

From: **Beverley Fordham, Cabinet Member for Education and Skills**

Sarah Hammond, Corporate Director for Children, Young People and Education

To: Children, Young People and Education Cabinet Committee

Subject: **Post 16 Transport Policy Statement including Post 19 for 2026/27**

Decision: **25/00045**

Classification: **Unrestricted**

Future Pathway of Paper: Cabinet Member Decision

Summary:

Each year KCC has a legal duty to consult on its policy for Post 16 Transport and publish a Post 16 Transport Policy Statement. The key drivers for the proposed changes are as follows: promoting independence; rebalancing KCC's offer to learners of sixth form age and adult learners; and financial sustainability. These are explained in further detail within the report.

Recommendation(s):

The Children, Young People and Education Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Skills on the proposed decision as set out in the PROD.

1. Introduction

- 1.1 The report is designed to brief and seek Members' views in regard to decisions to be taken relating to the Post 16 Transport Policy Statement including Post 19 Transport 2026/27. A companion paper discusses proposed provision for 2025/26, which remains substantively unchanged from the previous year's policy. It has been necessary to consult on both transport policies concurrently to fulfil KCC's legal duties, while providing parents and learners with sufficient early warning of potential changes for future academic years.
- 1.2 Local authorities do not have a general obligation to provide council tax funded or subsidised post 16 travel support but do have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or other support that the authority considers it necessary to make to facilitate the attendance of all *persons of sixth form age*

receiving education or training. This includes support for 19+ learners who started their course before their 19th birthday.

- 1.3 Councils also have a duty to make such arrangements as they consider necessary for the provision of transport and otherwise in respect of:
- *Adult learners* (i.e. those aged 19 or over, whose course started after their 19th birthday) for the purpose of facilitating their attendance at local authority maintained or assisted Further or Higher Education institutions or institutions within the Further Education sector; and
 - *Adult learners with an EHCP* (which can be maintained up until the age of 25) for the purpose of facilitating their attendance at institutions where they are receiving education and training outside the Further and Higher Education sectors, where the council has secured the provision of education or training at the institution and the provision of boarding accommodation in connection with that education or training.
- 1.4 These requirements derive from the Education Act 1996. The transport policy statement sets out how KCC will meet these duties and what learners can expect by way of support.
- 1.5 KCC's policy is that all young people carrying on their education post 16 must reapply for travel support annually.
- 1.6 The policy makes provision for appeals to be lodged with the Transport Regulation Committee Appeal Panel, where requests for support are declined, or is felt by learners to be insufficient to their needs. The Transport Regulation Committee Appeal Panel have discretionary authority to make alternative arrangements that they deem suitable for that learner

KCC's current approach

Learners of Sixth Form Age

- 1.7 The current policy statement (2024/25 policy statement - Appendix A) makes it clear that in the first instance there is an expectation that all learners of sixth form age, including those with SEND (Special Educational Need and Disabilities) and/or an Education Health and Care Plan (EHCP) will make use of the Kent 16+ Travel Saver. This is a discretionary scheme which aids access to both education and employment with training. This provides up to a 50% reduction in travel costs for the average user. Learning providers, at their discretion, can further subsidise this using bursary funding and we would expect bursary to be provided for up to 50% of the cost for low-income families. Because schools and colleges use bursary funding at their discretion, some choose to subsidise other localised bus travel cards as opposed to the KCC scheme which offers a broader transport offer.
- 1.8 In addition to this provision, the Policy Statement outlines the following additional options available to learners of sixth form age:

- Direction to provider led 16 to 19 Bursary Fund
- Subsidised travel cards for Young people who are not in education, employment or training (NEET)
- Active Travel Strategy
- Vacant Seat Payment Scheme
- Care to Learn
- Alternative Support for those learners requiring additional assistance

The Policy Statement explains that KCC will assess whether it is necessary to provide additional support taking into account a number of factors, including:

- The availability of courses at nearby learning providers;
- Any SEND or mobility issues which mean that it is not reasonably practicable to use public transport;
- Any SEND or mobility issues meaning that an individual may remain in education or training longer than other individuals;
- Whether it is reasonably practicable to attend a preferred provider on public transport, including because of the nature of the route;
- The distance and/or travel time between an individual's home and the learning provider, and whether this makes it impracticable to travel on public transport;
- Whether an individual or household cannot afford the Kent 16+ Travel Saver and has been unable to secure support from their learning provider;
- Whether reasons relating to religion or belief mean that use of the Kent 16+ Travel Saver pass is not practicable.

1.9 Currently, KCC provides alternative support to learners of sixth form age in different ways, including:

- Providing support to allow individuals to make use of public transport, including travel training for eligible individuals with an EHCP. Travel training helps young people travel safely from home to their place of learning and back again, promoting their independence.
- Providing a [Personal Transport Budget](#) or mileage payment, which is money to support families to make their own arrangements to access the place of learning
- Organising and paying for a vehicle to take a sixth form age learner to their place of learning. Each young person's individual circumstances will be considered when deciding what sort of vehicle is necessary and what journey they will undertake.

1.10 Individuals and/or their household are expected to contribute to the cost of providing additional support. The level of the contribution is equivalent to the cost of a K16+ Travel Saver pass (with reductions applied for low-income

families, as appropriate). The K16+ Travel Saver cost is subject to change annually but is currently up to £600 per annum. Families that meet the national criteria for low income support currently contribute £300.

Adult Learners

1.11 The following options are available for adult learners:

- 16 to 19 Bursary Fund – learners 19 and over could also get a bursary if they either:
 - are continuing a course they started aged 16 to 18 (known as being a '19+ continuer'), or
 - have an Education, Health and Care Plan (EHCP)
- Active Travel Strategy
- Care to Learn, for young parents under 20.
- Alternative Support for those learners requiring additional assistance

1.12 Currently, KCC will make transport arrangements for a young adult learner where KCC has secured and named a setting in an EHCP which provides both the provision of education and training and the provision of boarding accommodation. This applies to an adult learner aged under 25 with an EHCP and where it is considered necessary to facilitate that person's attendance at the place of education or training. Transport arrangements may also be made where an adult learner is receiving education or training at an establishment maintained or assisted by KCC and providing Further or Higher Education or within the Further Education sector, and KCC considers it necessary to provide transport to facilitate that person's attendance at the place of education or training.

In deciding whether it is necessary for KCC to make alternative support arrangements for an adult learner, KCC has regard to several factors including:

- The learner's age, ability and aptitude
- Any SEND the person may have
- The locations and times at which the education or training is provided
- The nature of the route, or alternative routes, which the learner could reasonably be expected to take.

1.13 For the purposes of deciding whether to make transport arrangements, KCC does not consider it necessary, other than in exceptional circumstances, for a young adult learner to attend an additional Further Education course at the same level or equivalent where the learner had previously attended and completed a course of that level at an establishment within the Further Education sector. KCC expects to see evidence of the learner making progression, but each case will be considered on its own merits.

1.14 Currently, KCC provides alternative support in different ways, including:

- Providing support to allow individuals to make use of public transport, including travel training for eligible individuals with an EHCP.
- Providing a Personal Transport Budget or mileage payment, which is money to support families to make their own arrangements to get access the place of learning
- Organising and paying for a vehicle to take an adult learner to their place of learning. Each young adult's individual circumstances will be considered when deciding what sort of vehicle is necessary and what journey they will undertake
- Where transport is provided (as opposed to transport assistance), it is provided through council tax funding, as a result of the different legislative requirements that apply to adult learners.

1.15 KCC currently provides a Kent 16+ Travel Saver to 6,625 pupils. 1,310 Post 16 pupils receive support via a KCC provided vehicle. 187 Post 16 pupils are provided a Personal Transport Budget. The number of young people using KCC arranged transport to FE colleges has increased by 75% in the past 6 years (since 2018-19), with the average cost of transport increasing by around 40% over the same period.

2. Why changes are being proposed

2.1 KCC has a duty to consider what support it is necessary to provide to facilitate each young person's attendance. Historically, KCC has offered more direct support for some Post 16 learners, particularly those with SEND including EHCPs. This meant that their transport has remained very similar after they turn 16, even though there is no legal requirement to provide that level of support. This offer has never been universal, with only a small proportion of learners getting this additional level of support. Most learners of sixth form age, including the majority of those with SEND including EHCPs are currently expected to make their own arrangements.

2.2 However, since 2018, Kent has seen over an 80% increase in the number of children aged 16 and above with an EHCP. The provision of transport for this group is inevitably more complex, which means that it usually requires more resources to fulfil. KCC is not provided with dedicated funds for Post 16 transport, which means that any additional offer that KCC makes must come from its general funds, namely the Council Tax that it collects from local residents and government grants. As a result, we need to ensure that our policy and transport services are both appropriate to meet the specific travel needs of learners and are sustainable now and in the future.

2.3 The key drivers for the proposed changes are as follows: promoting independence; rebalancing KCC's offer to learners of sixth form age and adult learners; and financial sustainability. These are explained in more detail below. More information is also provided below about the anticipated impacts of the proposed changes.

Promoting independence

- 2.4 Priority 5 of KCC's [SEND Strategy 2025 – 2028](#) sets out Kent's ambition to 'ensure that children and young people with Special Educational Needs and Disabilities (SEND) are prepared for independence. By focusing on skills development, future education, employment, and independent living, we aim to create clear, effective pathways for young people to transition confidently into adulthood'. Developing independence is a key outcome of a young person's education journey and young people need to be adequately prepared for adulthood by encouraging and enabling them to access education with reducing support from their local council. The proposed policy is intended to ensure that provision is made available to learners to develop important travel skills in the lead up to their transition to Post 16 education.
- 2.5 Under our current policy, KCC offers Independent Travel Training to learners of sixth form age and adult learners and this training takes place in the first year of their Post 16 education. This is the earliest point that families generally consider alternatives around transport, as before this point most pupils have a statutory entitlement to council tax funded school transport. Due to levels of demand, this often means that learners do not receive these lifelong skills until later into the academic year. There is also often understandable resistance to undertake this training where a continuation of historic transport arrangements remains available. KCC's proposed policy would allow travel trainers to focus their capacity on learners in the lead up to their transition to Post 16 education, instead of having to wait until a learner reaches sixth form age. Historic demand for travel training for those sixth form age and adult learners receiving transport arranged by KCC has always reduced the potential for KCC to offer this to younger learners. The full team's capacity could instead be targeted more fully toward learners as they approach the transition to sixth form. This means that they will learn these skills at an earlier point in their education, improving both their transition into Post 16 education or training and their independence at the end of secondary education. This in time would also benefit young adult learners as they progress from their sixth form education.

Rebalancing Kent's offer to learners of sixth form age and adult learners

- 2.6 For the majority of sixth form age pupils in Kent, a K16+ Travel Saver pass is considered an appropriate form of support. As explained above, alternatives are also available, such as travel training, Vacant Seat Payment Scheme (VSPS), Care to Learn and Active Travel. In providing this support, KCC expects that most families will be responsible for at least half of the costs associated with the learner of sixth form age's travel to education or learning and has provided support on this basis for a number of years. Currently 6,625 K16+ Travel Saver passes are provided to learners of sixth form age.
- 2.7 By contrast, KCC's current offer to the 1,497 learners of sixth form age and adult learners who need additional support is to source and pay for a vehicle to take them to their place of learning. Given the significant increases in costs

associated with providing this vehicle, which are outlined in more detail in the next section, the average cost to KCC Council Tax payers per learner of sixth form age is currently £8,200 per annum. This represents a 93% subsidy for full contributors and a 95% subsidy for low-income families.

- 2.8 The proposed changes would address this increased disparity between levels of expenditure on those with and without additional needs for support, while continuing to acknowledge the additional challenges that face those learners with a higher level of need by providing a greater level of support.
- 2.9 KCC has seen a significant increase in parental desire for a PTB in recent years. Since 2020, there has been nearly a threefold increase in the number of families electing to receive a PTB to support their child's transport needs. This suggests that the flexibility that PTBs provide can be an effective way for KCC to enable access to learning, and that reliance on a KCC provided vehicle is not as necessary as it may once have been.

Sustainability of KCC resources

- 2.10 The increase in children with EHCPs along with inflation, market supply and a greater number of destinations and journeys has meant that the cost of providing Post 16 transport has more than doubled since 2018 and continues to increase.
- 2.11 Like many other councils, KCC is facing significant financial challenges. KCC has been through an extraordinary period in the last few years with the Covid-19 pandemic followed by the significant economic turbulence arising from international and national circumstances. The cost of and demand for our services continue to increase at a much higher rate than the funding available from government, Council Tax, income from services users and a small proportion of Business Rates.
- 2.12 Since 2011, KCC has had to make almost £1 billion in savings and income generation in order to manage within the funding available. However, the demand for and cost of providing services was such that for the first time in 22 years Kent ended the 2022-23 financial year with a significant overspend of £44.4 million, followed by an overspend of £9.6m in 2023-24, and a forecast overspend of £23.3m in 2024-25 (reported to Cabinet on 30th January 2025)¹. Overspends will be funded by using reserves, but this is not an ongoing sustainable solution.
- 2.13 The biggest overspends during this period were in the areas of adult and children's social care, special educational needs, and home to school transport. In the past three years, the Home to School and College transport budget has been overspent by £5.8m in 2021-22, £16.1m in 2022-23 and £10.9m in 2023-24.
- 2.14 In response to the significant and ongoing overspends and historic trend of increasing costs, the Council has had to increase the budget for this service

¹ Latest reported position at the time of writing

by a total of £52m (equating to a 118% increase) over the past three years, to help avoid a continual overspend. Other savings initiatives (linked to purchasing and placement decisions) have helped to slow the increasing costs of transport further than initially assumed, leading to an underspend of approximately £8.6m in 2024-25 (reported to Cabinet on 30th January 2025). Whilst we expect these savings initiatives to continue to help contain future budget increases, they are not sufficient to reduce our current spending levels on transport services to historic levels, and therefore further revisions to our offer are required in order to support the Council to set a balanced budget. For 2025-26 the overall budget for Home to School Transport is £97.7m (an increase of £1.4m compared to 2024-25), this includes funding to cover possible costs of inflation and rising numbers travelling, along with the impact of introducing new route planning software. Indicative budgets for 2026-27 assume current trends continue.

2.15 Council services are continuing to face increasing demand and above-inflation cost pressures. The Budget for 2025-26 set out overall spending growth for all core funded services (i.e. excluding services funded by specific government grants) of £151.2m compared to £101.8m increase in funding. The difference has been covered by finding further savings and raising income to ensure there is enough money to fund what must be paid for.

2.16 In addition, the Medium Term Financial Plan (MTFP) sets out indicative plans for 2026-27 and 2027-28 with costs forecast to continue to increase above the forecast funding available with an expectation that further savings will need to be found to meet the requirement to set a balanced budget in the future. Consequently, the financial challenges faced by KCC means it has been essential that all areas of spending are reviewed and considered for savings. This includes spending on Post 16 transport.

2.17 The financial implications of the proposed changes are detailed in Section 9 of this paper.

3. Proposals put to consultation

3.1 KCC has a duty to consult on and publish its Post 16 Transport Policy Statement every year. The proposals developed by officers, and subsequently consulted on, are explained immediately below.

3.2 The structure of KCC's standard offer of support to both learners of sixth form age and adult learners is proposed to remain unchanged for 2026/27, with the main areas of offer detailed in Section 1 remaining. Similarly, KCC is not proposing to alter the criteria it will apply in determining which learners of sixth form age receive support. This means the same learners will be identified for additional support under the proposed policy. KCC would however expect adult learners to seek support via the 16-19 Bursary Fund prior to applying for additional support from KCC.

3.3 The consultation also proposed the following changes to how Kent would provide alternative support to learners who qualify.

Proposed 2026-27 changes for Learners of Sixth Form Age

- 3.4 The consultation proposed to make Personal Transport Budgets (PTBs) KCC's default offer to learners who qualify for additional support, to facilitate their travel to their place of education. This means a KCC organised vehicle would only be provided in exceptional circumstances, rather than to the majority of pupils that qualify for additional support, as is currently the practice.
- 3.5 A PTB is a payment designed to support parents and young people in making their own personal arrangements to get to and from their school, college or training provider. Applicants are not limited in how they make use of the PTB to support travel, with the exception that funds cannot be used to purchase an alternative KCC pass or scheme for the young person, as these are already subsidised by KCC. KCC currently provides PTBs to some individuals who qualify for additional support. However, it is proposed that from 2026-27, PTB payments will be the standard means of supporting individuals who face additional challenges in accessing education or training.
- 3.6 Kent's PTB scheme has been operating for over 10 years and is already an established feature of our transport policy. Payments are made on the basis of the straight-line distance between the applicant's home and their main educational establishment or training provider in the Bands set out in the table below. An initial contribution is required which is equivalent to the full cost of the K16+ Travel Saver pass, including with appropriate adjustment to the rates for low income applicants, for the academic year that the application is being made. A family would be considered as qualifying for low income rates if they receive one of these benefits:
- Income support
 - Income based jobseekers allowance
 - Child Tax Credit (without Working Tax Credit and with an annual income of no more than £16,190)
 - Guarantee element of state pension credit
 - Income related employment and support allowance
 - Maximum level of Working Tax Credit (TC602).
- 3.7 The K16+ Travel Saver cost is subject to change annually but is currently up to £600 per annum. Families that meet the national criteria for low income support currently contribute £300. While actual PTB funding levels will be confirmed when K16+ Travel Saver costs are finalised in June/July 2026, the following table gives an indication based on current costs. The amounts below are therefore proposed amounts for 2026-27 and are subject to change if the K16+ Travel Saver price changes:

| | Annual Fund | Total Annual Fund minus contribution (e.g. £600). This is the amount the applicant would receive. | Total Annual Fund minus low income contribution (e.g. £300). This is the amount the applicant would receive if they meet the low income criteria. |
|------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Band 1 – Less than 5 miles | £2,000 | £1,400 | £1,700 |
| Band 2 – Between 5 and 10 miles | £3,000 | £2,400 | £2,700 |
| Band 3 – Over 10 miles | £5,000 | £4,400 | £4,700 |

- 3.8 PTB payments are made in 11 monthly installments. Where learners do not take part in the equivalent of a full time education, or where attendance levels are low, total payments are offered on a pro rata basis.
- 3.9 In exceptional circumstances, KCC may still make alternative, cost-effective arrangements to provide transport (rather than a PTB) to a school, college or training provider. The nature of any such exceptional arrangements would be highly dependent on individual circumstances. The proposed 2026/27 Transport Policy Statement therefore omits previous general guidance relating to KCC-organised transport. Such arrangements would also be subject to an initial contribution in line with the total cost of the K16+ Travel Saver pass (with appropriate adjustments for low-income applicants). The proposed policy outlines how requests for exceptional consideration would be dealt with by KCC.
- 3.10 It is not proposed to change the support KCC currently provides to individuals of sixth form age through the K16+ Travel Saver. KCC will also continue to offer Independent Travel Training, and the eligibility criteria for this will not change. It is also not proposed to make changes to the support provided to young people who are not in education, employment or training through fixed term travel cards. Separately, the proposed 2026-27 Transport Policy Statement continues to refer to other potential means of support, which will continue to be available, including via the 16-19 Bursary Fund, Active Travel, the Vacant Seat Payment Scheme, and Care to Learn.
- 3.11 The remainder of the Post 16 transport offer for individuals of sixth form age remains unchanged.

Proposed 2026-27 changes for Adult Learners

3.12 The consultation proposed to make two linked changes to the support provided to adult learners, as follows:

- Adult Learners would be expected to apply for support via the Government funded 16 to 19 Bursary Fund from their learning provider before approaching KCC for any additional support. The 16 to 19 Bursary fund is national funding provided to learning providers to support a range of needs including transport.
- Where KCC assesses that any support provided to students via the 16 to 19 Bursary Fund is insufficient to facilitate a student's attendance at school, college or training, consideration would be given to support in the form of a mileage payment. KCC would offer a mileage payment, as standard. Under the proposed policy, KCC would generally no longer make transport arrangements for individuals to whom it provides support. KCC would only consider providing transport in exceptional circumstances.

3.13 As is currently the case, for the purposes of deciding whether to provide support KCC would not consider it necessary, other than in exceptional circumstances, for a young adult learner to attend an additional Further Education course at the same level or equivalent where the learner had previously attended and completed a course of that level at an establishment within the Further Education sector. KCC would expect to see evidence of the learner making progression, but each case will be considered on its own merits.

3.14 Mileage payments are made at a rate of 45p per mile, for four journeys a day, paid in arrears, following confirmation of attendance and submission of appropriate fuel receipts. Total annual payments would be subject to an overall contribution in line with the total cost of the Kent 16+ Travel Saver pass (with appropriate adjustments to the rates for low-income applicants, as explained above) for the academic year that the application is being made. The K16+ Travel Saver cost is subject to change annually but is currently up to £600 per annum or £610 where paid for in instalments. Contributions are reduced to £300 for low-income households.

4. Other options considered prior to consultation in the development of the proposals

4.1 During the development of the policy, Officers considered whether alternative adjustments could be made, which still achieved the objectives outlined in Section 2. These are outlined below:

4.2 Increase the current contribution required from Post 16 learners - In order to meet the financial challenges set out above, KCC could increase the level of contribution that applicants are asked to make towards each young person's transport arrangements. Unfortunately, a number of limitations mean

this approach was not taken forward to public consultation. KCC's assessment of the limitations of this approach was explained to the public, who have been able to express their views.

- 4.3 KCC has historically assessed that, for reasons of fairness, those who receive additional support and those who receive support in the form of a K16+ Travel Saver pass should make the same contribution.
- 4.4 There are currently 6,625 families across Kent that make use of a K16+ Travel Saver, compared to 1,497 families that are provided subsidised KCC transport. This means the total number of learners of sixth form age receiving some level of transport support from KCC is 8,122. To achieve the same level of impact as the proposed change, if KCC continued to require equivalent contributions from those who do and do not receive additional support, KCC would be required to increase the overall cost of both the K16+ Travel Saver and contribution by approximately £760 per learner. When considering that the current cost of a K16+ Travel Saver and contribution is £600, this would raise to £1,360 per annum per learner.
- 4.5 On average, users of a K16+ Travel Saver receive a 40-50% subsidy compared to the normal cost of a standard annual bus ticket. This is possible as KCC is able to take advantage of the number of travelers to secure a lower price point than that which families could arrange on their own. At £1,360 it is unlikely that any applicant would receive sufficient benefit from the scheme, as it would be considerably higher than the normal cost of bus travel. This in turn would diminish KCC's ability to secure lower travel costs for those small few that remain. It is highly unlikely that KCC could continue provide a K16+ Travel Saver in this situation.
- 4.6 This approach would therefore negatively affect a greater proportion of families and undermine another KCC travel option, so we did not consider it an appropriate alternative.
- 4.7 KCC also considered an alternative approach of limiting the contribution increases to those families that receive a higher level of support, as this would protect the ongoing viability of the K16+ Travel Saver pass. However, if KCC took this approach, the contribution would need to increase around £4,250 per person to an annual fee of £4,850, or around £1,600 per term. If KCC were to offer a lower contribution level to low income families, this amount would rise further for other learners. The average cost of transport for learners of sixth form age receiving additional support is £8,200, so this would still reflect an average subsidy of around 40% per learner. However, this would be the equivalent of over an eight-fold increase in the level of parental contribution.
- 4.8 KCC's experience of the introduction of the £600 contribution strongly indicates that this level of increase would not be viable for most families, and would create a major barrier to education.
- 4.9 As a PTB proactively provides families with additional funds to support the arrangements made for learners of sixth form age to attend education or

training, officers consider that this would be preferable to the significant contribution necessary to maintain the current system and make an equivalent contribution to financial sustainability. We explained this to the public as part of the consultation and consultees were able to express their views.

- 4.10 **Maintain current level of support** - KCC is facing considerable financial challenges across the majority of its portfolio. KCC could only continue to provide the current level of transport subsidy to this cohort of sixth form aged and young adult learners if savings were made elsewhere within the council.
- 4.11 The Council has set out the size of the financial challenge and the breadth of service areas that have been considered and will be expected to deliver savings in the Council document "[Securing Kent's Future](#)" agreed at Cabinet in October 2023. This document updated, the Council's ambitions in light of the changed financial landscape and the significance of adults & children's social care delivery within the Council's budget, by prioritizing "the delivery of the new models of care and support" objective within the "[Framing Kent's Future](#)" Strategic Statement. This has created an expectation that council services across all directorates must prioritize delivering this objective as a collective enterprise. This does not mean that the other objectives in "Framing Kent's Future" are not still important but the scope of these may have to be scaled back with policy ambitions in other areas becoming more limited. The provision of Post 16 Transport is connected to the Kent's objectives for "levelling up and infrastructure for communities". The proposals outlined in this report meet objectives 2 & 3 of the Securing Kent's Future document relating to Service Transformation (delivering savings from identified opportunity areas to set a sustainable budget and MTFP) and Policy Choices & Scope of Council ambitions (evaluation of statutory minimum requirements & review of discretionary spending). Other service areas are already being expected to deliver their own savings, with the agreed Medium Term Financial Plan setting out the expectation of delivering around £160m of savings across the Council over the next 3 years. Maintaining the current level of support would also not contribute to achieving the other objectives explained above.
- 4.12 The consultation provided respondents with an opportunity to comment on these discounted options and present alternative suggestions. Consultation responses are addressed in Section 6.

5. Anticipated impacts

- 5.1 Before the consultation, officers identified that KCC makes transport arrangements for 850 learners of sixth form age and 621 adult learners. A pre-consultation Equality Impact Assessment (EqIA) was completed to identify the potential impact of proposed changes.
- 5.2 In developing the proposals, officers also gave careful consideration to the likely impacts on those affected, as well as a number of statutory factors which KCC is obliged to consider, namely:

- The needs of those for whom it would not be reasonably practicable to access education or training if no arrangements were made by KCC
- The need to ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided
- The distances from learners' homes to education and training establishments
- The journey time to access different establishments
- The cost of transport to the establishments in question
- Alternative means of facilitating attendance at establishments
- Preferences based on religion
- Non-transport solutions to facilitate learner access

5.3 We acknowledge that, in summary, if the proposed changes are implemented:

- The financial support provided by KCC would be lower than the average cost of transport currently provided. It is therefore unlikely that learners would be able to replicate current arrangements solely with the PTB or mileage payment provided.
- Making arrangements for learners to access their place of learning would likely be more complex. Families would have to play a more active role in deciding the best option for them. This could impact school attendance where alternative arrangements are not made within similar timescales to arrangements made by KCC. However, the proposed changes may also allow more flexible arrangements. Some families prefer to receive a PTB, evidenced by the threefold increase in the number of families electing to receive a PTB since 2020.
- Families may need to change their routines to incorporate additional or longer journeys, which could negatively impact work or other commitments for some.
- Learners' transport arrangements may take longer, or they may have to travel further, especially if they make use of public transport instead of more direct options.
- It is possible that some learners may have reduced access to select schools of their preference.
- Where a learner or their family does not feel they could, or they could not, or could not afford to, make alternative arrangements, it is possible that changes to transport could result in the learner ceasing to remain in education. When KCC introduced a mandatory contribution for Post 16 transport and adjusted the offer to adult learners for the 2024-25 academic year, the overall cohort size reduced by around 8%, although annual variations could account for

some of this disparity. (Further post-consultation analysis of the potential impact is covered in Section 6).

- It is recognised that in some individual cases, the proposed reduction in support may give rise to a need to access other KCC services, such as children's or adult social care. As this would depend on individual circumstances, there is no accurate model to predict how widespread this may be, or what the cost implications would be. (However, further analysis in Section 6 can also inform Member thinking on this point).

- 5.4 If the proposals were implemented, the support provided to the majority of sixth form age learners in Kent would be unchanged. These pupils would still be able to apply for a K16+ Travel Saver pass, as well as the alternative forms of support currently offered by KCC and others.
- 5.5 Those sixth form age learners with additional needs, who would qualify for the provision of transport under KCC's current policy, would still receive significant extra support from KCC, in the form of a PTB. This would help ensure that those with additional needs continue to have reasonable opportunities to choose between different establishments. In assessing applications for additional support, KCC would continue to have regard to the same factors as at present, including distances, journey times, accessibility via public transport, affordability of a K16+ Travel Saver, and religion/belief. The level of support provided under a PTB would continue to account for the distance a learner needs to travel to access their establishment.
- 5.6 A large proportion of adult learners with additional needs, who would qualify for the provision of transport under KCC's current policy, may not qualify for support if the proposals are implemented. However, this would only be the case because they have received alternative support via the 16-19 Bursary Fund, or identified as not requiring support under that bursary and no additional information was provided to KCC to take a different view. Otherwise, those who are eligible for the provision of transport arrangements under the current policy would continue to receive significant extra support from KCC, in the form of a mileage payment. Aside from the requirement to seek help from other sources first, KCC will continue to apply the same criteria when determining applications for additional support.
- 5.7 In exceptional circumstances, KCC will also continue to consider making transport arrangements for both sixth form and adult learners.
- 5.8 Consultees were provided an opportunity to comment on the EqlA during the consultation process. Officers have carefully considered consultees' views and updated the EqlA in the light of consultation feedback. This is addressed in Section 8.

6. Consultation

- 6.1 KCC's public consultation ran from 27 January to 23 March 2025. As changes were being proposed for the 2026/27 academic year, the consultation was held a year earlier than usual to ensure that pupils and families who would be

affected by the potential changes had sufficient opportunity to consider the implications before future educational decisions are made.

6.2 To raise awareness of the consultation and encourage participation, the following activity was undertaken:

- Emails to stakeholders including maintained schools providing education for persons over compulsory school age and their governors, FE providers and their governors, bus operators and other school transport providers, such as taxis.
- Email/letter to all parents of year 10, 11 and post 16 students with an EHCP.
- Invite on the launch of the consultation to 13,911 Let's talk Kent registered users who have expressed an interest in being kept informed of consultation regarding transport, education, young people and children and families and a reminder email to 10,844 users on 17 March.
- Media release - <https://news.kent.gov.uk/articles/consultation-opens-on-kccs-home-to-school-transport-policy>
- Provided Kent PACT opportunities to engage in policy and communication planning in the pre-consultation period
- Promoted by Kent Association of Local Councils (KALC) through their newsletter, website and Facebook page.
- Group Face to Face engagement event for post 16 providers
- Promoted through KCC's resident e-newsletter, SEND newsletter and Kelsi e-bulletin and intranet.
- Posters displayed in libraries and Gateways and feature on home screen of public computers in libraries.
- Promotional banners added to Kent.gov homepage and relevant service pages.
- Social media via KCC's corporate Facebook, Twitter, Instagram, LinkedIn and Nextdoor accounts and paid targeted Facebook adverts.
- Promotion through KCC's intranet.
- All consultation material included details of how people could contact KCC to ask a question, request hard copies or alternative format.
- A Word version of the questionnaire was provided on the consultation webpage for people who did not wish to complete the online version. A Freepost address was provided for any hard copy responses.
- Large print, easy read and audio versions of the consultation material were available from the consultation webpage and on request.

6.2 Engagement with the consultation webpage, material and social media was as follows:

- 3,213 visits to the consultation webpage, by 2,879 visitors.
- 691 document downloads, including 329 downloads of the Consultation Document
- 120 downloads of the 2026-27 Statement

- Organic posts had a reach of 62,040 on Facebook and Instagram. There were 76,793 impressions on X (Twitter), LinkedIn, Nextdoor and Instagram. Reach refers to the number of people who saw a post at least once and impressions are the number of times the post is displayed on someone's screen. The posts generated approximately 2,266 clicks through to the consultation webpage. (Not all social media platforms report the same statistics.)
- 225 responses to 2026-27 Post 16 Transport Policy Statement sections of the consultation

6.3 A full consultation report providing an independent analysis of demographic profile and corresponding feedback received is available at Appendix C, which should be carefully considered by decision-makers.

Assessment of consultation feedback

6.4 Consultees were asked to indicate their agreement or disagreement with the two proposals put forward:

- 34% agree with providing a Personal Transport Budget to most learners who qualify for additional support from KCC, to facilitate their travel to their place of education; 56% disagree. Strength of disagreement is higher than strength of agreement, with 45% strongly disagreeing and 17% strongly agreeing.
- 24% agree with the expectation that students aged 19+ apply for a discretionary bursary from their learning provider to facilitate their travel to and from their school or college, 63% disagree. Strength of disagreement is higher than strength of agreement, with 49% strongly disagreeing and 14% strongly agreeing.

6.5 In broad terms, and noting that full details are set out in Appendix C, the overriding oppositional themes across both proposals related to the likelihood that future transport will be more difficult or costly to arrange and learners and their families may have reduced options when considering what educational opportunities to pursue. Respondents raised concerns about learners' ability to engage in independent travel or making use of public transport options. Others commented that proposals were discriminatory and unfairly affected those with protected characteristics.

6.6 It should be noted, as KCC was required to consult on two concurrent Policy Statements at the same time, as outlined in the introduction to this report, that during the consultation some respondents made reference to concerns about the more substantial changes proposed for 2026/27 in their responses to 2025/26 questions. However, the issues followed the same themes and patterns as concerns raised in the sections of the consultation dealing specifically with the proposed changes for 2026/27.

6.7 These main themes broadly mirror those identified prior to the consultation and summarised in the consultation document (and in Section 5 above), and in the Equality Impact Assessment (EqIA) undertaken prior to and published alongside the consultation. There is understandably significant resistance to

any plan to reduced a transport offer that has been an established feature of Kent's educational system for many years. Families of learners with SEN felt that this was a further unwelcome pressure and would negatively impact the educational options available to their children. Respondents continued to express an expectation that KCC had a legal duty to provide the previous level of support, in spite of the information contained within the consultation which outlined that this was not supported by the relevant legislation.

6.8 The feedback does not in officers' view provide a compelling reason to reconsider any of the previously discounted alternative options that are outlined in Section 4. Officers therefore remain of the view that these alternatives are not suitable to be taken forward.

6.9 However, in addition to the previously identified themes, respondents identified some new areas for consideration.

Newly identified themes

6.10 Newly identified areas of consideration include:

- Post 16 Learning providers, particularly those in more rural locations, asked for reconsideration of the policy including "school led" transport arrangements that are present in the existing policy. There were also comments about whether KCC could give providers access to, or their own, minibuses. A policy adjustment has been suggested as a result of this feedback and detailed in the following section.
- Concerns were raised about the safeguarding implications of learners interacting with third parties that may not be subject to the same DBS checks that KCC sourced providers receive. However, all registered third party transport providers are expected to ensure that their employees are subject to the same enhanced DBS checks. No changes are therefore suggested for the policy.
- Adult learners were concerned that the additional requirement of engaging with their learning provider before applying to KCC will make the process more complex and time consuming. It is acknowledged that it will require additional organisation to engage with learning providers before submitting an application to Kent County Council. Most learners in this category will have an EHCP, which means that they should have their following year's educational arrangements finalised at least 5 months before the start of the new academic year. However, members should be aware that SEN services do not currently complete Phase Transfer activity for all Post 16 students by the expected deadline. This year, 58.4% of cases were completed on time, which rose to 83.8% roughly 2 months later. KCC has seen a considerable improvement in Phase Transfer outcomes as a result of the work related to its recent improvement notice. By comparison, 2 years ago, a little more than 20% of students received their outcome by the deadline. Members can anticipate, but cannot guarantee, that current levels will continue to improve before the policy is implemented in 2026/27, but should also consider that this additional complexity in the application process is

unavoidable if the new policy proposals are accepted, as a dual application will always be more complex than a single alternative.

- Adult Learners were concerned that mileage payments would be offered on a recoupment basis (payments would be made termly in arrears), meaning transport would need to be self-funded before being reclaimed from KCC. It is highly unlikely that learners with such constrained financial circumstances would be declined support under the 16 to 19 Bursary, which can be made available before transport arrangements are made. However, the proposed policy also allows for exceptional circumstances to be considered, alongside the Member led review process. This means that individual adjustments could be made if necessary. It is therefore proposed that no further changes are required to the policy statement to mitigate this concern.
- There was an expectation that proposals would result in increase traffic on the roads. This report identifies that around 1,310 learners are currently in receipt of a KCC provided vehicle, which on average is access to a four seater vehicle. This means that proposals could result in a range of somewhere between one quarter of that total (in the event learners all shared a vehicle) to the total number (in the event all learners travelled independently). This would make the range between 328 and 1,310, with the most likely outcome falling somewhere in the middle, around 700-800 potential vehicles across the county. Members should be mindful of this potential impact when reaching their decision.
- Concerns were raised that if learning providers supported learners' travel arrangements, there would be diminished funding for other areas of support. Officers accept that this may be a consequence for some learners. However, the Government-funded 16 to 19 Bursary is anticipated to provide support for a number of areas, including transport, so providers are expected to make balanced decisions within existing funding. In the event that any bursary support provided to learners is insufficient to facilitate a person's attendance at their place of education or training, they would be able to apply to KCC for additional support.
- Responses also prompted Officers to consider that changes are likely to create an increase demand for Member based appeals, which may require additional Member engagement to support. Members should also consider this when reaching their decision.

6.11 The EqIA has been updated to incorporate these additional themes.

6.12 In an effort to better understand the potential impact on learner attendance and potential cost-shunt to other KCC departments, Officers have analysed the behaviours of pupils who ceased to receive direct transport support following the policy revisions consulted on in 2023 and implemented in 2025, which were referenced in Section 5. These changes introduced new qualifying criteria for Adult Learners, which ceased provision of transport to most learners in the event they repeated a course of the same level or similar to one which they had completed previously.

- 6.13 As outlined above, 621 adult learners were provided transport support under the new policy. 24 adult learners were refused transport following those changes. Of these, five requested equivalent transport from social care, of which four were agreed at an annual cost of £100,105. Five adult learners requested direct payments to support alternative arrangements including funding personal assistants and/or their own transport arrangements. Social care agreed to all five of these requests at an annual cost of £140,011. Two of the 24 learners took the decision to move to alternative learning providers that they could more easily access. One learner made the decision to cease their education as a result of the lack of transport support. The remaining learners continued to access their original place of learning in spite of the policy changes.
- 6.14 This data is not definitive, as it does not cover those individuals who did not apply to KCC for support at all as a result of the previous changes. It also relates to post-19 learners only. However, the figures provide an indication of the possible impacts of the current proposals on learners' continued participation in education or training. In summary, of the 24 learners who were provided no support as a result of the introduction of the new criteria, only one learner ceased to remain in education. Others continued to access their original place of learning, moved to a more accessible provider, or received support from elsewhere in the system (Section 9 outlines how our financial assessment of these proposals have been adjusted for potential internal cost shunt to other services). Furthermore, the current proposed changes are not as significant as the previous introduction of new qualifying criteria, in the sense that they would involve a reduction in the level of support rather than the removal of support entirely (subject to the requirement to apply for bursary funding for post-19 learners). It is therefore not unreasonable to expect a similar profile of impact under the new proposed policy, i.e. that a relatively small minority of pupils affected will cease to attend education or training as a result of the changes. However, as it is not possible to conclusively predict future behaviour, Officers will keep under review the impacts of the changes once implemented. As explained elsewhere, we are also proposing a range of mitigations (including the exceptional circumstances category and the amount of notice given of the changes).
- 6.15 Consultation responses are also relevant. 22% of responses to the proposed changes for sixth form age learners and 23% of equivalent comments for adult learner changes indicated that the proposals would negatively impact their ability to attend a place of learning. This highlights that education attendance is likely to be affected. However, consultation responses should not be taken as an exact predictor of the overall level of impact. Officers anticipate that consultation responses are more likely to have overstated likely negative impacts as a result of general opposition to the provision of a lower level of support than understated those impacts.
- 6.16 Officers do not envisage significant additional impact on learner attendance beyond the factors outlined above. However, it is possible that some learners may only be able to make arrangements for part of their scheduled timetable, which may impact overall attendance. While it may be possible for

learning providers to mitigate some of this potential impact when designing timetables, Officers will also need to consider this when assessing what support is required to facilitate access to education.

- 6.17 Members should, in summary, be aware that in a minority of cases adult or children's social care may continue to pay for the continued home-to-school transport, even where the individual is not eligible under the Council's post-16 transport policy. This will reduce the overall savings generated by the policy, but officers assess that the financial impact is likely to be relatively limited (and, in any event, the policy allows for the continued provision of transport at KCC's expense in exceptional circumstances). Members should also be aware that the changes may result in some learners in both age groups ceasing to access education or training. As above, we assess that this is likely to be a relatively small minority of learners, but will keep this under close review after implementation.
- 6.18 Finally, the independent analysis of the feedback identified all themes that emerged from the consultation feedback. Officers' detailed consideration of themes emerging from the consultation (including but not limited to those set out above) is set out in Appendix D, which is a draft consultation response for consideration and approval by members. Both this and the Equality Impact Assessment found in Appendix E outline the mitigations that have been put in place to manage these impacts as much as possible.

7. Proposed Policy Statement adjustment following consultation

- 7.1 As outlined above, during consultation engagement activity with the education sector, two specialist provision Post 16 learning providers met with council Officers, outlining concerns around the specific implications of the proposed changes to their establishments and the learners that attend. Due to the rural nature of their location, these stakeholders were concerned that this could become a major barrier to attracting future pupil populations. This in turn has potential to negatively impact learners already attending the establishments
- 7.2 KCC's existing transport policies currently include the option for Transport Officers to engage with individual learning providers to develop school led transport schemes, where these are mutually beneficial for both parties and remain financially advantageous. While these are colloquially referred to as "school led" arrangements, they refer to agreements with any learning provider. School led transport options have been included in previous policies as they are beneficial to all parties. They allow KCC to pay the costs associated with a school organising the transport necessary for their learners, instead of KCC making arrangements with a third party. KCC fulfils its transport related duties at a lower price point, learners receive a more bespoke and responsive offer, often with staff members they already engage with on a daily basis and learning providers are empowered to support their learners directly, allowing them to react to individual pupil need without the need of lengthy interactions with council officers.
- 7.3 However, during the initial development of the proposed Policy Statement for September 2026, it was not initially considered that school led transport

schemes would operate effectively in conjunction with a change to a significant proportion of families receiving a direct PTB or mileage payment. While transitioning from a KCC provided vehicle to a school provided vehicle would be relatively easy to accommodate, KCC anticipated significant barriers in expecting providers to ask families to forward on the monies received from KCC. This was based on an assumption that providers would not want to create an expectation that attendance at that school would preclude a parents from electing to keep their PTB instead of using the school transport option. We anticipated that this ambiguity would impact provider confidence that funding would remain available for a sufficient period of time to invest in the necessary vehicles and infrastructure to support such a scheme. As a result, school led transport was not originally included in the proposed policy.

7.4 While Officers initially only envisioned a scheme where parents opted in to a school led system, learning providers were more confident that their settings could make school led options the default, ultimately making this transport a pre-requisite of electing to attend the school. Officers highlighted that if this option was considered, settings would have to support learner and parental understanding of the reasons behind the setting's decision, to ensure that this position was not eroded over time. KCC could not be pressured in future to provide a PTB or mileage payment to select parents attending those establishments that requested this option, as it would fundamentally undermine their ability to continue to deliver it to other students, as overall funding levels would be negatively impacted.

7.5 As such, it is proposed that this option be re-introduced into the finalised policy for 2026 implementation with some adjustments to accommodate the new wider intention of the proposed policy.

7.6 The current policy wording states, in the section entitled "School Led Transport":

"The Head of Fair Access will work in conjunction with schools with a willingness and sufficient capacity, to develop bespoke arrangements to provide transport to eligible YPs on their roll. Such arrangements will be agreed in line with principles outlined in this policy, but will be managed via separate formal agreements with the school."

7.7 On page 13 of the proposed 2026/27 policy found in Appendix B, the following wording has been inserted:

"The Assistant Director of Fair Access will work in conjunction with schools and other learning providers with a willingness and sufficient capacity, to develop bespoke arrangements to allow them to provide transport to eligible YPs on their roll. Such arrangements will be agreed in line with principles outlined in this policy, but will be managed via separate formal agreements with the establishment. These establishments may request, as a part of such arrangements, that all funding related to Personal Transport Budgets and/or mileage payments for students on their roll be paid directly to them instead of individual learners. Such establishments will be responsible for informing current and potential future students that this is a pre-requisite of securing a

place at the school, as exceptions to this direct establishment allocation will not be made.”

8. Equality Impact Assessment

- 8.1 The consultation included a detailed Equality Impact Assessment (EqIA) which sought to identify the potential consequence of the proposed changes on those with different protected characteristics before the consultation began and identified most of the broad themes that were subsequently raised by consultees. However, some additional themes have been identified in section 6. Officers have carefully considered the additional themes relevant to potential equality impacts and have updated the EqIA accordingly. The updated EIA can be found in Appendix E and should be carefully considered by decision-makers.
- 8.2 The EqIA is accompanied by demographic information regarding the individuals who currently receive additional support. This demography has not been refreshed following the consultation as it took place during an academic year and it is highly unlikely to have changed significantly during that time, as transport arrangements tend to remain fairly static through the year. The vast majority of individuals who currently receive additional support have an EHCP and are more likely to have the protected characteristic of disability. They also fall into specific age ranges.
- 8.3 Respondents were provided an opportunity to highlight where they thought Kent's EqIA failed to identify potential impacts of proposed changes. They were also asked whether there were alternatives that could be considered to lessen the impacts on learners and their families.
- 8.4 The highest frequency of responses to these questions (40%) raised concerns about the policy that are detailed in section 6 and Appendix C and D, and so did not actually relate directly to the EqIA.
- 8.5 The remaining responses identified that those most likely to be affected by the proposed changes were learners and families of learners with protected characteristics, particularly those with SEND, those on the basis of age (over 16) and those from low income backgrounds.
- 8.6 While this aligns with the themes identified in the pre-consultation EqIA (and outlined in Section 5), a number of comments to the consultation outlined further areas that required consideration. These are interrogated in the EqIA found in Appendix E, with relevant mitigations for all impacts that have been identified. However, a summary of these newly considered areas include:
 - Adult learners are likely to have slightly more complex travel arrangements than learners of sixth form age, which means that they are more likely to be negatively impacted by proposed changes. This could negatively impact

attendance, school preference options and complexity of travel arrangements more for this group.

- While it was previously identified that pupils may have to travel longer, or undertake more complex travel arrangements as a result of proposed changes, consultation analysis highlighted that these pupils are already potentially more likely to undertake longer journeys as a result of the reduced school options available to them, particularly those attending specialist provision. This is likely to compound the impact on those affected by the proposals.
- Consultees highlighted that both groups of learners may face increased safeguarding risks. This could be as a result of travelling in new ways, adapting to change, or the increased chance of engaging with unknown third parties during daily journeys.
- Pupils travelling further distances will be affected differently, due to the differences between the offer available to learners of sixth form age and adult learners.
- Adult learners will face a more complex application process, as they may be required to interact with two organisations to receive the full level of travel support.

8.7 Insofar the EqIA assesses that protected groups may be placed at a particular disadvantage, officers continues to consider, following consultation, that the proposals are objectively justified so as not to give rise to discrimination. This is because the proposals are pursuing the legitimate aims of promoting independence, rebalancing KCC's approach to this area of transport, and financial sustainability to ensure KCC can continue to provide support to all learners, which would otherwise be jeopardised if its current approach continued. In addition, while most individuals within the relevant two cohorts will in have any additional support assessed and provided in different ways, officers consider that this is justified, including in light of the general expectation of growing independence as learners age and mature. Officers additionally consider the proposals are a proportionate means of achieving KCC's objectives, including in light of the mitigations outlined in the EqIA.

9. Financial Implications

9.1 The Home to School Transport net budget is £97.7m for 2025-26. There are no specific grants for home to school transport and the Council are expected to fund their responsibilities through the General Fund (Council Tax and other wider council funding) or where applicable, parental contributions. This budget covers mainstream, post 16 and SEN transport for eligible children aged up to 25.

9.2 The Council currently spends approximately £10m per annum on Post 16 transport to schools and further education providers. Estimated total cost reductions from this proposal on home to school transport could be up to £6m per year (when fully implemented). This would include savings of approximately £4m a year based on around 900 learners of sixth form age

receiving support by way of a PTB rather than transport arranged by KCC; and approximately £2m a year based on around 600 adult learners receiving support by way of a bursary from their education provider, or mileage payments rather than transport arranged by KCC.

- 9.3 It is recognised that in some individual cases, the proposed reduction in support may give rise to a need to access other KCC services, such as children's or adult social care. However, this would have to be assessed on an individual basis. Of the 1,500 young people currently eligible for post 16 transport, 335 are open to either children's or adult social care (around 20% of the cohort). An initial analysis of the impact of changes to the Post 16 policy (introduction to charging and restriction of post 19 transport eligibility) from September 2025, indicated an additional cost to social care of around £70,000 per annum affecting around 10 young people, in addition to £240k of alternative transport arrangements (outlined in section 6.14). This is less than 1% of the total cohort. The total estimated annual saving to home to school transport from the September 2025 post 16 changes was £1.4m. Therefore these extra costs equate to around 20% of the saving. Therefore, it is recommended a combined risk annual contingency of £1.3m (20%) is also provided to mitigate against additional costs in other parts of the council and where continued provision of transport may be agreed for those with exceptional circumstances. If the contingency is fully utilised this will reduce the estimated annual saving from £6m to £4.7m. The contingency is only an estimate and the final savings may be more or less depending on individual circumstances including the proportion of individuals who receive support via college bursary funding and whom KCC will no longer support.

10. Legal Implications

- 10.1 As explained above, KCC's duties to provide transport to sixth form and adult learners derives from relevant provisions of the Education Act 1996. KCC has considered and taken counsel's advice on these proposals. KCC's duties are explained and addressed in the DfE's statutory guidance entitled, "*Post-16 transport and travel support to education and training*" (January 2019). Officers have carefully considered this statutory guidance in developing the proposed changes.
- 10.2 The requirements placed on a local authority are defined in the Education Act 1996 (as amended), Education and Skills Act 2008, Education and Inspections Act 2006, Apprenticeships, Skills, Children and Learning Act 2009 and the Equality Act 2010.
- 10.3 Local authorities do not have a general obligation to provide council tax funded or subsidised post 16 travel support but do have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or other support that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training. As the statutory guidance explains, the overall intention of the sixth form age duty is to ensure that learners of sixth form age are able to access the education and training of their choice and, if support for access is requested, this will be assessed and provided where necessary.

- 10.4 As regards adult learners, local authorities are required to make such arrangements for the provision of transport as they consider necessary in respect of adults, and relevant young adults (see para 1.3 above). KCC must prepare a transport policy statement setting out any transport or other arrangements that it proposes to make for an academic year in respect of adults aged under 25 with EHCPs. As the statutory guidance explains, the overall intention of the adult transport duty is to ensure that those with the most severe disabilities with no other means of transportation are able to undertake further education and training after their 19th birthday to help them move to more independent living.
- 10.5 The policy statement also sets out the duties on the LA to consider requests for transport support. KCC is required to enable access to education and will consider applications for support where a Kent 16+ Travel Saver pass is not suitable. Where support is agreed, the policy makes clear that learners will initially be assessed for Travel Training and alternative transport arrangements will generally only be provided where this training is not appropriate. Where additional support is refused learners can appeal to the Transport Regulation Committee Appeal Panel.
- 10.6 In considering what arrangements it is necessary to make, KCC is required to have regard to its duty to secure that enough suitable education and training is provided to meet the needs of persons of sixth form age, and adult learners with an EHCP. Officers do not consider that the proposed changes are inconsistent with this sufficiency duty. KCC has had regard to the possible impacts of the changes on individuals' ability to access schools, as explained elsewhere. KCC has also engaged with providers who have raised concerns about potential impacts on their ability to attract future pupil populations. As explained below, adjustments have been made accordingly.
- 10.7 KCC also has duties to promote the effective participation in education or training of 16-18 year olds, and to encourage, enable and assist young people with SEND, to participate in education or training up to the age of 25. Officers consider that the support provided under the proposed policy would continue enable KCC to fulfil these duties.

11. Data Protection Impact Assessment

- 11.1 The Kent 16+ Transport privacy statement can be found here ([Kent Travel Saver and Kent 16+ Travel Saver privacy notice - Kent County Council](#)) and advised parents that they are consenting to the usage of their submitted data, how the data will be used, who it will be shared with and how long it will be held, in line with KCC's duties.
- 11.2 Changes associated with this consultation do not affect the data that is collected or how it is used, so previous DPIAs remain valid and do not require revision.

11. Conclusions

11.1 No council wishes to reduce a level of provision that constituents have become accustomed to, especially where it provides beneficial support to increase educational opportunities. However, it is vital that any offer is sustainable. In recent years, a growing number of local authorities have made similar changes to their offer to learners of sixth form age in response to the challenges all councils are facing in delivering Post 16 transport. Where these changes have been challenged legally, they have been found to be compliant with the relevant council's duties, which reflect the national expectation that personal or familial responsibility increases as learners transition to adulthood. A PTB will provide additional support to help those learners of sixth form age with greater need to take part in education, apprenticeships or work-based training. Similarly, Kent's proposals will continue to provide support to those adult learners with the highest level of need, albeit in the form of a mileage payment rather than the provision of transport.

11.2 While it is understood that the majority of respondents to the consultation were not in favour of proposals, and while KCC must conscientiously consider consultation responses in deciding whether to proceed, this paper highlights that KCC will continue to provide a range of transport support to all learners of sixth form age, with increased levels of support for those with higher levels of need. KCC will also continue to support adult learners who qualify for support, in line with national expectations. Officers consider these adjustments are necessary to ensure the ongoing sustainability of the whole scheme, as well as meeting the other objectives explained above. The proposed changes have been designed to ensure that negative impacts are mitigated as far as reasonably possible. It is therefore recommended that KCC implements these changes from September 2026.

12. Recommendations

Summary:

Each year KCC has a legal duty to consult on its policy for Post 16 Transport and publish a Post 16 Transport Policy Statement.

Each year KCC has a legal duty to consult on its policy for Post 16 Transport and publish a Post 16 Transport Policy Statement. The key drivers for the proposed changes are as follows: promoting independence; rebalancing KCC's offer to learners of sixth form age and adult learners; and financial sustainability. These are explained in further detail within the report.

Recommendation(s):

The Children, Young People and Education Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Skills on the proposed decision as set out in the PROD.

13. Background Documents

- Appendix A - Post 16 Transport Policy Statement including Post 19 for 2024/25
- Appendix B - Post 16 Transport Policy Statement including Post 19 for 2026/27
- Appendix C – Transport Consultation Report
- Appendix D – Consultation Draft Feedback
- Appendix E – PRoD
- Appendix F - Equality Impact Assessment
- Consultation documents can be found at www.kent.gov.uk/post16consultation

14. Contact details

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