

Carl Sargeant AC / AM
Y Gweinidog Llywodraeth Leol a Chymunedau
Minister for Local Government and Communities



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref : P-03-304
Ein cyf/Our ref SFICS/044/11

Naomi Stocks
Clerk, Petitions Committee
Cardiff Bay
Cardiff
CF99 1NA

13th June 2011

P-03-304 Amendment to the Learner Travel (Wales) Measure 2008.

Thank you for your letter of 1 June regarding a petition from Councillor Arfon Jones, seeking an amendment to the Learner Travel (Wales) Measure.

The purpose of home to school transport is to allow children and young people to take part in learning without travel being a barrier to participation. Home to school transport policy should not be looked at in isolation and needs to complement Welsh Government's policy for education, and of course, it should be compatible with the law on admissions to schools, and any other legislation.

Admissions law entitles parents to express a preference for any school that they wish their child to attend, and if there are sufficient places at the school in question, there is a duty on admission authorities to comply with that preference in all but exceptional circumstances. As you would expect, therefore, there is some cross border pupil movement each year in both directions when parents obtain places for their children on the other side of the border from their place of residence.

The Welsh Government has no plans to change the legislation relating to the exercise of parental preference in Wales. If the Measure were to be amended as suggested, then there would be no obligation on a local authority to transport a child across the border if the parent were to choose a school in England and it was the nearest suitable school in all respects other than the delivery of the National Curriculum for Wales. If transport was not provided that parent might effectively be denied a right currently available under the law, and the effect would be to undermine the exercise of parental preference and place parents in Wales in a position of disadvantage as compared with parents living in England who obtain places for their children at schools in Wales.

There is no duty upon Welsh local authorities to ensure students resident in their area have access to the National Curriculum for Wales, but for the vast majority of pupils this is not an issue as they attend schools in Wales which are under a duty to deliver it. A number of local authorities have cross-border arrangements in place where it enriches the learning experience of pupils in Wales (for example in the area of 14- 19 provision) or enables education to be delivered more efficiently.

Bae Caerdydd • Cardiff Bay
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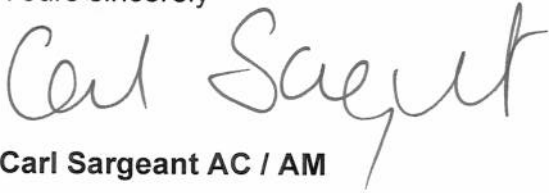
Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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The Welsh Government's home to school transport policy, reflected in legislation, is that children should attend the nearest suitable school to their home, and local authority or national boundaries are not a consideration in this. Consideration must also be given to how far a child or pupil must travel to access education. Limiting the nearest suitable school to those offering the National Curriculum for Wales may result in pupils having to travel much further to school than would otherwise be the case. This may well be in contravention of the EU Conventions on Human Rights and the Rights of a Child.

I am aware that a number of border authorities provide transport to the nearest school in Wales on a discretionary basis, should the nearest suitable school for the learner be in England. I am content with these arrangements, and therefore have no intention to amend the Learner Travel (Wales) Measure in the way proposed.

Yours sincerely

A handwritten signature in black ink that reads "Carl Sargeant". The signature is written in a cursive, slightly slanted style.

Carl Sargeant AC / AM

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