

LEARNER TRAVEL (WALES) MEASURE 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2 - duty to assess learner travel needs

7. **Section 2** places a duty on a local authority to assess the travel needs of learners who are persons under the age of 19 who receive education or training, or persons who have attained the age of 19 who started a course of education or training when under 19 and continue to attend that course, and who are ordinarily resident in the authority's area. 'Learner travel needs' are the needs of learners for suitable travel arrangements each day between home and schools or other places where they receive education and training (known as 'relevant places'). In practice, this means that pupils of compulsory school age, of sixth form age, and children of nursery education age in provision funded by the authority, are in the scope of the assessment required by section 2. The Welsh Ministers can, under subsection (1)(c), make regulations specifying other learners if they wish so that the scope of the assessment could be changed. The assessment will include learners who travel to relevant places in other authority areas. An authority must make this assessment every academic year in preparation for the following academic year. The assessment will give a local authority an overview of the travel needs of learners and that information will help them make travel arrangements for learners in an efficient and effective manner.
8. The duty puts into effect the sorts of activities that a local authority would have undertaken to discharge effectively its duties under the Education Act 1996 (as amended). Although that Act did not place a specific duty on a local authority to assess the travel needs of children in statutory age education, an effective authority would have considered the travel needs of learners in order to make arrangements under section 509(1) of the Education Act 1996 for the transport of children of compulsory school age. For learners of sixth form age, an authority would have gathered and assessed information in order to prepare a transport policy statement under section 509AA.
9. The assessment is to cover the travel needs of a learner who attends different 'relevant places' on different days. This is to take account of the fact that some learners attend a different school or a further education institution for part of their education or training or they undertake work experience elsewhere, or are enrolled on work based learning. However, as section 5 makes clear, the assessment is only to be concerned with travel to and from the home to such places and is not concerned about travel within the day between places. The assessment is not to be concerned with travel needs for residential trips or day trips organised by schools or further education institutions, nor are authorities required (but they may choose to if they wish) to take account of extra-curricular activities, breakfast or after-school clubs.
10. When making an assessment, a local authority is required to have regard to matters listed in subsection (4)(a) to (e). These are the needs of disabled learners or learners with learning difficulties; any particular needs of learners who are children 'looked after' or formerly looked after by a local authority; the age of a learner; and the nature of the

These notes refer to the Learner Travel (Wales) Measure 2008 (c.2)

route that s/he is expected to take between home and the places where s/he receives education or training.