



# IPSEA

Independent Parental Special Education Advice

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## **My son/daughter is moving into post 19 education and training. Can they receive travel assistance?**

The LA's duty in respect of 'adult learners' is covered by s.508F of the Education Act 1996. 'Adult learners' will usually be those young people who are over the age of 19, but it is worth noting that if a young person has started a course of study before they reach the age of 19, they will not be considered to be an 'adult learner' until that course is complete and they have started a new one (s.509AC Education Act 1996)

When considering adult learners, the LA must make "such arrangements for the provision of transport, as they consider necessary" and must do so for 2 purposes – the first of which would be relevant in most cases and is expressed as follows:

*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.*

Any transport arrangements provided under this duty **must** be free of charge.

The relevant question will therefore be the arrangements which the LA considers are "necessary" and what this might mean. There is very little guidance on this question. There is statutory guidance on post-16 transport here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277016/Post-16\\_Transport\\_Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277016/Post-16_Transport_Guidance.pdf)

However, this guidance only refers to the duty towards adult learners in passing, as follows:

*Local authorities 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*

LAs have duties under s.508G of the Education Act 1996 to consult with FE colleges and others about the fulfilment of their duties towards these learners, and they must publish a policy on how they will do so. The first place to look therefore is likely to be the LA's policy on post-16

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## **Providing advice to parents of children with special educational needs**

transport, and this policy should also address travel arrangements for those who are 'adult learners', to whom the LA will owe this duty under s.508F.

If a young person / adult learner have an EHC plan, then this could well strengthen their argument that travel arrangements are 'necessary'. Since the LA would have a duty to secure the special educational provision specified within the plan, they would potentially have real difficulty in doing so if the young person could not actually get to College to access that provision.

It is also worth noting that even if they do not consider it necessary, the Local Authority has a residual discretion to pay some or all of the reasonable costs of transport if no other arrangement has been arranged (s.508F(8)) and they must exercise their judgment judiciously and in good faith.

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>