

CYNGOR GWYNEDD CABINET



Date of meeting: 16 January 2026
Cabinet Member: Councillor Dewi Jones
Contact Officer: Debbie Jones – Assistant Head of Education
Title of Item: Education Transport Policy (Draft)

A report to a meeting of the Cyngor Gwynedd Cabinet

1. THE DECISION SOUGHT

1.1 The Cabinet's permission is sought to hold a consultation on the Education Transport Policy (Draft).

2 THE REASON FOR THE NEED FOR A DECISION

2.1 The current Education Transport Policy was adopted in 2009, and while there is no change to the statutory requirements related to providing transport for learners, it is timely to review the policy because of the need to:

2.1.1 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 of the discretionary elements of the policy

2.1.2 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.

2.1.3 Ensure that the Policy is fit for purpose in terms of the reasonableness of operating within the resources available:

- The Policy is outdated which means that elements of it can no longer be implemented considering statutory requirements and guidance.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.

3 BACKGROUND

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 in their authority area;
- Provide free home-to-school transport for learners of compulsory school age attending a primary school and 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.

3.3 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.

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 revoke the provision at a later date. In order to do this, under statutory guidance 2014, 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. INTRODUCTION

4.1 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

4.2 **Empty Seats Scheme**

4.2.1 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.

4.2.2 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.

4.2.3 In light of the statutory requirements to consult and publish any changes before 1 October in 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 being 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 of the Education Transport Policy (Draft).

4.3 Faith Schools

4.3.1 There is currently no reference to faith schools in the Education Transport Policy although transport is currently provided to learners who choose to attend the 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 boundaries for them as with the rest of the county's schools.

4.3.2 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.

4.4 **Dual Residency**

4.4.1 Where parents share responsibility for a child and the child resides in two households, which are the homes of both separate 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.

4.4.2 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 it is more than 5 miles from the nearest suitable school.

4.5 **Post-16 Transport**

4.5.1 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 – Dolgellau, Pwllheli, Glynllifon, Parc Menai Site - Bangor, Llangefni and Caernarfon sites.

4.5.2 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 is providing the course.

4.5.3 The proposal to provide post-16 transport to the nearest catchment/suitable school, as well as to the nearest college site providing 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 the provisions across the county, in Arfon, Dwyfor and Meirion when transporting learners to the nearest sites that provide the course.
- meaning 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 counties.

4.5.4 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.

4.6 **Further Clarity**

4.6.1 There are also other fields 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 fields include:

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

5. OTHER CONSIDERATIONS

5.1 Education and Economy Scrutiny Committee

5.1.1 The Education and Economy Scrutiny Committee will have an opportunity to scrutinise the comments received in response to the consultation and submit recommendations to the Cabinet. The recommendations of the Education and Economy Scrutiny Committee will be considered as part of reporting back to Cabinet on the findings of the consultation, as well as to present the final version of the Education Transport Policy to be adopted.

5.2 Equality Impact Assessment

5.2.1 An equality impact assessment has been carried out on the Education Transport Policy (Draft), the full assessment can be found in Appendix 2.

5.2.2 The assessment gives particular attention to different equality elements such as race, gender, disability, language, religion or belief and age. The assessment sets out the current situation and shows that the policy is in line with equal rights. We will consider the assessment further and adjust when new information is received as a result of the consultation.

5.2.3 Having weighed up the relevant factors, it is concluded that the Education Transport Policy (Draft) is likely to have a positive and negative impact on some equality characteristics. From an age point of view, there is a possible positive impact as the proposed Policy will set clear guideline for learners since learners of all eligible ages will be treated fairly and according to their needs. However, there is a potential negative impact on a small group of learners aged 19 and over who currently take advantage of the Post-16 Travel Pass.

5.2.4 In the same way, there is a possible positive impact on a small group of learners who choose to attend faith schools in Gwynedd, as the draft Policy offers guidance and clarity in terms of applicable travel distance. However, there is also a possible negative impact as the Draft Policy offers to transport learners to faith schools from a maximum distance of 5 miles, while the current Policy is more ambiguous about the transport distance.

5.2.5 It is envisaged that implementing the proposal would reduce the inequality in the case of socio-economic disadvantage by ensuring that everyone is given opportunities to attend the nearest catchment area/suitable education sites. There is a possible positive effect of providing free transport to post-16 learners on a discretionary basis, so that they can continue studying in a sixth form or further education college with free transport provision. The Council would follow normal processes by supporting and monitoring, to ensure the compliance of education transport arrangements with the equality characteristics.

5.3 The Well-being of Future Generations Act

5.3.1 The aim of the Well-being of Future Generations (Wales) Act 2015 is to improve the social, economic, environmental and cultural well-being of Wales. The Act places a well-being duty on public bodies and aims to fulfil the seven well-being goals by following the five ways of working. The Act places a well-being duty on the Council to carry out sustainable development work by working in alignment with the 'sustainable development principle'. This means that the impact on people in the future must be considered when making decisions.

5.3.2 Following consideration and assessment in accordance with the requirements of the well-being act, consideration was given to the 7 aims of the well-being act and the Council's well-being objectives and it is concluded that the proposed Education Transport Policy (Draft) contributes to all 7 well-being goals, including a more equal and prosperous Wales. The full assessment can be found in Appendix 2.

6. NEXT STEPS AND TIMETABLE

6.1 Should the Cabinet decide to support the recommendation presented in this report, a period of public consultation on the Education Transport Policy (Draft) will need to be held.

6.2 In accordance with the requirements of the *Learner Travel: Statutory Provision and Operational Guidance* (June 2014) document, any change to the content of the Education Transport Policy must be subject to consultation, and the arrangements must be published by 1 October of the previous year. It is therefore anticipated that the consultation period would take place during the months of February-March 2026.

6.3 As part of the public consultation, it is intended to seek the views of several stakeholders, including:

- Schools
- Governing Bodies
- Grŵp Llandrillo Menai
- Parents / Guardians
- Children and Young People
- Education and Economy Scrutiny Committee

6.4 Following this, a further report will then be submitted to the Cabinet during the summer term to report back on the results of the consultation. The Cabinet will then be required to consider the results of the consultation and decide whether or not to adopt the revised Education Transport Policy.

6.5 If the revised Education Transport Policy were to be adopted by the Cabinet, the new Policy would be published before 1 October 2026, to ensure that it would come into force in Gwynedd in September 2027, in line with the *Learner Travel Information (Wales) Regulations 2009*.

6.6 The proposed timetable is as follows:

Steps	Timetable
Submit the Draft Education Transport Policy to the Cabinet to be approved for consultation.	January 2026
Consultation on the Draft Education Transport Policy (4-6 week period).	February-March 2026
Report on the consultation findings to the Education and Economy Scrutiny Committee	June 2026
Report back on the consultation findings as well as the recommendations of the Education and Economy Scrutiny Committee and submit the final Education Transport Policy before the Cabinet for adoption.	July 2026
The revised Education Transport Policy is published.	1 October 2026
The revised Education Transport Policy becomes operational.	1 September 2027

7. VIEWS OF THE STATUTORY OFFICERS

7.1 **Chief Finance Officer:**

"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."

7.2 **Monitoring Officer:**

"This work has been supported with advice and guidance from the Legal Services. I have no observations to add in relation to propriety"

14 Appendices

Appendix 1: Gwynedd Education Transport Policy 2026 (Draft)

Appendix 2: Equality Impact Assessment
