

Free school transport

Y Pwyllgor Deisebau | 25 Ebrill 2022
Petitions Committee | 25 April 2022

Reference: SR22/2498-4

Petition Number: P-06-1264

Petition title: For school transport guaranteed for all comprehensive children

Text of petition: There are at least 27 children ages 11-12 that have been refused transport to their local comprehensive school. Some of these young children have medical illnesses like asthma, autism and at least 1 child has epilepsy and is expected to walk to school in all weather. These children have been separated from friends who have been able to get a bus pass, and there are only a limited number of children that have been left out. It's disgraceful.

There is only a limited number of children that have been excluded from receiving a bus pass due to laws that were brought in by the Welsh government, a government that is supposed to put child welfare at the forefront. There are 16-year-old young adults getting a pass because they were in the school before this law was changed, so while they are mature enough to find alternative transport 11- and 12-year-old children are walking in appalling weather along dangerous roads. Education is compulsory in this country and so should transport be if the comprehensive is not in the village you live. We all pay taxes, including community payments and there should not have been cuts in education provision.

Children getting to school safely, securely and dry should be a must. It is sheer cruelty making young children walk 3 miles in all kinds of weather getting soaked and sitting all day long in lessons.



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. The Education Act 1993 restated these distances.

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 their 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 the 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:

We agree that the current legislation that places duties on local authorities to make transport arrangements for learners of statutory school age based on distance, aptitude and safety are generally working well. However, we are aware of increasing concerns for post 16 learners where local authorities have discretion over travel arrangements.

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 2021 elections that took place in May 2021. The [Welsh Government's response to the Children's Commissioner's Annual Report 2020-21](#) (November 2021) said:

From discussions and engagement with stakeholders as a part of the initial review, it became apparent that there are other issues with the Learner Travel Measure's current provisions that necessitate a further more detailed review. The interim report will now be published and officials will consider how best to progress the further work required to review learner travel in Wales.

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.

The [Children, Young People and Education Committee](#) has written to the Deputy Minister for Climate Change seeking an update on the review the Welsh Government initiated in November 2019.

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.