

A PARENT'S GUIDE TO THE LEARNER TRAVEL (WALES) MEASURE 2008



Llywodraeth Cymru
Welsh Government

IN WALES, THE LAW SAYS THAT CHILDREN HAVE TO BE EDUCATED FROM THE AGE OF 5 UNTIL THEY ARE 16¹.

NEARLY ALL CHILDREN ATTEND SCHOOL FOR THEIR EDUCATION.

PARENTS HAVE THE RIGHT TO CHOOSE WHERE AND HOW THEIR CHILD IS EDUCATED².

THIS NOTE IS A BASIC GUIDE TO THE LAW AND IS IN NO WAY INTENDED TO TAKE THE PLACE OF THE RELEVANT LAW.

SCHOOL TRANSPORT – THE LEARNER TRAVEL (WALES) MEASURE 2008

The law on school transport in Wales is set out in The Learner Travel (Wales) Measure 2008³. However, other legislation, such as the Equality Act 2010 and the Learner Travel Information (Wales) Regulations 2009 will also be relevant.

The law says that:

- children at primary school get free home to school transport if they live 2 miles or more from the nearest suitable school and
- children at secondary school get free transport if they live 3 miles or more from the nearest suitable school

(unless a local authority arranges for the child to become a registered pupil at a school closer to home, or has arranged for the child to board at or near the school).

Local authorities decide which school is the nearest suitable school by considering a child's age and ability; including any learning difficulties⁴. Faith and the language in which the school teaches are not factors local authorities consider when deciding which school is the nearest suitable school.

Some children have a written statement of special educational needs⁵ which names an independent school they can attend. If the named primary school is two miles or more from the child's home, or if the named secondary school is 3 miles or more from the child's home, a local authority will have to provide free transport unless it has arranged for the child to become a registered pupil at a school closer to home, or has arranged for the child to board at or near the school.

If parents choose a school for their child which is not considered by the local authority to be the nearest suitable school, then children will have no right to free school transport.

WALKED ROUTES TO SCHOOL

Parents are responsible for deciding if children can walk by themselves to school. However, local authorities are under a legal duty to assess the travel needs of children who walk to school⁶.

Local authorities have to assess the nature of the routes walked by children. If a parent is worried about a walking route to school they can ask the local authority if it has been assessed as available for children to use.

1 Section 8 of the Education Act 1996 and the Education (Start of Compulsory School Age) Order 1998.

2 Section 9 of the Education Act 1996.

3 The Learner Travel (Wales) Measure 2008 can be accessed by clicking on the following link: http://www.legislation.gov.uk/mwa/2008/2/pdfs/mwa_20080002_en.pdf

4 Section 3(6) of The Learner Travel (Wales) Measure 2008

5 Section 324 of the Education Act 1996

6 Section 2(2) of the Learner Travel (Wales) Measure 2008 provides that in each academic year local authorities have a duty to assess the learner travel needs of their area for the following academic year

Parents are entitled to see an assessment report.

Parents can ask their local authority for an assessment to be made of a walking route if they have concerns about safety.

If a route is not safe to walk the local authority can work to make it safe. However, if a route is not safe and cannot be made safe, the local authority must provide free transport for children to attend school.

Children can walk with adults, friends or groups in 'walking buses' if parents do not feel the learner will be safe on their own. Community groups can coordinate travel activities, such as helping parents to share the school run.

THE TRAVEL BEHAVIOUR CODE

The Travel Behaviour Code sets out standards of behaviour for learners aged 5-19 no matter how they travel to school. It is aimed at keeping children safe on their journeys to and from school, including journeys between schools.

A local authority can refuse to transport children if they do not follow the Travel Behaviour Code. Parents are advised to make their children aware of the Travel Behaviour Code. If transport is withdrawn because a child has not followed the Travel Behaviour Code, parents will be responsible for arranging home to school transport for the period of the withdrawal of transport.

For more information on all aspects of learner travel policy in Wales, you can refer to the Welsh Government's learner travel guidance for local authorities by clicking the following link:
<http://gov.wales/docs/dcells/publications/140616-ltogg-en-v2.pdf>