

Enterprise and Learning Committee

11 July 2007

Learner Travel (Wales) Measure

This paper suggests the possible scope of a committee inquiry into the Welsh Assembly Government's draft proposals for an Assembly Measure for Learner Travel.

1. Scope

The aim of such an inquiry could be to consider the extent to which the proposed Measure will achieve the Government's stated objective 'to clarify the law which applies to Wales and to make improvements that will bring benefits to learners and complement the Welsh Assembly Government's policies for transport and education'.

In light of this objective the inquiry could include consideration of the following aspects:

Transport for post-16 learners and children in nursery education

The Welsh Assembly Government proposes to consider actual arrangements for post-16 learners after the pilots on half fare concessionary schemes for 16-18 year olds, currently taking place in Bridgend and north-east Wales, are evaluated. The draft Measure provides a means for Welsh Ministers to do this.

The Welsh Assembly Government has also stated that it is keen to develop pre-school entry into nursery education. However, the age of such young children, and the pattern of provision which is provided in both maintained and non-maintained settings, mean that the transport requirements would be complex. The Welsh Assembly Government proposes to consider transport needs for these children as the *Foundation Phase* develops. The Measure provides the means to make regulations at a later date.

Safety

The draft Measure places a duty on every local authority to introduce a code of conduct for behaviour on buses after consultation with schools, further education institutions, parents and learners.

There is doubt under the current law that a local authority can take effective action if a pupil misbehaves on a bus. Unless addressed, this could undermine the effectiveness of a code of conduct. The code will be therefore be enforced by giving a head teacher the power to impose sanctions for incidents by virtue of them coming within the scope of a school's behaviour policy. Under the *Education and Inspections Act 2006*, the behaviour policy can include pupil conduct

outside the school premises. The draft Measure proposes to amend this Act so that incidents on buses are included.

Education and Lifelong Learning (ELL) Committee Policy Review

In April 2005 the ELL Committee published 30 recommendations in the final report of its Policy Review of School Transport. The inquiry could consider to what extent the recommendations are reflected in the proposed Measure.

Age-distance model

Under the current law, entitlement to free transport to school is determined by an age – distance model. The Welsh Assembly Government is not in favour of the alternative which would be to 'means test' entitlement to free transport on the ability of parents to pay. The Measure therefore proposes to re-enact the age – distance system, based on the concept that children should attend the nearest school to their home which is suitable for their age and any special educational needs that they have. Children would be entitled to free transport if the distance is too far, or the route is too hazardous to walk.

The Measure proposes to change the limits in the age – distance model. The Measure will provide free transport to all children in primary education if they live two miles or more from the nearest suitable school. This eliminates the distinction in the current law, under which children are expected to walk three miles or more once they become eight years old. For secondary school children, the draft Measure maintains the current three mile distance limit.

Local authorities will be under a duty to make transport arrangements for children of compulsory school age who are entitled to free transport. Local authorities will have a discretionary power to offer more generous arrangements if they wish. The Welsh Assembly Government regards these proposals as an initial step. The draft Measure provides a mechanism to change the criteria that determine who is entitled to free transport.

Over time, if resources permit, the Welsh Assembly Government would consider introducing more generous arrangements for school children, if the cost of doing so is worth the benefit.

Further powers

There are restrictions on the National Assembly's scope to make a Measure for learner travel. The National Assembly cannot legislate for matters which are the responsibility of the Department of Transport such as, for example, vehicle standards and licensing, vehicle inspection, seating arrangements such as the '3 for 2 concession', seatbelts, and driver licensing.

The Assembly Government has stated that "if the case is made during consultation that further progress should be sought through a further transfer of powers and a further measure, then we will consider that case". In the light of this, the inquiry could consider both the weight of support and evidence of the need for further powers to be transferred to the National Assembly which would allow for Measures to be made in this area in future.

2. Evidence

The committee could decide to take evidence from a range of stakeholders and interested parties including:

Minister for the Economy and Transport and relevant Assembly Government officials; the Welsh Local Government Association; Further Education institutions; local authorities; fforwm; Diocesan Directors of Education; schools in Wales; National Association of Head Teachers (Wales); the Children's Commissioner; Funky Dragon; parents' groups; learners; transport operators; interest groups; the Vehicle and Operator Services Agency; the Traffic Commissioner for Wales; Confederation of Passenger Transport (Wales); Association of Transport Coordinators (Wales);

Anyone appearing before the committee would be invited to submit written evidence in advance of the meeting.

It is likely that any interested party appearing before the committee would wish to comment, to a greater or lesser extent, on most aspects of the Measure. Therefore the committee may wish to hold around three or four evidence sessions at which the broad scope of the Measure will be considered, with the flexibility to allow stakeholders to concentrate on the areas they see fit.

3. Timing

The consultation exercise is a pre-legislative step. The consultation period ends on the 28th September 2007. After it ends, the Welsh Assembly Government anticipates introducing final proposals for a Learner Travel (Wales) Measure towards the end of 2007. Therefore the committee should aim to report on the inquiry no later than the end of October 2007.