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# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 2

#### LEA FUNCTIONS

##### *Transport in England*

VALID FROM 01/04/2010

**53 Provision of transport etc for persons of sixth form age: duty to have regard to section 15ZA duty**

In section 509AB(3) of the Education Act 1996 (c. 56) (provision of transport etc for persons of sixth form age in England: matters to which LEAs must have regard) after paragraph (b) insert—

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

VALID FROM 01/04/2010

**54 Transport policy statements for persons of sixth form age: consultation**

In section 509AB(6) of the Education Act 1996 (people to be consulted when preparing transport policy statements for persons of sixth form age in England), in paragraph (c), before “and” insert—

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

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## 55 Transport policy statements for persons of sixth form age: content and publication

- (1) In section 509AB of the Education Act 1996 (provision about transport policy statements for persons of sixth form age in England), after subsection (7) insert—
- “(7A) In preparing and publishing a statement under section 509AA, a local education 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.”
- (2) In section 509AA(10) of that Act (time by which transport policy statements for persons of sixth form age in England must be published) for “by substituting a different date for 31st May” substitute “to change the time by which the statement must be published”.

### Commencement Information

- II S. 55 in force at 12.1.2010 by S.I. 2009/3317, art. 2, Sch. (with art. 3)

## 56 Complaints about transport arrangements etc for persons of sixth form age

- (1) The Education Act 1996 is amended as follows.
- (2) After section 509AD (local education authorities in England: duty to have regard to religion or belief in exercise of travel functions) insert—

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

- (1) A local education 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 education 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 LEA to make additional transport arrangements), or subsection (2) of this section in response to a matter that is,

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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 education 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 education 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 education 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.”

(3) In section 509AA (provision of transport etc for persons of sixth form age), at the end insert—

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

#### Commencement Information

**I2** S. 56 in force at 12.1.2010 by S.I. 2009/3317, art. 2, Sch. (with art. 3)

VALID FROM 01/04/2010

#### **57 Local education authorities in England: provision of transport etc for adult learners**

- (1) The Education Act 1996 (c. 56) is amended as follows.
- (2) After section 508E (LEAs in England: school travel schemes) insert—

##### **“508F LEAs in England: provision of transport etc for adult learners**

- (1) A local education 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).

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- (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 education 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 education authority must have regard to what they are required to do under section 15ZA(1) 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 education 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.
- (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 education 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 LEAs in England: transport policy statements etc for young adults subject to learning difficulty assessment**

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

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- (a) any other local education authority that they consider it appropriate to consult,
  - (b) governing bodies of institutions within the further education sector in the authority's area,
  - (c) persons in the local education 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) 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.

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

In making arrangements under section 508F(1) and preparing and publishing a statement under section 508G, a local education 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 education 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 education 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 education 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 education 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 education 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.”

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- (3) In section 509AD(2) (LEAs in England: duty to have regard to religion or belief in exercise of travel functions) for the entry relating to section 508F substitute—  
“section 508F (LEAs in England: provision of transport etc for adult learners);”.
- (4) Section 509 (provision of transport etc) ceases to have effect.
- (5) Section 81 of the Education and Inspections Act 2006 (c. 40) (LEAs in England: provision of transport etc for certain adult learners) ceases to have effect.

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