

**MINUTES OF A MEETING OF THE LEARNING AND SKILLS SCRUTINY  
COMMITTEE HELD AT BY TEAMS ON FRIDAY, 5 JUNE 2020**

PRESENT: County Councillor P Roberts (Chairman)  
County Councillors J Berriman, S C Davies, D R Jones, K Laurie-Parry, E Roderick,  
L Roberts, R G Thomas, and Mrs A Davies, Mrs S. Davies and G Robson

Cabinet Portfolio Holders In Attendance: County Councillor A W Davies (Portfolio  
Holder for Finance, Countryside and Transport)

Officers: Wyn Richards (Scrutiny Manager and Head of Democratic Services),  
Emma Palmer (Head of Head of Transformation and Communications),  
Marianne Evans (Senior Manager - Education Services), John Forsey (Senior  
Manager - Corporate Fleet and Transport) and Clive Pinney (Head of Legal and  
Democratic Services)

**1. APOLOGIES**

Apologies for absence were received from Dr C. Turner (Chief Executive) and L.  
Lovell (Interim Chief Education Officer)

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest from Members relating to any matters to  
be considered on the agenda.

**3. DECLARATIONS OF PARTY WHIP**

There were no disclosures of prohibited party whips which a Member has been  
given in relation to the meeting in accordance with Section 78(3) of the Local  
Government Measure 2011.

**4. SCRUTINY OF THE SCHOOL TRANSPORT POLICY**

**Documents Considered:**

- Draft Cabinet Report
- Revised Home to School Transport Policy

**Issues Discussed:**

- As part of the transformation process, various policies such as this being  
reviewed. The areas of change were highlighted in the draft Cabinet  
report.
- Policy (para 1.3 / 1.4) – SEN / ALN – there is no change to provision. Less  
detail has been included in the document.

- **Questions:**

Definition of catchment school – this is still not clear. What is the closest catchment school and how are distances measured?	Measured by the nearest available route i.e. highway or byway to the school gate, not as the crow flies.
In terms of catchment this does not make sense. There is a need to	The catchment area is an education definition, the transport just provides

<p>make this clearer in the document as parents will be concerned about this.</p>	<p>transport to a school. This is not a change to the current policy. Some primary schools flow into individual Secondary Schools, others flow into 1 or more schools. Until the transformation has been sorted out the existing practice remains in place.</p>
<p>There needs to be clarity about what is the catchment and what school pupils can attend in Powys. There is an absence of information about what routes are being used and what this means on the ground. How is this information being made available to parents.</p>	<p>This can be reviewed. There are details in the admissions process regarding which school a child can attend, and what might be required is where transport is available to which school.</p>
<p>The concern is that as transformation progresses, the information becomes more confusing. Can the GIS (Geographical Information System) information be made available on the Council's website?</p>	<p>The admissions policy should be driving the transport policy. Any decision on this policy will not be implemented until September 2021 and the policy will be reviewed on a regular basis during the transformation process. There is a need to review that information to parents is accessible and the policy will come back to scrutiny as transformation progresses.</p>
<p>Is transport provided for LAC pupils who have moved paid from the education or Social care budgets? Previously there was an issue where a child moved by Social Services, taxis were provided paid by the education budget.</p>	<p>From April 2019 the transport budget was moved from Education to the Transport Section. For Social care, no transport is arranged without appropriate budget codes. If urgent it can be provided but there is reconciliation of budgets later. Para 1.3 of the document also means that where a child has to be moved for a number of reasons, the child can be moved to a school outside of the criteria if it meets their welfare needs.</p>
<p>Scrutiny needs more clarity on the interaction between the transport and social care budgets.</p>	<p>The interest of the child is always paramount and there is a need to fund any policy correctly.</p>
<p>Social care needs to be mindful of costs wherever they place a child.</p>	<p>These points are considered and the issue is servicing local placements which is part of the transformation in children's services.</p>
<p>It is compulsory for pupils on school buses to wear seat belts. However, on some buses pupils are required to stand or are 3 to a seat. Secondary school pupils tend not to</p>	<p>On traditional buses, once pupils reach 14 years old, they are obliged to wear seat belts. Spot checks are undertaken and learners and parents advised of the required</p>

<p>wear seatbelts. Public transport is the same. How is this enforced?</p>	<p>codes of practice. On public transport there is no requirement to wear a seatbelt.</p>
<p>For 11 – 13 year olds, who is responsible for making sure they wear seat belts?</p>	<p>Technically the driver. However, this issue has never been resolved in law. <b>Senior Manager - Corporate Fleet and Transport to provide update to Members.</b></p>
<p>Who has the responsibility for pupils on school trips?</p>	<p>It is the teacher to pupil ratio which is important here not the transport. Parents have a responsibility to get pupils to a bus, and once they are at the school the pupil is the school's responsibility. For primary schools there is dedicated transport.</p>
<p>Hazardous routes – there is no criteria to identify what such a route is and where they are in Powys. Can more information be provided? Knowing this information might help the Council avoid appeals.</p>	<p>In appeals there is always a risk assessment of a route. There is a need to consider each case on a case by case basis.</p>
<p>Are appeals now being determined by officers rather than Members.</p>	<p>The focus is on getting the policy correct and allowing officers to implement it. The Head of Service would make the final decision. In the majority of other Councils in wales officers take the decision for operational matters and it takes it out of the political domain.</p>
<p>Agree that it should not be a political decision, but what is the role of the local councillor?</p>	<p>This process still allows local councillors to lobby officers, but it takes away the pressure on the Portfolio Holder. Therefore, the local councillor role is unchanged, it's the role of the Portfolio Holder which will change.</p>
<p>Welsh Language – this implies that it is will change from the nearest school of choice to the nearest school. What is the definition of a Welsh School as a 100% Welsh Medium School may not be available in all areas.</p>	<p>Estyn criticised the Council for its Welsh Medium provision. The transport policy can start to help those who want Welsh Medium provision. This could also send pupils out of county for Secondary Welsh Medium provision. What transformation is trying to achieve is increase the amount of Welsh Language provision in the county. Currently a pupil would go to the nearest school which may not have Welsh Language provision. This can be reviewed once transformation has taken place.</p>

<p>Some standard of Welsh Language provision in Powys is poor.</p>	<p>What the Council wants to do is improve the standard of learning and the quality of Welsh Language provision available. There will also be cross border travelling for education but the key is to deliver better options within Powys.</p>
<p>To meet the Estyn criticism and improve the Welsh Medium Offer, if someone chooses Welsh medium provision do they have to go to the nearest Welsh school or can they choose another one which gives a better provision/</p>	<p>This needs to be reviewed and clarified in the document.</p>
<p>Parents already get transport to another school if they choose Welsh Language provision, but not so for English medium provision, is this discriminatory?</p>	<p>The Senior Manager - Corporate Fleet and Transport has reviewed the numbers involved and those numbers are small. A degree of proportionality also needs to be taken into account in decision making.</p>
<p>Brecon to Ystradgynlais is 25 miles. Should we not be encouraging pupils to go from Ystradgynlais to Brecon for Welsh Medium Secondary provision rather than out of county?</p>	<p>The law says that the Council has to transport pupils to the nearest school and we cannot deviate from the law.</p>
<p>Impact Assessment – 16 – 19 pupils travelling out of county. Some pupils may not be able to continue to travel out of county as they cannot afford the transport if the reimbursement is withdrawn, therefore the assessment in the impact assessment cannot be neutral. There would be a neutral impact if courses were available in Powys and this could be a mitigation but currently this is not the case. The current Impact Assessment is weak in this respect.</p>	<p>Transition arrangements are in place and therefore the impact on pupils currently reimbursed will be neutral. At the same time the Council will be reviewing its provision in-county. The policy will not affect those pupils currently in post 16 education, only those who will undertake post 16 education in future. The draft Impact Assessment also will be updated when the final policy is finalised.</p>
<p>Can all of the £75k saving be achieved, as for pupils staying in Powys, there will be a cost for their transport.</p>	<p>Where pupils qualify for transport they can claim, and would use existing provision so the cost increase would be negligible.</p>
<p>If pupils come back from Shrewsbury or Hereford colleges there will be a need for more teachers in Powys which is not taken into account.</p>	<p>This will also impact on the Council RSG (Revenue Support Grant) and the more learners that remain in Powys the more funding the Council will receive. This is part 2 of the transformation process. The numbers of learners are currently</p>

	reducing.
If pupils leaving cannot get their choices elsewhere and if our numbers are reducing then we will not be able to provide choices for pupils either.	This will be part of the transformation paper. The requirement is to improve provision in Powys.
If the policy is not being implemented until 2021, are the savings from 2021 onwards or do they cover the transition period?	The £75k is based on the current spend. It will take 3 years for the full year effect of the saving to be realised. There is a lead in time and the figure is an indicative one for the start of year 4.
Can the timescale be shortened?	No we have to follow the law in terms of process.
What about parents who move property?	Pupils would only get free school transport if they were Years 10 / 11 or 12 pupils. The policy states that moving property is parental choice and the costs should not fall on the Council.
Are other factors taken into account such as where a child moves for a reasonable reason such as due to domestic violence in the home?	The policy states that where parents split transport would be provided from both places of residence.
There is no mention of traveller children, how are they dealt with?	Traveller children come under definitions of protected characteristics and the Equality Act which are applied in such cases.
Does the Council operate a vacant seats policy?	This was stopped due to an issue of accessibility. From 1 <sup>st</sup> January 2020 coaches had to be wheelchair accessible. Where a Council sells a seat, buses had to be accessible. Where the Council can make seats available it does so, but there is a need to comply with the law. Most of the coaches used for school transport are not wheelchair accessible.
Consultation document – minor amendments – include Rhondda Cynon Taff Council and Powys Pride. Also, reference should be to Members of the Senedd MSs not AMs.	Noted
As some pupils are returning to school, can some paper consultations be undertaken. Also, can webinars be provided for parents and consultees?	Will be considered
Can the text facility used by schools be used to alert parents to the	Will be considered

consultation documents online? Also, could there be a question in the consultation on parents' understanding of catchment?	
Can Community Councils be asked about any additional questions for the consultation exercise.	Unfortunately, the timescale is too short to discuss with Community Councils as there is only a week before consultation begins.
Will the consultation period match up with the revised school timetable	This will be taken into account.

**Outcomes:**

<b>1 Need for further clarification of what is meant by 'catchment school'</b>
<b>2 Consideration of more information being available for parents on the Council's website e.g. availability of school transport to schools</b>
<b>3 Senior Manager – Corporate Fleet and Transport to provide information to scrutiny regarding:</b> <b>(a) the interaction between the Social Care and Transport budgets;</b> <b>(b) the legal position regarding the wearing of seat belts by pupils.</b>
<b>4 That the definition of Welsh school in the policy requires clarification.</b>
<b>5 That the Impact Assessment in relation to 16-19 pupils be reviewed and strengthened</b>
<b>6 That the adequacy of exemptions in the policy be tested in the consultation process.</b>
<b>7 Consultation:</b> <b>(a) That minor amendments be included;</b> <b>(b) That some paper based consultation and webinars be considered;</b> <b>(c) That text systems used by schools be used to alert parents to the consultation;</b> <b>(d) That a question on parents' understanding of catchment be included in the consultation;</b> <b>(e) That the consultation timetable needs to match the revised school timetable.</b>

<b>5. WORK PROGRAMME</b>
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The Committee noted the schedule of meetings and work programme

**County Councillor P Roberts (Chairman)**