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Travel Assistance Policy for 19-25 year-olds with an Education, Health and Care Plan

2025-26 academic year



Document purpose

This policy sets out how West Sussex County Council (“the Council”) will decide eligibility for travel support for learners aged 19 to 25 who have Special Educational Needs and Disabilities (SEND).

In formulating this policy, the Council has had regard to the statutory guidance on “Post-16 transport and travel support to education and training” and in relation to the duty set out in section 508F Education Act 1996.

Please contact us if you’d like this document translated into another language or need other assistance reading this document.

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Executive Summary

This policy sets out how West Sussex County Council supports Adult Learners aged 19 to 25 who have an Education, Health and Care Plan (EHCP) and require travel assistance to access their education. It applies only to learners who began their course after turning 19 and who reside in West Sussex.

These gateway criteria guide when applications for travel assistance proceed to assessment. However, applications may still be considered individually where exceptional circumstances or disproportionate outcomes are identified:

- Ordinarily resident in West Sussex
- Have an EHCP and be enrolled in a full-time course (540+ hours/year)
- Attend the nearest suitable placement
- Live at least three miles from their place of education (unless medically exempt)
- Meet the Council's test of "necessity" based on individual circumstances

Types of Travel Assistance Offered:

- Public transport passes
- Personal Transport Budget (PTB)
- Minibus or shared taxi
- Independent travel training

Key Processes:

- Applications reviewed within 20 working days.
- Needs assessments and transport set-up follow after approval.
- Appeals can be made in two formal stages.
- Transport decisions are regularly reviewed.

Exclusions:

- Requests based on parental work/domestic commitments.
- Temporary addresses or non-educational destinations.
- Travel for taster days, induction weeks, or medical appointments.

Appeals and Complaints:

- Two-stage appeal process available if eligibility is declined.
- Complaints about service delivery (not eligibility) can be raised via school.transport@westsussex.gov.uk.

1. Introduction

1.1. This policy explains the Council's statutory responsibility in respect of Travel Assistance for Adult Learners. It states how to apply for Travel Assistance and how eligibility is determined and assessed. Adult Learners are those aged 19 and over who started their programme of learning after their 19th birthday and for whom an EHC plan is maintained. This is a discretionary policy under Section 508F of the Education Act 1996.

1.2. Separate policies set out the provision for children of compulsory school age and students aged 16 to 19. These can be found on our [home to school and college transport policy](#) home to school and college transport policy webpage.

2. Local authority responsibility

2.1. This policy is a local discretionary policy aligned with Section 508F of the Education Act 1996 and applies to Adult Learners with an Education, Health and Care Plan (EHCP). It sets out how the Council interprets and applies its duty to make such travel arrangements as it considers *necessary* for eligible residents.

2.2. Statutory guidance confirms that, where a request is made for travel assistance for a young adult aged 19 or over, the local authority must assess the individual's circumstances and determine whether to provide transport or financial support. This assessment must be reasonable and take account of all relevant matters. Local authorities are expected to prioritise support for those with the greatest need. The Council is committed to offering Travel Assistance to post-19 learners with SEND where their needs and personal circumstances mean they would otherwise be unable to access their educational placement.

2.3. The law governing education transport is set out in the Education Act 1996 (as amended). The Act categorises children and young people into three groups:

- Children of compulsory school age
- Young people of sixth form age
- Adult Learners

For Adult Learners, Section 508F of the Act places a duty on local authorities to make such arrangements as they consider *necessary* to facilitate attendance. Statutory guidance, *Post-16 transport and travel support to education and training* (January 2019), states that the purpose of this adult transport duty is to ensure that "those with the most severe disabilities and no other means of transportation can undertake further education and training after their 19th birthday to help them move towards more independent living."

2.4. Under Section 508F, where a local authority considers it *necessary* to provide transport assistance to a relevant young adult (defined as an adult for whom an EHCP is maintained), it must do so free of charge. This duty applies to travel to and from institutions where the authority has secured provision of education or training for the learner.

2.5. The Council will determine whether Travel Assistance is *necessary* by considering a range of factors, including:

- The ability of the Adult Learner to travel independently, with or without support
- The availability, cost, and suitability of public transport options
- The financial circumstances of the learner or their family
- Any health, mobility, or safeguarding concerns
- Access to a private vehicle, including a Motability car

The threshold for *necessity* is guided by statutory expectations and is met where a learner faces significant barriers to accessing education due to disability, financial hardship, or other exceptional circumstances.

3. Criteria for Travel Assistance

3.1. The following gateway criteria are established under the Council's discretionary powers and outline the circumstances in which applications for travel assistance will ordinarily proceed to assessment. However, failure to meet one or more of these criteria does not automatically exclude an application. Where exceptional circumstances are demonstrated, or where excluding an application would risk a disproportionate outcome, the Council will consider the case on an individual basis:

- The student is ordinarily resident in West Sussex; **and**
- The proposed course—whether a further education course, a comparable course, or one appropriate to the level of needs—is at the nearest suitable school or college to the student's home address (regardless of county boundaries); **and**
- The student will be enrolled on the equivalent of a full-time educational course, defined as a minimum of 540 planned learning hours per academic year and constituting appropriate progression (see Section 16); **and**
- The shortest available walking route from home to the school or college is three miles or more; **and**
- The student has been ordinarily resident in the UK (for purposes other than education) throughout the three years ending 31 August 2025, and holds settled status in the United Kingdom.

For Adult Learners (aged 19 or over) commencing a **new course**, the application must include evidence as to why it is necessary for the Council—rather than the student or their family—to make the travel arrangements.

When determining eligibility and the nature of any offer, the assessing officer will refer to the criteria set out in Section 5, alongside any other relevant factors.

3.2. Where a parent or carer has expressed a preference for a more distant school or college that is *not* the nearest suitable provider, Travel Assistance will not normally be granted. An exception may apply if it can be demonstrated that the nearest available provider is unable to meet the Adult Learner's educational or support needs. This reflects the requirement for cost-efficiency as outlined in the Education Act 1996.

3.3. If all gateway criteria are met, the Council will proceed to consider the individual circumstances of the Adult Learner, including the support capacity of parents, carers, or the wider family network, to determine whether travel assistance is necessary. Further information is provided in Section 5.

3.4. Medical exceptions may be considered for Adult Learners who live under three miles from their school or college. To be eligible on medical grounds, the applicant must provide recent and relevant written evidence from a consultant or appropriate healthcare professional, confirming:

- A specific medical diagnosis or condition
- How the condition affects the young adult's ability to walk or use public transport
- The anticipated duration for which travel assistance is required
- Any safety concerns or risk factors that may be relevant
- The type of transport or support considered appropriate in light of the condition

4. Application process

4.1. The quickest and most secure way to apply for Post-19 Travel Assistance is by completing the [Post-19 transport application form](#). Upon submission, applicants will receive an automated email acknowledgement. Alternatively, a paper version of the form can be requested. Support in completing the form is available via the applicant's assigned key worker.

4.2. A new application is required in all cases where Travel Assistance is requested, including where:

- The Adult Learner remains at the same college
- The learner starts a new course or placement
- The learner moves to a new place of learning
- The learner changes home address

4.3. Each application will be reviewed to determine whether the gateway criteria (outlined in Section 3) are met. Additional information may be requested where necessary to support decision-making. Details on how eligibility decisions are made are outlined in Section 5.

4.4. Applicants can normally expect a decision within 20 working days. However, processing times may be extended depending on the volume of applications or where further information is required to complete the assessment.

4.5. The application must clearly state whether the learner is living independently or resides with family. If living with family, information should be provided regarding the level of travel support that family members are able to offer. This will inform the Council's assessment of whether it is *necessary* to provide Travel Assistance.

4.6. The Council will not reimburse any travel costs incurred prior to the approval of an application and the formal arrangement of Travel Assistance.

4.7. Applicants who wish to challenge a decision to refuse Travel Assistance may submit an appeal. Full details of the appeals process are provided in Section 10.

5. How decisions are made

5.1. All applications for Post-19 Travel Assistance will be assessed by a Children, Young People and Learning Coordinator, who will consider the individual circumstances of each case. No blanket policies will be applied, and no assumptions will be made regarding the availability of accompaniment.

5.2. The assessment will be based primarily on the information submitted in the application, including any supporting documentation, financial statements, and correspondence (written or verbal) between the applicant and the Council. The officer may request additional information to reach an informed decision. In complex or borderline cases, advice may be sought from senior officers within the service.

5.3. The key consideration in all cases is whether it is *necessary* for the Council to provide Travel Assistance.

5.4. In determining eligibility and the appropriate form of support, the assessing officer will consider the following factors (as relevant), alongside any other information outlined in Section 3:

- Nature and complexity of the journey, including distance, journey time, the availability and suitability of public transport, and whether the journey could reasonably be made if the Adult Learner were accompanied.
- The capacity of parents, carers, or the wider network to support transport, including their availability to accompany or transport the learner on some or all days.
- Access to a suitable private or Motability vehicle, including whether the Adult Learner has the means to use it for regular journeys.
- The Adult Learner's SEND and travel-related needs, such as complex conditions, physical impairments, anxiety, or behavioural challenges that impact their ability to travel independently or use public transport.
- Income available to the learner that may reasonably contribute to travel costs, such as college bursaries or the mobility component of Personal Independence Payment (PIP).

5.5. The Council recognises that such funds may already be committed to other needs and will only consider the mobility component where it is clearly unallocated. No assumptions will be made without reference to the Adult Learner's care plan and financial commitments.

- The financial circumstances of the Adult Learner and the potential impact of a declined application. A financial statement must be submitted to detail income and reasonable essential outgoings. The Council reserves the right to request evidence to verify this information.
- Advice from the college, including whether independent travel training forms part of the education programme.
- Any other relevant factors, including safeguarding considerations or exceptional personal circumstances.

5.6. Applicants may be asked to provide supporting evidence alongside the application, including but not limited to:

- Recent professional evidence (e.g. from a healthcare or education professional) explaining how the Adult Learner's SEND affects their ability to travel, either independently or with assistance.
- A copy of the Care and Support Plan (where applicable).
- Where the parent/carer is identified as the primary advocate or carer and/or receives Carer's Allowance, further information may be required regarding the level of transport support they are able to provide.

5.7. In cases where an Adult Learner resides at more than one address, for example due to shared parental care arrangements, the Council will apply the following principle in accordance with statutory guidance:

- Travel Assistance will only be provided from and to one address—the address at which the Adult Learner is habitually and normally resident.
- Where time is equally split between two homes, the Council will consider the address registered with the college/sixth form as the home address, or, if prior to admission, the address provided on the college/sixth form application form.

6. What happens if Travel Assistance is approved

6.1. Applications are processed in three stages:

Stage One: Determining Eligibility

An officer will assess whether the Adult Learner meets the eligibility criteria set out in the policy. The Council aims to reach a decision within 20 working days of receiving a completed application. Complex cases may require additional time.

Stage Two: Assessing Travel Needs

If eligibility is confirmed, a needs assessment will be undertaken to identify any specific medical, mobility, or safeguarding requirements. This ensures that appropriate and safe travel arrangements can be made. The duration of this stage will vary depending on the complexity of the Adult Learner's needs. Applicants will be kept informed throughout this process.

Stage Three: Setting Up Transport

Following the needs assessment, the most appropriate mode of transport will be determined. Arrangements will then be made to implement the travel solution. This process may take up to 15 working days from the point a student timetable (where applicable) is received. Timescales will vary depending on the nature of the arrangements required.

6.2. Whilst every effort will be made to complete arrangements promptly, families are expected to make their own travel arrangements until Council-provided transport is in place. The Council will not reimburse any costs incurred during this period.

6.3. The Council is responsible for identifying the most suitable and cost-effective form of transport between home and college, while taking into account the Adult Learner's assessed needs. Once arrangements are finalised, the Transport Coordination Group will contact parents/carers by email or telephone to confirm details.

6.4. Parents/carers cannot choose the form of transport or request a specific vehicle. If there are concerns about the type of transport offered, parents/carers should first contact the Home to School and College Transport Team at: school.transport@westsussex.gov.uk

6.5. If concerns cannot be resolved, they may pursue a formal complaint (see Section 14) or submit an appeal (see Section 10).

6.6. The Council may offer the following forms of Travel Assistance, based on the Adult Learner's needs:

- Public transport (e.g. bus or train passes)
- Personal Transport Budget
- Minibus or taxi, typically shared with other students unless otherwise assessed as unsuitable

6.7. Independent Travel Training (ITT):

- Where appropriate, Adult Learners may be assessed for Independent Travel Training, which supports learners to travel safely and independently using public transport or other sustainable travel methods.
- Independent Travel Training (ITT) plays an important role in helping learners build confidence and independence. Where a learner is assessed as suitable for ITT, we encourage parents and carers to actively support the process. If a learner or their family chooses not to take part without a clear reason, this may affect the type of Travel Assistance the Council is able to offer.
- At the conclusion of ITT, the learner's progress will be assessed. If they are deemed capable of travelling independently, Travel Assistance may be ceased or amended.

6.8. Personal Transport Budget (PTB):

- Where suitable, families may be offered a Personal Transport Budget, providing financial support to make their own flexible transport arrangements to and from college.

6.9. Minibus or Taxi:

- Where the Council arranges transport, the Adult Learner's travel needs will be assessed to ensure a safe and appropriate mode of travel. This transport will usually be shared with other students unless the needs assessment confirms that this would be unsuitable.

7. Limitations of the Travel Assistance we provide

7.1. Travel Assistance is usually arranged to align with the standard start and finish times of the college day. To support shared transport arrangements, Adult Learners may be required to arrive earlier or leave later than their scheduled lesson times, where this can be done safely and reasonably.

7.2. In some cases, Travel Assistance may be offered for part of the week only, or may involve travel to and from a designated pick-up or drop-off point rather than directly from the learner's home. These arrangements will be considered on a case-by-case basis, taking into account the Adult Learner's needs, circumstances, and financial situation.

8. Occasions when Travel Assistance is not supplied or withdrawn

8.1. The Council provides Travel Assistance to support attendance at college at the beginning and end of the standard college day only. Any travel required outside of these times (e.g. for part-time schedules, flexible timetables, or other activities) is the responsibility of the learner, their family, or the college.

8.2. Travel Assistance will not be provided in the following situations:

- To or from temporary addresses (these should be resolved privately within the family)
- Journeys to or from destinations other than the learner's home or agreed pick-up/drop-off points
- To accommodate the work or personal commitments of parents/carers
- For after-college activities, including homework clubs or enrichment programmes
- Before or after medical appointments
- For work experience placements or off-site educational provision
- For pre-course visits, induction days, or parents' evenings
- To collect a learner from college in the event of illness
- For attendance at exams that begin or end outside of standard college hours
- For college trips, external visits or excursions
- During taster sessions or induction weeks

8.3. Travel Assistance may also be reviewed or withdrawn if:

- There is a change in circumstances that may affect the learner's eligibility
- An appeal is lodged and the original decision is under review

8.4. In such cases, the Council will provide a minimum of two weeks' notice so that families have time to make alternative arrangements.

9. Operational practices and service limitations

9.1. Council-arranged transport is typically shared with other passengers, unless it is assessed that this would compromise the safety or wellbeing of the Adult Learner, the driver, or other passengers. Where a single occupancy vehicle is required, this will be agreed as part of the transport needs assessment.

9.2. While we aim to provide consistency, the Council cannot guarantee that the same driver or passenger assistant will be assigned for the duration of the course. Changes may occur due to staffing or operational needs. We will provide as much notice as possible, but families should be prepared for unplanned changes, such as illness or vehicle breakdown.

9.3. In the morning, Adult Learners should be ready to travel at the agreed collection time. Drivers are only required to wait up to five minutes beyond this time before continuing their route.

9.4. In the afternoon, a responsible adult must be available to receive the Adult Learner at the scheduled drop-off time, unless the Council and family have agreed in advance that this is not necessary. Drivers will wait no longer than five minutes, as delays can affect other learners.

If no one is available, the driver may take the learner to a safe location, and:

- Any costs incurred may be charged to the family
- Parents/carers are responsible for collecting the learner or arranging and paying for their onward journey

9.5. Passenger assistants are only provided where the Adult Learner's needs require it. This decision is based on assessment and is subject to regular review.

9.6. Expected behaviour on Council-arranged transport:

- Seat belts must be worn at all times where fitted
- Smoking or vaping is not permitted
- Eating, drinking, or discarding litter inside the vehicle is not allowed
- Learners must remain seated and must not stand or move around while the vehicle is in motion

9.7. Personal belongings such as laptops, mobile phones, or instruments should be secured in an appropriate bag.

9.8. If a vehicle is damaged due to a learner's actions, the transport operator may seek reimbursement for repair costs.

9.9. Persistent misbehaviour may result in the Council taking action, which could include temporary or permanent exclusion from using transport services.

9.10. In the event of a vehicle breakdown, the driver will arrange assistance. Passengers should follow the driver or passenger assistant's instructions. It is standard procedure for learners to remain in the vehicle until a replacement arrives.

9.11. Learners who travel on shared transport may need to arrive early or depart later than their timetabled hours, where this is assessed as safe and appropriate.

9.12. Parents/carers should have contingency plans in place in case transport is delayed or does not arrive due to unforeseen circumstances.

9.13. For learners attending residential colleges, where Travel Assistance is approved, it will cover travel at the start and end of each week or half-term, depending on the agreed boarding pattern.

9.14. Travel is not provided at other times (e.g. weekends or mid-week visits), nor for parental meetings or visits to the college.

10. Appeal process

10.1. If you disagree with the Council's decision regarding your eligibility for Travel Assistance, you have the right to appeal. The Council operates a **two-stage appeals process**.

Stage One Appeal

- To begin, you must complete and submit a Stage One Appeal Form.
- The appeal will be reviewed by the Assistant Director for Education & Skills, who will consider:
 - The completed appeal form
 - Any supporting evidence submitted
 - The original application and accompanying documents
 - Any relevant correspondence that informed the original decision
- The Council aims to provide a written decision within 20 working days of receiving the appeal. You will receive an email outlining the outcome and the reasons for the decision. If you remain dissatisfied, you will also be informed of how to proceed to Stage Two.

Stage Two Appeal

- If your Stage One Appeal is unsuccessful, you have 20 working days from the date of the decision letter to submit a Stage Two Appeal Form.
- A formal appeal hearing will be arranged within 40 working days of receiving the form.
- The appeal will be considered by an Appeal Panel of three or four County Councillors, who will review:

- Evidence provided by you (the appellant)
- A response from the School Transport Team
- Any supporting documents submitted by either party
- You may choose to:
 - Attend the hearing in person
 - Attend virtually
 - Have the appeal reviewed based on written information only
- A representative of the School Transport Team will also attend the hearing.

10.2. The Panel will determine whether to uphold the original decision or overturn it and uphold your appeal.

- You will receive the panel's final decision and reasoning in writing within 5 working days of the hearing.
- If you believe the appeal process was not properly followed (e.g. a failure to follow procedures), you may escalate your concerns to the Local Government and Social Care Ombudsman (LGSCO).

10.3. 'Minded To' Letters

- If the Appeal Panel needs more information before making a decision, they may issue a 'minded to' letter.
 - This will set out their provisional view and request further information or clarification.
 - You will typically have 7 days to respond.
- The Panel will then reconvene to make a final decision, taking into account your response.

10.4. For more information on the appeals process or to request appeal forms, please contact:

Post19Travel@westsussex.gov.uk

11. Review of travel provision

11.1. A new application must be submitted if the Adult Learner:

- Moves to a new home address, or
- Experiences a change in personal or family circumstances that may affect their eligibility or transport needs.

11.2. If the Council is not informed of a change in circumstances, and this affects eligibility or the type of transport provided, the family may be required to repay any costs incurred by the Council as a result.

11.3. The type of Travel Assistance provided will be reviewed regularly to ensure that:

- It remains suitable for the learner's needs, and
- It continues to represent the most cost-effective arrangement for the Council.

12. Concessionary seat scheme (paid transport)

12.1. If an application for Travel Assistance is declined, the Adult Learner, parent, or carer may have the option to apply for a concessionary (paid) seat on an existing transport route.

This option is only available:

- On certain college routes, and
- Where there is a spare seat available on an existing vehicle, and
- Where adding a passenger does not compromise the safety or wellbeing of current passengers

Please note that spaces are limited, and a concessionary seat cannot be guaranteed.

12.2. If a vacant seat is offered, the following conditions apply:

- Seats are allocated on a term-by-term basis
- Seats may be withdrawn with at least one week's notice, for example if the seat is needed for an eligible learner
- Payment is required in advance, typically each term, and is non-refundable if the seat is cancelled by the family
- Costs vary depending on the route, contract pricing, and journey length
- Families may be required to travel to a designated pick-up/drop-off point
- The Council reserves the right to reallocate the seat at any time to an eligible learner

12.3. More information about the concessionary seat scheme, including current availability and pricing, is available on the Council's [paid transport](#) webpage.

13. Changes to this policy

13.1. If the Council makes any changes to this policy that are likely to affect current or prospective Adult Learners, it will take steps to inform those affected as early as possible.

13.2. Such changes may include, but are not limited to:

- Adjustments in response to budgetary pressures
- Amendments that result in reduced or revised levels of support

13.3. The Council is committed to ensuring that any significant policy updates are communicated clearly and in a timely manner to those impacted.

14. Complaints

14.1. The Council is committed to supporting the residents of West Sussex and aims to deliver services in an efficient, professional, and respectful manner. Staff are expected to be helpful, polite, and to communicate clearly—whether over the phone, in writing, or in person.

14.2. We recognise that, at times, things may not go as expected. If parents, carers, or Adult Learners are unhappy with the service received, we welcome feedback—positive or negative—as a valuable opportunity to make improvements.

14.3. You are encouraged to contact us if you feel the Council has:

- Failed to do something it should have done
- Done something wrong
- Acted unfairly or impolitely

14.4. Please note that we are unable to investigate issues that are already being addressed through the two-stage appeals process (outlined in Section 10).

14.5. Complaints about the service on a Council-organised vehicle or concerns about transport arrangements should be directed to:

- Email: school.transport@westsussex.gov.uk
- Telephone: 01243 753530

14.6. For full details on how to raise a complaint, please visit the Council's [make a complaint or appeal](#) webpage.

15. Summary of the application process

15.1. A summary of the overall process follows:

Step 1: Apply

- Review the gateway criteria in Section 3.1 to check if the Adult Learner is likely to be eligible.
- Complete the online application form and upload any required supporting evidence.
- If preferred, a paper form can be posted upon request.

Step 2: Application Considered

- A designated officer will review the application and all supporting information.
- We may contact you for further details about the learner's circumstances.
- We aim to provide a decision within 20 working days, although some applications may take longer to process.

Step 3: Decision

- You will receive a written decision from the Council explaining the outcome of your application.
- If Travel Assistance is approved, a travel needs assessment will be carried out to identify the most appropriate transport arrangement.

Step 4: Organising Transport

- Once the travel needs assessment is complete, the Council will organise suitable transport.
- This may take up to 15 working days from the date the student timetable (if applicable) is submitted.
- You will be notified of the final travel arrangements.

Step 5: Stage One Appeal (if needed)

- If you disagree with the initial decision, you may request a Stage One Appeal.
- Complete a Stage One Appeal Form.
- Your appeal will be considered by the Assistant Director for Education & Skills.
- A decision will normally be issued within 20 working days of receiving the appeal.

Step 6: Stage Two Appeal (if needed)

- If you remain dissatisfied, you may request a Stage Two Appeal.
- Complete a Stage Two Appeal Form.
- Your appeal will be heard by the Transport Appeal Panel (three or four County Councillors).
- The panel will meet within 40 working days of receiving your form.
- A written decision will be issued within 5 working days of the hearing.

16. Definitions of “Necessity” and “Appropriate Progression”

Definition of “necessity”

16.1. Legal Context

This policy aligns with the discretionary duty under Section 508F of the Education Act 1996, which states:

“A local authority in England must make such arrangements for the provision of transport, as they consider necessary, for facilitating the attendance of adults receiving education at institutions... where the authority has secured the provision of education or training.”

16.2. Statutory Interpretation of “Necessity”

The term “necessary” is not prescriptively defined in legislation. Instead, it allows local authorities to exercise discretion on a case-by-case basis, considering whether transport arrangements are required to enable a young adult to access their named education or training placement.

The core principles underpinning lawful decision-making include:

- Consideration of individual circumstances
- A prohibition on blanket rules or assumptions
- Decisions must be rational, evidence-based, and compliant with public law principles and the Equality Act 2010

16.3. How “Necessity” Is Applied in Policy – Section 5 Overview

Section 5.1 – Individualised Assessment

The policy ensures each application is assessed individually. Officers will:

- Avoid blanket assumptions (e.g. about family availability to provide transport)
- Consider a range of evidence: application form, supporting documentation, financial information, and verbal/written representations
- Tailor decisions to the learner’s specific circumstances

This aligns with the legislative intent that “necessity” must be established through a reasoned and person-centred process.

16.4. Section 5.2 – Factors Used to Determine Necessity

To determine whether Council-provided transport is necessary, the following factors are considered:

- Journey complexity, including distance, safety, and feasibility of walking or using public transport
- Parental or informal support availability, assessed against what is reasonable
- Access to private vehicles, including Motability vehicles, and whether these are available for college travel
- Functional need, including health, behavioural or mobility requirements that justify travel assistance
- Use of personal income, including bursaries or PIP, with safeguards to avoid assumptions (e.g. recognition that mobility allowances may be pre-committed)
- Financial vulnerability, evidenced through financial statements to assess affordability
- College input, including travel training readiness and plans to promote independence

These elements guide officers in answering the central question:

Can the young adult reasonably access their named placement without Council-provided transport?

16.5. Section 5.3 – Supporting Evidence

The Council’s approach encourages the use of relevant clinical, educational, and care-based documentation to support applications. This multi-professional input ensures that decisions are grounded in appropriate evidence rather than relying solely on parent or learner accounts.

Evidence requirements will be proportionate to the complexity of the case and will be managed in a way that avoids placing unnecessary burdens on applicants.

16.6. Section 5.4 – Residency

This section clarifies that transport eligibility is assessed from a single registered address—in line with Department for Education guidance. Where a learner lives across multiple homes, eligibility is based on the main or registered residence, typically the one declared on college records or admissions forms.

16.7. Summary: Legal Justification of our Policy approach to “Necessity”

Legal Expectation	Reflected In Policy?	Notes
Individualised assessment	Yes	Section 5.1 avoids blanket assumptions
Evidence-led decision-making	Yes	Sections 5.1–5.3 require supporting documents
Consideration of journey and safety	Yes	Explicitly in Section 5.2
Consideration of family and financial context	Yes	Financial impact and family burden both assessed
Acknowledgement of statutory EHCP provision	Yes	Policy tied to EHCP access principles
Discretionary judgement of “necessity”	Yes	Policy reflects the broad but structured duty under s.508F

Definition of “appropriate progression”

16.8. In the context of the Council’s Travel Assistance Policy for learners aged 19–25 with an Education, Health and Care Plan (EHCP), “appropriate progression” refers to education or training that enables the learner to make meaningful progress towards the outcomes set out in their EHCP.

A programme is considered to represent "appropriate progression" when it is:

- *Legally sound – aligned with the Children and Families Act 2014, the SEND Code of Practice, and statutory EHCP duties*
- *Educationally meaningful – supporting Preparing for Adulthood outcomes*
- *Operationally clear – enabling consistent and fair decision-making by assessors*

Appropriate progression may follow linear routes (e.g. moving from one qualification level to the next) or non-linear pathways that reflect the learner's individual needs, including incremental progress, skill recovery, or re-engagement due to complex SEND.

Programmes that meet this definition typically support development in one or more of the following areas:

- *Employment and vocational readiness*
- *Independent living and life skills*
- *Participation in community and society*
- *Physical and emotional health and wellbeing*

Progress may be adapted or non-traditional, and repetition of learning may still constitute progression where justified by the learner's circumstances.

16.9. Assessment Criteria for "Appropriate Progression"

Officers will assess whether the proposed course or programme meets the following criteria:

1. EHCP-Linked Progression

The course supports at least one of the Preparing for Adulthood outcomes as recorded in the EHCP:

- *Employment or vocational development*
- *Independent living and life skills*
- *Community and social participation*
- *Health and wellbeing*

Evidence: *EHCP objectives, Annual Review documents, SENAT input*

2. Level and Structure of Learning

- *The course builds on prior attainment (e.g. Entry Level 2 to Entry Level 3, or progressing to a higher-level BTEC),
or*
- *The course has been adapted to enable re-engagement or relearning due to health setbacks, regression, or reassessment of needs.*

Evidence: *Course outline or syllabus, learning objectives, provider progression plan*

3. Not Unjustified Repetition

- *The learner is **not repeating a course** or qualification at the same level without valid reason, such as:*
 - *Recovery from illness*
 - *Transition to a new setting*
 - *Newly identified or evolving SEND needs*

Evidence: *Rationale from provider, updated EHCP, clinical or educational assessment*

4. Accreditation and Delivery

- *The course is:*
 - *Delivered by a recognised provider*
 - *Considered an approved learning aim under DfE or funding guidance*
 - *Not wholly therapeutic or informal without educational value*

Evidence: *Confirmation from the provider, funding approval documentation*

5. Attendance and Commitment

- *The learner has a **confirmed place** on the course, with a plan for consistent attendance*

Evidence: *Offer letter, course start date, planned timetable*

16.10. This framework supports assessors in making fair, legally compliant, and evidence-informed decisions about whether a learning programme offers appropriate progression under the Travel Assistance Policy.

Examples of Appropriate Progression

Situation	Meets "Appropriate Progression"?	Why
Learner moves from Entry Level 2 Life Skills to Entry Level 3 Supported Employment programme	Yes	Clear development pathway with increasing challenge
Learner repeats a Level 1 programme after two years out due to mental health crisis	Yes	Re-engagement supported by new EHCP and adapted content
Learner requests new travel funding for a near-identical course at same college with no EHCP changes	No	No new progression or justification
Learner attends a local charity offering informal creative workshops	No	Not an approved or commissioned learning setting

17. Guidance for Assessors on Consistent Application

Assessor Guidance: Applying the 'Necessity Test' (Section 3)

17.1. Overview

Purpose

To support consistent, evidence-based, and lawful decision-making by Children, Young People and Learning (CYPL) Coordinators when assessing whether it is *necessary* for the Council to provide Travel Assistance under Section 508F of the Education Act 1996.

Applies To

All applicants aged 19–25 with an Education, Health and Care Plan (EHCP) who meet the gateway criteria for eligibility (residency, course suitability, and distance).

Outcome

A reasoned decision that determines whether the Adult Learner (or their support network) can reasonably make their own travel arrangements, or whether Council-funded transport is *necessary* to access their educational placement.

17.2. Step 1: Confirm Eligibility – Gateway Criteria (Section 3.1)

Proceed to a “necessity” assessment if all gateway criteria are met, an exceptional circumstance exists or not doing so may risk a disproportionate outcome:

Criterion	Evidence / Check
Learner resides in West Sussex	Proof of address via council tax, tenancy agreement, or official documentation
Placement is the nearest suitable provider	Review placement and compare to local alternatives (see Step 2)
Course is full-time (minimum 540 hours/year) and enables appropriate progression	College timetable or official confirmation
Distance to placement is ≥ 3 miles (shortest safe walking route)	Verified using Council GIS or approved mapping tool
Learner has settled status and has resided in the UK for 3+ years (if applicable)	Immigration or residency documentation

Applications not meeting **all criteria** should be declined at this stage.

17.3. Step 2: Nearest Suitable Provider Check (Section 3.2)

Principle

Travel Assistance is only granted if the placement is the **nearest suitable provider** offering a course that meets the learner’s EHCP-related needs.

Assessor Actions

- Investigate whether a **comparable course** is available at a provider closer to home
- Consult **SENAT**, the Local Offer, or the local provider database if needed
- Only approve a more distant placement if it can be shown that the nearer provider **cannot meet the learner’s educational or support needs**

Required Evidence

- Provider comparison or course equivalency notes
- Professional advice (e.g. SENAT, Educational Psychologist, Social Worker)
- Formal statement from nearer provider confirming their inability to meet the learner’s needs

17.4. Step 3: Apply the Necessity Test (Sections 3.3 & 5)

This step determines whether Travel Assistance is necessary by assessing if the learner can reasonably and safely access their placement without Council-funded transport.

A. Journey Feasibility

- Can the learner walk, take public transport, or be supported by others to travel?
- Consider:
 - Length and complexity of journey
 - Any interchanges or unsupervised elements
 - Affordability relative to bursary or financial support
 - Whether accompaniment is realistically available and safe

Evidence: Public transport map, parental/carer statements, college travel plan

B. Support Network Capacity

- Can family members or carers support travel regularly or occasionally?
- Consider:
 - Work commitments
 - Caring responsibilities
 - Vehicle access

Evidence: Carer's Allowance confirmation, work rota, care plan

C. Personal Transport Access

- Is there access to a Motability vehicle or other private transport?
- Is it reasonable and safe for it to be used for college travel?

Evidence: Motability agreement, ownership statement, record of other transport use

D. SEND and Functional Needs

- Does the learner need specialised transport, supervision, or risk mitigation due to disability or health condition?
- Consider exemptions to the 3-mile rule where appropriate.

Evidence: EHCP, clinical/medical letters, risk assessments

E.

Financial Considerations

- Would the cost of travel present a disproportionate burden?

Key considerations:

- Is the learner in receipt of a PIP mobility component, and is it committed elsewhere?
- Are college bursaries available and sufficient?
- What are the learner's essential living costs?

Definition: "A necessary and unavoidable cost required to maintain a basic standard of living and meet daily needs."

Evidence: Financial declaration, benefit statements, budget sheet

F. Other Relevant Factors

- Is the learner currently in care or recently care-experienced?
- Are there safeguarding issues or known vulnerabilities?
- Are there mobility or independence goals (e.g., travel training) documented in the EHCP?

Evidence: Social care status, Integrated Front Door (IFD) referral, Preparing for Adulthood outcomes in the EHCP

17.5. Step 4: Final Judgement

Council-funded Travel Assistance is likely to be necessary if:

- The learner cannot reasonably or safely access their educational placement, and
- Alternatives (e.g. family transport, Motability, PIP, bursary support) are unavailable, unsafe, or disproportionate

Council-funded Travel Assistance is not likely to be necessary if:

- The learner can travel independently or with reasonable support, and
- There are no significant risks or barriers

17.6. Step 5: Record the Decision

CYPL Coordinators must ensure that every decision is well-documented and clearly reasoned. This includes:

- A reference to each assessment area (Steps 1–4)
- A list of all evidence reviewed and relied upon
- A clear outcome:
 - Approved
 - Declined
- A rationale, including professional judgement used and explanation of the final decision

17.7. Decision Checklist

Use the checklist below to confirm the consistency and completeness of the assessment:

- ✓ Learner meets all gateway criteria
- ✓ Nearest suitable placement and appropriate progression confirmed
- ✓ Journey is not feasible without Council support
- ✓ Family, PIP, bursary or Motability vehicle options are unavailable or insufficient
- ✓ SEND and/or financial context support provision
- ✓ Decision is recorded with clear reasoning and evidence