

To: Janet Finch-
Saunders AM

Chair, Petitions
Committee

Via email only

11 April 2019

Dear Chair,

Petition P-05-748 School Buses for School Children

Thank you for your letter dated 20th March 2019 regarding the above named petition.

I note the series of correspondence sent to the Committee from both the Minister for Economy and Transport and the Department for Transport. I also note the discussions during the last consideration of this petition on 5th March 2019 regarding the lack of seatbelts on public transport.

This appears to be an area that is 'caught' between the devolved and non-devolved areas, as learner travel would sit with the Welsh Government but wider public transport matters and DBS checks remain at a UK Government level. I can appreciate that this must be extremely frustrating for the petitioner who is seeking to improve safety in school transport across Wales.

In my [annual report for 2015-16](#), I made the following recommendation in relation to school transport:

"Welsh Government should review the Learner Travel (Wales) Measure 2008 and associated statutory provision and operational guidance, to ensure that all journeys to and from school are safe and that local authorities are quite clear about their responsibilities for ensuring that this happens."

This recommendation came from a number of cases regarding home to school transport provision and pick up points that had arisen across Wales but any review could also include the issue of public transport being used for school journeys.

The Welsh Government had told me that the Measure and guidance would be reviewed. I note from the correspondence received from the Minister that this Measure is described as being subject to "ongoing review" but that the last substantive review took place in 2014 (prior to this recommendation being made).



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I maintain a register of progress against the recommendations I make in my annual reports, which is updated on a quarterly basis. The last update to this document was in [March 2019](#) and as you will see from that document the measure still has not been reviewed. However the [documentation for the Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 Code of Practice](#) which was published for consultation earlier this year noted that the Measure is to be reviewed; I would suggest that a wholesale review is therefore necessary.

I am also aware that a White Paper has been published on "[Improving Public Transport](#)" and the initial consultation recently closed. I submitted a response to that consultation noting the importance of engaging with children and young people when redesigning services that they will regularly use and rely upon. This was before I had had a chance to consider the details of this petition. I would anticipate that there would be future opportunities to influence that work as it develops however, as it was mentioned by the Minister in some of his correspondence with the Committee.

Finally in relation to the legal powers of my office, for any matters that are outside of my remit (such as the public transport safety issues in this case), I am unfortunately not able to raise these directly with the relevant UK Government in the same way that I would for matters devolved to the Welsh Government. Instead the power in the Care Standards Act 2000 is that I may "make representations to the [Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government]".¹ I have therefore copied the First Minister and the Minister for the Economy and Transport in to this letter.

Yours sincerely,



Sally

Sally Holland
Comisiynydd Plant Cymru
Children's Commissioner for Wales

cc. Mark Drakeford, First Minister
Ken Skates, Minister for Economy and Transport

¹ <https://www.legislation.gov.uk/ukpga/2000/14/section/75A>

