

Report to the Cabinet

Date of meeting:	15 September 2026
Cabinet Member:	Councillor Dewi Jones
Contact officer:	Debbie Anne Jones
Title of Item:	Adoption of an Education Transport Policy to be operational September 2027 onwards.

1. THE DECISION SOUGHT

- 1.1 Subject to the consideration of the contents of the Report and the Appendices, together with the outcomes of the consultation and engagement activities, the Cabinet is requested to make a decision on the adoption of a new Education Transport Policy, which will come into effect on 1 September 2027.
- 1.2 To delegate authority to the Cabinet Member for Education, in consultation with the Head of Education Department, to keep the Policy under review within the national framework and to make operational and editorial amendments as required, subject to any matter requiring consultation being referred to the Cabinet.

2. THE REASON FOR THE NEED FOR A DECISION

- 2.1 The purpose of this report is to seek the Cabinet's decision regarding the adoption of the amended Education Transport Policy. The decision sought is based on the contents of this report that summarises the consultation process undertaken recently, following the Cabinet's permission to conduct a public consultation on the draft Policy.
- 2.2 A review of the Policy is considered timely to ensure that it remains compliant with current statutory requirements and guidance. The need to undertake consultation at least 12 months prior to the implementation of any change to part or all the discretionary elements of the Policy, and to provide clarity regarding those discretionary elements to ensure fairness to children, young people and their families. The Policy contains inconsistencies across several areas and is also inconsistent in certain respects compared with the transport policies of other local authorities. There is a need to ensure that the Policy remains fit for purpose and capable of being delivered reasonably within the resources available. Furthermore,

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the Policy has become outdated, with some provision no longer capable of implementation considering current statutory requirements and guidance.

3. INTRODUCTION

3.1 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.

3.2 The Measure states that local authorities must:

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

3.3 The Local Authority has a statutory duty to provide transport from 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.

3.4 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 remove the provision at a later date. To do this, the 2014 statutory guidelines, requires the Authority to:

- Undertake a consultation exercise prior to the withdrawal or amendment of any discretionary provision in its entirety; and
- Publish the arrangements by 1 October in the preceding academic year.

4. THE RATIONALE AND JUSTIFICATION FOR RECOMMENDING THE DECISION

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

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

Vacant Seats Scheme

4.2 In the current policy, up until recently, learners who were not entitled to free transport were offered a vacant seat if there was a seat available on transport and were charged for that seat. This provision was subject to:

- the availability of vacant seats;
- the vehicle not having to deviate from its usual route;
- no additional costs being incurred by Cyngor Gwynedd;
- paying for the current vacant seat.

4.3 The scheme was not available on public transport contracts, and there was no assurance that the vacant seat would be available throughout the academic year. At least one week's notice was sought to be provided should the arrangement need to come to an end.

4.4 Legislation makes it a requirement for authorities to consult and publish any changes to the Education Transport Policy before 1 October of the previous year. Because of this, the Education Department made an operational decision to freeze the Vacant Seats Scheme while the Education Transport Policy was being reviewed. At the time, the Department understood that it would not be possible to implement the Vacant Seats Scheme without committing to providing a vacant seat throughout the whole academic year. This would have been contrary to the fundamental principle of the Scheme, namely, the provision of a vacant seat when available, without creating any long-term commitment that could give rise to additional costs for Cyngor Gwynedd. On this basis, the Department undertook a consultation on the proposal to remove the Vacant Seats Scheme from the Draft Education Transport Policy.

4.5 The purpose of the consultation was to gather the views of stakeholders and consider the comments received, and where appropriate, to amend the content of the Policy to reflect those comments. In the case of the Vacant Seats Scheme, several concerns were raised during and following the consultation by various stakeholders, including the Education and Economy Scrutiny Committee, regarding the possibility of removing the scheme in its entirety from the Policy. The Education Department shares these concerns and has been exploring practical options that would enable the Vacant Seats Scheme to continue. This included seeking further clarification from the Welsh Government regarding the statutory requirements to consult on discretionary elements of education transport provision, such as the Vacant Seats Scheme.

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4.6 Very recently, some further clarity was received from the Welsh Government in relation to discretionary transport, and specifically the authority's ability to implement schemes such as the Vacant Seats Scheme. The further clarification received from the Welsh Government provides the Authority with a degree of confidence that the Vacant Seats Scheme may continue to be offered as part of the Education Transport Policy. This position is reflected in the Policy presented to the Cabinet for adoption.

4.7 To mitigate the risks associated with continuing to operate the Vacant Seats Scheme, we have updated and clarified the procedure governing the Scheme and included it as an Appendix to the Education Transport Policy. The procedure explains how the Scheme operates and confirms the Authority's right to withdraw the offer of a vacant seat at any time should a seat no longer be available. The procedure will take effect immediately alongside the current Policy, as it represents an update to an existing procedure.

Faith Schools

4.8 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 Cyngor Gwynedd.

4.9 The authority is required to promote access to faith schools and, accordingly, provision of transport to faith schools has been included within the Draft Education Transport Policy. The provision sets out the intention to provide free transport for learners in accordance with the statutory requirements, as well as to learners living no more than five miles from the nearest suitable faith school. This reflects the fact that faith schools serve a wider geographical area than a school's normal catchment area and provides greater clarity within the Policy regarding entitlement to transport.

Dual Residency

4.10 Where parental responsibility for a child is shared and the child resides at two separate addresses, namely the homes of both parents, the Authority will provide transport from the main residence, which is the address at which the learner resides most frequently, provided that at least one of those residences is within Gwynedd. This is subject to the school attended being the catchment area school or the nearest suitable school for one of the two residences .

4.11 The Draft Education Transport Policy provides further clarification, namely that transport will be provided in accordance with the statutory requirements, but that

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transport will not be provided from either residence where the distance to the catchment area school or nearest suitable school exceeds 5 miles from one of the two residences.

Post-16 Transport

4.12 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 and 14.
- Grŵp Llandrillo Menai - Dolgellau, Pwllheli, Glynllifon sites, Menai site at Parc Menai, Bangor, Llangefni and Caernarfon sites.

4.13 The Draft Education Transport Policy proposes that the Authority will provide discretionary transport beyond compulsory school age for eligible learners residing in Gwynedd who live 3 miles or more from their catchment area school, nearest suitable school, or the nearest suitable post-16 college site that provides the course.

4.14 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 compulsory school age;
- means that the transport provision supports post-16 provision across the county, and contributes to ensuring the viability of the provisions across the county, in Arfon, Dwyfor and Meirionnydd 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 transport policies of other local authorities.

4.15 It is recognised that learners are entitled to choose any setting for their post-16 education. However, where a learner does not choose to attend catchment area school, nearest suitable school, or the nearest suitable college site offering the chosen course, they will forfeit their entitlement to free transport, in the same manner as set out in the Education Transport Policy for learners of compulsory school age. Consequently, a charge of £1 per journey will apply to learners who choose to travel to an out-of-catchment school or to a college site that is not the nearest location offering the course.

4.16 Further Clarity

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4.17 There are also several other areas within the Education Transport Policy where additional detail and clarity have been provided. However, these additions do not result in any change to the Authority's commitment to provide transport in accordance with the current Education 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. ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION

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 the Cabinet's approval, a 6-week consultation was conducted 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 5. (This figure does not include the feedback from learners during the consultation sessions that were held).

5.3 The Consultation Report (Appendix 6) contains a full summary of all the issues raised by the consultees via the on-line response form, together with Cyngor Gwynedd'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 6:

- Vacant 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

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- 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 Children and Young People County 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 in Appendix 7:

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

5.6 All comments received during the consultation on the proposals contained within the Draft Education Transport Policy were carefully considered. As a result of the significant concerns expressed regarding the removal of the Vacant Seats Scheme from the Policy (see Appendix 6, Theme 1), clarification was sought from the Welsh Government regarding the Authority's ability to continue operating the Scheme considering the statutory requirements to consult on discretionary elements of education transport provision. Following the clarification received, and in response to the comments and concerns raised during the consultation regarding the withdrawal of the Scheme, the Vacant Seats Scheme has been reinstated within the Education Transport Policy in order to facilitate transport for some families who are not eligible for free transport under the relevant criteria.

5.7 Comments were received both in support of and in opposition to the proposal to determine eligibility for transport to faith schools based on distance (see Appendix 6, Theme 2). To ensure that the proposal would not have a significant impact on the two faith schools in particular, a meeting was held following the consultation with a representative of the Catholic Church to discuss the proposal. During the discussion, the Diocese was satisfied that providing transport based on distance was unlikely to have a significant impact on the entitlement of current pupils of Ysgol Ein Harglwyddes and Ysgol Santes Helen to transport. Consequently, no changes have been made to the Education Transport Policy in relation to faith schools following the consultation.

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- 5.8 Comments were received both in support of and in opposition to the proposal relating to transport arrangements for learners with dual residence, with views reflecting, on the one hand, the need for flexibility and recognition of the complexities faced by some families, and on the other, the need for fairness and consistency for all (see Appendix 6, Theme 3). It is considered that the proposal reflects Cyngor Gwynedd's desire to facilitate transport for learners who divide their time between households, as it goes beyond the statutory requirements to provide transport for eligible learners living more than two miles from a primary school and more than three miles from a secondary school. On this basis, no changes have been made to the provisions relating to dual residence within the Education Transport Policy following the consultation.
- 5.9 Several comments were received expressing concerns regarding the proposal to only provide free transport for post-16 learners to the nearest educational setting offering the chosen course. Several consultees, together with the young people who were consulted with (see Appendix 7), indicated that the proposal was likely to restrict learners' choices. All comments by consultees were carefully considered, and Cyngor Gwynedd is supportive of learners being able to choose a post-16 course that best meets their needs. However, having considered the comments received, Cyngor Gwynedd's view is that the proposal is consistent with the transport criteria applied to learners of compulsory school age. Accordingly, no changes have been made to the Education Transport Policy in relation to post-16 learners.
- 5.10 Consideration was also given to all other comments received as part of the consultation on the Education Transport Policy. A number of these comments, together with the views of children and young people, have been given further consideration as part of the Equality Impact Assessment (see Section 8 of the Cabinet Report).

6. OBSERVATIONS RECEIVED FROM OTHER STAKEHOLDERS

Observations of School Headteachers in Gwynedd Primary and Secondary Schools

- 6.1 Presentations on the content of the new Policy were delivered to Secondary Headteachers on 11 February 2026 and to Primary Headteachers on 25 February 2026. The key proposals of the Draft Education Transport Policy were outlined and headteachers were made aware of the online consultation questionnaire and invited to submit their comments for consideration.
- 6.2 In response to the proposals for the Draft Education Transport Policy, the Headteachers noted the following:
- The need for certainty regarding the type of training presented to education transport employees, and the quality and standard of the training.

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- Whether a transitional period could be introduced for the vacant seats scheme, which would allow learners already participating in the scheme to continue benefiting from it throughout their secondary school education, provided that vacant seats remain available.

Observations of the Gwynedd Governors Forum

- 6.3 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 the governors' and chairpersons' awareness was raised of the consultation and of the online questionnaire and encouraged to complete it and to submit their observations for consideration as part of the consultation.
- 6.4 In response to the content and changes to the new Policy, the governors noted the following observations:
- If the proposal to discontinue the Vacant Seats Scheme were to be approved, it was suggested that the scheme should be phased out gradually so as not to affect those learners who are currently benefiting from it.
 - Concern was expressed regarding the impact that discontinuing the Vacant Seats Scheme would have on those learners who have become accustomed to the stable daily arrangements provided through the scheme over a considerable period.
 - Comments were made regarding the process for identifying vacant seats on education transport, and questions were raised as to why vacant seats exist at all within the education transport system.
 - Comments were also made regarding the charging arrangements, the income currently generated, and the administrative arrangements associated with the Vacant Seats Scheme.
 - Attention was drawn to the potential impact that discontinuing the Vacant Seats Scheme could have on certain small schools, where the attendance of out-of-catchment learners contributes to the viability of those schools.

7. THE OBSERVATIONS OF THE EDUCATION AND ECONOMY SCRUTINY COMMITTEE

- 7.1 An item was presented before the Education and Economy Scrutiny Committee on 18 June 2026 reporting back following the consultation that was held on the Draft Education Transport Policy, inviting committee members to scrutinise the content of the Draft Education Transport Policy and the consultation undertaken.
- 7.2 Members of the Education and Economy Scrutiny Committee expressed concern regarding the proposal to permanently remove the Vacant Seats Scheme from the Education Transport Policy, as this was considered likely to have an impact on the needs of Gwynedd residents, including families in rural communities and those experiencing economic deprivation. As a result, the Committee requested that the

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Cabinet give specific consideration to the Vacant Seats Scheme when reaching its decision.

- 7.3 The Scrutiny Committee members also noted that consideration should be given to modifying the Draft Education Transport Policy to specify parishes rather than distance in terms of transport to faith schools.
- 7.4 Following the Scrutiny Committee meeting, the Education Department held a meeting with a representative of the Catholic Church to discuss the contents of the Draft Education Transport Policy. As a result of that meeting, during which further clarification was provided regarding the intention to include within the Policy entitlement to statutory transport for learners living no more than five miles from the nearest suitable faith school, (with transport eligibility based on distance rather than historical parish boundaries), the representative of the Catholic Church was satisfied that providing transport on the basis of distance was unlikely to have a significant impact on the entitlement of current learners of Ysgol Ein Harglwyddes and Ysgol Santes Helen to transport.
- 7.5 Members of the Scrutiny Committee also asked the Education Department to look at reducing the number of forms that parents of pupils with Additional Learning Needs had to complete.
- 7.6 With the submission of the above observations, members of the Education and Economy Scrutiny Committee accepted the content of the report.

8. IMPACT ASSESSMENTS

8.1 Equality Impact Assessment

An assessment was undertaken of the impact of the proposals contained within the Draft Education Transport Policy on Equality, the Welsh Language, and the Socio-economic Duty, and the Assessment was published as part of the consultation package for the Draft Education Transport Policy. The full Assessment can be found at Appendix 4. The Assessment concludes that the Education Transport Policy is unlikely to have an impact on several equality characteristics, including race, sex, and sexual orientation. However, it identifies that implementation of the Education Transport Policy may have both positive and negative impacts in relation to the protected characteristics of disability and religion or belief. It also identifies positive impacts on the Welsh language, indirect positive impacts in relation to pregnancy and maternity, together with indirect positive and negative impacts on the characteristic of marriage and civil partnership, and predominantly negative impacts in relation to age.

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Based on the above, no issues emerged from the Assessment that would warrant any amendment to, or an alternative outcome in respect of the Education Transport Policy. It is anticipated that proceeding with the Education Transport Policy as proposed will not result in unlawful discrimination or have a significant adverse impact on any protected characteristic. Accordingly, Cyngor Gwynedd will be acting in accordance with its legal obligations in implementing the Policy.

8.2 The Well-being of Future Generations (Wales) Act 2015

In developing the proposals for the Draft Education Transport Policy, due regard was given to the requirements of the Well-being of Future Generations (Wales) Act 2015. The work reflected the five ways of working set out within the Act. This is detailed in Appendix 4 and was published as part of the consultation package for the Draft Education Transport Policy. The assessment has been kept under continual review throughout the development of the proposed decision.

9. THE STATUTORY OFFICERS' OBSERVATIONS

The Monitoring Officer's comments on the report are set out below:

"This work has received legal support as it progressed. The report details the consultation process and the additional engagement that has taken place. It is noted that the results of the consultation process have also contributed to the creation of the recommendation with specific amendments incorporated in consequence. This accords with the "Gunning" principles in relation to the conduct of consultation processes. I am satisfied that the report sets out an appropriate process and considerations which would allow Cabinet to adopt the Policy."

Head of Finance Department:

The Head of Finance's comments on the report are set out below:

"The change in policy is unlikely to have significant budgetary effect, and I agree with the need for the policy to be current, clear, and fit for purpose. I therefore support the decision sought."

APPENDICES:

- Appendix 1 Education Transport Policy
- Appendix 2 Vacant Seats Scheme Guidance Procedure Response Form
- Appendix 3 Post 16- Transport Guidance

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Public Consultation Report
Appendix 4 Equality, Welsh Language and Socio-Economic Impact Assessment
Learner Consultation Report
Appendix 5 Consultation Response Form
Appendix 6 Comments Received During the Consultation on the Draft Education
Transport Policy
Appendix 7 Learners' Comments on the Draft Education Transport Policy