



## BRIEFING PAPER

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# Transport provision for post-16 students in England

By Sue Hubble

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## Summary

Transport provision for students in England between the ages of 16 and 19 are arranged by each individual local authority. These arrangements must be published in an annual Transport Policy Statement.

Local authorities have discretion to make arrangements which suit their own specific local needs and transport provision will therefore vary across local authorities.

The Department for Education (DfE) publish statutory guidance that local authorities must consider when making their Transport Policy Statements – these statements must include provisions for students with special educational needs and disabilities.

Local authorities do not have to provide free transport, but they may provide discounted schemes. The details of transport schemes are set out on local authority websites.

The cost of post-16 transport has received increased attention since the Government raised the participation age in education and training to 18.

# 1. Local authority statutory duty regarding post-16 transport

The *Education Act 1996* s509 gives all local authorities in England the discretion to determine what transport support is necessary in their particular area to assist young people with attendance in post-16 education and training.

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 each year in order to give students and parents time to make informed choices about educational provision for the following academic year.

## 1.1 Statutory guidance

The Department for Education (DfE) publish guidance for local authorities on post-16 transport policy - [Post-16 transport to education and training Statutory guidance for local authorities](#), October 2017. The guidance states that the overall intention of the 16-18 transport duty is to ensure that:

learners of sixth form age are able to access the education and training of their choice.<sup>1</sup>

The guidance states that local authorities must consider the following factors when compiling their transport statements:

- 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

Local authorities must have regard to the statutory guidance when developing and publishing their transport policies.

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<sup>1</sup> DfE, [Post-16 transport to education and training Statutory guidance for local authorities October 2017](#), p5

## 1.2 Local authority discretion

The *Education Act 1996* s509 gives local authorities the discretion to determine what transport support is necessary in their particular area. Transport arrangements for students over 16 will therefore vary from area to area as each local authority makes its own provisions based on the needs of their population, the local transport infrastructure, and the resources they have available.

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.

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 transport for 16 to 19 year olds in education](#).

## 1.3 Funding of transport arrangements

The statutory guidance states that local authorities fund their transport provision from government grants and generated income:

The local authority is required to deliver the arrangements it has detailed in the transport policy statement. Local authorities fund their responsibilities through the grants they receive from national government, which are not ring-fenced, and through generated income, such as council tax.<sup>2</sup>

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<sup>2</sup> DfE, [Post-16 transport to education and training Statutory guidance for local authorities October 2017](#) p8 para 15

## 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.

The 16-19 bursary funding may be used to help students with transport costs, but providers should consider their local authority's transport statements when setting their policy on funding:

Institutions should remember that whilst the discretionary bursary can be used for transport costs, it does not replace the statutory transport duty local authorities have. Each local authority must publish an annual transport statement that sets out the arrangements they will make to facilitate participation in education or training for students aged 16 to 19. Institutions should consider the relevant local authority's transport statement when setting their bursary fund policy.<sup>3</sup>

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.

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<sup>3</sup> DfE, [16 to 19 Bursary Fund guide: 2018 to 2019 academic year](#), updated 28 June 2018

### 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.

The DfE statutory guidance explains the duties of local authorities with regard to transport for students with special educational needs and disabilities (SEND):

The 16-18 transport duty relates to young people of sixth form age with special educational needs and disabilities aged up to 19 (and beyond the age of 19 if they are continuing on a particular course started before the age of 19).

18. Local authorities also have a duty under the Education and Skills Act 2008 to encourage, enable and assist the participation of young people with special educational needs and disabilities up to the age of 25 in education and training. It therefore follows that it is good practice for local authorities to include information about what transport arrangements are available and whether they are adequate to enable these young people to participate.<sup>4</sup>

The transport needs of young people with SEND should be reassessed when a young person moves from compulsory schooling to post-16 education. Arrangements cannot be limited to those young people who had been assessed as having particular transport needs prior to the age of 16. Local authorities should publish their transport policies on their “local offer” as required under the Children and Families Act 2014.

The guidance states there is no requirement for local authorities to offer transport to a specific provider named in a student’s EHC plan:

Young people with an EHC plan will have an institution named in their plan at Section I. There is no entitlement to transport to and from this named provider and transport should only be named in an EHC plan in exceptional circumstances. Local authorities should ensure during EHC plan discussions that parents are made aware that transport support will be considered in accordance with the local authority’s own post-16 transport policy.<sup>5</sup>

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<sup>4</sup> DfE, [Post-16 transport to education and training Statutory guidance for local authorities October 2017](#) p12 paras 17 and 18

<sup>5</sup> *Ibid* para 21

## 4. Issues

### 4.1 Participation in post-16 education

The law requires all young people in England to continue in education or training until at least their 18th birthday.

Information on the post-16 participation in education policy is given in a DfE document, [Participation of young people in education, employment or training Statutory guidance for local authorities](#) September 2016. The guidance sets out the duties, as well as the roles that schools, colleges and training providers have with regard to post-16 participation – this includes local authorities duties with regard to transport for students:

When developing transport arrangements and preparing their post-16 transport policy statement, local authorities should, in accordance with their duty under the Education Act 1996, ensure that young people are not prevented from participating because of the cost or availability of transport to their education or training. Statutory guidance has been developed to help local authorities to meet their post-16 transport duty.<sup>6</sup>

Information on participation in post-16 education and the effect on local authorities post-16 transport arrangements was given in a PQ on [16 October 2017](#):

**Schools: Transport:** Written question - 105725

**Michelle Donelan:** 6 October 2017

To ask the Secretary of State for Education, what assessment her Department has made of the effect of ending free school transport at 16-years old on the number of students continuing to study to age 18; and what estimate she has made of the quantum of costs per student for people aged over 16 not able to use free school transport.

**Anne Milton:** 16 October 2017

The Department for Education's latest participation figures suggest that the cost of travelling to education or training is not deterring young people from participating post-16. At the end of 2016, the proportion of academic age 16 and 17-year-olds (those young people under a duty to participate) in education or an apprenticeship rose to 91.1% - the highest level since consistent records began in 1994.

The statutory responsibility for transport to education or training for 16 to 18 year olds rests with local authorities and they are expected to make appropriate decisions bearing in mind local circumstances.

While arrangements made by authorities do not have to include free or subsidised transport, most young people do have access to a discount or concession on local bus or train travel, either from their local authority, transport provider, school or college. The £180 million 16 to 19 Bursary Fund is available to help disadvantaged young people to access education and training, and is often used to help with transport costs.

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<sup>6</sup> DfE document, [Participation of young people in education, employment or training Statutory guidance for local authorities](#) September 2016, p12 para 40

## 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. This issue was raised in a PQ in 2015

**Transport: Children:** Written question - 223034

**Rushanara Ali:** 03 February 2015

To ask the Secretary of State for Education, what assessment she has made of the effect on local authorities of planned policies to extend the rules governing transport for children in full-time education or undertaking an apprenticeship to 16 to 18 year olds.

**Mr David Laws :** 09 February 2015

There are no planned policies to extend the rules governing school transport for children of compulsory school age to cover students in post-16 education or training.

The statutory responsibility for transport to education or training for 16- to-18-year-olds rests with local authorities, who are expected to make appropriate decisions bearing in mind local circumstances. Arrangements made by authorities do not have to include free or subsidised transport, although most young people do have access to a discount or concession on local bus or train travel, either from their local authority, transport provider, school or college. [[HC Deb 3 February 2015](#)]

The DfE guidance states that local authorities do not have a duty to provide free or subsidised travel for over 16s:

Although on the face of legislation local authorities do not have to provide free or subsidised transport, when making their assessment of what is required, local authorities must act reasonably, taking into account all relevant matters, such as the needs of their population, the local transport infrastructure and the resources available.<sup>7</sup>

## 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 young people on a similar basis as is currently given to disabled people and older people, - this was raised in a PQ in May 2018

**Bus Services: Concessions:** Written question - 142328

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<sup>7</sup> DfE, [Post-16 transport to education and training Statutory guidance for local authorities October 2017](#), p5 para 3

## 10 Transport provision for post-16 students in England

**John Grogan:** 09 May 2018

To ask the Secretary of State for Transport, if he will make an estimate of the potential cost to the public purse of (a) restoring free off-peak bus travel to people aged 60 and over in England and (b) giving free bus travel to people aged 18 to 25 in England.

**Ms Nusrat Ghani :** 17 May 2018

The current national concessionary scheme costs around £1 billion and, given the pressure on public finances, any further extensions to the scheme could jeopardise its sustainability.

Restoring the previous age of eligibility for concessionary bus travel to sixty would see a return to the anomalous position of non-disabled, working-age citizens receiving free bus passes. Re-establishing the link between concessionary bus pass eligibility and the state pension age has addressed that issue.

There are no plans to implement a national bus concession for young people. However, my Department continues to engage with the Department for Education on other concessions such as for apprenticeships. In addition, the new Enhanced Partnership powers in the Bus Services Act allows local transport authorities and bus operators to agree standard ticket rules, such as eligibility for reduced fares across operators. Local authorities already have the discretion to offer additional concessions, and are best placed to make decisions that match local needs and circumstances. [[HC Deb 17 May 2018](#)]

Examples of local concessionary bus schemes for students were given in a Westminster Hall debate on 8 May 2018:

As I mentioned, local authorities have the powers to offer travel concessions on buses to local residents, and there are many examples of that for groups such as students. As part of the Bus 18 partnership between operators and West Yorkshire combined authority, there are half-price tickets for young people up to the age of 19, and pupils wearing their school uniform will no longer have to show a half-fare bus pass. In Liverpool, the voluntary bus alliance between Merseytravel, Arriva and Stagecoach has seen a flat fare of £1.80 for young people, with growth of 140% in bus travel by young people, as well as overall passenger growth of 16%. In Hertfordshire, young people aged 11 to 18 can pay £15 for a card that entitles them to half-price fares on local services.<sup>8</sup>

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<sup>8</sup> HC Deb [[Concessionary Bus Passes](#)] 8 May 2018 c225

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