

# LEARNER TRAVEL (WALES) MEASURE 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

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

25. *Section 4* places a duty on a local authority to make travel arrangements for children of compulsory school age if the authority judges that that is necessary in order to facilitate a child's attendance at the relevant place where the child receives education or training.
26. Subsection (3) requires arrangements under this section to be free of charge (save in relation to looked after children where it can recoup costs from another authority under section 18). The payment of part of a learner's travel expenses is not permitted by subsection (4) (only payment of the total cost).
27. In considering whether travel arrangements under this section are suitable, subsection (5) requires the authority to have regard to the needs assessment undertaken under section 2(2), the transport arrangements it is duty bound to make by section 3, the age of the child, any disability or learning difficulty and the nature of the route. Arrangements must, by virtue of subsection (6), be safe, not take an unreasonable amount of time, and must not cause unreasonable levels of stress.
28. An authority must also be satisfied that the arrangements are necessary. In considering this, subsection (7) requires them to consider the same factors as are set out in subsection (5) but also allows them to have regard to whether a child is attending the nearest suitable educational establishment to his or her home. This makes the relationship between sections 3 and 4 clear. Under subsections (7) and (8) a local authority need not consider that travel arrangements are necessary if a child is not attending the nearest suitable school (and arrangements have been made for the child to attend a nearer suitable school). Subsection (8) (a) makes it clear however that this does not apply in relation to looked after children. Whether a looked after child attends the nearest suitable school cannot be a factor that the local authority consider in deciding whether travel arrangements are necessary.
29. An authority may consider it necessary to make arrangements under this section for a child who is not entitled to free transport under section 3 because of that child's individual circumstances. Or an authority may consider it necessary to make arrangements under this section in addition to the provision of transport required under section 3, for example, to arrange for an escort or for equipment for a disabled child. An authority does not have to provide transport. It could, for example, provide a learner with a bus pass or arrange for children to be escorted while walking to the relevant place. This section will also provide the basis for local authorities to support travel for children if they have any particular needs, whether arising from a learning difficulty, a disability or any other factor which makes particular travel arrangements necessary to facilitate the child's attendance.