

**MINUTES OF A MEETING OF THE LEARNING AND SKILLS SCRUTINY COMMITTEE HELD AT BY TEAMS ON MONDAY, 7 SEPTEMBER 2020**

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

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), Marianne Evans (Senior Manager - Education Services), John Forsey (Senior Manager - Corporate Fleet and Transport) and Emma Palmer (Head of Transformation and Communications)

**1. APOLOGIES**

Apologies for absence were received from Lynette Lovell (Interin Chief Education Officer) and Geraint Rees (Education Consultant)

**2. DECLARATIONS OF INTEREST**

The Committee received the following declarations of interest from Members:

Item 4 – School Transport Policy – County Councillor Phyl Davies as his business provides school transport.

**3. DECLARATIONS OF PARTY WHIP**

The Committee did not receive any 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. SCHOOL TRANSPORT POLICY**

**Documents Considered:**

- School Transport Policy – Consultation Report
- Revised Home to School Transport Policy (post-consultation)
- Impact Assessment

**Issues Discussed:**

- The Schools Transport Policies supports other policies such as School Transformation.
- Questions:

Pre 16 Section – substantial change pre and post consultation. What are the reasons for the change	The Council does not under legislation have to provide post 16 transport. However, as School Transformation is at its outset and has not achieved what is required as yet, that has to be reflected in the
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	school transport policy.
Its disappointing that the Council has changed its mind on post 16 transport. Where is the £75,000 coming from, is this from schools' budgets or from the transport budget	This is within the school transport budget. Policy decisions do have implications on costs. The Council has to be aware of the cost it is incurring and the Cabinet will continue to review all the costs.
Do other authorities pay for their 16 to 19 year olds. We are also bussing young people out of the county and Wales, so what is the impact on the Powys pound.	The Council is already spending £75,000 on this currently and this provision is part of the current transport policy. When the Council has a better offer for pupils then perhaps savings can be made in the future, with less need for pupils to travel outside of Powys.
333 respondents to this change to school transport policy is a low number by comparison to those who could have responded, so are respondents generally content. The Council does not have to provide this transport and is not getting to grips with these issues. Will this be the subject of further consultation.	This has been the subject of consultation and there are mixed views coming out of the consultation. The Cabinet will have to balanced view of those responses and take a decision.
I understand that this is to do with school transport not transformation but there is still a lack of clarity as to what is meant by closest or closest catchment school in terms of access to high school. It is not clear which schools learners would receive transport to in certain circumstances	The catchments are defined by the Admissions policy and it is understood that this currently under review. If a child lives within the catchment of a primary school which is within a high school catchment there is a natural progression from primary to high school.
Should the school transport say that transport will be to the nearest catchment school rather than the nearest school	Legislation states that transport is to be provided to the nearest school. However, for large geographical areas such as Powys, the nearest school may not be the nearest catchment school. It is critical that the transport policy should not be informing the admissions policy as to the definition of a catchment area.
Can the Schools Service provide clarity as to which is the nearest school and nearest catchment school in terms of safe routing. Could a glossary in relation to this document be added outlining definitions.	The Schools Service has undertaken a large amount of mapping work to get the catchment maps produced and made publicly available as recommended previously by the Committee.
Does this mean that legally we have to provide transport to the nearest	The Council is trying to get to a position where in terms of transition

<p>school but the Council may prefer to transport a pupil to the catchment school. Would the admissions policy therefore encourage pupils to go to the catchment school rather than the nearest school.</p>	<p>a pupil going to a primary school will know which high school they would also be attending.</p>
<p>Are we still providing funding to transport children going to Ystalyfera school from the Sennybridge and Brecon area.</p>	<p>Yes they are being transported from that area</p>
<p>Using transport to Ystalyfera as an example, the document states that Powys will not be transporting out of county. If parents have opted for their children to attend an all Welsh high school, there is no such school in Powys so are we going to downgrade those children's education to comply with this policy. Is this what the policy means as there seems to be a discrepancy between the Welsh language element of the policy and the wider policy which states that the Council will not transport out of county, whereas the Welsh Language policy states that the Council will transport to the most appropriate school.</p>	<p>The aspiration around increasing the Welsh Medium offer has not lessened. There is recognition that the county does not currently have a Welsh Medium secondary school. It is expected that the transport policy will need to be reviewed as the wider transformation of education progresses. The aspiration to increase the Welsh Medium provision is central to the transformation project.</p>
<p>Why are we changing the transport policy now if it provides what we currently require. Should the policy only change when the education offer changes.</p>	<p>Work has been undertaken to improve the clarity of the policy. The Council's Welsh Medium provision is not sufficient at present and there is a need to support those children currently in school and also improve the offer within the county. However, the Council will not be able to do all of this itself and will rely on working with neighbouring authorities to deliver a strong offer in Powys.</p>
<p>Removal of the practice of providing transport where there is a change of ordinary place of residence for learners in years 10,11, 12 and 13. If for example a parent is made redundant and obtains work elsewhere and the child is in the last year of GCSEs, would that child have to change school for that last year as they would not receive transport to their current school due</p>	<p>These were the proposed changes that were the subject of the consultation. However, this suggested change is not being taken forward as there was no specific question in the consultation regarding this matter. In relation to post 16 this refers to a grant made by the Council to assist with the transport costs of post 16 pupils rather than the cost of</p>

<p>to a change of home address.</p>	<p>dedicated transport provided by the Council. Section 2.8 of the policy relating to transition arrangements clarifies that even with a change of policy the Council would continue to provide transport for those currently transported until the end of various key stages.</p>
<p>The difficulty in mapping where pupils go to school is understood. There is also an issue of affordability of transport. Taking away the funding for post 16 transport would be a risk as not all parents can afford to pay for transport elsewhere. There is still work to do in improving the offer across the county so that it is consistent, so the transport policy and transformation do go hand in hand and need to be addressed together.</p>	<p>This is about the transport policy and not parental choice. Parents do have a choice to have their children educated other than in their nearest or catchment school. However, the Council cannot provide transport to a multitude of options. As the transformation of post 16 is ongoing the Council may continue to pay the grants towards transport costs to allow students to access all the courses that they might want.</p>
<p>Are we accepting that not all schools may be offering the quality of education that parents might want for their children, and therefore parents would have to select the nearest school irrespective of the quality or perceived quality of education if they could not afford to pay to transport them elsewhere.</p>	<p>The Council would wish that every school could offer every option and was a good quality school, but this is not the case. The standard of education in Powys is good but it can be improved. There is clearly a variation between schools but generally there is a good standard of education as can be seen by comparisons with other schools.</p>
<p>There were a number of comments from parents in response to the consultation that the consultation questions were not clear. In future can questions be made clearer so that parents understand what is being asked of them.</p>	<p>The comment box was added to allow parents to make clarifications or additional points relating to questions. The Council will take on board the comments made by parents and try to address the issues raised. This is a policy that supports the transformation journey and will need to reflect changes over time.</p>
<p>With regard to the £75,000 saving identified in the report, it is understood that this is not being progressed. Is this a realistic figure, as if pupils decided to stay and be educated within the county, the Council would have a cost of transporting them around within the</p>	<p>It is difficult to assess the cost to the Council if every pupil stayed in the county, as this depends on the transport contract. For example if there is a spare capacity on a bus, then it will not cost the authority more to transport additional pupils, but it would cost more if an</p>

<p>county. What is the real saving and the real cost.</p> <p>The Impact Assessment has not been updated as this change is withdrawn but if it is brought back in future will the Impact Assessment be updated to account for the effect on those poorer pupils affected by the change of policy.</p>	<p>additional bus was required on a route. The £75,000 is what is being spent on the grants at present. If the grants were not used there may be additional costs in the future but this is difficult to quantify as it depends on the choices of pupils.</p>
<p>Should the Cabinet choose not to approve the recommendations set out in the report, should the Impact Assessment not cover all effects and mitigation so that the Cabinet will be aware of the impact of their decision.</p>	<p>Impact Assessments are live documents and the Cabinet have to be aware of the effects of a decision before it is taken. Impact Assessments should also be revisited after the policy was implemented to judge whether that assessment was correct at the time.</p>
<p>Will a revised Impact Assessment be made available to the Cabinet outlining the consequences and impact on those who are less well off if the Cabinet rejects the officer recommendation.</p>	<p>Impact Assessments are live documents and as policy changes the Assessment needs to reflect that.</p>
<p>Congratulations to officers and the Cabinet for changing the policy not to pay for transporting pupils from Welsh speaking areas past dual language schools and out of county for English only education.</p> <p>There is a case of a pupil in the Bronllys area who wishes to receive a full Welsh Medium education is Ystalyfera which is not available in Powys. Is this policy going to assist this pupil.</p>	<p>It is possible that this case may be the subject of an appeal, and therefore the Portfolio Holder indicated that he could not comment on the case in that circumstance.</p>
<p>There is a sum of money available to assist transport post 16 pupils to receive their education outside the county. Is there a way of getting greater co-operation with Shropshire County Council, as there are traditional Welsh speaking areas within Shropshire where pupils do not have the opportunity to receive Welsh Medium education, where such pupils could be funded by Shropshire Council to enable them to attend dual language schools in Powys, or could Powys assist with the funding costs for these pupils.</p>	<p>The Portfolio Holder indicated that he was aware that there were many Welsh speaking families living on the English side of the border and that he would be happy to discuss co-operation with Shropshire County Council to assist pupils wishing to receive Welsh or dual medium education to receive their education in Powys.</p>

<p>There is a commitment by parents in areas such as Oswestry to transport pupils at their own cost to Powys schools, and with co-operation between the Councils, more pupils might attend Powys schools.</p>	
<p>If the Council wants to "grow its own" in terms of careers such as teachers, especially teaching through the medium of Welsh, should these pupils not be financially supported to be transported to Welsh Medium schools outside the Council, to achieve their aspirations as it will assist the Council.</p>	<p>The Council is committed to improving its offer to students who wish to receive Welsh Medium education, but there is substantial work yet to do as the current offer is too variable.</p>
<p>Policy 2.6 – short term arrangements for pupils with a medical needs (Page 49) which states that a child breaking a limb will be transported to the nearest school. Does this mean that they will go to a different school whilst they are immobile.</p>	<p>What the policy means is that if a child is attending their nearest or catchment school and do not qualify for transport, and break their leg, then the Council would provide transport for that pupil. However, if the pupil was not attending the nearest or catchment school due to parental choice, then the Council would not provide transport in that case. This is the current policy, and officers agreed to review the policy in case it needed to be made clearer.</p>
<p>Page 51 – 3.7 – changes in school session times. Will the policy be amended to reflect the impact of Covid-19 on schools where there have been changes to start and end times for pupils during the pandemic.</p>	<p>This policy relates to the Transport Authority's ability to change session times following consultation with schools to meet transport needs, rather than where schools themselves have changed session times as has happened during the pandemic. The Council follows Welsh Government guidance in relation to transport during the pandemic and it would be difficult to reflect this guidance in the policy as it has changed during the course of the pandemic.</p>
<p>There needs to be clarity as to what is meant by Welsh Medium provision, is this bilingual schools, dual stream, or is this Welsh Medium.</p>	<p>This definition should be set by the Schools Service rather than the transport policy. In the current policy Welsh medium provision means all types of Welsh provision such as</p>

	Welsh Medium Schools or dual stream schools. There's a need in the future to consider whether to extend the definition further to include Welsh medium schools or Welsh medium streams.
Section 2.2 (Page 48) which states that the Council will not provide transport to out of county establishments. However, the current practice is not reflected in the policy and needs to be clarified in the document.	What the policy is stating is that the Council does not provide post 16 transport out of county. The position is that the Council does not provide buses to transport pupils post 16 out of county, but may provide financial assistance to reimburse travel costs for those pupils using other forms of transport such as by rail, where those courses are not available in Powys.
The policy has an exception for Welsh Medium learners but not for English Medium learners. Does this open the policy up to appeals on the issue of language.	The options for education through the English Medium in Powys are greater than for Welsh Language where options are limited. There is no category 1 high school in the county. This is about trying to support and improve Welsh language provision which Estyn has identified as a significant issue.

**Outcomes:**

Scrutiny make the following observations:

- Changes to proposals for 16 to 19 transport costs – The majority of the Committee welcomed the amendment to the proposal.
- Lack of clarity in the policy about what is meant by the catchment or nearest high school to which a pupil could receive free transport. [ Response: this is an issue to be clarified in the School Admissions Policy rather than this policy]. Greater clarity needed by the Education Service as to the definition of nearest or catchment school for the purposes of school transport routes. Also a glossary of terms in the policy would be helpful.
- Scrutiny welcomed the plans to make catchment maps publicly available in the next few weeks, which was a previous recommendation by scrutiny.
- There is an inconsistency in the policy between English and Welsh Medium where transport will not be provided to schools outside the county, but this is permissible for Welsh Medium education as Powys does not have a Welsh Medium high school.
- Concerns by parents that the consultation document was not clear enough and meant that they included comments to clarify their views.
- The Committee was concerned that the £75,000 identified as a saving in the report, was unrealisable because it did not include any additional costs resulting from these pupils requiring transport to an educational establishment within the county.
- The Committee were concerned at the absence of a detailed Impact Assessment and mitigation in respect of the post 16 changes. As this is an

officer recommendation Committee felt that the Cabinet should have a full Impact Assessment available to them so they can understand the impact of them rejecting the recommendation.

- The Committee expressed a desire for greater co-operation between Powys and Shropshire County Councils to enable pupils in Shropshire who wish to receive Welsh Medium education in Powys Schools to be able to receive that through an agreed access protocol. [Response: Portfolio Holder agreed to speak to Shropshire County Council]
- Scrutiny was concerned about ambiguities in the wording of Section 2.6 of the Schools Transportation Policy. Scrutiny asked that this is clarified as the policy as written appears to suggest that a child would temporarily be taken to a different school from their usual school whilst incapacitated which is not the case.
- Clarity over Welsh Medium provision – is this bilingual schools, dual stream or Welsh Medium? [Response: this is for the Education Service to define rather than the Transport Policy. Welsh Medium currently means all Welsh provision]
- Scrutiny was concerned that paragraph 2.2 of the School Transport Policy does not completely reflect the current practice in respect of providing financial support to pupils travelling out of county to receive post 16 provision that is unavailable within the Powys Education sector.

Scrutiny's Recommendation	Accept (plus Action and timescale)	Partially Accept (plus Rationale and Action and timescale)	Reject (plus Rationale)
1 Greater clarity needed by the Education Service as to the definition of nearest or catchment school for the purposes of school transport routes.			
2 That a glossary of terms be included in the in the policy			
3 That the Cabinet should have a full Impact Assessment available to them so they can understand the impact of them rejecting the officer recommendation in respect of post 16 changes			
4 That the Portfolio Holders discuss with			



Shropshire County Council to enable pupils in Shropshire who wish to receive Welsh Medium education in Powys Schools to be able to receive that through an agreed access protocol			
5 That paragraph 2.6 of the Policy be clarified			
6 That paragraph 2.2 of the School Transport Policy be clarified as it does not completely reflect the current practice in respect of providing financial support to pupils travelling out of county to receive post 16 provision that is unavailable within the Powys Education sector			

<b>5.</b>	<b>WORK PROGRAMME</b>
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The Committee noted that the next meetings will be as follows:

07-09-2020	10.00 a.m. – 12.00 p.m.	Item: School Transport Policy
07-10-2020	14.30 p.m. – 16.30 p.m.	ALN Strategy and Engagement Report School Budgets 2020-21
11-11-2020	14.00 p.m. – 16.00 p.m.	Q2 Performance Report
16-12-2020	14.00 p.m. – 16.00 p.m.	

It was noted that a further review of Covid related activities would require consideration by the Committee at an appropriate time in the future.

**County Councillor P Roberts (Chairman)**