

Empty Seats Scheme Procedure

Definitions

Statutory Entitlement to School Transport

A learner's entitlement to receive free school transport from Cyngor Gwynedd in accordance with the requirements of the Learner Travel (Wales) Measure 2008, the relevant statutory guidance, and Cyngor Gwynedd's school transport criteria as amended from time to time. For the purposes of this Policy, Statutory Entitlement to School Transport will always take precedence over any transport provision provided on a discretionary basis.

Vacant Seat

A seat on a school transport vehicle which Cyngor Gwynedd has determined to be surplus to its statutory transport requirements and is available for allocation on a discretionary basis. Seats reserved to meet current or anticipated future statutory transport needs are not considered vacant seats, even if they are unoccupied on some journeys.

Principles of the Vacant Seats Scheme

The purpose of the Vacant Seat Scheme is to maximise the use of surplus capacity on vehicles provided primarily to fulfil Cyngor Gwynedd's statutory school transport duties. The Scheme is discretionary in nature, and its operation shall not compromise Cyngor Gwynedd's ability to carry out its statutory duties.

Cyngor Gwynedd may, at its sole discretion, offer vacant seats to learners who are not eligible for statutory school transport. Any such provision will be subject to surplus capacity remaining after the needs of all learners who have a Statutory Entitlement to School Transport have been met.

No learner is automatically entitled to a vacant seat, and Cyngor Gwynedd is under no duty to offer, maintain or fill any vacant seat.

Use of the scheme will be subject to the following:

- 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

Cyngor Gwynedd will consider and make decisions regarding the above matters. Cyngor Gwynedd's decision shall be final.

Visible Vacant Seat and Available Vacant Seat

Cyngor Gwynedd recognises that there may be confusion between a seat that appears vacant on a school transport vehicle, and a seat that is available for allocation under the Vacant Seats Scheme.

The fact that a seat is vacant on a particular journey or indeed appears regularly vacant over a period of time does not mean that that seat is available for allocation. Cyngor Gwynedd must ensure that it has sufficient capacity to accommodate all learners with a Statutory Entitlement to School Transport, including learners who may become eligible during the school year.

When planning the service, Cyngor Gwynedd may retain unallocated seats in order to accommodate changes in eligibility, population movements, additional transport demand, safety arrangements or other operational requirements. These seats may appear empty on certain journeys but are not considered available vacant seats. The same principles shall apply where a transport provider chooses, on either an occasional or ongoing basis, to use a vehicle(s) with more seats than the contractual requirement.

A seat will only be considered available for allocation as a vacant seat when Cyngor Gwynedd has determined that it is a surplus seat to its current and reasonably foreseeable statutory transport requirements.

The sight of a vacant seat on a school transport vehicle shall not create any entitlement, expectation or presumption that such seat is available under the Vacant Seat Scheme. The availability of any seat as a vacant seat shall be determined by Cyngor Gwynedd. Cyngor Gwynedd's decision shall be final.

Allocation of Vacant Seats

Vacant seats shall be allocated on a termly basis, one school term at a time.

Where the number of applications for vacant seats exceeds the number of seats available, Cyngor Gwynedd will allocate the seats in accordance with the following operating arrangements:

Arrangements for allocating a Vacant Seat at the start of the academic year:

1. Where additional vacant seats are available:
 - Vacant seats for the term will first be offered to learners who held a vacant seat in the previous term.
 - If additional vacant seats remain available, they will then be offered to new applicants who live furthest from the school.

Where there is more than one applicant from the same address, and only one vacant seat available, the parent/guardian shall choose which applicant from that address receives the seat.

2. Where there is no change in the number of vacant seats available:
 - Vacant seats for the term will be offered to those who held a vacant seat in the previous term.
 - If any offer is declined, then the process described in paragraph 1 (above) shall apply.
3. Where there is a reduction in the number of vacant seats available:
 - Among those who held a vacant seat in the previous academic year, the first to lose entitlement shall be the learner living closest to the school (or school site).
 - If one learner from a particular address must lose their seat and more than one learner from that address held a vacant seat in the previous year, the parent/ guardian shall decide which learner loses the seat.

Arrangements for Allocating a Vacant Seat during the Academic Year:

A waiting list will be maintained and, should vacant seats become available during the year, priority will be given to those living furthest from the school (or school site). If entitlement to vacant seats must be withdrawn during the year, the first to lose entitlement shall be the learner living closest to the school (or school site).

If one learner from a particular address must lose their seat and more than one learner from the same address holds a vacant seat, the parent/guardian shall choose which learner loses the seat.

Cyngor Gwynedd reserves the right not to allocate a vacant seat, even where a seat appears regularly unoccupied, if it considers that such capacity must be retained to ensure it can fulfil its statutory duties efficiently and safely.

Payment for Vacant Seats

The relevant fee must be paid in full for the term before use of the vacant seat commences.

The fee relates to permission to use a vacant seat for a specified period and does not purchase an entitlement to school transport or to a particular seat.

Payment of the fee and allocation of a vacant seat do not create a statutory entitlement to transport nor guarantee that the seat will remain available for the rest of the term, the following term, or the entire academic year.

Withdrawal of Vacant Seats

Statutory Entitlement to School Transport will always take precedence over discretionary use of vacant seats. Cyngor Gwynedd reserves the right to withdraw a vacant seat at any time if the seat is required to meet a Statutory Entitlement to School Transport or if operational, safety, contractual or financial reasons justify doing so.

Where reasonably practicable, Cyngor Gwynedd will provide as much notice as possible to the parent/guardian if a vacant seat must be withdrawn, and at least one week's notice will be provided as a minimum.

If Cyngor Gwynedd withdraws a vacant seat before the end of the term for which payment has been made, the appropriate proportion of the fee shall be refunded for the period during which the vacant seat could not be used.

Allocation of a vacant seat does not guarantee that the seat will remain available for any specified period if that seat is subsequently required to enable Cyngor Gwynedd to carry out its statutory duties.

Review of the Scheme

Cyngor Gwynedd reserves the right to amend, suspend or terminate the Vacant Seat Scheme at any time in accordance with its statutory duties, corporate policies and financial and operational decisions.

The operation of the Vacant Seat Scheme does not limit in any way Cyngor Gwynedd's statutory duties or its ability to make decisions to ensure the appropriate and efficient provision of school transport.