
Comisiynydd Plant Cymru Children's Commissioner for Wales

Sally Holland

By E-mail only.

18th July 2017

Lynne Neagle
Chair of Children, Young People and Education Committee
The National Assembly for Wales
Cardiff Bay
Cardiff
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Dear Lynne

RE: LEARNER TRAVEL IN WALES

Thank you for your letter dated 5th July 2017 regarding learner travel provision in Wales. I am pleased you are considering its inclusion in the Committee's forward work programme.

The Learner Travel (Wales) Measure 2008 and the respective Learner Travel Operational Guidance place a duty on local authorities to assure the safety of learners as they travel to and from their place of education or training. This includes assessing hazards and mitigating risks on learners' walked routes.

Since the Operational Guidance was revised and published in 2014, a number of families have contacted my Office expressing concern about Denbighshire County Council's view to not assess learners' walked routes from home to transport pick up points designated by the local authority. You may be aware that, in respect of these cases, a group of parents had pursued a judicial review however a settlement with Denbighshire County Council was reached outside of court. Whilst the settlement has provided a positive outcome for these families, it meant that there was no further consideration or ruling to address the uncertainty between the Measure and the Operational Guidance. Neither instrument makes reference to the assessment of walked routes from a learner's home to a transport pick up point. Therefore, the degree of ambiguity remains.

In my Annual Report and Accounts 15/16 I recommended that *"The Welsh Government should review the Learner Travel (Wales) Measure 2008 and associated statutory provision and operational guidance to ensure that all journeys to and from school are safe and that local authorities are quite clear about their responsibilities for ensuring that this happens"*.

You will be aware that I have since written to the Cabinet Secretary for Economy and Infrastructure to request follow-up on this matter. However, the Cabinet Secretary replied outlining his intentions not to carry out a policy review.

I do not have a full picture of local authorities' compliance with their duties to learners and I would welcome any steps that the Committee is able to take in order to explore this further.

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Section 6 of the Rights of Children and Young Persons (Wales) Measure 2011 confers Ministerial powers to amend legislation for the purpose of giving further effect to the United Nations Convention on the Rights of the Child. It is my view that in light of the cases I have highlighted above there is scope for the Cabinet Secretary to address the ambiguity between the Learner Travel (Wales) Measure 2008 and the Operational Guidance in order to secure learner safety for all journeys between their home and place of education or training.

I would be happy to provide further evidence on this to highlight the impact that any non-compliance can have on children's rights to be kept safe and to access education, should the Committee choose to pursue this matter further.

Yours sincerely



Sally Holland
Children's Commissioner for Wales
