

Enterprise and Learning Committee

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Cyd-Ffederasiwn Cludwyr Teithwyr Cymru Confederation of Passenger Transport Wales

Written Evidence to the Pre-Legislative Enquiry Of The Enterprise and Learning Scrutiny Committee

October 2007

1. CPTCymru is pleased to present its written submission to pre-legislative enquiry of the Enterprise and Learning Scrutiny Committee on the Draft Learner Transport Wales Measure, published for consultation by the Government at the end of June. 2. CPTCymru is the professional trade association of the bus and coach industry in Wales and is part of the UK-wide Confederation of Passenger Transport. Our members include all of the major bus operators across the UK, municipal bus operators, coach operators and many smaller bus and coach operators. CPTCymru members provide some 70% of all public transport journeys made in Wales, and a significant number of them provide transport for learners of all ages in a wide range of vehicles. 3. CPTCymru is also pleased that, by publishing this measure as one of its very first under the new powers granted by the Governance of Wales Act 2006, the Government recognises both the importance of transporting schoolchildren/learners and the need to review and improve its operation. 4. Our members, through CPTCymru's Bus & Coach Commission for Wales and meetings of the Committee for Wales, have expressed views on the proposals. We also sought views from CPTUK and all of these form the basis of our submission. 5. CPTCymru played a full part in the discussions of the Assembly's School Transport Liaison Group and responded to consultations there before the draft measure was published. 6 We have no objection to our submission being in the public domain, under the title of Confederation of Passenger Transport Cymru. 7. Whilst we broadly welcome some of the principal proposals, we have concerns in a number of areas. We are particularly concerned at any proposals that would give local authorities discretion in school/learner transport. These are detailed below in paragraphs 9, 10 and 11. 8. Around half of all bus journeys to schools/colleges are made by students/children travelling on normal public services, and not on specific school contract vehicles (sometimes known as 'closed door services'). The current proposals relate to specific school contract services ONLY and will not apply to ordinary stage carriage/public bus services. There is still widespread misunderstanding on this fundamental difference, and CPTCymru believes that an information/awareness drive should be implemented, especially amongst parents. We would, in any event, urge the Government to incorporate into all modes of learner travel - bus, cycle, walking etc - any part of these proposals that are practical. An obvious example of this is the code of conduct requirement proposed in the draft measure. 9 Whilst we recognise that local authorities have a role to play in providing transport, we firmly believe that any criteria should be set by the Welsh Assembly Government to ensure uniformity. Save for the exceptions in paragraph 11 below, we believe that any discretion given to local authorities will not eradicate the confusion and inconsistency that currently exists across the twenty-two local authorities in Wales. 10 We fully agree that the same legal framework should be implemented on an all Wales basis with no discretion for local authorities, save for that referred to in paragraph 11 below. 11 Although we oppose granting general discretion to local authorities, within the broad legal framework, we agree that they should have some discretion to provide more generous transport arrangements than required by the measure if they judge that worthwhile. This should be restricted to the provision of transport over shorter distances, or to denominational or Welsh medium schools that are further away. CPTCymru is of the view that discretions proposed by local authorities should be subject to approval by Welsh Ministers. 12 We support the widely held view that the age of a learner and the distance from home to the nearest suitable school is the appropriate method to determine eligibility for free transport. We also believe that a common distance limit should apply to all primary school children in place of the current legal distinction made at age eight. 13 CPTCymru believes that duties proposed in the draft measure for local authorities and governing bodies to work collaboratively with each other and with other education providers are appropriate. We question, however whether the will would exist to implement these measures on the part of individual governing bodies and other stakeholders involved in education provision. 14 School/learner transport provided by bus operators offers environmentally sustainable transport provision. Recent statistics show an alarming rise in the number of children/students travelling to school by car. National Travel Survey statistics show that between 1995-99 and 2004-05, there was an increase from 29% to 41% of children 5-16 travelling to school by car, and a fall from 32% to 22% of those travelling by bus. Additionally, the proportion of rush hour vehicles on Welsh roads during 2002-05 being used on the 'school run' was 25% of all vehicles. CPTCymru believes that these alarming figures are not helped by local authority schemes to reimburse parents or pupils for the cost of transportation. We believe that where such schemes are under consideration, consultation should first take place with local bus operators with a view to enhancing local bus services. Local bus operators should then be given the opportunity of considering commercial opportunities to provide suitable bus services under contract, where it is alleged there is no public transport provision. This proposal could contribute to the environmental sustainability aspirations and policies of the Government and also help to reduce the number of individual private cars being used to transport children/learners. 15 The suggestion has been made to stagger slightly school start and finish times. Whilst this does impact on school transport provision, by both reducing congestion and enabling school transport vehicles to be used for more than one journey, CPTCymru believes this to be essentially an education matter and not a transport one. We believe that it could bring benefits beyond that of school transport, but we are concerned that, as in question 6, the will to effect this will not exist, and, therefore, Welsh Ministers should be prepared to direct schools in this matter. 16 CPTCymru firmly believes that a code of conduct should be introduced on an all-Wales basis. This would give clarity and consistency to learners, school/college staff, parents, bus operators and local authority staff. This is particularly vividly illustrated where cross border provision occurs, often in denominational and Welsh medium provision, though also in some rural areas. For example, a school with children arriving from two or more authority areas, each with different codes of conduct, would result in confusion and would prove difficult for the school to implement transparently. Furthermore, in this example, learners from the same family could be subject to different codes of conduct,

adding to the confusion. 17 We believe that the implementation of the code of conduct should, in the first instance, be applied by head teachers. Proper regard must be paid, however, to the responsibilities of the transport operator as the operator has both a duty under Health and Safety legislation, and the right under PCV legislation to refuse entry or to ask passengers to remove themselves from the vehicle. We also believe that there should be an escalation process whereby more serious or persistent breaches are referred immediately to the LEA or, eventually, Welsh Ministers. 18 CPTCymru believes that effective and clear channels of communication are the key to the success of any proposals. Responsibility for the field of school transport should be clearly allocated to one particular member of the school staff, with a deputy, and, likewise, LEAs should designate one specific member of their staff to be the first point of contact for school transport issues, again with a deputy.

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