



**Comisiynydd Plant Cymru**  
Children's Commissioner for **Wales**

## **Ymateb i Ymgynghoriad / Consultation Response**

Date / Dyddiad: 30<sup>th</sup> April 2025

Subject / Pwnc: Bus Services (Wales) Bill: Stage 1 inquiry by the Climate Change, Environment, and Infrastructure Committee

### Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales' principal aim is to safeguard and promote the rights and welfare of children. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner's remit covers all areas of the devolved powers of the Senedd that affect children's rights and welfare.

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. The Welsh Government has adopted the UNCRC as the basis of all policy making for children and young people and the Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

This response is not confidential.

### **Introduction**

Thank you for the invitation to give written and oral evidence to the Committee in relation to this Bill. Access to transport is a very important area of interest for children and young people

across Wales; it is a topic raised with me on the majority of my weekly visits across Wales regardless of the location or circumstances of the young people I'm meeting.

My comments relating to the Bill do not relate to the specifics of the franchising and contractual arrangements, as these sit outside of my statutory remit and expertise. Instead, I will reflect upon the wider impacts of the Bill's provisions, and areas that I feel may have been underexplored to date in providing a service that meets the needs of children in particular.

### **Learner Travel**

The Explanatory Memorandum for the Bill sets out that *“statutory responsibility for learner travel will not be impacted by the Bill. However, when planning the network, TfW will seek to ensure better integration between the network and learner travel to ensure children and young people have better access to schools and further and higher education.”*

It goes on to set out that *“making provision for better planning and co-ordination of the network will support school age children and young people to get to and from their place of education, including Welsh Medium and faith schools.”*

However, the objectives set in the Bill and against which the Welsh Government and TfW will be required to report do not contain any criteria or aims in relation to school transport. It therefore remains to be seen how these improvements will be prioritised and monitored through the implementation reporting.

Further, the implementation of the Bill (if passed) is projected to take at least five years. Without any direct provisions related to learner transport, it is unclear how the objectives named in the Learner Travel review by Welsh Government will be identified and achieved. Five years is a significant period of a child's education journey, and improvements to learner travel options are inextricably linked to this Bill, so it is necessary to see clearer and swifter action towards addressing the challenges currently facing learners in accessing education.

In 2024, Welsh Government published their final report recommendations in relation to learner travel. <https://www.gov.wales/learner-travel-wales-analysis-and-evaluation-recommendations-report-december-2023-html>

It is my view that the Review was totally inadequate, falling short of signalling any meaningful change to current guidance or legislation, and meaningful changes to children's

experiences. It was deeply disappointing for children, their families, and those of us who have been telling the Welsh Government for years about the wide range of problems children and young people currently face with home to school transport. They include:

- a serious loophole in local authorities' duty to risk assess routes. Risk assessments are a legal requirement for active travel routes children use to walk directly to school, but not for journeys children have to make from their home to a pick-up point to catch a school bus. My Advice team have heard from a family whose child was expected to travel the 1.4 miles from their home to a pick-up point on a route that wasn't risk assessed. That's almost 3 miles a day on a route that the council doesn't know is safe.
- current mileage thresholds for school transport are too high. The national guidance means that a secondary school pupil could walk up to six miles a day to access their right to an education. For some they are expected to do this on top of a bus journey to and from school each day. Estyn's recent report on school attendance in secondary schools highlighted this as potential barrier to attendance, as did the Government's own interim review published in 2021.
- no legal duty to provide transport for young people who aren't of compulsory school age. A young person choosing to study in their school's sixth form could go from having free transport up until their GCSEs to suddenly having to pay for public transport to continue with their education. A third of young people live in poverty in Wales, and it's those young people who will feel the impact of this most.
- no legal duty to provide transport for young people with additional learning needs, despite them often having specific vulnerabilities that might make it difficult or distressing to walk to school or to get a public bus.

The interim review published in 2021 acknowledged some of these issues and pointed to inconsistent provision across Wales and inconsistent experiences for children. The Welsh Government said at that stage that ministers were committed to reviewing learner travel, noting that "the option of 'do nothing' is not considered appropriate" and concluded that the interim work "justifies a comprehensive review of the Measure", to prevent "further inequality, inconsistency in provision and further outdated codes and guidances".

It is my view that the Welsh Government have let children down with the final review that simply failed to deliver on the promising language of the interim review, and failed to address the issues it had already acknowledged within the current guidance.

Whilst I recognise the financial challenges, and the expectations that were already in place for this Bill to be brought forward, the Bill's provisions in themselves do not address any of these issues.

Since the 2021 review, my office has continued to have regular cases brought to us from across Wales in relation to this issue, including cases that have been brought to us by Senedd Members from different political parties. It is clear that children across Wales are facing barriers just to access their education, a fundamental right for all. On top of a cost-of-living crisis and concerns about declining school attendance, it is unacceptable that the Government has not taken the steps promised by the interim review to firmly get to grips with the persistent challenges faced by children in getting to school safely.

The 2024 learner travel recommendations and analysis notes that the implementation of a franchised network provides an *“opportunity to ensure that schools and colleges are taken into consideration when planning regional bus networks. It is therefore recommended that as part of the preparatory work for the implementation of the Bus Bill, Transport for Wales ensure that the network development work that they are undertaking includes our learning establishments, schools and FE colleges as well as universities. This will maximise opportunities of a franchised network to encourage more children and young people to use our public transport networks”*. It is unclear from the published paperwork for the Bill whether or not this has taken place or whether this is now being planned.

Young people my office has spoken to recently have noted ongoing issues with learner travel, with one of them saying “I feel like as young people we are being let down. We have a right to free education but we’re seeing because of this barrier of a bus fare that we’re not getting that access.”

Local authorities have historically been more generous in their offer than the legal minimum set by the Welsh Government, with many lowering local mileage limits to adequately support children and young people.

However, with budgets being stripped ever closer to the bone, more councils are opting for the minimum legal requirement for children and young people. In practice this means some children walking up to six miles a day, setting off for school on foot at 6.30am in all weathers and sometimes on routes that families deem unsafe and unsuitable; we've heard cases of children having to walk alone across a common with wild horses, down side alleys and along canal paths without lighting or visibility.

Even when children and young people are entitled to free school transport, we hear through my office's independent Children's Rights Advice and Assistance service about children having to walk lengthy distances to get to pick up points, including along thin grass verges by the side of busy A-roads.

In a persistently challenging financial context, many parents whose children don't qualify for free transport are left with a choice between paying for a bus fare or breakfast, just to get their child to their education.

Yet, there are no concessions, even when children are eligible for free school meals; we've heard of such children having to pay £3.80 per day to get to school, and coming to a point towards the end of the week where it is no longer affordable to get to school, meaning that child then misses out on their free hot meal on that day too.

Sadly, the Learner Travel reviews have been wholly inadequate from the point of view of children's rights, and have failed to address the known issues with school transport. Without clear action from Welsh Government, more and more young people will be arriving at their school cold, wet and tired, and some simply won't arrive at all.

Cost of living pressures also continue to have a devastating impact on families across Wales.

Despite the publicity and media coverage at the time, the recently announced £1 bus fares for under 21s will not help with all learner travel, as this scheme is only intended to support those aged 16-21.

And school attendance rates in Wales are a significant concern – they remain stubbornly lower than pre-pandemic, with those missing 10% or more of their schooling having doubled since 2019. Evidence tells us that transport remains a key barrier for many attending school. In its thematic review of improving attendance in secondary schools, published in January 2024,

Estyn echoed our calls and recommended to Government: “Consider how pupils living within the three-mile radius who are not eligible for free transport could be better supported to attend school more regularly.”

The Cabinet Secretary is hosting a Learner Travel Summit; here are some issues that need to be taken into consideration in the next steps:

- Consider how mileage thresholds can be reduced; what are the exact costs and benefits of different thresholds?;
- Review responsibilities for local authorities to risk assess walking routes to transport pick up points;
- Examine how certain groups of children are particularly affected by the current arrangements, including but not limited to children with disabilities, those attending Welsh medium education, and those eligible for free school meals.

Without due consideration of and clear action on these issues, the Welsh Government is failing to properly consider and give greater effect to children’s basic needs and human rights in this policy area and the time for wholesale change is long overdue. It is necessary for this Bill to be seen within this context; to ensure that all of the actions by the Welsh Government are upholding and advancing children’s rights.

### **School bus services**

I am unsure from the published proposals how current paid school transport services will be treated in relation to the contracts, but wanted to raise the issue of these services.

I am aware from learners we’ve spoken to of concerns about paid school transport services, including the cost, the level of service and the uncertainty over how the services currently operate.

It is my understanding that the local authorities contract these services from private providers. The fees vary depending on the school, but amount to hundreds of pounds per child. Although annual passes can be purchased for some services, this comes at a significant outlay (for example £550 upfront in Cardiff) and being payable at the beginning of the school year, this

comes at the same time as uniforms and other school supplies need to be purchased. For those missing out on the threshold for free school meals (and therefore also the School Essentials Grant) this is very often a prohibitive cost, resulting in these families having to pay the daily rates instead at a cost of more than £700 a year per child.

Learners I have spoken to having to pay for these services include those living 2.98 miles away from their school, those whose 'nearest suitable school' has been designated as a Welsh medium secondary school for a non-Welsh speaker (including learners with additional learner needs) and learners who are eligible for free school meals. The lack of policy join up or rights-based approach to these children's needs is a concern to me.

I understand that as these are 'school services' the ticket cost is for that service only and therefore a purchased ticket cannot be used to access any other bus services on that date such as an alternative trip in to a local town or leisure facility. This is despite, in some cases, the daily cost of the school service being more than the advertised daily ticket for any other public bus services.

These services are unique operations, as they are classed as public transport and therefore theoretically open to anyone to board. This affects the predictability of routes and can lead to severe overcrowding, and in some cases, learners who have purchased annual passes have not actually been able to board the only service they are entitled to use. We've heard about young people whose bus collects them at around 7.40am, but if they are unable to board they are facing a walk of longer than one hour to get to school, which starts at 8.25am. This then makes these young people late for school and could even put them off from attending on that date, when school attendance rates are already lower than they should be. This should be a significant concern to the Government and local authorities and should be a priority to address through this Bill.

## **Consultation**

The Bill provides that certain groups of people have to be consulted in relation to the Network Plan. These are primarily those involved stakeholders such as operators and employees. Whilst there is a general requirement to consult with "*persons appearing to represent the*

*interests of persons using or likely to use local bus services”, consulting with **representatives*** should not be a proxy for the involvement of actual or potential service users. With clauses worded in this way, it is also very easy for children to be overlooked as a distinct and important user group. Consultation with my office would be welcome in this regard as a general measure of the needs of children, but this cannot possibly replace the local knowledge and experience of young people who either use these services currently or are lacking suitable options for transport to get to school as well as reaching other leisure activities.

My office raised concern in various consultations that preceded this Bill being laid, due to the lack of involvement of children and young people in those consultations. In some cases, responses were only sought from those aged 16+; in others the consultations may have been more open but have not been written or advertised in a way that would encourage children to participate and respond. Officials have responded that the consultation exercises to date have been technical in their nature so not appropriate for children to input, but the overall aim of securing suitable and sufficient transport options across Wales is of vital importance to children and their families and therefore they should be elevated to be considered key stakeholders in every aspect of the Bill.

My recent evidence to the Senedd Public Accounts and Public Administration Committee’s Active Travel consultation noted that the National Travel Survey is an invitation-only survey, which can only be completed by those aged 16+ in the relevant household.

Time and again this office has raised concerns at engagement exercises that exclude children and young people from participating, either indirectly due to inappropriate/inaccessible consultation mechanisms, or as in this case and with the wider National Survey, directly due to children being ineligible to respond.

Further, consultation is just the first step as part of a wider principle of involvement. To date, young people have not been involved in shaping the future of services, and it is unclear from these proposals how young people’s views will be properly and adequately integrated into the Network Planning processes.

Involvement is far deeper and greater than purely consulting, and moving more to a co-production approach would be recommended to achieve the best service that meets people’s



needs – this is what will increase patronage and the ultimate modal shift towards greater use of public transport that integrates into people’s daily lives including children and young people.

I would like to welcome the approach by Transport for Wales in running a high quality engagement exercise with my young people’s advisory panel in February 2025; I would see this as the beginning of a process rather than a complete exercise.

There were some clear takeaways from the consultation work that they undertook. The following barriers were identified across the group:

- Overcrowding of services especially during peak hours
- Frequent delays affecting missed connections and therefore questions over the timeliness and reliability of arrival at school or work
- Lack of service options, particularly in rural areas
- Safety concerns (on services and at travel interchanges), especially for women and girls travelling alone
- Challenges for accessibility; options not always accessible for wheelchairs and prams
- Difficulty navigating different payment systems and apps, including inability to access discounted schemes or tickets
- Cost of tickets, particularly when:
  - o Bought regularly
  - o Paying to attend a part time job where the wage primarily is being used to fund the transport to get there
  - o There is a lack of affordable options for students and learners.

To encourage use of public transport, young people identified a number of priorities, the majority of which related to affordability. They suggested discounted schemes should be introduced, especially for young people and those in full-time education and/or working part time (not just age-related discounts), as well as free or reduced fares for single parents/those travelling with young children.

In addition, many suggested that bus travel should be free of charge for young people as eliminating travel costs for young people will encourage usage and contribute towards a modal shift in transport choices.

## **Impact on children's rights**

I am aware from my office's representation on the Welsh Government's Children's Rights Advisory Group (CRAG) that a full draft Children's Rights Impact Assessment (CRIA) exists in relation to this Bill. However, the write up of children's rights impact within the published Explanatory Memorandum is fairly limited at just five short paragraphs, and is limited in terms of assessment of rights engaged by the Bill.

The direct impact of the Bill on Children's Rights is not considered to be 'significant' and is noted to be 'generally positive'. Without the involvement of children in shaping the Network Plans however, it is unlikely that there will be a positive impact on children's rights. To the contrary, there will not be positive advancement of children's rights, to access education and leisure opportunities, to socialise with friends, and attend health appointments without a public transport network that is physically and financially accessible, and adequately supports those activities.

Whilst it is welcome that the importance of access to transport for children is recognised within these proposals, there is more in-depth work required to ensure that the provisions of the Bill translate into positive outcomes for children's rights across Wales.

## **Access to transport – concessionary travel**

I feel passionately that public transport should be free for all young people in Wales, and it's something I've consistently called for since becoming Children's Commissioner. Doing so would lift a financial weight from families' shoulders, would help connect young people to a range of employment, health and leisure opportunities, and would be a positive move towards a greener Wales.

The Petitions Committee considered this issue in their *Freedom to Thrive* report, based on a number of related petitions and the exemplary work of the Welsh Youth Parliament in their *Sustainable Way* report. <https://youthparliament.senedd.wales/committees/the-climate-and-the-environment-wyp2/sustainable-ways-report/>

The Welsh Youth Parliament heard that

- **2/3 of young people are conscious of the environmental impact of their chosen mode of transport** but 72% of young people who answered the survey said they didn't know that there were schemes in Wales to make using public transport more affordable for young people such as the MyTravelPass. (It is noted from the Explanatory Memorandum that this scheme costs around £2m a year to administer and implement; it is necessary to consider whether this is best meeting children's needs if many are unaware that the scheme exists).
- **74% of young people said that they would take more public transport if it was free.**
- **There were safety issues related to young people's choices around transport options, which includes bus travel** although cycling was considered to be the least safe option when it came to active travel.
- **Many groups are marginalised from a positive public transport experience.** Neurodiverse young people and disabled young people face significantly greater challenges on public transport such as a lack of ramps, lack of quiet carriages etc. A quarter of those from ethnic minorities feel unsafe on public transport.

**Affordability of fares was one of the biggest issues stopping young people from using public transport more than they do now.**

The Mytravelpass scheme enables young people aged 16-21 to travel at a discounted rate, and the £1 fares option is going to be introduced in September 2025 but for the same cohort of young people. More support is needed to encourage families to use the bus, so that it becomes a more affordable option for adults to travel with children and young people under the age of 16.

The Youth Parliament members ultimately believe that public transport should be free for young people under the age of 25. This strongly aligns with my own calls for free transport for those aged under 18.

This would encourage more young people to use public transport, and over time help contribute to that modal shift that is needed, for these young people to continue to use public transport when they become adults and for future generations to follow suit.

One member is quoted as saying:

*"I agree the transport should be free and as for the why – I think it's important to set-up healthy habits for the future because if young people get used to using public transport they're more likely to carry on when they're older. And then it almost pays for itself because if you've got more people using the service, so I think it's a no-brainer really."*

The current challenges with public transport are that it needs to reach further than it does at the moment, the frequency of these services need to increase, they need to be reliable and joined up, and journey times need to be shorter. The current arrangements can have a big impact on young people when they need to get to places of learning, to work, or other important commitments. The challenge for those in rural areas is even greater. One school leader recently told my office about them having to change the start times of their public examinations due to the challenges faced by pupils from their wide and varied catchment area in getting to school on time.

I was really pleased that the Petitions Committee recognised the value of this call in their report. I urge the Welsh Government to respond positively, and to progress and prioritise this important proposal.

The workshop TfW ran with my office recently also looked at possible options for concessionary schemes that could be operated in Wales.

The Free Bus Scotland initiative got the most 'likes', not only because it was free, but because;

- it was easy to understand and use
- It also serves as an ID card for individuals
- It promotes independence among young users, allowing them to travel without adult supervision when appropriate.
- It is considered a safer option for school travel than walking or cycling longer distances, especially in Winter.

- The young people also liked that it was a digital pass that lived on your phone, or you can have a physical pass if you don't yet have a device.

I would urge the Committee to continue to scrutinise the Welsh Government on progress on these options along with the passage of this Bill.

Submitted by:

A handwritten signature in black ink, appearing to read 'Rocio Cifuentes'.

Rocio Cifuentes MBE

Children's Commissioner for Wales