Department for Education

# Post-16 transport to education and training

## Statutory guidance for local authorities

**February 2014**

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# Summary

## About this guidance

This statutory guidance has been produced to support local authorities in developing their transport policy and publishing their transport policy statements. Local authorities must have regard to this guidance when carrying out their responsibilities in relation to transport arrangements for young people of sixth form age.

Local authorities should take their own legal advice when preparing the policy statement and devising a local response to transport needs, to ensure that they are exercising their duties and powers in a manner which complies with the legislation and public law.

This guidance replaces the 2010 Post-16 Transport Guidance issued in June 2010.

## Expiry or review date

This guidance will be reviewed annually from February 2015 and updated versions will be published if necessary.

## What legislation does this guidance refer to?

The Education Act 1996 makes provision for school transport and transport to post-16 education for young people of sixth form age.  A summary of the relevant legislation is outlined in 'Appendix – summary of statutory provisions'.

## Who is this guidance for?

This guidance is for local authorities in England.

# Key points

1. Local authorities have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or otherwise that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training[1].

2. 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
- ensure that, if support for access is required, this will be assessed and provided where necessary.

# The policy landscape

3. The planning of transport provision at a local level should take into account the following recent changes to the policy landscape:

- 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
- under the September Guarantee, every young person aged 16 or 17 must be offered a suitable place in education or training
- increasingly young people will be undertaking apprenticeships and traineeships. The government has made it easier and faster for employers to recruit an apprentice and we would expect young people to benefit from continued expansion of the apprenticeships programme.

Ensuring that young people have access to the education and training provision that is commissioned at a local level will be essential in order to support these reforms.

[1] Section 509AA of the Education Act 1996

# Extent and coverage of the 16-18 transport duty – section 509AA

4. The duty applies to all local authorities in England in respect of arrangements for young people (over compulsory school age) aged 16-18 and those continuing learners who started their programme of learning before their 19th birthday[2].

5. The legislation recognises that a local response to transport arrangements is important in enabling young people's participation in education and training. A local approach allows local circumstances to be taken into account. The legislation therefore gives local authorities the discretion to determine what transport and financial support are necessary to facilitate young people's attendance. The local authority must exercise its power to provide transport or financial support reasonably, taking into account all relevant matters. A failure to make arrangements would amount to a failure to meet the duty.

6. The transport policy statement must detail the transport arrangements and financial assistance with transport that the local authority considers it necessary to make to ensure access to education or training for learners of sixth form age[3].

7. It is important that the local authority does not differentiate between providers or institutions in its arrangements. The arrangements must be provided for learners of sixth form age who are engaged in learning or training at:

- a school
- a further education institution
- an authority maintained or assisted institution providing higher or further education
- an establishment funded directly by the Education Funding Agency, for example independent specialist providers for learners with learning difficulties and/or disabilities
- a learning provider that is funded by the local authority to deliver accredited programmes of learning which lead to a positive outcome (this could include colleges, charities and private learning providers).

8. Arrangements to support learners undertaking apprenticeships and traineeships should also be set out in the transport policy statement. These may include the costs of travelling to or from the place of learning or work placement. Employers and learning providers will want to take account of young people's likely transport arrangements when planning off-the-job training, particularly outside normal working hours.

[2] Section 509AC of the Education Act 1996 defines persons of sixth form age for the purposes of the sixth form transport duty
[3] See section 509AA of the Education Act 1996

9. The transport policy statement must also specify the arrangements proposed to be made by the governing bodies of schools and further education colleges which may include support with transport costs or transport provision[4]. The local authority should only include arrangements that are actually going to be made and not make assumptions about what arrangements it thinks schools and colleges should make. Governing bodies are under a duty to co-operate in giving the local authority any information and other assistance that is reasonably required by the authority to enable them to prepare their statement[5].

## Transport policy statement audience and content

10. The transport policy statement is intended to inform young people in years 11, 12 and 13 and their parents about what transport arrangements and support are available locally. The statement should be a single point of reference providing information about transport arrangements to all types of provision, including arrangements made by bodies other than the local authority. The statement must set out what the local authority's overall transport policy is in regard to young people and the rationale behind the policy.

11. The transport policy statement should be clear and provide sufficient detail about the transport arrangements and support provided to inform young people in making their post-16 choices. Young people should be provided with information through the transport policy statement about who is eligible for transport support and how and when they should apply for support. Details of any concessionary fares, discounts, subsidies or travel cards should be included alongside the eligibility criteria for this support and how eligibility will be assessed. Clear signposting from the statement should point young people to sources of further information, for example local authority, college, transport provider websites or contact details.

## Funding

12. The local authority is required to deliver the arrangements it has detailed in the transport policy statement. The arrangements local authorities choose to make are generally funded through the formula grant from central government to local authorities, and through locally raised revenue including council tax. Local authorities and their partners may use other sources of funding to support these costs where appropriate.

[4] Section 509AA(4) of the Education Act 1996.
[5] Section 509AA(5) of the Education Act 1996

# Assessment of what arrangements are needed

13. In assessing what transport arrangements or financial assistance may be required, the local authority must have regard to the following.

13.1 **The needs of those who could not access education or training provision if no arrangements were made**[6]

Local authorities need to satisfy themselves that they have made the transport arrangements or arrangements for financial assistance necessary to facilitate young people's participation in education or training. In doing so, they should consider the needs of the most vulnerable or socially excluded. The needs of young people with learning difficulties and/or disabilities should be specifically considered and the arrangements in place for each group must be documented in the transport policy statement (see section 'Specific consideration of learners with learning difficulties and/or disabilities').

Local authorities should also consider the needs of:

- those who are vulnerable to becoming not in education, employment or training (NEET) at the age of 16 or 17 or who have already become NEET;these young people should be offered a suitable course of education or training and provided with any support that is necessary with transport to enable them to participate[7]

- young parents – Care to Learn (C2L) can help pay for childcare and travel costs for learners aged 19 and under at the start of their course[8]. Learning providers should be encouraged to support young people to apply for C2L – further details are available at www.gov.uk/care-to-learn

- those who live in particularly rural areas where the transport infrastructure can be more limited.

13.2 **The need to ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided**[9]

Young people should have a reasonable opportunity to choose between the courses available to them at 16 and be supported to access their choices. Local authority transport policies must be supportive of reasonable choice. In defining what is

[6] Section 509AB(3)(a) of the Education Act 1996
[7] Local authorities are reminded that all 16 and 17 year olds (i.e. those completing compulsory education in the current year, or who completed in the previous year) are entitled to an offer of a place in post-16 learning under the September Guarantee.
[8] The additional costs of taking a child to and from childcare may be claimed, within a set weekly limit. C2L does not support the costs of travel to the learning provider.
[9] Section 509AB(2)(b) of the Education Act 1996

'reasonable', local authorities will want to take into account any complaints received in previous years in respect of local transport policy statements.

We would expect reasonable choice to include enabling young people to choose courses outside their home local authority boundaries if it makes sense for them to do so. In this case, local authorities will want to consider how their transport policy can support movement across local authority boundaries, to ensure that the young person is no worse off than if they had chosen to attend an establishment within their home local authority. In doing so, they will want to be mindful of the transport policy of neighbouring local authorities. The transport policy statement must set out the local authority's policy for travel to neighbouring local authority areas.

Reasonable choice should also include enabling young people to choose an establishment of education or training that is not the closest to where they live if it makes sense to do so.

### 13.3 **The distance from the learner's home to establishments of education and training**[10]

Distance should be a factor that local authorities consider in determining eligibility for support with transport. Young people in rural areas should not be worse off financially because they may need to travel further to access education and training provision than their peers in urban areas. The statutory walking distance of 3 miles to school (along the nearest available route) for those of compulsory school aged 8 and over is set out under section 444(5) of the Education Act 1996. This can be used as a benchmark by local authorities in defining the distance a young person might reasonably be expected to walk to access education or training. In determining whether transport arrangements are necessary, local authorities will want to take into account other factors, such as the impact a learning difficulty or disability may have on a young person's ability to walk this distance, and the nature (including safety) of the route, or alternative routes, which a young person could be expected to take .

### 13.4 **The journey time to access different establishments**[11]

Journey time also needs to be taken into account. Consistent with the home to school transport duty for children of compulsory school age, young people should be able to reach their establishment of education or training without incurring such stress, strain, or difficulty that they would be prevented from benefiting from the education provided. For example, a young person should not have to make several changes of public service bus (or other mode of transport) to get to their establishment of education or training, if that would result in an unreasonably long journey time. In this context, local authorities will want to consider which mode of transport will best meet the

[10] Section 509AB(2)(c) of the Education Act 1996.
[11] Section 509AB(3)(c) as amended by the Education and Skills Act, section 83

need to ensure a reasonable journey time. Best practice suggests that a child of secondary school age may reasonably be expected to travel up to 75 minutes each way to access learning. Local authorities should apply similar expectations to young people of sixth form age.

### 13.5 **The cost of transport to the establishments in question**[12]

Local authorities are expected to target any support on those young people – and their families – who need it most, particularly those with a low income. The transport policy statement should set out clearly the criteria used to establish a learner's eligibility to receive transport/financial support. The effective implementation of these measures will ensure that all learners are able to have reasonable choice in post-16 learning and will contribute towards reducing child poverty.

Local authorities may ask learners and their parents for a contribution to transport costs. We would expect local authorities to exercise their discretion in determining in what circumstances it is appropriate to ask for a contribution, but in exercising their discretion they should:

- ensure that any contribution is affordable for learners and their parents
- ensure that there are arrangements in place to support those families on low income
- take into account the likely duration of learning and ensure that transport policies do not adversely impact particular groups. For example, as young people with learning difficulties and/or disabilities are more likely to remain in education or training longer than their peers, any contribution sought from the families of young people with learning difficulties and/or disabilities would need to allow for the fact they may have to make a contribution over a longer period than the families of those with children who do not have a learning difficulty and/or disability.

Local authorities may take receipt of 16-19 bursary funding into account in assessing an individual's need for financial help with transport.

To aid transparency, it is helpful for local authorities to set out the average cost per young person of post-16 transport in their area before any subsidies are deducted. Clearly setting out average costs will enable learners and parents to understand the extent of the local authority subsidy.

[12] Section 509AB(3)(d) of the Education Act 1996.

13.6 **Alternative means of facilitating attendance at establishments**[13]

Local authorities should consider alternative means of facilitating attendance at establishments of education or training. In doing so, they should consider young people's safety. Suitable and appropriate alternatives may include transport solutions, for example:

- cycle schemes – which can support independence and also offer a sustainable form of transport provision
- moped schemes – which can support individual learners (over the age of 17) to travel to education and training from rural areas where there is no critical mass of learners meaning that, for example, a bus service, is not viable
- independent travel training to enable young people (often with learning difficulties and/or disabilities) to travel on public transport independently. See section 'Specific consideration of learners with learning difficulties and/or disabilities' for further details.

13.7 **Non-transport solutions to facilitate learner access**

Local authorities will also want to consider whether non-transport solutions could facilitate learner access to education or training: for example peripatetic teachers, mobile provision and e-learning options.

13.8 **Preferences based on religion**

Local authorities must have regard to any preference the individual may have for a particular institution based on their religion or belief.

Under the Education Act 1996[14] "religion" means any religion and "belief" means any religious or philosophical belief. References to "religion or belief" include references to a lack of religion or belief. It therefore follows that this duty covers all religions as well as philosophical denominations.

[13] Section 509AB(3)(d) of the Education Act 1996
[14] Section 509AD of the Education Act 1996 (as inserted by section 84 of the Education and Inspections Act 2006).

## Specific consideration of learners with learning difficulties and/or disabilities

14. The 16-18 transport duty relates to young people of sixth form age with learning difficulties and/or 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 learning difficulties and/or 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.

15. Section 509AB(1) of the Education Act 1996 imposes a requirement that the transport policy statement should set out the extent to which the arrangements specified in the statement include arrangements for facilitating the attendance at schools and learning providers of young people with learning difficulties and/or disabilities. Arrangements for this group of young people must therefore be set out explicitly in the statement.

16. The transport needs of young people with learning difficulties and/or disabilities 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. Subject to the passage of the Children and Families Bill, local authorities will be required to publish a 'local offer' setting out their services for children and young people with special educational needs, and this should include arrangements for travel to and from schools and post-16 institutions.

17. A learner with learning difficulties and/or disabilities may take longer to complete a programme of learning or training, and therefore it will be good practice for the local authority to extend the arrangements for the provision of transport until a learner has completed their programme even if that is after they have reached the age of 19.

18. If the local authority and/or providers operate an independent travel training scheme it is good practice to include such initiatives in the transport policy statement. The statement should set out the process for the learner or carer to access the scheme. These schemes enable young people to gain skills which can be used for travelling to education or training and have, in some cases, enabled local authorities to make cost savings. It is strongly recommended that local authorities consider these schemes for the all-round benefits they can bring.

19. A tool has been developed to help local authorities to monitor the cost effectiveness of their independent travel training programme in a consistent way. The tool is intended to support local authorities in making a case for mainstream funding for their independent travel training programmes by showing the financial savings that can be realised through implementing such programmes. The Independent Traveller Training tool is available from the GOV.UK website.

Local authoriites will want to be aware of the adult transport duty (section 508F and section 508G of the Education Act 1996, as inserted by section 57 of Apprenticeships, Skills, Children and Learning Act 2009) in carrying out their responsibilities for this group.

# Local complaints process

20. Local authorities must publish as part of the transport policy statement the process which will be followed should a complaint or an appeal be made on behalf of, or by, a young person. Complaints must first be taken up with the local authority[15]. If these do not result in a satisfactory outcome, young people or their families may complain to the Secretary of State.

## Complaints to the Secretary of State

21. Under section 509AA (9), of the Education Act 1996, the Secretary of State may direct a local authority to make transport arrangements or provide financial assistance for travelling expenses for individuals or groups of learners. This only applies where particular transport arrangements or financial assistance have not been included in, or are not covered by, the local authority's transport policy statement. The Secretary of State can make a direction where he considers it expedient to do so, having regard to the particular circumstances of the case.

22. The Secretary of State also has powers under section 496 and 497 of the Education Act 1996 to direct a local authority where they have exercised their functions unreasonably or where they have failed to discharge a duty. If the Secretary of State is satisfied that an authority has acted unreasonably, he may give such directions as to the exercise of the power or performance of the duty as appear to him to be expedient.

[15] Section 509AE(4) (sixth form complaints) of the Education Act 1996

## Consulting key partners on the transport policy statement

23. The transport policy statement is the responsibility of the local authority. However, the local authority should try to achieve a consensus with other partners and stakeholders about its content and delivery. Post-16 transport partnerships which bring together the key partners have been helpful in developing a collaborative approach to transport solutions and the production of the transport policy statement.

24. The local authority has a duty to consult with the following stakeholders in developing the statement to ensure that it provides a full picture of the available transport and support:

- any other local authorities it considers appropriate (including neighbouring local authorities that are in Wales or Scotland) [16]. There will be occasions where learners will travel across local authority boundaries and this should not be a barrier for the learner. There are also clear benefits for local authorities to collaborate where similar challenges exist or to share good practice

- other departments within the local authority, for example social services, who may also procure for, or own, their own transport

- the governing bodies of schools and further education institutions[17]. It is important to note that the power of schools and colleges to make arrangements is in addition to, and not instead of, the power of the local authority to make arrangements

- Passenger Transport Executives and the integrated transport authorities they are responsible to, and Transport for London (TfL) where the local authority is a London borough or the City of London[18] [19]

- persons of sixth form age and their parents[20]. Local authorities should set out in their transport policy statements how and when they propose to consult young people and their parents to inform the development of their statements in the following year.

25. Other bodies including education and training providers; HEIs; transport companies and authorities operating in the locality; public sector bodies; community groups;

[16] Section 509 AB(6)(a) of the Education Act 1996.
[17] Section 509AB(6)(b).
[18] Section 509AB(7)(a)
[19] Section 509AB(7)(b).
[20] Section 54 of ASCL 2009 inserts new subsection (ca) in s509AB(6.) This was commenced in April 2010, to apply for the academic year 2011/12.

voluntary organisations and groups/organisations with an interest in disability issues (including independent specialist providers) should also be consulted where appropriate.

## Publication of the transport policy statement

26. The transport policy statement must be published by the local authority by 31st May each year.

27. The transport policy statement should be available on the local authority's own website by 31 May. Local authorities are also responsible for ensuring that a link is made to the GOV.UK website which is the main source of government web based information for the general public.

28. To facilitate this process the local authority's web team should complete the following actions:

- load the transport policy statement on to the council website
- update the links to GOV.UK: see www.gov.uk/subsidised-college-transport-16-19.

Any queries relating to updating the links should be directed to localdirectgov@communities.gsi.gov.uk.

29. Local authorities should also provide information about the transport arrangements in their areas to young people through whatever channels are available. Availability and cost of transport will inform how young people choose their post-16 provision. Local authorities will need to ensure that those who have a role in supporting young to people to make these decisions are aware of transport arrangements in their area.

## In-year changes

30. Local authorities should consider their approach to implementing what is set out in its transport policy statement and continue to monitor its progress throughout the year.

31. Local authorities may amend and republish their transport policy statements in-year in response to complaints or to a direction by the Secretary of State.

# Appendix – summary of statutory provisions

This appendix sets out the relevant statutory provisions in the Education Act 1996 (as amended) in relation to local authorities' responsibilities for the provision of transport for relevant young adults and persons of sixth form age.

## 508F Local authorities in England: provision of transport etc for adult learners

(1) A local authority in England must make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purposes mentioned in subsections (2) and (3).

(2) The first purpose is to facilitate the attendance of adults receiving education at institutions—

(a) maintained or assisted by the authority and providing further or higher education (or both), or

(b) within the further education sector.

(3) The second purpose is to facilitate the attendance of relevant young adults receiving education or training at institutions outside both the further and higher education sectors, but only in cases where the local authority have secured for the adults in question—

(a) the provision of education or training at the institution in question, and

(b) the provision of boarding accommodation under section 514A.

(4) Any transport provided under subsection (1) must be provided free of charge.

(5) In considering what arrangements it is necessary to make under subsection (1) in relation to relevant young adults, a local authority must have regard to what they are required to do under section 15ZA(1)[21] in relation to those persons.

(6) In considering whether they are required by subsection (1) to make arrangements in relation to a particular adult, a local authority must have regard (among other things) to the age of the adult and the nature of the route, or alternative routes, which the adult could reasonably be expected to take.

[21] 15ZA Duty in respect of education and training for persons over compulsory school age: England
(1) A [local authority] in England must secure that enough suitable education and training is provided to meet the reasonable needs of—
(a) persons in their area who are over compulsory school age but under 19, and
(b) persons in their area who are aged 19 or over but under 25 and are subject to learning difficulty assessment.

(7) Arrangements made under subsection (1) by virtue of subsection (3) to facilitate full-time education or training at an institution outside both the further and higher education sectors must be no less favourable than the arrangements made for relevant young adults of the same age for whom the authority secure the provision of education at another institution.

(8) A local authority  in England may pay all or part of the reasonable travelling expenses of an adult—

(a) receiving education or training at an institution mentioned in subsection (2) or (3), and

(b) for whose transport no arrangements are made under subsection (1).

(9) In this section—

"adult" means a person who is neither a child nor a person of sixth form age,

"sixth form age" is to be construed in accordance with section 509AC(1), and

"relevant young adult" means an adult who is aged under 25 and is subject to learning difficulty assessment.

## 508G Local authorities in England: transport policy statements etc for young adults subject to learning difficulty assessment

(1) A local authority in England making arrangements, or proposing to pay travelling expenses, under section 508F in relation to relevant young adults must consult—

(a) any other local authority that they consider it appropriate to consult,

(b) governing bodies of institutions within the further education sector in the authority's area,

(ba) proprietors of 16 to 19 Academies in the authority's area,

(c) persons in the local authority's area who will be relevant young adults when the arrangements or payments have effect, and their parents,

(d) the Secretary of State, and

(e) any other person specified by the Secretary of State.

(2) The authority must prepare for each academic year a transport policy statement complying with the following requirements.

(3) The statement must specify any transport or other arrangements, and any payment of travelling expenses, made or to be made in relation to the year under section 508F in relation to relevant young adults.

(4) The statement must also specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985)[22] which are to be provided under any scheme established under section 93 of that Act to relevant young adults receiving education or training at an institution mentioned in subsection (2) or (3) of section 508F.

(5) The authority must publish the statement by the end of May in the year in which the relevant academic year begins.

(6) In preparing and publishing the statement, the authority must have regard (among other things) to the need to—

(a) include in the statement sufficient information about the matters that the statement must specify, and

(b) publish the statement in time,

to enable relevant young adults and their parents to take reasonable account of those matters when choosing between different institutions at which education or training is provided.

(7) The publication of a statement under this section in relation to an academic year does not prevent an authority from—

(a) making additional arrangements or payments under section 508F in relation to the academic year, or

(b) providing additional travel concessions in relation to the academic year.

(8) The Secretary of State may amend subsection (5) by order to change the time by which the statement must be published.

(9) In this section—

"academic year" has the meaning given in section 509AC,

"governing body" has the meaning given in section 509AC, and

"relevant young adult" has the meaning given in section 508F.

[22] The Transport Act 1985 can be viewed on www.legislation.gov.uk.

## 508H Guidance: sections 508F and 508G

In making arrangements under section 508F(1) and preparing and publishing a statement under section 508G, a local authority must have regard to any guidance issued by the Secretary of State under this section.

## 508I Complaints about transport arrangements etc for young adults subject to learning difficulty assessment: England

(1) A local authority may revise a statement prepared under section 508G to change any matter specified under subsection (3) of that section if, as a result of a relevant young adult transport complaint, they have come to consider the change necessary for a purpose mentioned in section 508F(2) or (3).

(2) A local authority must revise a statement prepared under section 508G to change any matter specified in subsection (3) of that section if, as a result of a relevant young adult transport complaint, the Secretary of State has directed them to do so.

(3) An authority that revise a statement under subsection (1) or (2) must publish the revised statement and a description of the revision as soon as practicable.

(4) The Secretary of State need not consider whether to exercise any power under sections 496 to 497A (powers to prevent unreasonable exercise of functions, etc) or subsection (2) of this section in response to a matter that is, or could have been, the subject of a relevant young adult transport complaint made to him or her unless satisfied that—

(a) the matter has been brought to the notice of the local authority concerned, and

(b) the authority have had a reasonable opportunity to investigate the matter and respond.

(5) In this section “relevant young adult transport complaint” means a complaint that is—

(a) about a local authority's exercise of, or failure to exercise, a function under section 508F or 508G in relation to relevant young adults, and

(b) made by a person who is, or will be, a relevant young adult when the matter complained of has effect, or by a parent of such a person,

and “relevant young adult” has the meaning given in section 508F.

(6) For the purposes of sections 508G(7) and 508H, the revision of a statement under this section is to be treated as the preparation of a statement under section 508G.

(7) Where a local authority have published in a single document a statement prepared under section 509AA and a statement prepared under 508G, the requirement to publish a revised statement under subsection (3) is to be treated as a requirement to publish a version of the document that includes the revised statement.

## 509AA Local authorities in England: provision of transport etc. for persons of sixth form age

(1) A local authority in England shall prepare for each academic year a transport policy statement complying with the requirements of this section.

(2) The statement shall specify the arrangements for the provision of transport or otherwise that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training—

(a) at schools,

(b) at any institution maintained or assisted by the authority which provides further education or higher education (or both),

(c) at any institution within the further education sector,

(ca) at any 16 to 19 Academy, or

(d) at any establishment (not falling within paragraph (b), (c) or (ca)) at which the authority secures the provision of education or training under section 15ZA(1).

(3) The statement shall specify the arrangements that the authority consider it necessary to make for the provision of financial assistance in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training at any establishment such as is mentioned in subsection (2).

(4) The statement shall specify the arrangements proposed to be made by the governing bodies of—

(a) schools maintained by the authority at which education suitable to the requirements of persons over compulsory school age is provided, and

(b) institutions within the further education sector in the authority's area

for the provision of transport for facilitating the attendance of persons of sixth form age receiving education or training at the schools and institutions and for the provision of financial assistance in respect of the travelling expenses of such persons.

(5) Those governing bodies shall co-operate in giving the local authority any information and other assistance that is reasonably required by the authority for the performance of their functions under this section and section 509AB.

(6) The statement shall specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985 (c. 67)) which are to be provided under any scheme established under section 93 of that Act to persons of sixth form age receiving education at any establishment such as is mentioned in subsection (2) above in the authority's area.

(7) The authority shall—

(a) publish the statement, in a manner which they consider appropriate, on or before 31st May in the year in which the academic year in question begins, and

(b) make, and secure that effect is given to, any arrangements specified under subsections (2) and (3).

(8) Nothing in this section prevents a local authority from making, at any time in an academic year, arrangements—

(a) which are not specified in the transport policy statement published by the authority for that year, but

(b) which they have come to consider necessary for the purposes mentioned in subsections (2) and (3).

(9) The Secretary of State may, if he considers it expedient to do so, direct a local authority to make for any academic year—

(a) arrangements for the provision of transport or otherwise for facilitating the attendance of persons of sixth form age receiving education or training at establishments such as are mentioned in subsection (2), or

(b) arrangements for providing financial assistance in respect of the reasonable travelling expenses of such persons,

which have not been specified in the transport policy statement published by the authority for that academic year.

(10) The Secretary of State may by order amend subsection (7)(a) to change the time by which the statement must be published.

(11) Subsection (9) is subject to section 509AE (complaints about transport arrangements etc for persons of sixth form age in England).

## 509AB Local authorities in England: further provision about transport policy statements for persons of sixth form age

(1) A statement prepared under section 509AA shall state to what extent arrangements specified in accordance with subsection (2) of that section include arrangements for facilitating the attendance at establishments such as are mentioned in that subsection of disabled persons and persons with learning difficulties.

(2) A statement prepared under that section shall—

(a) specify arrangements for persons receiving full-time education or training at establishments other than schools maintained by the local authoritywhich are no less favourable than the arrangements specified for pupils of the same age attending such schools, and

(b) specify arrangements for persons with learning difficulties receiving education or training at establishments other than schools maintained by the authority which are no less favourable than the arrangements specified for pupils of the same age with learning difficulties attending such schools.

(3) In considering what arrangements it is necessary to make for the purposes mentioned in subsections (2) and (3) of section 509AA the local authority shall have regard (amongst other things) to—

(a) the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made,

(b) the need to secure that persons in their area have reasonable opportunities to choose between different establishments at which education or training is provided,

(ba) what they are required to do under section 15ZA(1) in relation to persons of sixth form age,

(c) the distances, and journey times, between the homes of persons of sixth form age in their area and establishments such as are mentioned in section 509AA(2) at which education or training suitable to their needs is provided, and

(d) the cost of transport to the establishments in question and of any alternative means of facilitating the attendance of persons receiving education or training there.

(3A) In considering whether or not it is necessary to make arrangements for those purposes in relation to a particular person, a local authority in England shall have regard

(amongst other things) to the nature of the route, or alternative routes, which he could reasonably be expected to take.

(5) In preparing a statement under section 509AA a local authority shall have regard to any guidance issued under this section by the Secretary of State.

(6) In preparing a statement under that section a local authority shall consult—

(a) any other local authority that they consider it appropriate to consult,

(b) the governing bodies mentioned in subsection (4) of that section,

(ca) persons in the local authority's area who will be of sixth form age when the statement has effect, and their parents, and

(d) any other person specified for the purposes of this section by the Secretary of State.

(7) In preparing a statement under that section a local authority shall also consult—

(a) where they are a district council for an area in a metropolitan county, the Integrated Transport Authority for that county, and

(b) where they are a London borough council or the Common Council of the City of London, Transport for London.

(7A) In preparing and publishing a statement under section 509AA, a local authority must have regard (among other things) to the need to—

(a) include in the statement sufficient information about the matters that the statement must specify, and

(b) publish the statement in time, to enable persons who will be of sixth form age when the statement has effect and their parents to take reasonable account of those matters when choosing between different establishments at which education or training is provided.

## 509AC Interpretation of sections 509AA and 509AB

(1) For the purposes of sections 509AA and 509AB a person receiving education or training at an establishment is of sixth form age if he is over compulsory school age but—

(a) is under the age of 19, or

(b) has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.

(4) References in section 509AB to persons with learning difficulties are to be construed in accordance with section 15ZA(6) and (7).

(5) In sections 509AA and 509AB and this section—

"academic year" means any period commencing with 1st August and ending with the next 31st July;

"disabled person" has the same meaning as in the Equality Act 2010;

"establishment" means an establishment of any kind, including a school or institution;

"governing body", in relation to an institution within the further education sector, has the same meaning as in the Further and Higher Education Act 1992.

(6) The Secretary of State may by order amend the definition of "academic year" in subsection (5).

## 509AD Local authorities in England: duty to have regard to religion or belief in exercise of travel functions

(1) A local authority in England must have regard, amongst other things, in exercising any of their travel functions in relation to or in connection with the travel of a person or persons to or from a school, institution or other place—

(a) to any wish of a parent of such a person for him to be provided with education or training at a particular school, institution or other place where that wish is based on the parent's religion or belief, and

(b) in a case where the person in question (or any of the persons in question) is of sixth form age (within the meaning given in section 509AC(1)), to any wish of that person to be provided with education or training at a particular school, institution or other place where that wish is based on the person's religion or belief.

(2) The "travel functions" of a local authority in England are their functions under any of the following provisions–

section 508A (duty to promote sustainable modes of travel etc);

section 508B (travel arrangements for eligible children);

section 508C (travel arrangements etc for other children);

section 508E and Schedule 35C (school travel schemes);

section 508F (local authorities in England: provision of transport etc for adult learners);

section 509AA (transport etc for persons of sixth form age).

(3) For the purposes of this section–

(a) “religion” means any religion,

(b) “belief” means any religious or philosophical belief,

(c) a reference to religion includes a reference to lack of religion, and

(d) a reference to belief includes a reference to lack of belief.

## 509AE Complaints about transport arrangements etc for persons of sixth form age in England

(1) A local authority may revise a statement prepared under section 509AA to change the arrangements specified under subsection (2) or (3) of that section if, as a result of a sixth form transport complaint, they have come to consider the change necessary for the purpose of the arrangements specified under the subsection in question.

(2) A local authority must revise a statement prepared under section 509AA to change the arrangements specified under subsection (2) or (3) of that section if, as a result of a sixth form transport complaint, the Secretary of State has directed them to do so.

(3) An authority that revise a statement under subsection (1) or (2) must publish the revised statement and a description of the revision as soon as practicable.

(4) The Secretary of State need not consider whether to exercise any power under sections 496 to 497A (powers to prevent unreasonable exercise of functions, etc), section 509AA(9) (power to require local authority to make additional transport arrangements), or subsection (2) of this section in response to a matter that is, or could have been, the subject of a sixth form transport complaint made to him or her unless satisfied that—

(a) the matter has been brought to the notice of the local authority concerned, and

(b) the authority have had a reasonable opportunity to investigate the matter and respond.

(5) In this section “sixth form transport complaint” means a complaint that is—

(a) about a local authority's exercise of, or failure to exercise, a function under sections 509AA to 509AD in relation to persons of sixth form age, and

(b) made by a person who is, or will be, a person of sixth form age when the matter complained of has effect, or by a parent of such a person,

and “sixth form age” is to be construed in accordance with section 509AC(1).

(6) For the purposes of sections 509AA(8) and (9), 509AB(1) to (5), 509AC and 509AD, the revision of a statement under this section is to be treated as the preparation of a statement under section 509AA.

(7) Where a local authority have published in a single document a statement prepared under section 508G and a statement prepared under 509AA, the requirement to publish a revised statement under subsection (3) is to be treated as a requirement to publish a version of the document that includes the revised statement.

# Further sources of information

## Associated resources (external links)

- **Tendering road passenger transport contracts: best practice guidance**
  This document from the Department of Transport provides best practice to all those involved in procuring road passenger transport. It is available from the GOV.UK website.

- **Sustainable transport**
  Sustrans is the leading sustainable transport charity that provides practical advice that can be passed on to parents and young people to increase confidence in walking and cycling.

## Other departmental advice and guidance you may be interested in

- **Home to school travel and transport statutory guidance (for children of compulsory school age)**
  Guidance relating to home to school travel and transport for pupils up to the age of 16 is available from the Department for Education's website.

- **Participation of young people statutory guidance**
  The purpose of this guidance is to identify the key responsibilities of local authorities in relation to raising the participation age and promoting the participation of 16- and 17-year-olds. It is available from the GOV.UK website.

Department for Education

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