



BRIEFING PAPER

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Transport provision for post-16 students in England

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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 and travel support to education and training Statutory guidance for local authorities, January 2019](#). 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.¹

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.

¹ DfE, [Post-16 transport and travel support to education and training Statutory guidance for local authorities, January 2019](#), p6.

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.²

² DfE, [Post-16 transport and travel support to education and training Statutory guidance for local authorities, January 2019](#), p10 para 28.

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.³

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 DfE, [16 to 19 Bursary Fund guide: 2020 to 2021 academic year](#)

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).

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.⁴

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.⁵

A Parliamentary Question (PQ) answered on 26 November 2020 gave information on the Government’s transport policy for students with SEN and the money spent by local authorities to meet their statutory duties:

[Schools: Transport: Written question - 119258](#)

Colleen Fletcher: 23 November 2020

To ask the Secretary of State for Education, what support his Department provides to help children with disabilities travel to and from school.

Nick Gibb: 26 November 2020

⁴ DfE, [Post-16 transport and travel support to education and training Statutory guidance for local authorities, January 2019](#) p13 paras 30 and 31.

⁵ *Ibid* para 34.

8 Transport provision for post-16 students in England

Local authorities have a statutory duty under section 508B of the Education Act 1996 to make travel arrangements to enable all eligible children of compulsory school age to attend their nearest suitable school. This includes those who live beyond the statutory walking distance (2 miles for children under the age of 8 and 3 miles for children aged 8 and over) and those whose special educational needs, disability or mobility problem mean they could not reasonably be expected to walk to the school. Local authorities spend more than £600 million every year on transport for pupils with special educational needs and disabilities.

The Department has allocated more than £70 million to local transport authorities (LTA), enabling them to increase dedicated home to school and college transport capacity over the autumn term. LTAs have flexibility in how they use this funding to meet the needs of local families.

The Government has provided £4.6 billion of funding to support councils through the COVID-19 outbreak. This funding is un-ringfenced, recognising that local authorities are best placed to decide how to meet the major COVID-19 service pressures in their local area.

3.1 Students with SEN starting courses after the age of 19

In some cases students aged 19-25 with EHC plans may be eligible for free transport if they start a course after they are 19 and if they need specialised transport arranged by the local authority. The adult transport duty is explained in FAQs in the DfE local authority [statutory guidance](#) p39-40:

Q: How do the duties apply for people with Special Educational Needs and Disabilities (SEND) as they turn age 19?

A: The duty a young person is assessed under is dependent on when they started their current course. If a young person with SEND started the course before their 19th birthday then they are assessed under the 16-18 duty. If they have started a new course after their 19th birthday then they are assessed under the adult duty.

Young people will qualify for free transport under the adult duty where the local authority assesses that in order to attend education or training they require transport arranged by the local authority, such as a specialised vehicle or minibus. If the young person's

requirements are a personal travel budget, mileage allowance or public transport pass then this does not need to be provided free by the local authority as they have not put the travel arrangements in place. However, in these circumstances the local authority has discretion to pay some or all of the travel expenses.

Young people can also receive free transport if they are attending institutions outside of the HE and FE sector and started after their 19th birthday in residential provision if the provision, boarding accommodation and transport were all arranged by the local authority. Again, in these circumstances the local authority has discretion to pay some or all of the travel expenses.

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 the duties of local authorities 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.⁶

A PQ on the issue of participation in post-16 education and the implications for the post-16 transport arrangements of local authorities was asked on 8 October 2018:

[Schools: Transport: Written question - 176635](#)

Layla Moran: 8 October 2018

To ask the Secretary of State for Education, what assessment his Department has made on the effect of raising of the Participation Age to 18 on the ability of (a) families and (b) local authorities to afford post-16 school and college transport.

Anne Milton: 16 October 2018

The statutory responsibility for transport to education and training for 16 to 19 year olds rests with local authorities, enabling them to make decisions based on local needs and circumstances. Local authorities are expected to make reasonable decisions based on the needs of their population, the local transport infrastructure and the resources that they have available.

Most young people have access to some kind of discount or concession on bus or train travel, either from their local authority, their local transport providers or from their school or college. The 16-19 Bursary Fund is also available to support young people who need additional support to help them with costs such as transport.

At the end of 2017, the proportion of 16 and 17 year olds in education or an apprenticeship was 90.5%. This is the highest level since consistent records began in 1994.

⁶ 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.⁷

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 a matter for individual local authorities to determine, based on their social priorities and on available funds. In London, for example, [children aged 16-17 get free travel on buses and trams](#).

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](#) and again in [June 2019](#).

[Bus Services: Concessions: Written question - 142328](#)

John Grogan: 09 May 2018

⁷ DfE, [Post-16 transport to education and training Statutory guidance for local authorities January 2019](#), p5 para 3.

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.

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.⁸

⁸ HC Deb [[Concessionary Bus Passes](#)] 8 May 2018 c225

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