promote sustainable school travel and transport.

In February 2010 we will issue guidance to local authorities to help them to satisfy their duties in respect of post-16 transport.

Local authorities will also need to:

- ensure their 14–19 Prospectus provides information about post-16 transport arrangements from 2010;
- provide details of post-16 transport arrangements to Year 11 learners from September 2010; and
- commence the ASCL Act requirement from the academic year 2010/11 to consult young people and parents on the local transport arrangements and arrangements for financial assistance to support access to post-16 learning

Information on support with transport costs following RPA was given in answer to a PQ on 5 December 2011:

Mr Graham Stuart: To ask the Secretary of State for Education what assessment he has made of the need to provide concessionary bus fares for 16 to 18-year-olds following the raising of the participation age. [82338]

Mr Gibb: Under our proposals to raise the participation age, 16 to 18-year-olds will have a duty to participate, but not necessarily in full-time education. Young people aged 16 to 18 will still be able to leave school and will have a range of options they can take and many young people will also undertake part-time work while they are studying.

³ *Impact Assessment of the Education and Skills Act Summary: Intervention & Options* 2 December 2008 para 7.12

⁴ *Ibid* p10

Transport represents one of the main costs associated with participation post-16. That is why the £180 million 16-19 Bursary Fund introduced from September 2011, will have the flexibility to help meet transport costs for individual students.

This sits alongside the duty on local authorities to publish a statement each year that sets out the travel arrangements they consider necessary to enable young people of sixth form age to attend post-16 education. ([HC Deb 5 December 2011 c106](#))

The *Post-16 transport to education and training Statutory guidance for local authorities* February 2014, stated that following on RPA:

under the Education and Skills Act 2008, young people have been required, since June 2013, to stay in education or training for a further year after the compulsory school leaving age. From June 2015, this requirement will be extended until their 18th birthday. To support the raising of the participation age local authorities have responsibility for promoting the effective participation in education and training of young people who are subject to the duty to participate (p4)

The 2014 guidance document therefore implies that the practice of discretionary provision by local authorities will continue when the participation age rises.

4.2 Extending under 16 provisions on free transport to post 16 students

Under certain circumstances local authorities currently provide free travel to and from school for children of compulsory school age. It has been suggested that this duty should be extended to older children when the participation age is raised; however information given in reply to a PQ in the House of Lords on 26 April 2011 stated that this was not being considered:

Schools: Transport

Questions

Asked by Lord Willis of Knaresborough

To ask Her Majesty's Government whether access to mandatory school or college concessionary transport will be extended to (a) 17 year-olds in 2013, and (b) 17 year-olds in 2015, when the participation age is raised.[HL8490]

The Parliamentary Under-Secretary of State for Schools (Lord Hill of Oareford):

There are no current plans to extend the pre-16 transport duty to cover young people of sixth-form age in further education or training when the participation age is raised. ([HL Deb 26 April 2011 WA 98](#))

4.3 Statutory concessionary bus scheme for students in full time education

There is no statutory concessionary bus scheme for students in full time education, all such schemes are an issue for local authorities. In some areas of the country such as in [London](#) there are general concessionary schemes for 16-19 year olds in full time education, these schemes however are a matter for individual local authorities to determine, based on their social priorities and on available funds. It has been suggested that the government could introduce a national scheme giving free bus travel to 16-19 year olds on a similar basis as is currently given to disabled people and older people, a figure in the region of £500 million has been quoted and as an approximate annual cost for such a scheme.