



Learner Travel (Wales) Measure 2008

2008 nawm 2

Travel behaviour code

12 Travel behaviour code

- (1) The Welsh Ministers must make a travel behaviour code.
- (2) A travel behaviour code is a code setting out the standards of behaviour required of learners to whom subsection (3) applies while they are travelling to and from the relevant places where they receive education or training (whether or not they take advantage of travel arrangements made by a local authority).
- (3) This subsection applies to—
 - (a) learners who have not attained the age of 19;
 - (b) learners who have attained the age of 19 who have begun a course of education or training before attaining that age and continue to attend that course;
 - (c) such other learners as may be prescribed.
- (4) The Welsh Ministers must review the travel behaviour code from time to time.
- (5) The Welsh Ministers must publish the code.
- (6) Before making or revising a code the Welsh Ministers must consult such persons as they consider appropriate.

13 Enforcement of travel behaviour code: pupils at relevant schools

- (1) Section 89 of the Education and Inspections Act 2006 is amended as follows.
- (2) In subsection (2), after “The head teacher” insert “of a relevant school in England”.
- (3) After subsection (2) insert—
 - “(2A) The head teacher of a relevant school in Wales must in determining such measures—
 - (a) act in accordance with the current statement made by the governing body under section 88(2)(a),

- (b) have regard to any notification or guidance given to him under section 88(2)(b), and
 - (c) require pupils at the school to comply with the travel behaviour code made by the Welsh Ministers under section 12 of the Learner Travel (Wales) Measure 2008.”
- (4) In subsection (3) for “The” substitute “In relation to a relevant school in England, the”.
- (5) After subsection (3) insert—
- “(3A) In relation to a relevant school in Wales, the standard of behaviour which is to be regarded as acceptable must be determined by the head teacher, so far as it is not determined by—
- (a) the governing body, or
 - (b) the Welsh Ministers.”
- (6) In subsection (5), after “head teacher” insert “of a relevant school in England”.
- (7) After subsection (5) insert—
- “(5A) The measures which the head teacher of a relevant school in Wales determines under subsection (1) may, to such extent as is reasonable and not required by subsection (2A)(c), include measures to be taken with a view to regulating the conduct of pupils at a time when they are not on the premises of the school and are not under the lawful control or charge of a member of the staff of the school.”

14 Enforcement of travel behaviour code: withdrawal of travel arrangements

- (1) This section applies to learners for whom travel arrangements are made under section 3 or 4.
- (2) The local authority may withdraw travel arrangements made for a learner if—
 - (a) the authority is satisfied that the learner has failed to comply with the travel behaviour code made under section 12, and
 - (b) the following conditions applicable to the learner are satisfied.
- (3) All six of the following conditions apply to any learner who is a registered pupil at a relevant school.
- (4) The first, third and fourth of the following conditions apply to any learner who is not a registered pupil at a relevant school.
- (5) The first condition is that before any decision is taken to withdraw travel arrangements—
 - (a) the learner and the parent of the learner are given the opportunity to make representations, and
 - (b) those representations are considered by the local authority.
- (6) The second condition is that the head teacher of the relevant school at which the learner is a registered pupil—
 - (a) is consulted about the decision to withdraw travel arrangements; and
 - (b) is given notice of the decision at least 24 hours before the withdrawal takes effect.

- (7) The third condition is that the decision to withdraw travel arrangements is reasonable in the circumstances.
- (8) The fourth condition is that the local authority gives notice of the withdrawal of travel arrangements to the learner's parent at least 24 hours before the withdrawal takes effect.
- (9) The fifth condition is that the period of withdrawal does not exceed 10 consecutive school days.
- (10) The sixth condition is that the period of withdrawal would not result in the learner having travel arrangements withdrawn for more than 30 school days in the school year in which the withdrawal takes effect.
- (11) In determining whether a decision to withdraw travel arrangements is reasonable for the purposes of subsection (7), the following matters in particular must be taken into account—
 - (a) whether the period of withdrawal is proportionate in the circumstances of the case,
 - (b) any special circumstances relevant to the withdrawal of travel arrangements which are known to the local authority (or of which the authority ought to be aware) including in particular—
 - (i) the learner's age,
 - (ii) any special educational needs the learner may have,
 - (iii) any disability the learner may have,
 - (iv) whether the learner would lose an opportunity to take a public examination, and
 - (v) whether suitable alternative travel arrangements can reasonably be made by the learner's parent.
- (12) A notice under subsection (6) or (8) must be in writing and specify—
 - (a) the period for which travel arrangements are to be withdrawn, and
 - (b) the authority's reasons for withdrawal of the travel arrangements.
- (13) For the purposes of this section and section 17, a "relevant school" means—
 - (a) a maintained school,
 - (b) a pupil referral unit, or
 - (c) a non-maintained special school.
- (14) Regulations may—
 - (a) amend or repeal either or both of subsections (9) and (10);
 - (b) make provision for reviews of decisions under subsection (2);
 - (c) make provision for appeals from decisions under subsection (2).
- (15) Regulations under subsection (14)(c) may in particular—
 - (a) specify the categories of person who may appeal;
 - (b) specify the circumstances in which appeals may be made;
 - (c) provide for the constitution of appeals panels;
 - (d) provide for appeal procedures;
 - (e) make provision about the effect of appeal decisions;
 - (f) provide for the payment of allowances to members of appeals panels;

Status: This is the original version (as it was originally enacted).

- (g) require the provision of information about appeals.