

# Ensuring Rural Access to Learning: the way forward

**RALG**

Rural Access to  
Learning Group



## Outcomes from the RALG research

The Rural Access to Learning Group (RALG) is committed to providing access and transport solutions so that all young people can take advantage of the learning opportunities available to them. The Group takes account of viability, equity, sustainability and affordability.

This document has been prepared by Chris Waterman. It can be downloaded at [www.reducedpolicycompany.com/ralg-brochure.pdf](http://www.reducedpolicycompany.com/ralg-brochure.pdf)



## About this report

This report is the result of a substantial research exercise undertaken with the 40 local authority members of the Rural Access to Learning Group (RALG).\*

The purpose of the report is to promote a wide-ranging discussion, at national and local level, on the future development and funding of student transport in rural areas, taking full account of local circumstances.

## Access to learning for students in rural areas

A key issue for students in rural areas is the cost and availability of public transport to the setting where they wish to study.

The situation has become more critical in recent years for a number of reasons:

1. the tightening of local authority budgets has meant a reduction in provision over and above the statutory minimum set out in legislation
2. reductions of local authority subsidy of public transport
3. the replacement of the educational maintenance allowance (EMA) with the bursary scheme has affected the ability of some students to pay for transport

If the erosion of concessionary transport to education settings is to be halted, or indeed, reversed, there needs to be a new focus on how to develop a robust system of cost-effective transport for young learners.

This will require action by central government, local government and transport providers, working together to define and develop better arrangements that will support students in rural areas to pursue the courses of study appropriate to their needs.

**RALG is therefore seeking to develop a culture where:**

1. students have a degree of choice between education institutions and courses and safe and affordable access to them. Students should not be disadvantaged because of the differences between rural and urban areas and between different local authority areas

2. students living in rural areas would be better supported for their longer and more expensive journeys to education in order to: improve their access to opportunities, raise their participation and reduce the number of young people not engaged in education, employment or training (NEETs), thereby supporting local authorities' obligations with regard to raising the participation age (RPA)
3. local authorities provide affordable transport which:
  - 3.1. offers students a measure of flexibility in when and how they travel to education and training
  - 3.2. prioritises students' needs for discretionary support.

## The current situation

Most rural authorities aspire to offer more than the statutory requirement for transport services and support to enable students to take part in appropriate education. Authorities offer a range of different discretionary assistance that they provide for students with disabilities and for those suffering from various forms of disadvantage. A number also provide more general concessionary travel schemes designed to improve affordable transport for some or all students. These concessions vary markedly in design, costs to the student and coverage.

These different forms of discretionary and concessionary transport support can be effective but because they are developed locally they frequently result in a "post-code lottery" of support that is difficult for students and their families to understand.

**Tim, Martin and Chris** all have learning difficulties and as such have statements of special educational need. This September they will be moving into further education and now become subject to their local authorities Post 16 policies and charges. In Tim's authority the same charge is levied to both mainstream and SEN students. In Martin's authority all SEN students automatically receive free transport. In Chris' authority, eligibility, entitlement and assessment have been rigorously cut back and only severe needs will receive tailored support. As such Chris would be at a relative disadvantage compared to Tim and Martin.

\*The research was undertaken by Martin Camillin Associates Ltd

## What needs to be done

To avoid the post-code lottery and to offer all students greater consistency, we recommend the development of a set of national parameters to inform the development of local discretionary and concessionary travel schemes. These would:

1. support individual authorities in designing their own arrangements
2. improve the consistency of different local schemes
3. lead to more effective use of the available resources and expertise

These parameters would include recommendations for minimum standards, objectives, coverage, design, advice on how costs and responsibilities are shared between each authority, students and learning and transport providers.

RALG will be leading in developing a range of best practice options.

## Making the best use of resources

We need to be realistic about the current funding available to support student transport and to focus on the most effective use of the funding that is available. It should also be noted that transport is one of the greatest learning-related costs for students under 18, which, for some students may determine which courses can be taken.

The RALG research shows that there are opportunities to enhance the effectiveness of the use of funding to increase the coverage, extent and nature of the concessions available to learners.

Each local authority will continue to develop its own particular pattern of support for student transport, taking account of the views of students, schools and colleges and transport operators, within national parameters.

Local approaches will inevitably be dependent on the resources that can be made available to support student transport, taking account of the wider pattern of transport available in the local area.

## Taking things forward: what needs to be done

Many local authorities have already identified areas where greater cost effectiveness could be achieved in delivering their transport plans. Some local authorities also identified areas where they could no longer provide previous levels of discretionary transport services in terms of: support for accessing denominational preferences; subsidising travel for those not specifically entitled to support; providing access to “preferred” rather than nearest suitable schools.

### There are further potential benefits to be secured by the exploration and dissemination of:

1. The most successful approaches to efficiency gains and setting: costs, assessments of need, entitlements and eligibilities for transport support
2. Key aspects of reviewing the contracting and delivery of transport services, including use of “E” auctions
3. Opportunities for informed devolution and collaboration with both schools and colleges and commercial transport operators, whilst managing the significant medium-term risks associated with this
4. Assessment and review of provision for those with special educational needs (SENs), and increased use of training to support independent travel
5. Developing (and possibly piloting) alternative policy options for providing sustainable and effective concessionary transport schemes; focusing in particular on options for: design, funding, coverage and cost-effectiveness.

**Mark** lives in an area of rural deprivation with little access to public transport or employment opportunities. In September Mark is planning to stay on at school as part of raising of participation. Mark’s authority have one of the higher Post 16 transport charges nationally although it is waived for low income families. Unfortunately Marks’s family earn just above the low income threshold and as such do not qualify for free transport. Mark can apply to his college for support through the student bursary however being neither on low income or SEN he does not meet the eligibility criteria to receive full support. Mark’s family are unable to meet the cost of transport. As such, Mark is at serious risk of becoming NEET.

**Lisa, Nirmal and Mary** live in three neighbouring counties all surrounding the same major city. All three wish to study the same local fashion course at the same college. Lisa’s local authority entitles her to transport support as it is the nearest college offering the course – she is charged a contribution fee of £500. Nirmal’s authority also entitle her to support however their Post 16 charge is markedly higher at £1200 as a higher rate is applied to those students wishing to attend an “out of county” establishment. Mary’s authority do not take course content into account and will only provide support to the nearest sixth form or college irrespective of the students career aspirations. As such Mary is not entitled to any transport support from her LA to study her chosen course.



# Legal information

## Legal requirements for Education Transport Support

1. Local authorities must use “best endeavours” to meet statutory requirements for student transport<sup>1</sup>. These have not been updated recently and are increasingly open to interpretation and to challenge. In addition to their legal duties, authorities also have discretion to provide transport support and services that exceed statutory requirements. (NB The authorities have traditionally been encouraged by central government to provide a degree of choice over and above the statutory minimum. However, given the current economic situation, any non-statutory provision, if provided at all, is increasingly on a cost-recovery basis.)
2. Students and their families make choices that have travel implications. These aspirations frequently exceed their statutory entitlements to support. They may want to access: courses, schools or colleges, faith schools or specialist provision, or require special support or services which go beyond what the authorities are obliged to provide. In such cases, they must pay their own travel costs.

## Legal requirements on local authorities

3. For students under 16 years of age the Education Act 1996 (section 509 as amended and associated guidance) requires authorities to provide the transport that they consider necessary for eligible students (relative to age and residency) to attend education at their nearest suitable schools, colleges and other approved providers free of charge. In doing so they must take account of:
  - a) the nature of the route;
  - b) where students have to travel more than the specified statutory walking distances; 2 miles under 8 years old and 3 miles over 8 in order to attend approved education;
  - c) any special educational needs/disabilities/health issues and provide additional support (e.g. escorts) as necessary;
  - d) support a degree of choice to approved education institutions where appropriate in rural areas;
  - e) have regard to parents’ religion or belief; and
  - f) whether walking routes have been assessed as available, accompanied as necessary.
4. For other students, for whom transport has not been considered as necessary, the authorities may assist with their travel costs and arrangements as they chose. In addition they must prepare and publish “a sustainable modes of transport strategy.”
5. For students between 16 to 19 years of age (and over if continuing to attend a course) the Education Act 1996 section 509 as amended and the Post 16 Transport Guidance (2010) places a duty on local authorities to consider and respond to the need for financial support and transport arrangements to approved further education to access learning. A statement of the resulting transport policy must be published annually. In doing so, they are required to consider:
  - a) disability/special educational needs
  - b) parents’ religious preferences
  - c) the nature, difficulty and duration of travel; and
  - d) equivalent support for students in colleges and schools.
6. For students under the age of 21 with Special Educational Needs the Education Act 1996 section 509AA etc as amended and associated guidance provides a duty on local authorities to provide a longer period of entitlement to transport funding and services to help them to participate in FE. The local authorities are required to assess and respond to these students’ special needs in relation to accessing appropriate education. This includes arranging both tailored transport and specialist support where appropriate. The Apprenticeships, Skills and Learning Act ( 2009) extends entitlement to students with disabilities under age 25; this provision has not been brought into force although it is referred to in DfE statutory guidance (2010 Post 16 Transport Guidance).

## The raising of the participation (in education and training) age (RPA)

7. A further duty may be placed on the authorities for providing transport support for young people not in employment but undertaking education or training under RPA.

<sup>1</sup> The views, interpretation and analysis of the legal requirements for student transport on the local authorities expressed above do not constitute a legal opinion or basis for local authorities to set or defend their transport policies. Each authority should use its own legal advisers to interpret the statutory requirements and guidance. However, we believe that the consultants’ interpretation is sufficiently robust to inform the debate on national policy and development.

# What is RALG

RALG is a well-established organization set up to represent the 40 most rural local authorities with regard to policy and provision related primarily to post-16 (and latterly 14-19[25]) student access and transport. Through its long-standing links to the Departments for Education and Transport, and to bodies such as the Local Government Association, RALG has vigorously promoted the interests of rural learners. RALG regularly represents rural authorities

on government working groups and on the national conferences circuit. As an integral part of its remit, RALG undertakes research (for example: impact analyses related to policy developments and benchmarking surveys) much of which has been commissioned or sponsored by governmental organizations. RALG convenes regular meetings via which the authorities represented can interact and

exchange views, discuss the latest policy developments, share good practice and liaise with Whitehall officials and representatives of other organizations, including those representing young people. These meetings are used as a sounding-board by a range of stakeholders - effectively as a conduit for and to the rural authorities.

