

<b>MEETING</b>	Education and Economy Scrutiny Committee
<b>DATE</b>	18 June 2026
<b>TITLE</b>	Draft Education Transport Policy Consultation
<b>REASON TO SCRUTINISE</b>	The Education Transport Policy has been identified at the annual workshop for scrutiny in 2026-27.
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<b>CABINET MEMBER</b>	Dewi Jones (Cabinet Member for Education)

## **1. Why it needs scrutiny?**

- 1.1 In accordance with the request of the Education and Economy Scrutiny Committee, we are presenting a draft Education Transport Policy following a consultation period on proposals to amend the content of the current policy. See a copy of the Draft Education Transport Policy in Appendix 1.
- 1.2 The guidance of the Education and Economy Scrutiny Committee on the proposals to amend the policy, together with the committee's response to the comments received from the consultees will enable us to further consider the proposals for the Education Transport Policy, before reporting back to the Cabinet on the outcome of the consultation, asking them to finally adopt the Education Transport Policy.

## **2. What exactly needs scrutiny?**

- 2.1 The introduction of the draft Education Transport Policy following a consultation period provides the Committee with an opportunity to consider the proposals to amend the policy, as well as to consider the comments that have been received from consultees to those proposals. An updated version of the Impact Assessment on Equality, the Welsh Language and Social Economic Characteristics is also submitted following consideration of comments received during the consultation.
- 2.2 The Education and Economy Scrutiny Committee's comments and feedback are sought on the following proposals:
- Empty Seats Scheme
  - Faith Schools
  - Dual Residency
  - Post-16
- 2.3 The Education and Economy Scrutiny Committee's comments and feedback are also sought on the comments received from the consultees as well as the Council's response to those observations.

2.4 The Education and Economy Scrutiny Committee's comments and feedback are also sought on the content of the Impact Assessment on Equality, the Welsh Language and Social Economic characteristics.

### **3. Summary of the Key Matters**

3.1 The main proposals for the Draft Education Transport Policy are in the following areas:

- Empty Seats Scheme
- Faith Schools
- Dual Residency
- Post-16

3.2 Appendices 3 and 4 provide a full summary of the responses received from the consultees together with the Council's response to those observations.

3.3 Appendix 5 contains an updated Impact Assessment on Equality, Welsh Language and Social Economic Characteristics, after consideration of all the comments received in response to the consultation.

3.4 The Education and Economy Scrutiny Committee's comments and feedback on the proposals and responses to the consultation, together with the Impact Assessments, will be invited for further consideration in due course by the Education Department, and the Cabinet.

### **4. Background / Context**

4.1 The current Education Transport Policy was adopted in 2009, and while there is no change to the statutory requirements relating to the provision of transport for learners, it is timely to review the policy due to the need to:

- Ensure we are meeting current statutory requirements and guidance:
  - The need for consultation at least 12 months before introducing a change to some or all the discretionary elements of the policy
- Ensure clarity on the discretionary elements for fairness for children, young people and their families:
  - There is inconsistency in the content of the policy across all areas, and it is also inconsistent with the transport policies of some other counties.
- Ensure that the Policy is fit for purpose in terms of the reasonableness of operating within the available resources:
  - The Policy has dated, which means that elements of it can no longer be implemented due to statutory requirements and guidance.
  - The Policy is vague which hampers the Authority's ability to make clear and balanced decisions, leaving us open to challenge and complaints.

4.2 The Learner Travel (Wales) Measure 2008 (the Measure) sets out the legal framework that specifically applies to travel and transport provisions for learners travelling from home to

school in Wales; with 'Statutory Provision and Operational Guidance' (The Guidance) published in 2014.

4.3 The Measure states that local authorities must:

- Assess the travel needs of learners in their authority area;
- Provide free home-to-school transport for learners of compulsory school age attending a primary school who live two miles away from the nearest suitable school;
- Provide free home-to-school transport for school-age learners attending a secondary school who live three miles away from the nearest suitable school;
- Assess and meet the needs of 'looked-after' children in their authority area;
- Promote access to Welsh-medium education and faith schools;
- Promote sustainable modes of transport.

4.4 The Local Authority has a statutory duty to provide transport from the home to school in accordance with the requirements of the Measure. At the same time, within the Measure, the Local Authority may make discretionary arrangements under part 6 of the Measure, based on the Authority's choice and discretion.

4.5 In accordance with the Learner Travel Information (Wales) Regulations 2009, Local Authorities are required to publish information about their policies for providing discretionary transport within their Education Transport Policy, and if an Authority makes use of Part 6 powers to provide discretionary transport, the Authority also has the right to revoke the provision at a later date. To do this, under the 2014 statutory guidelines, the Authority is required to:

- Conduct a consultation before revoking or modifying a discretionary provision; and
- Publish the arrangements by 1 October the previous year.

4.6 The main changes proposed to the Education Transport Policy (Draft) for the purpose of consultation relate to the Authority's discretionary transport provision in the following areas:

- Empty Seats Scheme
- Faith Schools
- Dual Residency
- Post-16

4.7 Empty Seats Scheme

4.8 At present, learners who are not entitled to free transport are offered a vacant seat if there is a seat available on transport and are charged for that seat. Taking advantage of the scheme is subject to:

- Empty seats being available;
- Not requiring the vehicle to divert from its normal journey;
- No additional costs to Cyngor Gwynedd;
- Paying the current fee for an empty seat.

4.9 The scheme is not available on public transport contracts, and there is no assurance that the vacant seat will be available throughout the academic year. We try to provide at least one week's notice should the arrangement have to end.

4.10 Due to the statutory requirements to consult and announce any changes before 1 October of the previous year, it is not possible to implement the Empty Seats Scheme as intended without committing to offering an empty seat throughout the whole academic year. This contradicts the essence of the scheme of a flexible arrangement i.e. being able to offer an empty seat without committing to providing the seat for a fixed period, as that could lead to additional costs for the Authority. As a result, the Empty Seats Scheme as a heading has been revoked as an offer from the Education Transport Policy (Draft).

#### 4.11 Faith Schools

4.12 There is no reference to faith schools in the current Education Transport Policy although transport is currently provided to learners who choose to attend faith schools in accordance with the statutory requirement. Gwynedd has two faith schools (voluntary aided schools), and the schools themselves are the admission authorities rather than the Council, therefore there are no specific catchment area boundaries for them as with the rest of the county's schools.

4.13 The authority is required to promote access to faith schools, therefore the offer of transport to faith schools has been added to the Education Transport Policy (Draft). The proposal sets out the intention to provide free transport for learners in accordance with the statutory requirement, and for learners living no more than five miles from the nearest suitable (faith) school, reflecting the fact that a faith school serves a wider area than a school's normal catchment area, which offers clarity within the policy on the right to transport.

#### 4.14 Dual Residency

4.15 Where parents share responsibility for a child and the child resides in two households, which are the homes of both separated parents, the Authority will provide transport from the main address, which is the address at which the learner usually resides, with at least one of those residences being in Gwynedd. This is on the condition that the school attended is the nearest suitable school from the main residence, or it is agreed that it is the most suitable considering the locations of the two residences.

4.16 The Education Transport Policy (Draft) provides further clarity, namely that transport will be provided in accordance with the statutory requirement, but that transport will not be provided from either residence if more than 5 miles from the nearest suitable school.

#### 4.17 Post-16 Transport

4.18 At present, the Council provides discretionary transport for full-time post-16 learners to the following educational establishments:

- Secondary schools catering for Years 12 & 13.

- Special schools catering for Years 12, 13 & 14.
- Grŵp Llandrillo Menai – sites at Dolgellau, Pwllheli, Glynllifon, Parc Menai Site - Bangor, Llangefni and Caernarfon sites.

4.19 The Education Transport Policy (Draft) proposes that the authority provides discretionary transport beyond statutory school age where eligible learners living in Gwynedd live 3 miles or more from the nearest suitable post-16 school or college that provides the course.

4.20 The proposal to provide post-16 transport to the nearest catchment area/suitable school, as well as to the nearest college site that provides the course:

- is consistent with the rest of the Education Transport Policy for learners of statutory education age.
- means that the transport provision supports post-16 provision across the county and contributes to ensuring the viability of provisions across the county, in Arfon, Dwyfor and Meirion when transporting learners to the nearest sites that provide the course.
- means that Bangor University students will not be eligible for post-16 transport as the proposal relates to transport to secondary schools or Grŵp Llandrillo Menai sites only
- means an age restriction of being younger than 19 years old on 1 September in the academic year in which the course was taken. This is consistent with the transportation policies of other counties.

4.21 It is noted that learners have the right to choose any site for their post-16 education, but if a learner does not choose the nearest school/college site providing the course then they would lose their right to free transport, in the same way as the Education Transport Policy for learners of statutory education age.

#### 4.22 Further Clarity

4.23 There are also other areas within the Education Transport Policy where we have added detail and clarity to the policy, but those additions do not result in any change to the commitment to provide transport in accordance with the current Transport Policy. Those areas include:

- Measuring the Travelling Distance
- Additional Learning Needs (ALN) and Medical Conditions
- Looked after Children
- Schools Reorganisation
- Expectations on parents/guardians - Transport charges

## 5. Consultation

5.1 A report was submitted to Cabinet on 20 January 2026 requesting permission to hold a consultation on the draft Education Transport Policy. Following receipt of Cabinet consent, the consultation ran for a period of 6 weeks between 9 February and 20 March 2026.

5.2 An on-line consultation pack was published together with a bespoke response form, and a total of 31 written responses to the consultation were received through this method. A

copy of the response form can be found in Appendix 2. This figure does not include the feedback from learners during the consultation sessions that took place.

5.3 The Consultation Report (Appendix 3) contains a full summary of all the issues raised by the consultees via the on-line response form, together with the Council's response to those issues. The main themes raised by the consultees are listed below, and a more detailed consideration of each of these issues can be found in Appendix 3.

- Empty Seats Scheme
- Faith Schools
- Dual Residency
- Post-16 provision
- ALN and Independent Travel
- Active Travel
- General
- Welsh Language Standards

5.4 To ensure the voice of children and young people in this consultation, several specific consultation sessions were held with approximately 104 students in the following settings:

- Grŵp Llandrillo Menai – Coleg Menai site, Bangor
- Grŵp Llandrillo Menai – Pencraig Site, Llangefni
- Grŵp Llandrillo Menai – Meirion-Dwyfor Site, Dolgellau
- Grŵp Llandrillo Menai – Meirion-Dwyfor Site, Pwllheli
- Grŵp Llandrillo Menai – Meirion-Dwyfor Site, Glynllifon

In addition, a specific session on the proposals of the Draft Education Transport Policy was held with the County Children and Young People's Forum.

5.5 The main themes raised by the young people in the consultation sessions are listed below, and a more detailed consideration of each of these issues can be found in the Consultation Report. (Appendix 4).

- Course Location
- Transportation costs
- Age restriction
- Learners with ALN
- Public Transport
- Transport Timetables
- Calculating Travel Distance

#### 5.6 School Headteachers

5.7 A presentation on the content of the Draft Education Transport Policy was given to secondary headteachers on 11 February and primary headteachers on 25 February 2026. This outlined the main changes and raised awareness of the on-line questionnaire, inviting them to submit any comments as part of the consultation. The representations received during the session related to the possibility of phasing out the Empty Seats Scheme, as well

as the suitability and standard of training provided to those providing education transport on behalf of the Council.

#### 5.8 Governors' Forum

5.9 A presentation was also given to the Governors' Forum on the Draft Education Transport Policy on 26 February 2026, where the main policy proposals were highlighted and awareness was raised of the on-line questionnaire, giving them the opportunity to ask questions or comment during the session. The representations received during the session related to the Empty Seats Scheme in terms of the potential for its phase-out and subsequent impact on small rural communities and schools.

### **6. The Well-being of Future Generations (Wales) Act 2015**

An assessment of the impact of the proposals to modify the Education Transport Policy on Equality, the Welsh Language, the Socio-Economic Duty, and the relevant considerations was undertaken in the context of the Well-being of Future Generations Act 2015, and the assessment was published as part of the Education Transport Policy consultation package. Following the consultation, the assessment was reviewed. The full Assessment can be found in Appendix 4.

### **7. Impact on Equality Characteristics, the Welsh Language and the Socio-Economic Duty**

7.1 An assessment of the impact of the proposals to modify the Education Transport Policy on Equality, the Welsh Language, and the Socio-Economic Duty was undertaken, and the assessment was published as part of the consultation package on the Education Transport Policy. Following the consultation, the assessment was reviewed. The full Assessment can be found in Appendix 4.

#### 7.2 Compliance with Welsh Language Standards (Welsh Language (Wales) Measure 2011)

It is confirmed that the consultation on the Education Transport Policy has been carried out in accordance with the requirements of the Welsh Language Standards 88-93 under the Welsh Language (Wales) Measure 2011. In accordance with Standards 88, 89 and 90, conscientious consideration was given to the potential effects that the policy decision could have on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English, including consideration of the potential positive and adverse effects, how the proposal could be formulated or modified to ensure more positive effects, and how any potential adverse effects could be minimised.

In addition, in accordance with Standards 91, 92, and 93, views were considered and sought throughout the statutory consultation process regarding these linguistic effects, including views on how the proposal could be formulated or modified in order to increase

positive effects or reduce adverse effects on the Welsh language. These requirements have been supported by undertaking an Impact Assessment on the Characteristics of Equality, the Welsh language and the Socio-Economic Duty, and these assessments have been reviewed and updated following consideration of the responses received during the consultation on the Education Transport Policy.

## **8. Next Steps**

8.1 Following consideration of comments made by members of the Education and Economy Scrutiny Committee, it is proposed to submit a report to Cabinet asking them to adopt the revised Education Transport Policy. The final Education Transport Policy will have considered all the comments received as part of the consultation process, together with the comments of the Education and Economy Scrutiny Committee. The policy will need to be adopted before 1 October 2026 to become effective from 1 September 2027 onwards.

## **9. Appendices**

Appendix 1 Draft Education Transport Policy

Appendix 2 Response Form

Appendix 3 Public Consultation Report

Appendix 4 Learner Consultation Report

Appendix 5 Impact Assessment on Equality, Welsh Language and Socio-Economic Characteristics

Appendix 6 Update on the Work Programme and Financial Position.

Appendix 7 Case Study