



Ein cyf/Our ref KS/01132/18

David John Rowlands AM
Chair - Petitions committee.

government.committee.business@wales.gsi.gov.uk

14 May 2018

Dear David,

On 12 March, you wrote to Nusrat Ghani MP, Parliamentary Under Secretary of State for Transport about petition P-05-748, school buses for school children. As Learner Travel is a devolved matter, your letter has been transferred to me to respond as I have responsibility for Transport in Wales.

The safety of all children and therefore learners is of paramount importance. For learners travelling to and from school the Learner Travel (Wales) Measure 2008 (the Measure) and the Safety on Learner Transport (Wales) Measure 2011 place duties on both Welsh Government and local authorities.

I wrote to you on 31 January about the actions that the Welsh Government has taken to ensure that children are able to travel to school in safety. This includes the revised guidance issued under the Measure in relation to undertaking risk assessments for safe walking routes to school and the rules governing the use of dedicated learner travel.

The Measure places a duty on local authorities to assess the travel needs of all learners in their area. As a result of the assessment local authorities must make travel arrangements including provision of free transport based on age, distance and aptitude criteria. Any arrangements local authorities make resulting from their assessment must not be unsafe or cause unreasonable stress to learners.

Local authorities are also required to promote sustainable modes of travel including active travel. The Welsh Government aims to significantly increase the number of people who walk and cycle for everyday journeys and the Active Travel (Wales) Act 2013 plays a key role in this. We have invested nearly £90 million over the next three years to create new active travel routes across Wales, and this will connect learners to schools enabling more learner travel journeys to be made by walking and cycling. Building physical activity into children's lives improves their health.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Ken.Skates@llyw.cymru
Correspondence.Ken.Skates@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Promotion of sustainable modes of travel will include the use of public service vehicles, where available and appropriate. Using public service buses will reduce the number of vehicles on the road network and in turn reduce congestion and air pollution. The aspiration of providing private bus or coach travel for all learners, whilst understandable in the case of the petitioner, does not meet the Well-being Goals of the Future Generations (Wales) Act 2015.

The Safety on Learner Transport Measure introduced the compulsory fitting of seat belts on dedicated home to school learner transport, this came into force on October 1, 2014. There is no requirement for seat belts to be fitted on public service buses as these services can also be used by members of the public and are therefore not dedicated learner transport. The Learner Travel Guidance provides advice on how to encourage and persuade children to wear seat belts. However, it must be acknowledged that fitting seat belts does not always result in them being used.

Disclosure and Barring Service (DBS) checks are to assist employers in making safer recruitment and licensing decisions. However, a check is just one part of robust recruitment practice. DBS checks do not provide a guarantee of safe practice.

Legislation places duties on employers when recruiting for some specific roles requiring them to check that the job role is eligible for a DBS check. DBS checks are required for drivers of dedicated learner transport as they are undertaking regulated activity, i.e. working unsupervised with the opportunity for contact with children on a frequent basis. They are therefore not appropriate for drivers of public service vehicles who may or may not come into contact with vulnerable groups on a frequent basis.

As I indicated at the Economy, Infrastructure and Skills Committee on Wednesday, 25 April 2018, when new powers under the Wales Act 2017 were discussed, I will shortly issue a white paper consultation about the planning and delivery of local bus services. In doing so, my intention is to provide a framework that enables local authorities to work more closely with local bus operators to better organise local transport in their areas. In some cases, this will capture services that may serve schools and other educational establishments and will improve all aspects of the transport provision.

Providing the appropriate safeguards are in place therefore, it will be appropriate for safe travel to school to take place using scheduled local transport services.

*Yours ever,
Ken*

Ken Skates AC/AM

Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth
Cabinet Secretary for Economy and Transport