



**Transport Policy Statement for those aged 16–18 and
students continuing in education who are aged 19**

September 2020

1. Introduction

- 1.1 Local authorities have a legal duty to prepare and publish an annual transport policy statement covering those young people of sixth form age.
- 1.2 This policy statement details the transport provision and financial assistance with transport that the council believes are necessary for Oxfordshire residents of sixth form age who are receiving education or training. Therefore, this statement covers those young people in Oxfordshire aged 16 to 18 and those continuing learners who started their programme of learning before their 19th birthday.
- 1.3 16 to 19 bursary funding can be used to assist with transport and guidance on this funding is provided in Section 2 below.

2. Provision made by the Local Authority for Students with learning difficulties and/or disabilities

- 2.1 An officer within the Transport Eligibility Team is responsible for the assessment of eligibility for free travel to school or college for those students aged 16 to 19 who have learning difficulties and/or disabilities.
- 2.2 Independent travel training for students who face difficulties with transport is provided on a one to one basis depending on the level of need and the availability of trainers.
- 2.3 Students with learning difficulties and/or disabilities who are beyond statutory school age and who are aged 16 to 19, will receive free travel to that placement when they attend the **nearest suitable school or educational placement** to their home address that has an available place and one of the following applies:
 - a) it is over 3 miles from their home to the educational placement;
 - b) it is less than 3 miles from their home to the educational placement, but it would not be safe for the young person, even if accompanied by an adult, to walk from home to that placement;
 - c) the young person is unable to walk to the school or education placement due to their learning difficulty and/or disability, or because of a temporary or long-term medical condition (evidence is required from a GP or consultant).
- 2.4 The transport needs of students with special education needs are assessed individually. Therefore, if free travel is approved the transport arrangement/provision is made according to the student's needs, for example if free travel has been agreed and the student is in a residential placement, travel arrangements would be made on a weekly or termly basis.

3. Oxfordshire County Council Spare Seat Scheme for travel for those aged 16-19

- 3.1 Students who do not have learning difficulties and/or disabilities and who are beyond statutory school age or those with learning difficulties and/or disabilities who are not attending the nearest suitable school or educational placement to their home address that has an available place, are aged 16 to 19, and attend either a college or a school may use the Spare Seat Scheme where it is necessary to enable them to access school or college. The Spare Seat Scheme makes spare places available on transport provided for those who

are eligible for free home to school transport. There is no guarantee that a seat will be available or will continue to be available for the duration of the period of study for a student.

- 3.2 In exceptional circumstances, and only where places on relevant home to school transport routes are unavailable, season tickets on public transport may be provided for travel to the designated college or school from the student's home address at the relevant charge rate (see table below). This is meant to apply where a home to school transport route is full and it would be possible to use public transport and so avoid the unnecessary additional public expense of contracting for additional capacity on that route.
- 3.3 Seats on coaches provided for home-to-school transport are made available to Post-16 students on payment of a distance related charge. The charges for 2020/21 are set out in

Table 1: Post-16 Charges

| 2020/21 | |
|---|----------------|
| Less than 3 miles from home to school/college | £378 per annum |
| More than 3 miles from home to school/college | £705 per annum |

- 3.4 Where there are more requests to pay for seats on a route than there are seats available, they will be allocated in the descending order of priority shown in the table below:

Table 2: Priority for Spare Seat Scheme

| Priority | Category |
|----------|--|
| 1 | Those with an Education, Health and Care (EHC) Plan naming the school |
| 2 | Looked After Children |
| 3 | Years 12 and 13 (if there is no available service bus route) |
| 4 | Those in receipt of Free School Meals or whose parent /parents are in receipt of the maximum level of Working Tax Credit |
| 5 | Those who travelled on the route the previous term |
| 6 | By year group, in ascending order of priority from Reception to Year 11 (or to Year 13 if there is an available service bus route) |

** Where there are more applicants than places in any of the above categories, priority will be given to those living closest to the destination school (measured using the shortest designated route on Oxfordshire County Council's Geographic Information System)*

- 3.5 There is no guarantee that a spare seat will be provided.
- 3.6 Seats on contract coaches provided by Oxfordshire County Council are available only for the journeys provided at the beginning and end of the school/college day.
- 3.7 In order to receive free travel on routes operated by the council students will need to provide evidence that they are in receipt of free school meals or that a parent is in receipt of the maximum of Working Tax Credit.

4. 16 to 19 Bursary Fund

- 4.1 There are two types of 16 to 19 bursaries:

- bursaries for defined vulnerable groups of up to £1,200 a year;

- discretionary bursaries which institutions award to meet individual needs, for example, help with the cost of transport, meals, books and equipment.
- 4.2 Schools and colleges are responsible for managing both types of bursary. Students who want to apply for support from the bursary fund should contact their chosen institution to make an application.
- 4.3 A student must be aged 16 or over but under 19 on 31 August 2020 to be eligible for help from the bursary fund in the 2020 to 2021 academic year.
- 4.4 Students aged 19 or over are only eligible to receive a discretionary bursary if they are continuing on a study programme they began aged 16 to 18 ('19+ continuers') or have an Education, Health and Care Plan (EHCP).
- 4.5 The above groups of aged 19+ students can receive a discretionary bursary while they continue to attend education (in the case of a 19+ continuer, this must be the same programme they started before they turned 19), as long as their eligibility continues and their institution considers they need the support to continue their participation.
- 4.6 Students aged 19 or over are not eligible for bursaries for vulnerable groups.
- 4.7 Institutions generally only pay bursaries to students aged 16 or over. However, in exceptional circumstances institutions may use their discretion to pay bursaries to younger students, for example, where a student is following an accelerated study programme. Exceptional circumstances do not include students aged 14 to 16 who are attending college as part of their key stage 4 programme.
- 4.8 Students aged under 19 enrolled on higher education qualifications are not eligible for support.

Eligible education provision

- 4.9 Students must be participating in provision that is subject to inspection by a public body that assures quality (for example Ofsted). The provision must also be either:
- funded directly by ESFA or by ESFA via a local authority
 - funded or co-financed by the European Social Fund
 - otherwise publicly funded and lead to a qualification (up to and including level 3) accredited by Ofqual or on the ESFA list of qualifications approved for funding 14 to 19
 - a 16 to 19 traineeship programme
- 4.10 Students on apprenticeship programmes, or any waged training, are employed, rather than in education. They are not eligible for the 16 to 19 Bursary Fund.
- 4.11 Non-employed students aged 16 to 19 who are participating in a Prince's Trust Team Programme are eligible to receive the bursary in the same way as any other student participating in an eligible, publicly funded course.
- 4.12 Students on distance learning provision are not considered to need help from the bursary fund. This is because they do not have the kinds of costs the bursary is intended to cover (travel, equipment and uniforms, for example). In the rare instances where an institution identifies that such a student does require financial help, institutions are expected to

provide support in-kind rather than by cash payments, for example a temporary travel pass for the student to attend exams.

Residency

4.13 Students must meet the residency criteria in [ESFA funding regulations](#) for post-16 provision.

Unaccompanied asylum-seeking children

4.14 Unaccompanied asylum-seeking children do not receive cash support from the Home Office and are the responsibility of the local authority. They are treated as looked after children and are eligible for a bursary for vulnerable groups ('in care' group), where they have a financial need.

4.15 When these young people reach legal adulthood at age 18, institutions must consider their immigration status. If the asylum claim is decided in their favour, the local authority must provide them with the same support and services as they do care leavers. As such, they continue to be eligible for a bursary as a student from a vulnerable group until they reach the upper age limit.

4.16 Where an asylum claim is not supported, the individual may not be able to stay legally in the UK. When asylum claims have been fully heard/the appeals process exhausted, an individual has no entitlement to public funds (with a few exceptions where the withdrawal of support would be seen as a breach of human rights).

Eligibility criteria: bursaries for young people in defined vulnerable groups

4.17 Students who meet the criteria, and who have a financial need, can apply for a bursary for vulnerable groups. The defined groups reflect that these students may need a greater level of support to enable them to continue to participate. Institutions must ensure students are eligible for the bursary for defined vulnerable groups in each year they require support.

4.18 The defined vulnerable groups are students who are:

- in care;
- care leavers;
- receiving Income Support, or Universal Credit because they are financially supporting themselves or financially supporting themselves and someone who is dependent on them and living with them such as a child or partner;
- receiving Disability Living Allowance or Personal Independence Payments in their own right as well as Employment and Support Allowance or Universal Credit in their own right.

4.19 The bursary for vulnerable groups can pay up to £1,200 per year to a student participating on a study programme that lasts for 30 weeks or more. Students on study programmes of less than 30 weeks should be paid a pro-rata amount.

4.20 Institutions may decide that although a young person may be eligible for a bursary because they are in one or more of the defined vulnerable groups, they do not have any actual financial need. This might be because their financial needs are already met and/or because they have no relevant costs.

4.21 Institutions can also pay a bursary to a vulnerable group student of more than £1,200 if they assess they need extra help to remain in education. Any payments over £1,200 must be paid from their discretionary bursary allocation or from their own funds.

Defining in care and care leavers

4.22 The 16 to 19 Bursary Fund defines 'in care' as 'Children looked after by a local authority on a voluntary basis (section 20 of the Children Act 1989) or under a care order (section 31 of the Children Act 1989) - Section 22 of the Children Act 1989 defines the term 'looked after child'.'

4.23 A 'care leaver' is defined as:

- a young person aged 16 and 17 who was previously looked after for a period of 13 weeks consecutively (or periods amounting to 13 weeks), which began after the age of 14 and ended after the age of 16; or
- a young person aged 18 or above who was looked after prior to becoming 18 for a period of 13 weeks consecutively (or periods amounting to 13 weeks), which began after the age of 14 and ended after the age of 16.

Foster care, including privately arranged foster care

4.24 A young person placed with a foster carer by the local authority, including where the foster carer is on the books of an independent fostering agency, is classed as looked after. They are in a defined vulnerable group ('in care') and eligible for help from the bursary for vulnerable groups, where they need financial support to participate.

4.25 A child who is privately fostered is not classed as a looked after child and is not eligible for the bursary for vulnerable groups.

4.26 In some instances, a young person may have been in the care of the local authority and the care transferred to another party via a permanent form of fostering such as a Special Guardianship Order. In these circumstances, the young person is defined as having left care so is now a care leaver. They are in a defined vulnerable group ('care leaver') and eligible for help from the bursary for vulnerable groups, where they need financial support to participate.

Universal Credit

4.27 Bursary funds awarded to a student should not form part of the Universal Credit assessment undertaken by the Department for Work and Pensions (DWP). How the DWP treat any funding for education depends on whether the student is undertaking advanced full-time education. It is unlikely that 16 to 18 year olds will be in advanced full-time education as they are generally on study programmes at Level 3 or below.

4.28 However, if a student is in advanced full-time education, any educational grant or award, such as the bursary fund, would be treated as grant income. However, the Universal Credit assessment excludes any grant payment intended to meet the cost of books and equipment or travel expenses incurred because of attending a course.

Young people eligible for a bursary for vulnerable groups who don't require bursary funding

- 4.29 In some cases, a young person might meet the eligibility criteria for a bursary for vulnerable groups but their financial needs are already met, they have no relevant costs or do not need the maximum award. If this is the case, institutions can refuse the student's application.

Eligibility criteria: discretionary bursaries

- 4.30 Institutions make discretionary bursary awards to students to help them with the cost of travel, to buy essential books, equipment or specialist clothing (such as protective overalls). These are items the student would otherwise need to pay for in order to participate.
- 4.31 The bursary fund is not intended to provide learning support - services that institutions give to students - for example, counselling or mentoring, or to support extra-curricular activities where these are not essential to the students' study programme.
- 4.32 Institutions set their own eligibility criteria.
- 4.33 There is no set limit for a discretionary bursary and institutions can award discretionary bursaries equal to or higher than the bursary for vulnerable groups if they have clearly identified an individual student requires this level of funding.

Publishing bursary fund policies

- 4.34 Institutions must publish a policy or statement setting out how they will use their bursary fund.
- 4.35 Institutions must comply with the requirements of the [Equality Act 2010](#) when setting their criteria and must not discriminate against their students, either directly or indirectly, because of their protected characteristics.
- 4.36 Bursary fund policies should clearly set out what type of help the institution offers, for example, help with transport, books and equipment, field trips and other course-related costs and whether bursary support is available to contribute to the costs of attending university interviews and open days.

Managing bursary fund applications

- 4.37 Institutions develop and use their own application forms for the bursary fund.

What the bursary fund cannot be used for

- 4.38 The bursary fund is not intended to provide learning support - services that institutions give to students - for example, counselling or mentoring, or to support extra-curricular activities where these are not essential to the students' study programme.
- 4.39 Where institutions use non-bursary funds to provide free travel this is an offer from the institution, rather than being supported via the bursary fund.

16 to 19 Bursary Fund and receipt of DWP benefits

- 4.40 Receipt of bursary funding does not affect receipt of other means-tested benefits paid to families, such as Income Support, Jobseeker's Allowance, Child Benefit, Working Tax Credit and Housing Benefit. See also the [Universal Credit](#) section of this document.
- 4.41 If a student is in receipt of Disability Living Allowance (or Personal Independence Payments) and Employment Support Allowance, parents can no longer receive certain household/family benefits for that child, such as child benefit.

5. Support for students aged 19-25

- 5.1 Applications for travel assistance for students with learning difficulties and/or disabilities aged between 19 and 24 years of age will be considered on an individual basis for a first course of study. An assessment will be made of the application taking account of the particular circumstances of the applicant and the case for assistance with travel.
- 5.2 Where travel assistance is agreed, it will normally continue during the agreed course of study until the end of the academic year in which the student's 25th birthday occurs. However, travel assistance will be reviewed throughout the course and independent travel encouraged.

6. Transport Appeals

6.1 Two-stage process

- The Local Authority annually publishes the appeals process on its website (with paper copies available on request). This sets out the two-stage process for parents who wish to challenge a decision about:
 - the transport arrangements offered;
 - their young person's eligibility;
 - the distance measurement in relation to statutory walking distances;
 - the safety of the route.

6.2 Stage one: Review by the Admissions and Transport Services Manager

- A parent has 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision.
- The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- Within 20 working days of receipt of the parent's written request the Admissions and Transport Services Manager will review the original decision and send the parent a detailed written notification of the outcome of the review, setting out:
 - the nature of the decision reached;

- how the review was conducted (including the standard followed, for example route safety assessments that have followed Road Safety GB guidance);
 - information about other departments and/or agencies that were consulted as part of the process;
 - what factors were considered;
 - the rationale for the decision reached;
 - information about how the parent can escalate their case to stage two (if appropriate).
- Complex Stage 1 cases may take longer than the timescale given above

6.3 Stage two: Review by an independent appeal panel

- A parent has 20 working days from receipt of the written stage one response from the Admissions & Transport Service Manager to make a written request to escalate the matter to stage two.
- Within 40 working days of receipt of the parent's request an independent appeal panel will consider written and verbal representations from both the parent and officers involved in the case and give a detailed written notification of the outcome (within 5 working days), setting out:
 - the nature of the decision reached;
 - how the review was conducted (including the standard followed e.g. Road Safety GB);
 - information about other departments and/or agencies that were consulted as part of the process;
 - what factors were considered;
 - the rationale for the decision reached;
 - information about the parent's right to put the matter to the Local Government Ombudsman (see below).
- Stage 2 appeals will be heard by a panel of three.
- The Clerk to the Appeals & Tribunals Sub-Committee will be from the Law & Governance Department and will not work for the Admissions Team or the Supported Transport Service.
- A representative of the Admissions Team will present the LA's reasons for not providing transport and appellants can present a case in writing and/or in person (if the parent wishes, accompanied by a friend). The format of the appeal is set out below:
 - presentation of the LA's case by the LA representative;
 - committee members and the parent are able to ask questions of the LA representative;
 - presentation of the parent's case;
 - committee members and the LA representative are able to ask questions of the appellant (if present);
 - summing up by the LA representative;
 - summing up of the appellant's case;

- both the LA representative and the appellant(s) leave the hearing together;
 - consideration of the case by the Appeals & Tribunals Sub-Committee in private when the independent panel members will make a decision whether to uphold or refuse the appeal.
- The decision of the Appeals & Tribunals Sub-Committee will be considered binding on the LA and appellant and there is no further right of appeal.
 - The LA will not consider requests for a further transport appeal within the same school academic year unless there has been a significant change of circumstance.
 - Complex Stage 2 cases may take longer than the timescale given above.

7. Useful contact information

Oxfordshire County Council

School Admissions Team (Transport Eligibility)

County Hall

New Road

Oxford

OX1 1ND

Tel: 0345 241 2487

Email: schooltransporteligibility@oxfordshire.gov.uk

Web: <https://www.oxfordshire.gov.uk/>

Supported Transport Services

PO Box 867

Oxford

OX1 9NR

Tel: 01865 323500

Email: mainstream.schooltransport@oxfordshire.gov.uk

Web: <https://www.oxfordshire.gov.uk/>

Planning Transport to School/College

The public transport pages on the Oxfordshire County Council website give details of bus routes by parish as well as links to operators' websites and timetables:

www2.oxfordshire.gov.uk/cms/public-site/public-transport

Other useful sources of information on public transport include:

Traveline: <https://www.traveline.info/>

Oxford Bus Company: <https://www.oxfordbus.co.uk/>

Stagecoach Oxfordshire: <https://www.stagecoachbus.com/about/oxfordshire>

Thames Travel: <https://www.thames-travel.co.uk/>