



# Learner Travel (Wales) Measure 2008

**2008 nawm 2**

## *Learner travel arrangements*

### **2 Duty to assess learner travel needs**

- (1) This section applies in relation to—
  - (a) learners who have not attained the age of 19;
  - (b) learners who have attained the age of 19 who have begun a course of education or training before attaining that age and continue to attend that course;
  - (c) such other learners as may be prescribed.
- (2) In each academic year, a local authority must assess the learner travel needs of their area for the following academic year. But this duty is subject to the provisions of section 5.
- (3) For the purposes of subsection (2), the “learner travel needs” of a local authority’s area are the needs of learners who are ordinarily resident in the authority’s area for suitable travel arrangements each day to and from the relevant places where they receive education or training.
- (4) In making an assessment under subsection (2) a local authority must have regard in particular to—
  - (a) the needs of learners who are disabled persons,
  - (b) the needs of learners with learning difficulties,
  - (c) the needs of learners who are children looked after, or formerly looked after, by a local authority,
  - (d) the age of learners, and
  - (e) the nature of the routes which learners could reasonably be expected to take to the relevant places where they receive education or training.

### **3 Local authority duty to make transport arrangements**

- (1) This section applies in relation to a child of compulsory school age if—
  - (a) the child is ordinarily resident in a local authority’s area,

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- (b) the circumstances set out in an entry in column 1 of the following table apply to the child, and
- (c) the condition, or all of the conditions, set out in the corresponding entry in column 2 of the table are met in relation to the child.
- (2) The local authority must make suitable transport arrangements to facilitate the attendance of the child each day at the relevant places where the child receives education or training. But this duty is subject to the provisions of section 5.

TABLE

<b>Column 1</b> <b>Circumstances</b>	<b>Column 2</b> <b>Condition(s)</b>
<p>The child is receiving primary education at—</p> <p>(a) a maintained school,</p> <p>(b) a pupil referral unit,</p> <p>(c) an independent school named in a statement maintained for the child under section 324 of the Education Act 1996, or</p> <p>(d) a non-maintained special school, at which the child is a registered pupil.</p>	<p>(a) The child is ordinarily resident at a place 2 miles (3.218688 kilometres) or more from the school or unit.</p> <p>(b) No arrangements have been made by the local authority for enabling the child to become a registered pupil at—</p> <p>(i) a suitable maintained school,</p> <p>(ii) a suitable pupil referral unit,</p> <p>(iii) an independent school named in a statement maintained for the child under section 324 of the Education Act 1996, or</p> <p>(iv) a suitable non-maintained special school, nearer to the place where the child is ordinarily resident.</p> <p>(c) No arrangements have been made by the local authority for suitable boarding accommodation for the child at or near the school or unit.</p>
<p>The child is receiving secondary education at—</p> <p>(a) a maintained school,</p> <p>(b) a pupil referral unit,</p> <p>(c) an independent school named in a statement maintained for the child under section 324 of the Education Act 1996, or</p> <p>(d) a non-maintained special school, at which the child is a registered pupil.</p>	<p>(a) The child is ordinarily resident at a place 3 miles (4.828032 kilometres) or more from the school or unit.</p> <p>(b) No arrangements have been made by the local authority for enabling the child to become a registered pupil at—</p> <p>(i) a suitable maintained school,</p> <p>(ii) a suitable pupil referral unit,</p>

<b>Column 1</b> <b>Circumstances</b>	<b>Column 2</b> <b>Condition(s)</b>
<p>The child is receiving education or training at an institution in the further education sector at which the child is enrolled as a full-time student.</p>	<p>(iii) an independent school named in a statement maintained for the child under section 324 of the Education Act 1996, or</p> <p>(iv) a suitable non-maintained special school, nearer to the place where the child is ordinarily resident.</p> <p>(c) No arrangements have been made by the local authority for suitable boarding accommodation for the child at or near the school or unit.</p> <p>(a) The child is ordinarily resident at a place 3 miles (4.828032 kilometres) or more from the institution.</p> <p>(b) No arrangements have been made by the local authority for enabling the child to become enrolled at a suitable institution nearer to the place where the child is ordinarily resident.</p>
<p>The child—</p> <p>(a) is a registered pupil at a maintained school, and</p> <p>(b) receives secondary education at a relevant place other than that school.</p> <p>The secondary education referred to in paragraph (b) is education arranged—</p> <p>(i) by the local authority, or</p> <p>(ii) by, or on behalf of, the governing body of the school at which the child is a registered pupil.</p>	<p>The child is ordinarily resident at a place 3 miles (4.828032 kilometres) or more from the relevant place.</p>
<p>The child is looked after by a local authority and is receiving primary education at—</p> <p>(a) a maintained school,</p> <p>(b) a pupil referral unit,</p> <p>(c) an independent school named in a statement maintained for the child under section 324 of the Education Act 1996, or</p> <p>(d) a non-maintained special school, at which the child is a registered pupil.</p>	<p>The child is ordinarily resident at a place 2 miles (3.218688 kilometres) or more from the school or unit.</p>

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<b>Column 1</b>	<b>Column 2</b>
<b>Circumstances</b>	<b>Condition(s)</b>
<p>The child is looked after by a local authority and is receiving secondary education at—</p> <ul style="list-style-type: none"> <li>(a) a maintained school,</li> <li>(b) a pupil referral unit,</li> <li>(c) an independent school named in a statement maintained for the child under section 324 of the Education Act 1996, or</li> <li>(d) a non-maintained special school, at which the child is a registered pupil.</li> </ul>	<p>The child is ordinarily resident at a place 3 miles (4.828032 kilometres) or more from the school or unit.</p>

- (3) The local authority must not charge a child or a parent who is an individual for any transport arrangements made in accordance with this section.
- (4) Transport arrangements made in accordance with this section may include—
- (a) the provision of transport;
  - (b) the payment of the whole, but not part, of a child's transport expenses.
- (5) For the purposes of subsection (2), transport arrangements are not suitable if—
- (a) they cause unreasonable levels of stress for the child,
  - (b) they take an unreasonable amount of time, or
  - (c) they are unsafe.
- (6) For the purposes of each paragraph (b) in the second column of the table in this section, the school, unit or institution is suitable for the child if the education or training provided there is suitable, having regard to the age, ability and aptitudes of the child and any learning difficulties he or she may have.
- (7) The distances mentioned in column 2 of the table in this section are to be measured by the shortest available route.
- (8) A route is "available" for the purposes of subsection (7) if—
- (a) it is safe for a child without a disability or learning difficulty to walk the route alone, or
  - (b) it is safe for such a child to walk the route with an escort, if the age of the child would call for the provision of an escort.
- (9) Regulations may prescribe circumstances and conditions for the purposes of paragraphs (b) and (c) of subsection (1); such regulations may amend the table or subsections (6), (7) and (8) (including repealing an entry in the table or those subsections).

#### **4 Local authority duty to make other travel arrangements**

- (1) This section applies in relation to a child of compulsory school age if—
- (a) the child is receiving education or training at a relevant place,
  - (b) the child is ordinarily resident in a local authority's area, and

- (c) the local authority consider that travel arrangements are necessary to facilitate the attendance of the child each day at the relevant place where the child receives education or training.
- (2) The local authority must make suitable travel arrangements to facilitate the attendance of the child each day at the relevant places where the child receives education or training. But this duty is subject to the provisions of section 5.
- (3) A local authority must not charge a child or a parent who is an individual for any travel arrangements made in accordance with subsection (2).
- (4) Travel arrangements made in accordance with subsection (2) may include the payment of the whole, but not part, of a child's travel expenses.
- (5) In considering whether travel arrangements are suitable for the purposes of this section, a local authority must have regard in particular to—
  - (a) the assessment they carry out in accordance with section 2(2);
  - (b) the transport arrangements they are under a duty to make for the child under section 3;
  - (c) the age of the child;
  - (d) any disability or learning difficulty of the child;
  - (e) the nature of the routes which the child could reasonably be expected to take.
- (6) For the purposes of this section, travel arrangements are not suitable if—
  - (a) they cause unreasonable levels of stress for the child,
  - (b) they take an unreasonable amount of time, or
  - (c) they are unsafe.
- (7) In considering whether travel arrangements are necessary for the purposes of this section a local authority—
  - (a) must have regard in particular to the matters specified in subsection (5);
  - (b) may have regard in particular to whether or not the child is attending the nearest suitable relevant place to the child's place of ordinary residence.
- (8) Subsection (7)(b) applies if—
  - (a) the child is not looked after by a local authority, and
  - (b) arrangements have been made by the local authority for enabling the child to attend a suitable relevant place nearer to the child's place of ordinary residence.
- (9) For the purposes of this section, a relevant place is suitable for a child if the education or training provided there is suitable, having regard to the age, ability and aptitudes of the child and any learning difficulties he or she may have.

## **5 Limits of learner travel duties**

Section 2 does not require the assessment of learner travel needs and sections 3 and 4 do not require the making of travel arrangements—

- (a) for learners to travel during the day between relevant places or between different sites of the same institution, or
- (b) for any purpose other than attendance at a relevant place to receive education or training.

## **6 Power of local authorities to make learner travel arrangements**

- (1) This section applies in relation to a learner if—
  - (a) the learner is ordinarily resident in the local authority's area, or
  - (b) the learner receives education or training in the local authority's area.
- (2) The local authority may make travel arrangements to facilitate the attendance of the learner at a place where that person receives education or training.
- (3) A local authority may charge for travel arrangements made under this section for registered pupils of compulsory school age in accordance with the provisions of sections 455 and 456 of the Education Act 1996.
- (4) A local authority may charge for travel arrangements made under this section for other learners.

## **7 Travel arrangements for learners in post-16 education or training**

- (1) This section applies in relation to learners ordinarily resident in Wales—
  - (a) who—
    - (i) are over compulsory school age but have not attained the age of 19, or
    - (ii) have attained the age of 19 and have begun a particular course of education or training before attaining that age and continue to attend that course; and
  - (b) who receive education or training—
    - (i) at a place in Wales, or
    - (ii) which is funded by the Welsh Ministers at a place outside Wales.
- (2) Regulations may make provision about travel arrangements for learners to and from the places where they receive education or training.
- (3) The regulations may in particular—
  - (a) confer powers or impose duties on the following—
    - (i) the Welsh Ministers;
    - (ii) local authorities;
    - (iii) institutions in the further education sector;
  - (b) specify the kinds of place to and from which travel arrangements may or must be made;
  - (c) specify the travel arrangements that may or must be made;
  - (d) specify the matters that must be taken into account in making decisions about travel arrangements;
  - (e) make provision about charges;
  - (f) require any person to give any information or other assistance that is reasonably required by any other person in connection with the performance of the other person's functions under the regulations;
  - (g) make provision about the standards of behaviour required of learners while travelling to and from the places where they receive education or training.

## **8 Travel arrangements to and from nursery education**

- (1) Regulations may make provision about travel arrangements for children under compulsory school age to and from the places where they receive nursery education.
- (2) The regulations may in particular—
  - (a) require a local authority to make travel arrangements;
  - (b) permit a local authority to make travel arrangements;
  - (c) specify the kinds of place to and from which travel arrangements may or must be made;
  - (d) specify the travel arrangements that may or must be made;
  - (e) specify the matters that must be taken into account in making decisions about travel arrangements;
  - (f) make provision about charges;
  - (g) require any person to give any information or other assistance that is reasonably required by the local authority in connection with the performance of the authority's functions under the regulations.

## **9 Learner travel arrangements not to favour certain types of education or training**

- (1) This section applies if arrangements under section 3, 4, or 6 are made in respect of learners of a description set out in an entry in column 1 of the following table.
- (2) Arrangements must also be made in accordance with those sections in respect of the learners of the description set out in the corresponding entry in column 2 of the table.
- (3) The arrangements referred to in subsection (2) must be no less favourable than the arrangements referred to in subsection (1).

TABLE

<b>Column 1</b>	<b>Column 2</b>
Children of compulsory school age receiving education or training at maintained schools.	Children of the same age receiving education or training at other relevant places.
Learners over compulsory school age receiving full-time education or training at maintained schools.	Learners of the same age receiving full-time education or training at other relevant places.
Learners with learning difficulties receiving education or training at maintained schools.	Learners of the same age with learning difficulties receiving education or training at other relevant places.
Learners who have a disability receiving education or training at maintained schools.	Learners of the same age who have a disability receiving education or training at other relevant places.
Children looked after by a local authority receiving education or training at maintained schools.	Children of the same age who are looked after by a local authority receiving education or training at other relevant places.