

Provide free public transport for all secondary school pupils

Y Pwyllgor Deisebau | 3 Gorffennaf 2023
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Petition Number: P-06-1343

Petition title: Provide free public transport for all secondary school pupils

Text of petition: I believe that all children in secondary schools in Wales should have the right to free public transport so that they can travel to their catchment area secondary school* safely.

We live 2.4 miles from our children's secondary school but our council states that free transport is only available to those who live 3 miles (or further) from their catchment secondary school. Walking to school would take between 50 minutes and an hour from our house along busy and congested roads. There is no safe cycle path.

As a family we spend over £80 a month on bus tickets for our 2 children. It's money we really can't afford but for some parents finding £40 a month (per child) is impossible and so their children are forced to walk along dark, busy, dangerous and polluted roads to get to the school. This is unfair and discriminates against the poorest children in society.



The Welsh Government published a review (March 2022) of the 'Learner Travel Measure (Wales)' and in June 2022 Mark Drakeford said there will be a 'comprehensive engagement programme which will ensure that all of our stakeholders have the opportunity to contribute to the subsequent wider review'.

*A catchment area secondary school refers to the KS3/4 education location of the child/young person including the Welsh-medium Schools, English-medium Schools, Bilingual Schools, Faith Schools, Special Schools, Pupil Referral Units, EOTAS provision (Education Other than School) and so forth.

1. Background

1.1. Current entitlement to free home to school transport

Under the provisions of the Learner Travel (Wales) Measure 2008, local authorities are required to provide free home to school transport to learners of **compulsory school age** if they live certain distances from their nearest suitable school. The distances, known as walking distances, are set out in the Measure. The statutory distances are two miles for primary school pupils and three miles for secondary school pupils.

The entitlement to free school transport and statutory walking distances originate in the Education Act 1944 which set out walking distances as two miles for compulsory school age pupils aged 8 years old and younger, and three miles for older pupils.

1.2. Assessing learner's needs

Under the provisions of the Learner Travel (Wales) Measure 2008, local authorities are required to assess the travel needs of learners who are aged under 19 in their area. This includes those who they are legally required to provide transport for and those for whom they may wish to provide discretionary transport. An authority is also required to have regard to:

- The needs of disabled learners and learners with learning difficulties;

- Any particular needs of learners who are 'looked after' or learners who have formerly been looked after by a local authority;
- The age of a learner;
- The nature of the route that the learner is expected to take between home and the places where they receive education or training.

1.3. Available routes

The Measure states that the walking distance should be measured by the 'shortest available route'. It sets out that a route is considered to be available if it is safe (as far as reasonably practicable) for a learner without a disability or learning difficulty to walk the route alone or with an accompanying adult if the learner's age and levels of understanding requires this.

If a route is not 'available' and there is no alternative 'available' walking route within the distance threshold, the learner cannot be expected to walk to their nearest suitable school, even though the distance from home to school is less than the distance limit that applies to the learner's age. In such cases the local authority has a duty to provide the learner with free transport to and from their nearest suitable school.

1.4. Discretionary provisions

As well as statutory provision, local authorities have discretionary powers to provide home to school transport for other learners living or studying in the authority's area. However, if a local authority does make use of its discretionary powers, the authority must ensure that the policy applies to all learners in similar circumstances living in that authority's area. While local authorities are not required to offer free transport, examples of where discretionary transport provision might be used include:

- Children under the age of five;
- Welsh medium schools that are not the nearest suitable schools;
- Faith schools that are not the nearest suitable schools;
- Post-16 learners who continue their studies in mainstream further education or training.

2. Welsh Government action

In November 2019, the previous Welsh Government undertook to review the Learner Travel legislation in relation to post-16 learners. In a joint Cabinet Written Statement, the Ministers for Education; International Relations and Welsh Language; Housing and Local Government and the Deputy Minister for Economy and Transport, said that the transport arrangements for those of statutory school age were ‘generally working well’.

A Cabinet Statement in August 2020 said that the review was being extended to include the 4 – 16 year-old age group and the current mileage threshold for free transport. The review was expected to be concluded by the end of March 2021, but the review was not published due to the pre-election period leading to the Senedd elections that took place in May 2021.

The interim report of the review from March 2021 was published on 31 March 2022. The interim report, which is written in a format from Welsh Government officials to Ministers, presents two options for consideration:

- option 1: to take forward changes to the Measure in the next Legislative Programme as outlined in the original scope of the review.
- option 2: to take forward a wider programme of work that encompasses consideration of a complete revision of the Measure alongside work to;
 - improve operator provision and the environment in which it can deliver greater provision under the measure; and
 - consider better integration with related policies, such as the needs of ALN pupils and provision to Further Education establishments.

Officials recommended option 2 and suggested it could be combined with other policy work in the area of public transport.

In a Written Cabinet Statement (31 March 2022), the Deputy Minister for Climate Change said that the Welsh Government would, that year, take forward a wider programme of work that encompasses consideration of a complete revision of the Learner Travel Measure. He also said:

In taking forward this work we will be engaging with stakeholders to develop the evidence base to support any proposed changes to ensure that they are fair, proportionate, and affordable. We will be consulting on this work later this year.

In answer to a Written Question (12 April 2023), the Deputy Minister for Climate Change:

An initial review of the Learner Travel (Wales) Measure took place in 2020/2021. From the initial review it was a clear that a more detailed review of the Measure was required due to the complex nature of learner's travel needs.

Work has now commenced on this wider review of the Measure which, working in partnership with local authorities, the industry as well as children and young people, will identify the barriers as well as opportunities and innovative approaches to learner travel. Key findings, learnings and examples of innovative good practice from local, national and international research will inform advice due to be submitted for me to review this summer.

3. Welsh Parliament action

In 2017, the Petitions Committee in the Fifth Senedd considered a petition, [Free School Transport for All Children in Wales](#). The Committee received correspondence from Ken Skates, then Cabinet Secretary for Economy and Infrastructure and sought the views of the Petitioner, but following an inability to contact them, the petition was closed.

A further petition, For school transport guaranteed for all comprehensive children was considered by the Committee on 25 April 2022. In light of the Welsh Government's review, the Committee agreed to 'keep a watching brief' on the petition.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.