

Appendix 3: Legislation for Post-16 transport policy statement

Post 16 transport

[Section 509AA of the Education Act 1996](#) requires local authorities to prepare an annual transport policy statement specifying the arrangements for the provision of transport or otherwise that the local authority considers it necessary to make for facilitating the attendance of sixth form age students at schools, including academies, and colleges providing further education and any establishment which the local authority secures the provision of education or training. This statement should specify the arrangements that the local authority considers it necessary to make for the provision of financial assistance in respect of reasonable travelling expenses for these students and should specify the transport arrangements and financial assistance proposed by local schools and further education colleges.

[Section 509AB of the Education Act 1996](#) requires local authorities to include in their statements arrangements for facilitating the attendance of students with disabilities or learning difficulties. The local authority should ensure that any transport arrangements for those attending full time education or training at establishments other than maintained schools are no less favourable, including for students with learning difficulties or disabilities. It should set out the extent to which the arrangements it has put in place pursuant to the transport statement prepared under section 509AA facilitates the attendance of young people with special educational needs and disabilities. In considering what arrangements are necessary to make, the local authority shall have regard to the following:

- 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;
- The need to secure that persons in their area have reasonable opportunities to choose between different establishments at which education or training is provided;
- Their duties under s.15ZA(1) of the Education Act 1996 in relation to persons of sixth form age (duty to secure that enough suitable education and training) is provided to meet the reasonable needs of persons of sixth form age and persons aged 19 and over with an EHC plan;
- The distances and journey times between the homes of persons of sixth form age and establishments at which education or training suitable to their needs is provided;
- The cost of transport to the establishments and any alternative means of facilitating the attendance of persons receiving education or training there.

The statutory guidance – [Post 16 transport and travel support to education and training, January 2019](#) – confirms that whilst local authorities do not have to provide free or subsidised transport, they must take account of all relevant matters, such as the needs of their population, local transport infrastructure and resources when assessing what is required in terms of transport provision and financial assistance.

The statutory guidance provides further information on what the local authority should have regard to when assessing transport arrangements.

In addition to the statutory duties under the Education Act 1996, there are a number of overarching duties that are relevant to the Post-16 Transport Policy Statement. These include duties under:

- The Education and Skills Act 2008 to encourage, enable and assist participation of young people with SEND up to the age of 25.
- The Children and Families Act 2014 in relation to the local offer.
- The Equality Act 2010 in relation to having due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct, advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not.

These statutory duties and the associated statutory guidance have been considered in the Council's development of the policy statement.