



IPSEA

Independent Parental Special Education Advice

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My son/daughter is aged 16-18. Can travel arrangements be made for them to attend school/college?

When it comes to transport arrangements for those aged 16-17 (and sometimes 18), the Local Authority's duty to provide transport for eligible children stops and becomes a more general duty under s.509AA Education Act 1996. There is also specific statutory guidance dealing with this duty - "Post-16 guidance to education and training" which is found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277016/Post-16_Transport_Guidance.pdf

As the guidance sets out, every Local Authority in England has a duty to prepare and publish an annual Transport Policy Statement ("TPS") 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. This TPS will always be the starting point for a young person seeking transport from the LA.

When assessing what transport arrangements or financial assistance may be required, the LA should consider the needs of the most vulnerable or socially excluded learners. The needs of learners with learning difficulties and/or disabilities should be specifically considered and the arrangements in place for each group must be documented in the TPS (para 13.1).

Para 13.5 '**Cost and contribution**' is also a key section of the guidance, and it is important to note that for this group of learners - who are over compulsory school age and under 18 (i.e. 16 and 17 year olds) - transport is **not** free. LAs **can** ask parents and young people who fall into this age group for a contribution towards their transport cost. However, LAs are expected to target any support on those young people and their families who need it most, particularly those with a low income. The TPS should set out clearly the criteria used to establish a learner's eligibility to receive transport/financial support.

LAs may take receipt of a young person's 16-19 bursary funding into account in assessing their need for financial help with transport. The statutory walking distance of 3 miles (for over 8s) can be used as a bench mark by LAs in defining the distance a young person might reasonably be expected to walk to access education or training (para 13.3).

The guidance also sets out that as with school-age children, 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 (para 13.4).

It is clear therefore, that the LA's duty to produce a policy (albeit one which should take into account a number of factors) is not the same 'strong' duty to make travel arrangements as would exist for a child of compulsory school age, and unfortunately, there is certainly no guarantee that transport arrangements will be made for a student who is above compulsory school age, and it is unlikely that they will be free.

LAs should have a complaints process through which any decision in relation to transport can be challenged where necessary, and any young person who is unhappy with the decision reached should be able to find details of that complaints process as part of the TPS, which should be published as part of the LA's Local Offer.

We can only provide information through this service, rather than offer direct advice. So if you need this, or you wish to discuss the situation with someone, you should book a call with one of our Advice Line volunteers:

<https://www.ipsea.org.uk/contact/advice-and-support/advice-line>