

Learning and Skills Scrutiny Committee

Meeting Venue
By Teams

Meeting Date
Monday, 7 September 2020

Meeting Time
10.00 am

For further information please contact
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County Hall
Llandrindod Wells
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01-09-2020

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	DECLARATIONS OF INTEREST
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To receive declarations of interest from Members.

3.	DECLARATIONS OF PARTY WHIP
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To receive 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.

(NB: Members are reminded that under Section 78 Members having been given a prohibited party whip cannot vote on a matter before the Committee.)

4.	SCHOOL TRANSPORT POLICY
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To scrutinise the revisions to the School Transport Policy following the consultation process, and to make any observations / recommendations to the Cabinet.

(Pages 3 - 70)

5.	WORK PROGRAMME
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The next meetings of the Committee will be as follows:

07-10-2020	14.30 p.m. – 16.30 p.m.	<ul style="list-style-type: none">• ALN Strategy and Engagement Report• School Budgets 2020-21
11-11-2020	14.00 p.m. – 16.00 p.m.	<ul style="list-style-type: none">• Q2 Performance Reports
16-12-2020	14.00 p.m. – 16.00 p.m.	

CYNGOR SIR POWYS COUNTY COUNCIL.

CABINET EXECUTIVE
September 2020

REPORT AUTHOR: County Councillor Aled Davies
Portfolio Holder for Finance, Countryside and Transport

REPORT TITLE: Home to School/College Transport Policy

REPORT FOR: Decision

1. Purpose

- 1.1 This report requests Cabinet approval to agree and implement a new Home to School / College Transport Policy from July 2021.
- 1.2 The report is supported by the following appendices:

Appendix A – Consultation Report

Appendix B – Final Proposed Home to School/College Transport Policy

Appendix C – Impact Assessment

2. Background

- 2.1 In June 2020, Cabinet agreed to consult on a revised draft Home to School/College Transport Policy. The main changes in the proposed revised policy (for consultation) compared with the current policy are as follows:

Proposed change	Reason for change
Clarity about the duty to promote Welsh medium provision	<p>To comply with the Learner Travel Wales Measure and the recommendations contained in the Estyn Report of 2019.</p> <p>According to the Learner Wales Travel Measure 2008, 'local authorities must promote access to education and training through the medium of the Welsh language when exercising functions under this Measure.'</p> <p>Therefore, for learners who choose to study through the medium of Welsh in Powys, transport will be</p>

	provided to the nearest Welsh medium provision.
Removal of the practice of reimbursing 16 – 19 aged learners who travel out of county to study	The authority is currently spending c.£75k on travel assistance for learners to travel out of county.
Removal of the practice of providing transport following a change of ordinary place of residence for learners in years 10,11,12 and 13.	It is a parental/guardian's choice to change the ordinary place of residence of a learner. The parent/guardian must apply for school transport based on the new place of residence, and the normal eligibility criteria will apply
Clarified the appeal process to make it clearer. Clarified that it is the Corporate Transport Unit's responsibility to decide on eligibility for transport in the first instance and not the Principal Officer Admissions and Transport. If an appeal goes to a second stage, then the final operational decision will be made by the Head of Highways, Transport and Recycling.	Since 2019, budget responsibility for home to school transport has moved from the Schools Service to the Highways, Transport and Recycling Service to improve the operational management. To ensure that appeals are not at risk of challenge because of political differences. Individual cases are a matter for operational decision making.

2.2 The consultation period started on the 15th June 2020 and ended on the 27th July 2020. A questionnaire was prepared which asked respondents for their views on the draft Home to School/College Transport policy. This questionnaire was available online on the Council's website throughout the consultation period.

2.3 As well as responding via the questionnaire, respondents could submit written responses, either by e-mail or by post.

2.4 The consultation was publicised via social media and the Council's webpage, as well as direct targeting to all schools for dissemination to parents, pupils, governors and staff. It was also circulated to an additional 75 stakeholders including Town and Community Councils, the Police and Crime Commissioner and various equalities groups.

2.5 A total of 333 individuals completed the consultation questionnaire. In addition, 10 written responses were received to the consultation exercise. A Consultation Report has been drafted which includes the issues raised during the consultation – this can be found at Appendix A – but the following summarises the quantitative responses.

Question	Agree / strongly agree	Neither agree nor disagree	Disagree or strongly disagree
1. To what extent do you agree that the new draft home to school/college transport policy is appropriate?	29.7%	13.2%	57.1%
2. To what extent do you agree with the proposals in the draft policy to continue to provide transport to the nearest suitable school or catchment school?	55.3%	10.8%	33.9%
3. To what extent do you agree with the proposal to remove the practice of reimbursing 16-19 aged learners who travel out of county to study?	30.6%	7.5%	61.9%
4. To what extent do you agree with the proposal to change the arrangements for transport appeals, so that these are no longer considered by Elected Members?	35.7%	39%	25.2%
5. To what extent do you agree with the proposals in the draft policy relating to providing transport to Welsh-medium provision?	29.1%	32.1%	38.7
6. Do you have any concerns or evidence to suggest that the Council is treating/using the Welsh language less favourably than English in the document?	11.4%	* Don't Know 63.7%	24.9%

3 Advice

3.1 It is advised that Cabinet approves the revised Home to School/College Transport Policy for implementation from July 2021. Officers have considered the responses to each of the questions and the responses are as follows:

Question	Local Authority Response
	<ul style="list-style-type: none"> • Proceed with proposed change • Amend proposed change • Do not proceed with proposed change

<p>1. To what extent do you agree that the new draft home to school/college transport policy is appropriate?</p>	<p>General question.</p> <p>57% disagreed/strongly disagreed with this question. As part of any consultation process, Cabinet needs to consider all responses received in order to agree whether to implement a policy or not, but there is no requirement to act on a general view.</p>
<p>2. To what extent do you agree with the proposals in the draft policy to continue to provide transport to the nearest suitable school or catchment school?</p>	<p>Amend proposed change</p> <p>Comments in response to Q2 were centred around three key themes around the definition of a 'suitable school', the definition of the nearest school and the lack of clarity around catchments area (such as primary / secondary school.</p> <p>The definition of the term 'suitable school' is found in the Welsh Government Learner Travel Statutory Provision and Operational Guidance (June 2014) under section 1.38 which states <i>The definition of nearest "suitable school" is where the "education or training provided is suitable having regard for the age, ability and aptitudes of the learner and any learning difficulties he or she may have"</i>.</p> <p>It goes on to say in section 1.39. <i>Deciding which suitable school is the learners 'nearest' is a matter for the local authority to determine in accordance with their own learner travel and education policy. Local authorities need to set out how the nearest suitable school is identified and publish this information in their learner travel policy in accordance with provisions outlined in the Learner Travel Information (Wales) Regulations 2009.</i></p> <p>Catchment areas for schools should be agreed as part of local authorities' admission arrangements, and not as part of developing a Home to School/College Transport Policy. This will be taken forward as the new School Admissions Policy for admissions in September 2021 is developed and consulted upon</p>
<p>3. To what extent do you agree with the proposal to remove the practice of reimbursing 16-19 aged learners who</p>	<p>Do not proceed with proposed change</p> <p>Nearly 62% of the respondents either disagreed or strongly disagreed with this question on the basis of the following:</p>

<p>travel out of county to study?</p>	<ul style="list-style-type: none"> i. The need to improve and promote the provision of the Post 16 offer in Powys. ii. The lack of subject choice/quality in Powys iii. PCC should continue to provide transport if the course isn't available in Powys iv. Concerns around the impact on pupil choices v. The impact that the change in policy would have on low income families vi. The location of certain learners would mean that their nearest FE college is 'out of county' <p>It is therefore recommended that the proposal to withdraw reimbursement for learners aged 16 - 19 to attend out of county education is withdrawn on the basis that the authority, as part of the new Transforming Education Strategy, is taking forward plans to reform the county's post-16 provision. However, as outlined in the Strategy, it is expected that this work will not be completed for a few years. Once new post-16 arrangements are in place, this policy will be reviewed again.</p>
<p>4. To what extent do you agree with the proposal to change the arrangements for transport appeals, so that these are no longer considered by Elected Members?</p>	<p>Proceed with proposed change</p> <p>The quantitative responses to this question were fairly balanced, with the highest response being 'neither agree nor disagree'.</p>
<p>5. To what extent do you agree with the proposals in the draft policy relating to providing transport to Welsh-medium provision?</p>	<p>Proceed with proposed change</p> <p>The quantitative responses to this question were fairly balanced, with 38.1% disagreeing/strongly disagreeing but 29% agreeing/strongly agreeing, and 32% neither agreeing or disagreeing. Based on this being a balanced response, it is proposed that the proposed change is taken forward in order to comply with the Learner Travel Wales Measure and the recommendations contained in the Estyn Report of 2019 regarding the need to improve Welsh-medium education across the county.</p>
<p>6. Do you have any concerns or evidence to suggest that the Council is treating/using the Welsh language less favourably than</p>	<p>General question.</p> <p>The majority of responses to this question was 63% in the 'don't know' category.</p>

English in the document?	
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3.2 The changes have been included within the revised Home to School/College Transport Policy September 2021.

3.3 It must be noted, however, that a procedural error occurred during the process of publishing the online questionnaire which meant that there was no specific question included related to the proposed change - 'Removal of the practice of providing transport following a change of ordinary place of residence for learners in years 10,11,12 and 13' - but some written responses included reference to this proposed change. As a result, it is advised that **not to proceed with this proposed change** due to fact that this was not included as a specific question. There is negligible financial impact on the Council from this practice, and it can be reviewed again in the future.

4. **Resource Implications**

4.1 The revised proposal will now not achieve the proposed £75k saving that would have been achieved in 2023/24 (due to transitional arrangements being put in place).

4.2 INSERT SECTION 151 COMMENTS HERE The Head of Finance (Section 151 Officer) can support the recommendations

5. **Legal implications**

5.1 **Comment from Monitoring Officer**

6. **Comment from local member(s)**

6.1 The Policy applies to the whole county and as such local members views are not applicable

7. **Integrated Impact Assessment**

7.1 An updated impact assessment has been included and is attached as Appendix C.

8. **Recommendation**

8.1 It is recommended that Cabinet:

- i) Considers the Consultation Report related to the Home to School/College Transport Policy
- ii) Approves the revised Home to School/College Transport Policy as attached in Appendix B for implementation from July 2021, and notes the specific changes identifies in section 3.1 above
- iii) Considers the Equality Impact Assessment attached at Appendix C.

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Home to School/College Transport Policy

Consultation Report

July 2020



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1. Background and Introduction

The Learner Travel (Wales) Measure 2008 states that all local authorities have a duty to transport learners to their nearest suitable school if they meet the qualifying distance criteria. The Council's current Home to School Transport Policy was approved in 2018, however since its implementation in September 2019, it has become apparent that there is a need to further review the policy to reduce ambiguity in order to ensure that the policy can be applied consistently.

The revised policy has been streamlined in terms of its content and presentation, but the new substantive changes are:

- Clarity about the duty to promote Welsh medium provision.
- Removal of the practice of reimbursing 16 – 19 aged learners who travel out of county to study.
- Removal of the practice of providing transport following a change of ordinary place of residence for learners in years 10,11,12 and 13.
- Clarified the appeal process to make it clearer.

On the 9th June 2020, the Council's Cabinet approved carrying out consultation on the draft policy. The consultation ended on the 27th July 2020.

Following the consultation, a Consultation Report will be prepared summarising the issues raised during the consultation period and the Policy will be updated as needed. The Consultation Report and the post-consultation version of the policy will be considered by the Cabinet in September 2020.

It is intended that the updated policy will be implemented from September 2021.

1.1 Methodology

The consultation period started on the 15th June 2020 and ended on the 27th July 2020. A questionnaire was prepared which asked respondents for their views on the draft Home to School/College Transport policy. This questionnaire was available online on the Council's website throughout the consultation period.

As well as responding via the questionnaire, respondents could submit written responses, either by e-mail or by post.

The consultation was publicised via social media and the Council's webpage, as well as direct targeting to all schools for dissemination to parents, pupils, governors and staff. It was also circulated to an additional 75 stakeholders including Town and Community Councils, the Police and Crime Commissioner and various equalities groups.

1.2 Responses Received

A total of 333 individuals completed the consultation questionnaire.

In addition, 10 written responses were received to the consultation exercise.

2 Online Questionnaire

This section provides a summary of the responses received to the online questionnaire which was available during the consultation period.

2.1 Summary of Responses – Introduction

Respondents were asked to indicate how they are associated with the provision of Home to School Transport in Powys. 333 online questionnaires were completed, however 391 individual responses were received to this question. This is higher than the number of questionnaires completed as some respondents indicated more than one association.

The responses received are as outlined in the table below. Two percentage figures are provided in this table, the first of these gives the percentage based on the total responses received to this question, the second of these gives the percentage based on the total number of responses received to the questionnaire.

Association with education in Powys	Number of responses	% of responses to this question	% of total responses to questionnaire
Pupil	10	2.56%	3.00%
Member of staff	27	6.91%	8.11%
Prospective parent, carer or guardian	26	6.65%	7.81%
Governor	33	8.44%	9.91%
Parent, carer or guardian	235	60.10%	70.57%
Member of the community	41	10.49%	12.31%
No association	5	1.28%	1.50%
Other	14	3.58%	4.20%
Total	391	100.0%	100.0%

Respondents were asked to provide their postcode. 325 respondents gave their postcode. The postcodes provided were as follows:

Postcode	Area	Number of responses	%
CF44	Aberdare, Hirwaun, Penywaun, Rhigos, Penderyn, RCT	1	0.3%
HR3	West Hereford, Hay on Wye	7	2.2%
HR5	Kington, Hereford	2	0.6%
LD1	Llandrindod Wells	43	13.2%
LD2	Builth Wells, Llandrindod Wells	7	2.2%
LD3	Brecon, Talgarth, Llandrindod Wells	48	14.8%
LD4	Llangammarch Wells, Llandrindod Wells	3	0.9%
LD5	Llanwrtyd Wells, Llandrindod Wells	3	0.9%
LD6	Rhayader, Llandrindod Wells	9	2.8%
LD7	Knighton, Llandrindod Wells	12	3.7%
LD8	Presteigne, Llandrindod Wells	15	4.6%

NP7	Abergavenny, Monmouthshire	1	0.3%
NP8	Crickhowell	5	1.5%
SA10	Aberdulais, NPT	3	0.9%
SA11	Blaengwrach, NPT	1	0.3%
SA18	Ammanford, Carmarthenshire	1	0.3%
SA9	Cwmtwrch, Lower Cwmtwrch, Ystradgynlais, NPT	10	3.1%
SY1	Shrewsbury Town Centre, Shropshire	1	0.3%
SY10	Oswestry, Shropshire	14	4.3%
SY15	Montgomery, Powys	12	3.7%
SY16	Newtown, Powys	16	4.9%
SY17	Caersws, Llandinam, Powys	5	1.5%
SY18	Llanidloes, Powys	9	2.8%
SY19	Llanbrynmair, Powys	1	0.3%
SY20	Machynlleth, Powys	6	1.8%
SY21	Welshpool, Powys	43	13.2%
SY22	Llanfechain, Llanfyllin, Llansantffraid, Llanymynech, Meifod, Powys	44	13.5%
SY23	Aberystwyth, Llanon, Llanrhytud, Ceredigion	1	0.3%
SY5	Pontesbury, Westbury, Shropshire	2	0.6%
Total		325	100.0%

2.2 Summary of Responses to Consultation Exercise

Respondents were asked to give their views on the draft Home to School/College Transport policy.

A summary of the responses received to each question is provided below.

Question 3 - Overall, to what extent do you agree that the new draft home to school transport policy is appropriate?

Respondents were asked to what extent they agreed that the new draft Home to School/College Transport policy is appropriate.

333 respondents answered this question. Their responses were as follows:

Overall, to what extent do you agree that the new draft home to school transport policy is appropriate?	Number of responses	%
Strongly agree	32	9.6%
Agree	67	20.1%
Neither agree nor disagree	44	13.2%
Disagree	91	27.3%
Strongly disagree	99	29.7%
Total	333	100.0%

Overall **29.7%** of respondents agreed or strongly agreed that the new draft policy is appropriate. **57.1%** stated that they disagreed or strongly disagreed. The remaining **13.2%** of stated that they neither agreed nor disagreed.

Question 4 – To what extent do you agree with the proposals in the draft policy to continue to provide transport to the nearest suitable school or catchment school?

Respondents were asked to what extent they agree with the proposals in the draft policy to continue to provide transport to the nearest suitable school, or catchment school.

333 respondents answered this question. Their responses were as follows:

To what extent do you agree with the proposals in the draft policy to continue to provide transport to the nearest suitable school or catchment school?	Number of responses	%
Strongly agree	84	25.2%
Agree	100	30.0%
Neither agree nor disagree	36	10.8%
Disagree	60	18.0%
Strongly disagree	53	15.9%
Total	333	100.0%

Overall **55.3%** of respondents agreed or strongly agreed with the proposals to continue to provide transport to the nearest suitable school or catchment school. **33.9%** of respondents disagreed or strongly disagreed, with the remaining **10.8%** stating that they neither agreed nor disagreed.

Respondents were asked to provide any further comments on this aspect of the policy:

Comments were received from 144 respondents. These are summarised below:

i) Queries regarding the definition of ‘suitable school’

- Who decides what is suitable? – what criteria is used?
- What does suitable school mean for the pupil or the county
- The key word here is ‘suitable’ school – however suitability is a subjective matter
- Language of choice should be a criteria in determining suitability
- Welsh medium schools are not ‘suitable’ for non Welsh speakers, and vice versa
- Nearest suitable school should be regardless of language
- Transport must only be provided to the nearest school that has the ability to teach the pupil. Using terms such as ‘suitable school’ are vague and open to being interpreted in different ways

- Don't agree that the policy is proposing to provide transport to the nearest suitable school – this will only be for those children who attend a Welsh speaking school

ii) Queries regarding the definition of 'nearest school'

- The nearest school can no longer be judged on direct route to school via GPS – it has to be on the safest possible routes that are used by that mode of transport – not using country lanes which the buses cannot access
- A child should have free transport to their nearest school providing education in the language of their choice

iii) Reference to catchments

- You have failed to give a definition of a catchment school – the policy is ambiguous, it clarifies nothing without catchment school details
- Needs to be clarification regarding which primary catchment schools feed into a high school
- There is a huge difference between 'catchment school' and 'suitable school'
- Where a child has been accepted to a primary school, their high school choice should be permitted to enable them to stay with their friends

iv) Choice should be provided

- The policy should provide choice – not all schools are suitable for all children
- One size doesn't fit all – should allow for choice
- Pupils/parents should be able to choose the most suitable provision for them
- It should be the parents choice of school based on Estyn reports and which school can offer the best education
- You are giving parents no choice of school yet some schools aren't up to standard
- Pupils have different needs and should have the choice to choose which school suits them and their learning style best
- Just because a school is nearest to a child doesn't mean it is the right school for them
- If there is a strong argument against the nearest school in relation to the emotional well-being of the pupils, this should be taken into account
- Students should be able to choose the best educational facility whether it is in or out of the county
- The proposed policy significantly restricts choice, especially in relation to the language of delivery
- Should be some leeway for children who live just across the borders

v) Reference to Welsh-medium

- Removing free transport to the appropriate medium school forces parents to choose schools based on area not educational needs

- What happens is a child's nearest primary school is a different language medium to their nearest comprehensive school?
- Don't think the 'duty to promote' the Welsh language justifies a proposal to discriminate against those families that wish to choose an English medium education
- Forcing a child to go to a WM school is tantamount to indoctrination
- You cannot have a policy that is different for Welsh speaking or English speaking students – you cannot have a situation where children are supported with transport to Welsh medium schools yet are not supported with transport to English medium schools. This would be in breach of the Equality Act 2010
- Welsh-medium provision is not available at all in some areas – this further diminishes parental choice

vi) Reference to Post-16

- Access to high quality 6th form provision is not available locally and this proposal means that for those of us that can't afford to pay for transport, our children will be disadvantaged
- Concern that learners won't be able to access the subjects they want to study

Question 5 – To what extent do you agree with the proposal to remove the practice of reimbursing 16-19 aged learners who travel out of county to study?

Respondents were asked to what extent they agree with the proposals in the draft policy to remove the current practice of reimbursing 16-19 learners who travel out of Powys to study at Post-16.

333 respondents answered this question. Their responses were as follows:

To what extent do you agree with the proposal to remove the practice of reimbursing 16-19 aged learners who travel out of county to study?	Number of responses	%
Strongly agree	47	14.1%
Agree	55	16.5%
Neither agree nor disagree	25	7.5%
Disagree	53	15.9%
Strongly disagree	153	45.9%
Total	333	100.0%

Overall **30.6%** of respondents agreed or strongly agreed with the proposals to remove the practice of reimbursing 16-19 year learners who travel out of county to study. **61.9%** of respondents disagreed or strongly disagreed, with the remaining **7.5%** stating that they neither agreed nor disagreed.

Respondents were asked to provide any further comments on this aspect of the policy.

Comments were received from 198 respondents. These are summarised below:

i) Need to improve the provision in Powys

- If the education in Powys for 16-19 year olds was up to standard, I would agree that transport should not be reimbursed
- If the local college was any good, 16-19 aged learners wouldn't need to travel.
- At the current time, the local college facility is in dire need of improvement and learners are dependent on seeking further education elsewhere – therefore they should be supported financially to travel there
- If there was better educational provision in Powys these young people wouldn't need to go outside of their communities for their education.
- High school and further education in Powys is lacking compared to primary education
- Let's improve the provision in Powys so that learners don't have to travel to study
- If the schools cannot offer the range of courses needed, I'm not surprised learners choose to travel out of county
- Pupils don't currently have any choice other than to travel out of county to study their chosen subject
- Improved sixth form provision in Powys and improved outcomes for learners will stop out of county travel
- Out of county providers offer much more than Powys sixth form provision, and enables learners to compete on a level playing field with the rest of the county
- My experience of post-16 provision in Powys has been poor – I want the best for my children, Powys should want the same
- Small secondary schools do not/cannot offer an appropriate choice/range of subjects. Many schools offers are traditional/academic – pupils in rural communities are disadvantaged re choice/opportunities
- Whilst the Council has started the journey to transform education in Powys, the most significant reforms of post 16 education will not realistically be seen for about 5 years
- We understand the plan is to increase subject choice across Powys but this has not yet been achieved

ii) Lack of subject choice/quality in Powys

- Choices about education are extremely limited within the county. The removal of travel reimbursement would adversely affect childrens choices.
- If you wish 16-19 year olds to study in Powys you should provide a full range of subjects for them, without them having to spend half a day on the road travelling between 6th form facilities.
- Improving sixth form provision and outcomes for learners will stop out of county travel.
- In many cases the right provision for 16-19 aged learners does not exist in county so they do not have a choice except to travel out of county.

- The 16+ provision in Powys is not of a good standard and going to Hereford/Merthyr college to study A levels needs to be an option, so our children have a better variety of subjects and choices.
- There are far more options in neighbouring authorities – youngsters should be encouraged to explore and expand their horizons

iii) Should continue to provide transport if the course isn't available in Powys

- I agree with this, but if the course isn't available in Powys I don't.
- Need to consider whether or not the course is available in Powys
- If the course is available in Powys pupils should be advised to go there. If only available over the border, they should be supported to get there
- If Powys are unable to provide the suitable course, they should pay for that child to study outside the county or start offering suitable courses in Powys

iv) Concern about the impact on pupil choices

- Why would you look at limiting a young person's ability to grow and flourish?
- It's difficult to support this as it reduces the opportunities for our learners
- Concern that pupils will choose not to access post-16 education, impacting on their future prospects
- This will restrict pupil choices in a rural community where their choices of further education and careers are already restricted
- Local providers don't always offer the courses students need to gain the skills they need for their future employment – would be disappointing if these students were penalised whilst trying to realise their hopes and dreams
- Concern about the impact on pupil choices, particularly as young people will already be carrying the Covid-19 burden through high youth unemployment and lack of opportunities
- PCC should actively support children to achieve the most suitable academic outcomes – to implement the policy will damage our children's ability to achieve
- Removing travel reimbursement would adversely affect children's choices
- Would be concerned if the cost of travelling outside Powys prevented my child studying the subject they wanted to study.
- A level study does not suit every student and by removing funding for out of county transport could be penalizing their future.

v) Reference to the cost of transport / the impact on low income families

- Some learners may not be able to afford transport costs if not funded by county – PCC would then be denying that young person the opportunity to attend further education, which I don't think is right
- This would discriminate against pupils who can't afford to go out of county if they want to.
- Poor students may not attend the course that is best for their futures due to cost – this is unacceptable

- By removing the travel reimbursement you will disadvantage children from lower income families
- We live in a rural area so discretion should be applied – we should encourage students to look locally and further afield for the best options for them without putting travel costs as a barrier
- Removing financial support for travel costs could mean the difference between choosing further education or the workplace and shouldn't be a reason for making such a choice, nor should choice of course which may affect a future career be constrained by this
- Poorer families will be left with no choice – a limited range of subjects. You are creating a class system!
- Those families that can afford transport will find ways of paying, those who cannot will not receive the education of their choice
- PCC will create inequality in the young generation in some areas of Wales compared to their peers in England
- Will further limit the options of children in low income families, who already have limited options
- We need to give students from less wealthy families the opportunity to travel for the most suitable course
- Families who cannot afford the cost of travel will be forced to look at other courses which may not meet their long term goals
- This will widen the poverty gap and make good post 16 education out of reach for disadvantaged families
- This will impact most on pupils from poorer backgrounds and will limit choice
- This will vastly affect disadvantaged children from poorer backgrounds
- This is a cut that will impact on the poorest in our society

vi) Need to consider pupils home location

- Some learners live closer to Shropshire Colleges than Powys ones
- For some learners, the closest post-16 provision is out of county – only providing transport to in county provision risks discouraging children from continuing their education or causing excess tiredness from the travel
- I don't agree this is appropriate where 'out of county' may be closer to the family home than the nearest Powys provision
- For pupils living on the border, a long way from Powys post-16 provision, it would be unfair to penalise them by removing help with travel costs.
- Pupils in some areas of Powys (e.g. John Beddoes) have no viable option for post-16 provision other than to access provision out of Powys
- Students should be given free transport to their nearest college regardless of whether it is in Powys or not
- Has the council done the sums – has the possibility that providing transport to a school in Wales might be costlier than subsidising transport to a school in England been investigated?

vii) Reference to financial savings

- This is just another attempt by the Council to save money

- The council are looking at a short term economic saving rather than a longer-term economic benefit.
- This is all about saving money, not how pupils benefit from the education
- I'm sure you can save £75k on something less important than young people's futures
- Powys should look at the practice of transporting sixth form students between high schools, as this is surely losing the county far more money

viii) The Council should do more to promote the Powys offer

- Fund out of county learners to travel to Powys sixth forms – should be more proactive in cross border recruitment
- Families opting for outside provisions is down to the 'fantastic reputations' these provisions have, perhaps PCC doesn't promote their provisions well enough.

ix) Support for the proposed change to the policy

- In these times when budgets are under strain I would support this, given that the provision may well be available in the county anyway
- Continuing in education beyond 16 is a choice, not compulsory. People making that choice should be prepared to pay for the associated practicalities, including logistics
- If someone makes the choice to study out of county, that is their choice – PCC should not be funding this
- Parents have a choice but can't expect the county to pay for transport to another county
- Powys should only pay for transport to Powys schools. If you want your child educated out of county, you should pay for it, or move closer
- Spend money on making our local 16-19 provision the best, not on transporting pupils out.
- Agree on the condition that the learners can access post-16 Welsh-medium provision within the county
- Agree that the county shouldn't be paying for this, and also punishing itself by losing money for provision within the county. It would be better to use this money to improve the provision in the county, to keep pupils here
- This would mean that the money could be invested in Powys – there is a desperate need for investment in Welsh-medium education to ensure Welsh-medium choices for pupils
- This would mean that all post 16 learners would be support in the Powys communities
- Powys should be supporting colleges and sixth forms within the county of Powys
- There is good provision in Powys, learners who choose to access provision out of county / out of Wales should bear the cost, not council tax payers
- Use the money saved to boost sixth forms
- We can't sustain local education if we give all our business to English institutions

Question 6 – To what extent do you agree with the proposal to change the arrangements for transport appeals, so that these are no longer considered by Elected Members?

Respondents were asked to what extent they agree with the proposals in the draft policy to remove the current practice of elected members considering transport appeals.

333 respondents answered this question. Their responses were as follows:

To what extent do you agree with the proposal to change the arrangements for transport appeals, so that these are no longer considered by Elected Members?	Number of responses	%
Strongly agree	54	16.2%
Agree	65	19.5%
Neither agree nor disagree	130	39.0%
Disagree	41	12.3%
Strongly disagree	43	12.9%
Total	333	100.0%

Overall **35.7%** of respondents agreed or strongly agreed with the suggestions for what education in Powys could look like in the future. **25.2%** of respondents disagreed or strongly disagreed, with the remaining **39.0%** stating that they neither agreed nor disagreed.

Respondents were asked to provide any further comments on this aspect of the policy:

Comments were received from 82 respondents. These are summarised below:

i) Elected members should decide

- As at any level of government, decisions should be made by people who are elected to that responsibility and can thus be held accountable for the consequences of their decisions.
- Appeals would be dealt with more fairly by elected members
- Elected members are more likely to know the circumstances of individual pupils
- Elected members may have a better understanding of the situations than those sat in County Hall unwilling to think about the situations and circumstances of others.
- Elected members represent the view of the public, and have a responsibility to look at each case individually.
- Elected members should continue to review appeals, not Council staff who are paid by you and will obviously have an agenda to save the council money, not act in a learner's best interests
- Elected county councillors should be involved. This is a political matter, elected politicians should have a voice in it
- Elected members understand local matters affecting people that live in different parts of this enormous county – their local knowledge is essential

- Members are often also governors of the schools and will have knowledge and understanding of the schools they support
- Members should still have an active part in this process
- The Council places far too much reliance on its officials. When these have been parachuted in from some other council, they may have inadequate knowledge of local conditions
- Councillors are ultimately responsible for running the county
- Appeals need to be heard by elected members in order to be fair and unbiased
- The decision making of the council must involve democratically elected officials as the councillors are elected by the people for the purpose of local governance. To deny this democracy is one step towards dictatorship.
- If elected members are not making these decisions, what on earth is happening to democracy?
- We voted for these elected members to represent our views. They should be able to support our requests (and should). It's their job!

ii) General concern about the proposed change

- There could be an opportunity for bias
- Good to have efficiency, but I'm not sure this sits well
- I am worried about the appeals being considered by an official whose only interest is transport, and who would not take into account the educational needs of the student
- Needs consistency and transparency

iii) Support for the proposed change

- An elected member may be pressured into giving extra consideration for a particular pupil in their ward, whereas an anonymous/unnamed group of staff would not be under any pressure
- As long as a suitable, fair and impartial appeal process replaces it, there should not be an issue
- As long as the appeals process remains transparent, fair and is justifiable on the basis of evidence, it is unimportant who deals with the appeal
- As long as the person is impartial and ensure they do the best for the student not the council's bottom line
- As long as the person assessing the appeals can be considerate and compassionate to the appeal, it shouldn't be a problem
- Councillors who have a vested interest in a school e.g. governor should not be allowed to make decisions at appeal
- Elected members could be swayed by cases, whereas there should be a clear set of parameters and a financial based decision
- Would give greater clarity / transparency and impartiality
- Leave with officers
- Much fairer and consistent
- This would mean that it will be done on a factual basis rather than based on who you know

iv) Other suggestions

- Appeals should be heard by members of the public who have no connection with transport, or schools, who can be unbiased
- Please ensure that those taking decisions understand the history of bad decisions and their long term consequences
- Whoever sits in the panel should be impartial to the schools involved
- Appeals should have a selection of elected and non elected persons, including members of the public
- A committee of people from schools and services should do this. Elected members will be biased to preserve their budget.
- Like school admissions, it should be considered by an independent panel
- I would prefer appeals to be decided by a larger group
- Should be run by officers and approved by members, like planning decisions

v) Reference to the draft policy document

- In the draft document, you do not state the timescale that the hearing will be held within for a Stage 2 appeal.
- The draft document is inconsistent in the use of parent and parent/guardian
- In respect to a Stage Two appeal, it is unclear if a Parent/Guardian can be accompanied by a friend / legal representative in the appeal hearing

vi) Other comments

- Any appeals process must be independent and all facts taken into account
- More impartiality is needed
- Must be objective
- The appeals process needs to be clear and fair for all – anybody with a conflict of interest should not be part of a group that hears appeals
- The process should have clear rules and guidance
- There have always been too many people involved in these processes that have conflicting opinions
- There should be no sole member involvement as it leaves the system open to abuse

Question 7 – To what extent do you agree with the proposals in the draft policy relating to providing transport to Welsh-medium provision?

Respondents were asked to what extent they agree with the proposals in the draft policy to provide transport to Welsh-medium provision.

333 respondents answered this question. Their responses were as follows:

To what extent do you agree with the proposals in the draft policy relating to providing transport to Welsh-medium provision?	Number of responses	%
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Strongly agree	53	15.9%
Agree	44	13.2%
Neither agree nor disagree	107	32.1%
Disagree	59	17.7%
Strongly disagree	70	21.0%
Total	333	100.0%

Overall **29.1%** of respondents agreed or strongly agreed with the suggestions for what education in Powys could look like in the future. **38.7%** of respondents disagreed or strongly disagreed, with the remaining **32.1%** stating that they neither agreed nor disagreed.

Respondents were asked to provide any further comments on this aspect of the policy:

Comments were received from 126 respondents. These are summarised below:

i) References to discrimination / inequality

- The proposed policy is discrimination against English speaking people
- Discrimination against those that choose the English stream because they don't speak Welsh
- This is totally racist and unequivocally discriminatory and unfair to any English students
- You cannot have a situation where children are supported with transport to Welsh medium schools yet are not supported with transport to English medium schools. Either you support children to schools with their choice of language or nearest school in catchment area. Failure to do otherwise would be a breach of the Equality Act 2010. If this policy proposal goes ahead then it will be a racist policy
- Why should Welsh-medium always have priority – this is discrimination
- A fine way to cause a rift within communities – the policy should be inclusive of all Powys residents
- You should be allowed transport to the closest school providing your language of choice – you cannot discriminate.
- All children should be treated equally whether they choose Welsh or English-medium education
- This is attempting to create a rule for one group of society and not another. Its unacceptable and you run the risk of a legal challenge here
- Not providing transport to the nearest English-medium school if there is a nearer Welsh-medium school seems unfair to those parents who want their children to learn in English. How many other Councils follow this practice?
- The proposal will change the policy in this area back to the policy that applied prior to 2008. The decision to change the policy to provide transport to the closest school providing education through the language of choice, English or Welsh, was made on the grounds of ensuring equality. As we do not believe there has been a change in the wording within the Welsh Governments guidance in respect to this matter, we would be interested in the reasons for the change of mind in relation to this matter and would this view also apply to the provision of preferential transport arrangements to Church Schools, which

was changed at the same time and for the same reason as the change made to the provision in respect to choice of language.

- You're penalising non-Welsh speakers by forcing English speaking students to attend Welsh-medium schools, or pay privately for their own transport. Not all parents can afford that, and public transport doesn't usually meet the needs of the school day. This policy will cause distress, disruption and hardship to learners and their families

ii) The proposed policy is forcing the Welsh language on pupils

- You are forcing the Welsh language on some that may not want it
- We should not be made to go to a Welsh school just because we live close to it
- Enforcing education through one particular language is divisive
- Forcing children to attend a Welsh-medium school is not only unethical and unconstitutional (by removing freedom of choice) but also counter-productive and likely to turn people against the Welsh language rather than promoting it
- Pupils shouldn't be forced to attend Welsh-medium schools – if this was law then all schools would be Welsh-medium
- You are removing choice
- Forcing pupils to attend Welsh-medium provision will be detrimental to the student and family concerned.

iii) Transport should also be provided to English-medium education

- Learners should be transported to a school of their chosen language
- Should also apply if the parent wishes their child to attend an English speaking school
- Parents and children should decide what medium they want to learn, and the Council should provide transport to the nearest provision in the chosen language
- Transport should be provided on an equal basis to support family choice of either Welsh or English medium education
- There should be no difference in the policy for Welsh or English medium schools. The nearest appropriate school is what should be provided for.
- The amendment to only provide transport to the nearest Welsh-medium school will disadvantage English-medium schools. This may well lead to school closures.
- Wales is bilingual not Welsh speaking. Most of Powys is English speaking and therefore it is ridiculous to not provide free transport to both English and Welsh medium schools as appropriate

iv) Transport should not be provided to Welsh-medium education at all

- Children should only be transported for free to their nearest school – every school in Wales teaches Welsh, if a parent wishes first language Welsh education, they should transport their children themselves
- The recent pandemic has highlighted problems with the home learning of Welsh stream pupils who don't have family who speak Welsh at home – yet

another money pit where the parents are asking for help. If parents choose for their children to go to the Welsh stream but they don't speak Welsh, they should pay the costs for additional help

- Where we live there is no Welsh medium education so it would cost a fortune to transport pupils each day
- Disagree that more money is spent on Welsh-medium pupils, especially as most of them don't have parents or family that speak Welsh at home

v) Concern about the impact on pupils

- If a student does not speak Welsh, sending them to a Welsh speaking school because it is nearer could well impair the child's education, particularly in the case of older students
- Nervous of the impact on families moving into the area where a child at 14 has no experience of the Welsh language at all and is left with parents having to pay to get them the most appropriate education
- If a child is in an English school now then transport must continue until the end of their education

vi) Support for the proposed policy

- It's about time this change happened
- The current policy undermines the efforts to create a bilingual Wales and contributes to the deterioration of the Welsh language in its strongholds. With the new policy, more children would have a true choice of which language to use. This is an important contribution to the viability of bilingual schools
- I agree with supporting a push towards more Welsh medium education, as it is shown that bilingual children consistently perform better in all subjects
- Agree that children should attend their local Powys based Welsh medium school
- I agree that if the Welsh-medium school is the only one available in the area, children should attend that one.
- This is essential to strengthen Welsh-medium education and to contribute to the Government's target to have a million Welsh speakers by 2050.
- Essential to develop a skilled workforce for the future, to ensure that the skills needed by organisations such as the Council, the health board etc are available locally
- Under section 10 of the Learner Travel Wales Measure 2008, the Council is required to promote access to education and training through the medium of Welsh.
- The proposed policy would help ensure that parents don't travel past a Welsh-medium or dual stream school to receive their education in an English-medium school
- Disagree with the current policy, which provides free transport to English-medium schools from bilingual catchments
- The Welsh language has so many barriers to it already, it's fantastic to promote the language of our country

- Transport must only be provided to the nearest school that has the ability to teach the pupil. If this is through Welsh then if the school has the ability to do this then transport must only be provided to this nearest school.

vii) General support for the principle of providing transport to Welsh-medium education

- Transport should be provided for Welsh-medium education if it is not the closest school
- We need to ensure that Welsh-medium education is accessible to all families, transport and cost should not be a barrier
- All children across Powys must have the opportunity to receive their education through the medium of Welsh if they desire. The fact that less Welsh-medium provision exists means that there is a need to provide transport to that provision
- If pupils want to go to Welsh schools they should be able to
- It's important that pupils and families have the best possible opportunity to attend Welsh-medium schools. As Powys develops the education system over the coming years, hopefully it will be possible to achieve this
- Powys CC needs to promote access to full Welsh-medium provision and ensuring that a full curriculum is provided
- PCC need to support families to choose to school their children at a Welsh medium only school, not dual stream

viii) General comments about the Welsh language

- Children here on the border don't speak Welsh only in Welsh classes
- Living in a Welsh community, I understand that it would be nice if everyone spoke Welsh or studied the subject, however it would appear that the majority of people living in Wales now do not or cannot speak a word of Welsh

ix) Other

- Transport should be provided to support Powys provision not out of county provision
- I'm concerned about the quality of Welsh-medium education and the extent to which the learning environment will be fully Welsh speaking. Students learning through the medium of Welsh benefit from being in an environment where they hear Welsh all the time. The policy doesn't say enough to reassure me that this will be the case.

Respondents were asked whether they had any concerns or evidence to suggest that the Council is treating/using the Welsh language less favourably than English in the policy.

333 respondents answered this question. Their responses were as follows:

Do you have any concerns or evidence to suggest that the Council is treating/using the Welsh language less favourably than English in the document?	Number of responses	%
Yes	38	11.4%
No	83	24.9%
I don't know	212	63.7%
Total	333	100.0%

Respondents who answered 'yes' were asked to provide details.

Comments were received from 64 respondents. These are summarised below:

- At present children are carried out of the areas they live as they do not want a Welsh primary education – this is ridiculous and no way should they be able to have free transport
- Free transport to English medium schools when there is a Welsh-medium school in the catchment
- Current policy of providing funding for parents to send their children out of Powys to access Welsh-medium education
- Because there are too few opportunities for children to be taught through the medium of Welsh, so they have to travel long distances
- Longer journeys to Welsh-medium provision mean that parents don't send their children to Welsh-medium education
- PCC considers bilingual education (i.e. mainly Welsh-medium education) in a dual stream school to be appropriate provision, but all professionals in the field know that the experience of pupils in dual stream schools is very different to the experience of pupils in fully bilingual schools. PCC should provide transport to the nearest fully bilingual school.
- Learners/ families have lost out on Appeals on transport after being informed that another school provided a Welsh language provision. However they have later learnt that the curriculum is not a full delivery and subsequently have had to access English medium courses.
- The current policy treats Welsh less favourably. Unless the Welsh language is favoured, it will always be treated unfavourably as the two languages are not equal. The revised policy gives a fair advantage to the Welsh language which reflects the aims and aspiration of the WESP and the Welsh Government's targets.
- Present policy has reduced the number of pupils who are fluent in both languages at the end of KS2
- The English speaking pupils are the ones being discriminated against not the Welsh speaking pupils

Question 8 – Are there any changes that could be made to the policy so as to have a more positive effect on the Welsh language?

Respondents were asked to suggest any changes that could be made to the policy so as to have a more positive effect on the Welsh language.

Comments were received from 60 respondents, these are summarised below:

- Free transport shouldn't be offered from bilingual school catchments to English medium settings – pupils from bilingual (i.e. Welsh-medium) primaries are fluent in both English and Welsh at the end of Key Stage 2
- Drivers who speak Welsh should be provided for children at Welsh-medium schools
- Improve the Welsh-medium provision in Powys so that pupils don't have to travel out of county
- Identify schools that offer a truly Welsh-medium provision and monitor this
- Need a designated Welsh-medium secondary
- Need to improve teaching and provision in secondary schools – it's very limited in some schools
- More help and education courses offered for parents that have moved across the border so that they can learn and in turn help their children.
- Ensure that transport is provided if someone wants to study at a Welsh school
- In some cases, current transport arrangements undermine the provision in Powys e.g. the Welsh-medium stream at Brecon High School
- More positive wording towards Welsh-medium provisions in Powys
- More promotion of the availability of transport to Welsh-medium provision in Powys in areas where there is no Welsh-medium provision
- Don't offer free transport to English-medium education in Wales. If parents don't want Welsh-medium education, they should pay for transport or move to a different area
- All children to get a place in their nearest Welsh-medium school
- Ensure there is sufficient space on school transport to accommodate all learners
- Train and recruit competent and effective, enthusiastic Welsh teachers to Mid Wales
- Provide more opportunities for learners to access Welsh-medium education locally
- In the secondary sector, learners in Powys are unable to access the full curriculum in Welsh – the authority should consider providing transport to the closest Welsh-medium secondary school
- Adopt an education policy like Gwynedd's
- An energetic and proactive campaign to sell the benefits of Welsh-medium education to parents and prospective parents as the only way to create bilingual or multi-lingual citizens
- Provide transport to Cylchoedd Meithrin where there is demand

Question 9 – Other Comments

Respondents were asked to provide other comments on the draft policy which the Council should take into consideration.

Additional comments were received from 101 respondents. These are summarised below:

i) Comments on the proposal to remove discretionary transport for students who move from their ordinary address

- A move to a new address may sometimes not be a choice of the family.

- Do not assume that families move house “by choice” – those who cannot afford to buy are in the hands of landlord, there is no guarantee that a new rental property would be found in the same catchment if a landlord wants to sell/serve notice
- I am concerned about the risk to the education of children preparing for exams where parents move house. In discussion it has been stated that this is a choice of the family and in some cases it is, but there are many places where it isn't.
- The removal of paid for transport if a pupil moves their ordinary place of residence seems deeply unfair. You state it is a parent's 'choice' if they move or not. I disagree that this is always the case.

ii) Comments on the draft policy

- I don't understand the section on transport to Welsh-medium school – the statement doesn't read very well
- The policy is very confusing and hasn't been made very clear
- Under safeguarding, there should be consideration of the impact of Covid-19 on transport provision
- The policy should take into account the safest route to school, not the shortest / cheapest
- The Council agreed in 2018 to consider whether it should continue to provide free transport for 16-18 year olds. The proposed changes make no mention of this
- There is no information about the cost implications of the proposed changes – changes should not be considered without full knowledge of the financial implications
- The policy does not include transport arrangements for young children who attend on a part time basis in pre school assessment centres. These arrangements need to be included in the policy

iii) Comments on the consultation response form

- The questions are not clear and so I don't feel totally confident my answers reflect my actual view. The misleading nature of this consultation should be addressed.
- Question 4 is misleading – PCC are not proposing to continue to transport learners to their nearest suitable school if that learner wishes to study in English.
- You haven't asked about removing transport where there is a change of ordinary residence in years 10-13.
- The questions are unclear and confusing, I believe the people that take part may well give the opposite answer to what they wanted to give
- I'm not sure all the questions about me are relevant to the consultation

iv) General comments on the consultation exercise

- The consultation is unclear and very difficult to understand as it is contradictory
- Came across this consultation document almost by accident – all parents of children who might be affected by any decisions made should have been made more aware of this.
- The timing of the consultation is bad and will probably result in many parents not filling it as it's the end of term and post pandemic
- The end date of the consultation should be extended
- When shared on Facebook etc the part of the policy relating to only transporting learners to their nearest school regardless of language was not mentioned at all – unless parents clicked on the whole policy they would not have been aware of how this policy could affect them post 2021
- Has the Wellbeing of Future Generations Act 2015 been considered?

v) Other suggestions relating to the provision of Home to School/College Transport

- Due to the current economic position facing the Council, it should consider if a charge should be introduced to make charges for non statutory Home to School / College Transport – this would provide some equality to those learners who are travelling out of county to access courses not available in Powys
- Empty seats should still be offered if a parent is prepared to pay
- I would like the Council to have catchment areas set out for Welsh language schools
- Would like to see active safe cycling routes to schools – more needs to be done to encourage children to walk or cycle to or from school
- Need to be clear if those under 2 miles get transport if on a dangerous road with no footpath – there is inconsistency in application in these scenarios
- Transport distances to closest school should be considered from your closest access point to school transport, not the home address
- There is a need to liaise with other counties

vi) References to financial savings

- This is another attempt to save money
- Stop penny pinching on areas that are for the future generation
- The council is always saying it needs to save money but council tax regularly goes up.
- The whole policy is obviously designed as a crude cost saving measure that offers no benefits to families in Powys.
- The transport policy suggested is based solely on cost savings with no consideration for the needs of the children

vii) Other suggestions

- PCC should be focused on driving economic initiatives to generate employment and opportunities for the indigenous community in Powys, for those emerging from education

- Stop wasting money sending paperwork in Welsh and English – it would be more cost effective to e-mail asking for preference of language
- Start checking people's property council tax bands – this may help generate more revenue

Draft

3 Other Written Responses

3.1 Overview of responses

10 other written responses were received, either via e-mail or in the post.

The issues raised in the written responses are summarised below.

3.2 Summary of comments

3.2.1 Comments on the draft Home to School/College Transport Policy

i) Comments relating to Welsh Medium

- This is blatant discrimination - Do pupils who wish to learn through the language of English not have the same rights as those wishing to learn through the medium of Welsh?
- Learners that meet the free transport criteria should be treated the same whether accessing English or Welsh Medium schools and both be transported free of charge to make the policy fair for all at Primary school level.
- The part of the new policy that will only transport learners to their nearest school regardless of language unless that learner is accessing a Welsh Medium school is totally unfair, disadvantages and is discriminatory against learners wishing to access their nearest English Medium school and is not made clear in plain language in the policy.
- Agree with the proposal provided that the policy is not changed in future to transport only to a Welsh medium or dual language school.
- Agree with the proposal provided that the nearest school, if Welsh medium or dual medium, is able to cope with non-Welsh speaking pupil without detriment to the pupil's education, and as long as it applies only to new starters at the age of 5 years
- As there is no access to full Welsh-medium education in Welsh-medium secondary schools in Powys, the proposed amendments in the Home to School Transport Policy will be another failure for Powys
- Establishing a network of designated Welsh-medium schools is the only way Powys can show that it wants to seriously promote Welsh-medium provision
- Whilst dual stream schools exist there will be no growth in Welsh-medium education, but removing parental choice will upset parents

ii) Comments relating to border

- We are so close to the border here if English Medium learners are disadvantaged further it is highly likely a proportion of these affected children will cross the border and the money will go out of Powys completely.

iii) Comments relating to 16-19 transport

- Strong objections to transport not being provided to learners who wish to access courses of their choice out of County where they are not provided within Powys.

This policy will create a significant cost barrier for many families and risks children discontinuing education prematurely.

- However, many pupils choose to continue studying post-16 education at Gwernyfed High School and the wording of the policy suggests that transport to Gwernyfed will not be provided for their final two years.
- Objection to the changes in the policy whereby students will only be offered transport to the geographically nearest suitable school/college. This means all sixth form students in Llangors Village, Llanfihangel Talyllyn, Talyllyn, Pennorth etc. would only qualify for transport to Brecon High School or F.E. College.
- Object to transport not being provided to learners who wish to access out of County establishments at this age, when subjects they wish to study are not offered at a Powys site (in either Welsh or English).
- The policy threatens to deprive a large number of learners of affordable access to courses that are either not available in Powys or, if they are, are delivered in settings a greater distance from learners' homes than the out-of-county settings. Imposing a 'blanket' policy to only provide transport to Powys-based settings will mean, for example, a learner in Ystradgynlais wishing to pursue a BTEC Level 3 in Engineering will not receive a transport voucher to attend Neath College to pursue a course that is only available in Powys in Newtown.
- As written the policy will remove transport for 16-19 learners wishing to continue their learning through the medium of Welsh in settings out of county that are closer to their home than settings in Powys. Again, this is both inequitable and discriminatory, as well as being illogical.
- Powys County Council's post-16 learner travel policy needs to acknowledge that Powys is a huge county, neighbouring a number of local authority areas, across whose boundaries a great many Powys residents are accustomed out of necessity to travel on a day-to-day basis. Learner travel policy should also reflect this reality.
- While the provision available across Powys's secondary schools may meet the minimum requirements of the Learner Travel (Wales) Measure 2008, to claim that it provides a 'relevant and adequate range' of provision is open to challenge, even with the proposed expansion of Esgol (distance) learning provision. Powys schools do not provide a wide range of non-AS or A Level courses and the Council should be assessing the adequacy of 16-19 provision across all subjects and settings, not just in-school provision, while formulating its 16-19 learner travel policy. Meeting the minimum level of provision required by the Learner Travel Measure is no justification for restricting Powys learners' access to a wide range of further education opportunities.
- It is understandable that PCC would not wish to spend money allocated to education in the county on students that choose to go to another country or county. However, it should be taken into account the reason for the student's choice. It may be that the course is not offered in Wales or in PCC or the distance travelled to get to the place of education or the provision of appropriate facilities for those with disabilities or SENs. Therefore, there should be some way of acknowledging where extenuating circumstances occur.
- It is recognised that the local authority has no obligation to provide post-16 transport. It agrees with the proposal on the basis that the current practice of assisting those travelling out of county for learning available in Powys reduces

the funding for Powys Schools, and that the proposed practice does not apply if the learning is unavailable in a nearer Powys school.

- This proposal might adversely affect students from other border communities.
- The reason for the student's choice should be taken into consideration – there should be some way of acknowledging where extenuating circumstances occur

iv) Comments relating to primary school transport – exemption to the 2 mile rule

- Llangors Primary School pupils have benefited from an exemption from the 2 mile rule owing to the lack of a safe pedestrian route between Llangors and Llanfihangel Talylyn. The highway between the settlements (C96) has been assessed previously to enable children to be collected from Llanfihangel Talylyn.

v) Comments relating to catchment schools

- The policy appears to confirm that transport will be provided to the catchment or nearest suitable school, but without the catchment area maps it was unclear exactly what the policy is saying.
- The policy is amended to include the catchment school as well, not just the nearest school for the purposes of 16-19 transport.

vi) Comments relating to the removal of transport for pupils who change their place of residence

- This Section should be retained as it is, particularly given the extreme economic uncertainties caused by the Covid-19 pandemic, which may threaten the stability of families' residential arrangements and the continuity of young people's education
- Where extenuating circumstances dictate a more considered approach. It is not in the interests of PCC to appear in the press as having no heart or flexibility when this is the purpose of local government.

vii) Comments relating to elected members and appeals

- Agrees that once appeals policy is decided, that it is an officer decision to implement without further Member involvement.
- Never a bad thing to make things clearer and more accessible and inclusive
- However, other relevant departments should be involved in the appeal if other factors, such as social care or special needs are involved in the need for transport.

3.2.2 Comments on the consultation

i) Publicising the consultation

- The Powys County Council news page does not mention the change in relation to providing transport to Welsh / English schools.

- When the policy was shared on Facebook initially, the post featured a summary, which gave no indication of the part of the policy that aims to promote the Welsh language and not transport learners to their nearest suitable school without the choice of language.
- The summary was misleading and unless the reader clicked on the main link would be unaware of how the proposed changes could affect them.

ii) Ambiguity regarding the phrasing of the consultation questions

- The questions are worded awkwardly.
- Questions worded in a misleading manner
- The questions in the consultation are difficult to understand, misleading and therefore difficult to answer. When answered, an individual feels unsure they have answered them and given the impression they wished to.

iii) Equalities / personal questions

- The number of equalities questions vs the number of questions relating to the policy give more weight to the equalities of the survey, as opposed to the policy changes.
- Why collect so much personal data about an individual? How is that used?

iv) Timing of the policy / consultation

- The timing of the consultation in the last few weeks of a busy term.
- The timing is bad as parents and carers and others affected parties are busy with the end of the school term and have had limited contact with school due to the pandemic.

Appendix A – Equalities Information

Respondents that completed the online survey were also to respond to a number of equalities questions. The responses provided are outlined below. This includes the responses provided by all respondents.

What is your gender	Number of responses	%
Male	57	17.1%
Female	248	74.5%
Gender Fluid/Non-binary/Gender neutral	2	0.6%
Prefer not to say	18	5.4%
Not Answered	8	2.4%
Total	333	100.0%

Is your gender the same now as when assigned at birth?	Number of responses	%
Yes	305	91.6%
No	0	0.0%
Prefer not to say	17	5.1%
Not Answered	11	3.3%
Total	333	100.0%

How old are you?	Number of responses	%
Under 16	1	0.3%
16-24	7	2.1%
25-34	22	6.6%
35-44	104	31.2%
45-54	128	38.4%
55-64	31	9.3%
65-74	11	3.3%
75-84	4	1.2%
85 +	0	0.0%
Prefer not to say	18	5.4%
Not Answered	7	2.1%
Total	333	100.0%

Do you have a substantial and long term physical or mental health condition or illness that reduces your ability to carry out normal day to day activities?	Number of responses	%
Yes	13	3.9%
No	281	84.4%
Prefer not to say	29	8.7%
Not Answered	10	3.0%
Total	333	100.0%

If you answered 'Yes' please indicate all that apply to you:	Number of responses	% of responses to this question
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Hearing Impairment	3	8.8%
Visual Impairment	1	2.9%
Speech Impairment	0	0.0%
Learning Disability or difficulty	2	5.9%
Mental Health Issues	3	8.8%
Physical/Mobility Impairment	8	23.5%
Other	2	5.9%
Prefer not to say	15	44.1%
Not Answered	0	0.0%
Total	34	100.0%

How would you describe your national identity?	Number of responses	%
Welsh	162	48.6%
English	37	11.1%
Scottish	1	0.3%
Northern Irish	1	0.3%
British	100	30.0%
Irish	1	0.3%
Other	5	1.5%
Prefer not to say	17	5.1%
Not Answered	9	2.7%
Total	333	100.0%

What is your ethnic group?	Number of responses	%
White	300	90.1%
Bangladeshi	0	0.0%
Black Caribbean	0	0.0%
Black Other	0	0.0%
Chinese	0	0.0%
Mixed Ethnicity	2	0.6%
Gypsy/Traveller	0	0.0%
Irish Traveller	0	0.0%
Indian	0	0.0%
Pakistani	0	0.0%
Any Other ethnic group	1	0.3%
Prefer not to say	21	6.3%
Not Answered	9	2.7%
Total	333	100.0%

What is your preferred language?	Number of responses	%
Welsh	29	8.7%
English	278	83.5%
BSL - British Sign Language	0	0.0%
Other	0	0.0%
Prefer not to say	14	4.2%
Not Answered	12	3.6%

Total	333	100.0%
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Can you....?	Yes	%	No	%	N/A¹	%
Understand spoken Welsh	156	32.0%	157	21.0%	22	20.2%
Speak Welsh	118	24.2%	189	25.3%	29	26.6%
Read Welsh	123	25.3%	187	25.0%	26	23.9%
Write Welsh	90	18.5%	214	28.6%	32	29.4%
Total	487	100.0%	747	100.0%	109	100.0%

What is your religion?	Number of responses	%
Christian (all denominations)	158	47.4%
Buddhist	1	0.3%
Hindu	0	0.0%
Muslim	0	0.0%
Sikh	0	0.0%
Jewish	1	0.3%
Atheist	8	2.4%
No religion	97	29.1%
Other	8	2.4%
Prefer not to say	44	13.2%
Not Answered	16	4.8%
Total	333	100.0%

Are you?	Number of responses	%
Working full time	177	53.2%
Working part time	77	23.1%
Unemployed	3	0.9%
Still in education	9	2.7%
Volunteering	5	1.5%
Retired	22	6.6%
Other	14	4.2%
Prefer not to say	23	6.9%
Not Answered	3	0.9%
Total	333	100.0%

Which of the following best describes how you think of yourself?	Number of responses	%
Heterosexual/Straight	271	81.4%
Gay Man	1	0.3%
Gay Woman/Lesbian	1	0.3%
Bisexual	8	2.4%
Other	1	0.3%
Prefer not to say	35	10.5%
Not Answered	16	4.8%
Total	333	100.0%

¹ Not answered

Which of the following best describes your partnership status?	Number of responses	%
Single	32	9.6%
Married	187	56.2%
Co-habiting	35	10.5%
Separated	8	2.4%
Divorced	15	4.5%
Widowed	7	2.1%
Civil Partnership	2	0.6%
Other	2	0.6%
Prefer not to say	33	9.9%
Not Answered	12	3.6%
Total	333	100.0%

Do you have dependants, or caring responsibilities for family members or other persons?	Number of responses	%
Yes	257	77.2%
No	62	18.6%
Not Answered	14	4.2%
Total	333	100.0%

If yes, are your dependants or the people you look after...?	Number of responses	% of responses to this question
A child or children	246	88.2%
A disabled person or persons	15	5.4%
An elderly person or persons	18	6.5%
Total	279	100.0%



Home to School Transport Policy

To be applied to all learners entering the 2021 – 22 academic year onwards

Version 1.0	17/08/2020	JF
Review date	16/08/2022	



Introduction

Powys County Council (“the Council”) has a legal duty to provide learners of compulsory school age with free transport to their nearest suitable maintained school if they live over the statutory walking distance.

Transport will be provided in accordance with the Learner Travel (Wales) Measure 2008 (“the Measure”)¹ and the statutory guidance issued by Welsh Ministers entitled ‘Learner Travel - Statutory Provision and Operational Guidance - June 2014’ (“the Guidance”)² and the local authority’s School Transport Policy as set out below. These arrangements apply to learners who ordinarily reside in Powys or those deemed to be the responsibility of Powys local authority.

This policy is aligned with the ‘**Strategy for Transforming Education in Powys**’ that was approved by the Leader of the Council (following extensive public engagement) 14th April 2020.

Note: This information is correct at time of publication but may be subject to change as a result of changes in the law or Council Policy. This policy will be subject to periodic review.

¹ Learner Travel (Wales) Measure 2008, <http://www.legislation.gov.uk/mwa/2008/2/>

² Learner Travel - Statutory Provision and Operational Guidance - June 2014, <https://gov.wales/sites/default/files/publications/2018-03/learner-travel-statutory-provision-and-operational-guidance-june-2014.pdf>

Section 1: Transport for Primary and Secondary Aged Learners **(Reception to Year 11)**

1.1 Legal duties of the Council

The legal duties of a local authority in relation to school transport, as outlined in the Measure, are as follows:

The Council **must:**

- Assess the travel needs of learners in their authority area
- Provide free home to school transport for learners of compulsory school age attending primary school who live 2 miles or further from their nearest suitable school
- Provide free home to school transport for learners of compulsory school age attending secondary school who live 3 miles or further from their nearest suitable school
- Assess and meet the needs of “looked after” children in their authority area
- Promote access to Welsh medium education
- Promote sustainable modes of travel

The definition of a ‘suitable school’ is a school where the education or training provided is suitable having regard for the age, ability and aptitudes of the learner and any learning difficulties he or she may have.

The defined catchment areas for each school can be found at **[INSERT LINK TO SCHOOL ADMISSION POLICY HERE]**

The Council recognises its obligations under the School Standards and Framework Act 1998 to comply with parental preference regarding choice of school. However, where parents/guardians exercise a preference for a school other than their nearest suitable school, the child/ren will not be entitled to free home to school transport. Parents must make their own transport arrangements and are wholly responsible for their child/rens to travel to the school of their choice and all associated transport costs.

Where parents have shared responsibility for a child and the child has dual residency at both parents homes, the Council will provide transport from both home addresses, providing that parents can provide evidence that the child/ren live at both addresses and that the child/ren will meet the qualifying criteria in 1.2 below.

1.2 Qualifying criteria

Home to school transport will be provided for learners who ordinarily reside in Powys to attend their nearest suitable school or catchment school.

A ‘catchment’ school means the nearest school within a geographic area.

To be eligible for free home to school transport, the learners’ nearest school or catchment school must be:

- The nearest to the learners’ home address and if so,
- They are more than 2 miles from their home address for primary school (aged 4 -11) or more than 3 miles for secondary school (age 11 to 16)

The distance will be measured from the closest access point on the public highway (which could include footpaths and bridleways) to the learner’s ordinary place of residence which is nearest to the school and measured to the nearest school gate. A footpath or bridleway will be considered suitable if it has a stone or tarmac surface. Any other surface will only be

considered if it can be walked in normal school footwear. The measurement will be made through the use of the Councils Geographical Information System (GIS).

Under section 3(7) of the Measure the walking distance should be measured by the “shortest available route”. A route is considered to be available if it is safe (as far as reasonably practicable) for a learner without a disability or learning difficulties to walk the route alone or with an accompanying adult if the learners age and levels of understanding requires this.

If a route is not ‘available’ and there is no alternative ‘available’ walking route within the respective distance threshold applicable to the learner’s age, which can be used instead, as prescribed within Section 3 of the Measure, the learner cannot be expected to walk to their nearest school. Even though the distance from home to school is less than the distance limit that applies to the learner’s age.

1.3 Looked After Children

It will be for the Council with parental responsibility for looking after a learner to determine which school they should attend, which might be a school other than their nearest school to their current place of residence because, for instance, of priority to maintain continuity in their education or contact with siblings and friends. Subject to the Looked After Child meeting the same distance criteria, free school transport will be provided to the school of the Councils choosing.

1.4 Learners with SEN/ALN

The Council will make suitable and relevant educational provision for all children with additional learning needs to ensure they are able to develop to their maximum potential.

The level of transport need is assessed by relevant professionals in the Council's education department, and this informs the type of transport provided. Transport will then be provided in line with the advice given and reviewed on an annual basis.

If a child has a statutory plan, school transport may be included as part of the non-educational provisions made for the child as part of their plan. If it is, then transport will be provided. However, free transport will not be provided if parents / carers exercise their right to preference of school which is not the nearest suitable school named in the statutory plan. (See Admissions Policy).

If school transport is not included in a child’s statutory plan, or if a child does not have a statutory plan, then they may still be entitled to home to school transport under the policy, provided that the school they are attending is the nearest appropriate school, subject to the eligibility criteria being met (See Admissions Policy).

Where the Council arranges transport for learners to attend special school / specialist centre attached to a mainstream school, it will do so ensuring that the learner(s) will have an appropriate journey time for the school they are attending. There are no specific set journey times, but the learners age, disability or learning difficulty will be considered when arranging their transport.

Passenger Assistants may be provided on some vehicles. This will be determined following an initial travel needs application/assessment and risk assessment where necessary.

1.5 Method of transport

For primary aged learners who meet the qualifying criteria, dedicated school transport vehicles will be provided. Wherever required, dedicated school transport vehicles will carry primary, secondary aged and Post 16 learners together. Primary aged learners will not be transported on a public transport services.

For Secondary aged learners who meet the qualifying criteria, where public transport is available this will be used as first choice and a bus pass will be issued. Where no public transport is available, dedicated school transport will be provided.

1.6 Schools that are over-subscribed

When the nearest suitable school is full and unable to admit a learner, free transport will be provided to the next nearest suitable school that has room to take the child, as long as the home is 2 miles or more away from the next nearest suitable school, or 3 miles or more for secondary school learners. If a learner has been refused a place at a school through an admissions appeal, then free transport will be provided to the next nearest suitable school that has room to take the child, if the child qualifies for free transport.

1.7 Closure of school/school reorganisation

If a decision is made to close a school following a statutory school reorganisation process, then free transport will be provided to the nearest suitable school, but only as long as the home address is 2 miles / 3 miles (as appropriate) or more away from that school.

When a new school opens, free transport will only be provided to that school if it is the child's nearest school and the home is 2 miles / 3 miles (as appropriate) or more away from new school.

1.8 Safety

The Council is subject to a legal duty to assess the travel needs of learners who walk to school under Section 2 of the Measure. For learners who do not meet the qualifying distance criteria shown in section 1.2, the Local Authority may provide transport to the nearest school if the route is deemed hazardous.

Hazardous routes are assessed by an appropriate Officer in the Corporate Passenger Transport Unit and they will follow the guidance provided in the Learner Travel: Statutory Provision and Operational Guidance June 2014.

Parents must apply, in writing, to the Corporate Transport Unit, buses@powys.gov.uk stating their reasons why they believe the walked route is unsafe.

Section 2: Discretionary Travel Arrangements

The Measure gives local authorities power under Section 6 to make discretionary arrangements for learners who would not otherwise qualify for free school transport.

This discretion will be operated in accordance with Measure and the Guidance and this will apply to any arrangements that the authority thinks fit to facilitate the travel of learners to and from a place of education and learning.

2.1 Welsh Medium

In order for the Council to comply with Section 10 of the Learner Wales Travel Measure 2008 which states that each local authority must promote access to education and training through the medium of the Welsh language, the Council will make an exception to the qualifying criteria if your child attends a Welsh medium school, and the chosen school isn't the nearest to their home address.

Free school transport is only available if your child lives over the minimum distance from the school shown in 1.2.

If the child then changes from Welsh medium to the English stream (in a dual stream school) and their school is not their closest English medium school, transport will be withdrawn.

2.2 Transport for 16-19 learners

There is no requirement for the local authority to provide school or college transport free of charge to learners in Year 12 or 13.

Free transport is made available for full-time learners who live 3 miles or more from their nearest secondary school or further education college site within Powys providing education for 16 – 19 year olds.

The nearest further education college site is defined as the nearest Powys site to the learner's ordinary place of residence. The authority will not provide transport for learners to attend out of county establishments providing education for 16 – 19 year olds.

Through the collaborative arrangements put in place to ensure that all learners are able to access a local curriculum that meets the minimum entitlement as required by the Learning and Skills Measure (Wales) 2009, the Council considers that all its secondary schools offer a relevant and adequate range of Post 16 provision.

In order to access the full range of A level subjects on offer, Transport will be provided to those learners whose ordinary place of residence is within the county of Powys to access the school(s) where their A Level subjects are being delivered subject to the qualifying criteria being met.

The Council does not provide transport to Post 16 education establishments outside the county boundary. However, we may provide assistance with travel costs e.g. if the establishment attended is the nearest suitable provision to the learner's ordinary place of residence and the school or college do not provide or arrange their own transport.

2.3 Transport related to learner referral services

Learners who access the pupil referral unit (PRU) or who follow an alternative curriculum may need to travel to different centres for provision during the week. Under these circumstances, the Council will provide free transport to the centres attended by a learner on a weekly basis, subject to the standard distance qualification criteria.

Where free school transport is in place, learners accessing the PRU will normally be expected to travel on mainstream school transport where appropriate. Other specific arrangements based on an individual learner's need will be decided by the Powys Inclusion Panel.

2.4 Transport related to permanent exclusions and managed moves

The authority will provide transport for permanently excluded learners or learners subject to managed moves who meet the standard distance qualification criteria to enable them to attend the nearest appropriate alternative school identified by the Council.

2.5 High school induction days

Year 6 learners who will be transferring into Year 7 in September are able to make use of existing school transport if they meet the qualifying criteria for secondary aged learners (i.e live more than 3 miles from their nearest suitable school) when attending induction days if a seat is available on a bus.

2.6 Special arrangements for learners with short-term medical needs

Consideration will be given to provision being made for all learners with a short-term medical need for transport because the nature of the medical condition severely impacts upon their mobility (e.g. a broken leg), not just those who qualify for transport on distance. In all instances, transport will only be provided to the nearest school.

Requests, supported by evidence of the medical need for transport from a medical professional, should be made in writing to the Corporate Transport Unit or by e-mailing buses@powys.gov.uk. Provision will be reviewed on a termly basis or earlier if necessary.

2.7 Transport for those who do not meet the qualifying distance criteria

Consideration will be given to provision being made for those learners who attend their nearest suitable school but do not qualify for free school transport under the distance criteria. Where public transport can meet their needs, learners will be made aware of this and they can access the service bus upon payment of the appropriate fare. Where no suitable public transport provision is in place, the Council may provide a permit for a seat on a dedicated school bus (if one is available) subject to the appropriate fee being paid and the vehicle meeting the requirements of PSVAR2000 regulations. The seat will only be available on a temporary basis and may be withdrawn at any time at the discretion of the authority e.g. when seats become unavailable. This could take place at short notice and responsibility for transport then reverts back to the parents / guardian.

2.8 Transition Arrangement

The following transitional arrangements will apply to enable existing learners to complete their education:

- For primary aged learners (ages 4 to 11): Until they complete the end of their primary school or they leave their school
- For secondary aged learners (ages 11 to 16): To the end of Key Stage 4 (statutory school age) or leave their school
- To the end of Key Stage 5 (aged 16-19) for a learner in Years 12-13.

Where the policy changes and transition arrangement are put in place for learners, any younger siblings that apply for transport will be considered under the new policy and will not be granted a place on transitional transport with their brother or sister

Section 3: General Transport Matters

3.1 Seat Belts

In accordance with the Travel Behaviour Code, learners are expected to wear a seat belt.

3.2 Provision of passenger assistants on transport

Passenger assistants are not normally provided on transport to mainstream schools. The need for a passenger assistant on a vehicle to support an individual learner/learner will be decided following completion of a risk assessment by the Council.

Passenger assistants will be provided on vehicles to supervise learners on their journey to and from certain ALN schools / specialist centres attached to mainstream schools based on the learner's specific needs. In most cases the need will be established during the statementing/review process and will be in accordance with the needs of the learner. For learners that require individual transport, the provision of an assistant is qualified through the transport application form where officers identify the need and, where applicable, with key stakeholders. The requirements will be confirmed by the authority's ALN Manager.

3.3 Journey times

In assessing the travel needs of learners, the local authority will consider the fact that travel arrangements must be safe and reasonable.

In accordance with the Learner Wales Operational Guidance, the authority will aim to ensure that, except in exceptional circumstances, a learner being transported to their nearest mainstream school/site will have an appropriate journey time for the school they are attending, and the geographical area they live in.

3.4 Behaviour

This policy is aligned with the All Wales Travel Behaviour Code and as such, by applying for free / discretionary school transport learners will be expected to follow the Code.

Parents are therefore encouraged to make themselves aware of the All Wales Travel Behaviour Code by following these links:

<https://gov.wales/sites/default/files/publications/2018-03/wales-travel-behaviour-code-a4.pdf>

<https://gov.wales/sites/default/files/publications/2018-03/school-bus-travel-behaviour-code-a4.pdf>

3.5 Cameras

CCTV will be installed in some contracted vehicles to ensure the safety of passengers and drivers and to identify individuals who demonstrate unacceptable behaviour. Where CCTV is used, learners will be made aware that recording services are in operation, including details around the confidentiality, use, storage and retention of images.

3.6 Pick up points

It is not always possible to arrange the routes of vehicles to pass close to the home of all learners. Parents may therefore be required to make their own arrangements for their children to get to and from the nearest 'pick-up' point of the vehicle, which is the parent's responsibility. Every effort is made to keep this distance to a minimum and it should not exceed 1 mile. In

these instances the assistance of parents in escorting learners safely to and from vehicles is sought.

3.7 Change in school session times

Under the Changing of School Session Times (Wales) Regulations 2009, where the authority considers that a change in school session times is necessary to make travel arrangements more efficient or effective, or sustainable, it will undertake appropriate consultation to change the time a school's first (morning) session begins and its second (afternoon) session ends.

3.8 Safeguarding

Required safeguarding checks (enhanced DBS clearance) will be undertaken by operators on all bus drivers, taxi drivers and passenger assistants every 3 years.

All drivers are required to undertake safeguarding training with the authority. They also complete online training through the NSPCC. During the tendering process, all contractors must evidence that they adhere to a safeguarding policy.

3.9 Adverse weather

During periods of adverse weather, the authority or contractor may suspend free transport provision. Every effort will be made to contact parents/guardians to inform them of school closures. Where learners need to be transported home earlier than the normal closing time, the school will contact parents/guardians to inform them of the school's closure to ensure the safety of learners after they leave the school. Where parents/guardians transport learners who would normally travel on home-to-school transport to school in the morning they are responsible for collecting them at the end of the school day.

3.10 Payments to parents/guardians

In remote areas where it would not be viable to the authority to provide transport to qualifying learners, agreement may be sought for parents/guardians to transport their learner/ren to/from school on payment of an agreed fuel allowance rate. Such cases will be considered on an individual basis and arrangements will be reviewed regularly.

3.11 Complaints

All complaints regarding home-to-school transport from learners, parents/guardians, members of the public, drivers, etc. will be investigated.

Any concerns or complaints regarding learner behaviour, drivers, passenger assistants or vehicles should be made, as soon as possible after the incident, to both the school and the Corporate Transport Unit, County Hall, Llandrindod Wells, LD1 5LG, by emailing buses@powys.gov.uk.

3.12 Contract Compliance

In addition to statutory vehicle safety checks, the Council will, on unspecified days, undertake random checks on Council-contracted vehicles to ensure that contracts are being complied with.

3.13 Appeals procedure

Entitlement to free school transport will be decided by an officer in the Corporate Transport Unit. Where a request is refused, parents/guardians will be advised of the reason(s) not to award free transport.

If a parent/guardian is not satisfied by the decision of the of the Corporate Transport Unit, then they can challenge the decision using the following appeal process:

- **Stage 1:**
In the first instance, parents should put in writing the details of an appeal with any supporting evidence. This appeal should be sent either by letter or email to the Senior Manager Corporate Fleet & Transport, Corporate Transport Unit at County Hall, Llandrindod Wells, LD1 5LG / buses@powys.gov.uk. Confirmation of receipt of the appeal will be sent to the parent within 5 working days and a formal response will be sent to the parent within 20 working days of receipt of the appeal.
- **Stage 2:**
If the parent/guardian is not satisfied by the decision of the Senior Manager Corporate Fleet & Transport, an appeal can be made within 14 working days of the date of the stage 1 appeal response letter in writing to the Head of Highways, Transport and Recycling. Confirmation of receipt of this second appeal will be sent to the parent/guardian within 5 working days. The parent/guardian will be invited to an appeals hearing. The appeal will be heard by the Head of Highways, Transport and Recycling who will make the final decision.

The decision at all transport appeals are heard and decided upon on a case by case basis. If following the Stage 2 process you remain dissatisfied, you may raise your complaint with Public Service Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ or <https://www.ombudsman.wales/>

There is also a right of appeal on a point of law by way of Judicial Review. This right must be exercised within 6 weeks of the decision.

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Cyngor Sir Powys County Council

Impact Assessment (IA)

The integrated approach to support effective decision making



Please read the accompanying guidance before completing the form.

This **Impact Assessment (IA)** toolkit, incorporates a range of legislative requirements that support effective decision making and ensure compliance with all relevant legislation. **Draft versions of the assessment should be watermarked as “Draft” and retained for completeness. However, only the final version will be made publicly available. Draft versions may be provided to regulators if appropriate. In line with Council policy IAs should be retained for 7 years.**

Service Area	Corporate Transport	Head of Service	Adrian Jervis	Portfolio Holder	Clr Aled Davies
Proposal	To carry out consultation on a revised Home to School Transport Policy				
Outline Summary / Description of Proposal					

DRAFT

In April 2020, the Leader of the Council approved a new Strategy for Transforming Education in Powys, along with a recommendation for officers to bring back a revised Home to School Transport Policy for consultation. The proposed changes and reasons are outlined below:

Proposed change	Reason for change
<p>Clarity about the duty to promote Welsh medium provision</p> <p>'According to the Learner Wales Travel Measure 2008, each local authority must promote access to education and training through the medium of the Welsh language when exercising functions under this Measure. Therefore, for learners who choose to study through the medium of Welsh in Powys, transport will be provided to the nearest Welsh medium provision.'</p>	<p>To comply with the Learner Travel Wales Measure and the recommendations contained in the Estyn Report of 2019.</p>
<p>Removal of the practice of reimbursing 16 – 19 aged learners who travel out of county to study.</p>	<p>The authority is currently spending c.£75k on travel assistance for learners to travel out of county.</p>
<p>Removal of the practice of providing transport following a change of ordinary place of residence for learners in years 10,11,12 and 13.</p>	<p>It is a parental/guardian's choice to change the ordinary place of residence of a learner. The parent/guardian must apply for school transport based on the new place of residence, and the normal eligibility criteria will apply.</p>
<p>Clarified the appeal process to make it clearer.</p> <p>Clarified that it is the Corporate Transport Unit's responsibility to decide on eligibility for transport in the first instance and not the Principal Officer Admissions and Transport.</p> <p>If an appeal goes to a second stage, then the final operational decision will be made by the Head of Highways, Transport and Recycling.</p>	<p>Since 2019, budget responsibility for home to school transport has moved from the Schools Service to the Highways, Transport and Recycling Service to improve the operational management.</p> <p>To ensure that appeals are not at risk of challenge because of political differences. Individual cases are a matter for operational decision making.</p>

Following consultation, a Consultation Report and final Home to School Transport Policy, along with an updated impact assessment, will be considered by Cabinet in September 2020. If approved, the policy would be implemented from September 2021.

1. Version Control (services should consider the impact assessment early in the development process and continually evaluate)

Version	Author	Job Title	Date
1	Sarah Astley	Strategic Programme Manager	5/5/2020
2	John Forsey	Senior Manager Corporate Fleet & Transport	6/5/2020
3	Marianne Evans	Senior Manager Education Services	01/06/20
4	Marianne Evans	Senior Manager Education Services	08/06/20

Cyngor Sir Powys County Council
Impact Assessment (IA)

The integrated approach to support effective decision making



5	Marianne Evans	Senior Manager Education Services	19/08/20
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2. Profile of savings delivery (if applicable)

2018-19	2019-20	2020-21	2021-22	2022-23	TOTAL
£	£	£0	£	£	£

3. Consultation requirements

Consultation Requirement	Consultation deadline/or justification for no consultation
Public consultation required	Public consultation took place from June 15 th 2020 to July 27 th 2020

DRAFT

Cyngor Sir Powys County Council

Impact Assessment (IA)

The integrated approach to support effective decision making



4. Impact on Other Service Areas

Does the proposal have potential to impact on another service area? (Have you considered the implications on Health & Safety and Corporate Parenting?) PLEASE ENSURE YOU INFORM / ENGAGE ANY AFFECTED SERVICE AREAS AT THE EARLIEST OPPORTUNITY					
Adult Services	<input type="checkbox"/>	Education	<input checked="" type="checkbox"/>	Legal and Democratic Services	<input type="checkbox"/>
Children's Services	<input type="checkbox"/>	Finance	<input type="checkbox"/>	Property, Planning and Public Protection	<input type="checkbox"/>
Commissioning	<input type="checkbox"/>	Highways, Transportation and Recycling	<input type="checkbox"/>	Transformation and Communications	<input type="checkbox"/>
Digital Services	<input type="checkbox"/>	Housing and Community Development	<input type="checkbox"/>	Workforce and OD	<input type="checkbox"/>
Data Protection Impact Assessment					
Will the proposal involve processing the personal details of individuals? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>					
Is Powys County Council the data controller? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>					
If you have answered yes to either of the above you will be required to complete, as a minimum, the screening questions on the data protection impact assessment. For further advice please contact the Data Compliance Team.					

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4a Geographical Locations

What geographical area(s) will be impacted by the proposal? (Chose all those applicable)							
Powys	<input checked="" type="checkbox"/>	Brecon	<input type="checkbox"/>	Llandrindod and Rhayader	<input type="checkbox"/>	Machynlleth	<input type="checkbox"/>
		Builth and Llanwrtyd	<input type="checkbox"/>	Llanfair Caereinion	<input type="checkbox"/>	Newtown	<input type="checkbox"/>
North	<input type="checkbox"/>	Crickhowell	<input type="checkbox"/>	Llanfyllin	<input type="checkbox"/>	Welshpool and Montgomery	<input type="checkbox"/>
Mid	<input type="checkbox"/>	Hay and Talgarth	<input type="checkbox"/>	Llanidloes	<input type="checkbox"/>	Ystradgynlais	<input type="checkbox"/>
South	<input type="checkbox"/>	Knighton and Presteigne	<input type="checkbox"/>				

5. How does your proposal impact on Vision 2025?

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Council's Well-being Objective	How does the proposal impact on this Well-being Objective?	IMPACT Please select from drop down box below	What will be done to better contribute to a more positive impact or to mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
The Economy We will develop a vibrant economy	The Council currently spends approximately £9m on transport with Powys based suppliers. It is unlikely that this would change following implementation of the revised policy.	Neutral		Choose an item.
Health and Care We will lead the way in providing effective, integrated health and care in a rural environment	N/A	Choose an item.		Choose an item.

DRAFT

Learning and skills
We will strengthen learning and skills

It is advised that the proposal to remove the practice of reimbursing 16-19 aged learners who travel out of county to study is **not taken forward** at this time. Responses to the consultation indicated that there would be negative impact on learners if this was implemented due to the perception that the current provision of post-16 provision in Powys is sub-standard.

There may be an impact on a small number of pupils in some schools due to the change in the Welsh-medium policy - i.e. 'removing the provision of free transport 'in the language of choice', which would mean that some pupils who wish to attend an English-medium school would not be provided transport to that provision, if they live closer to a Welsh-medium school. However, they would be provided with transport to their nearest Welsh-medium school which would allow them to benefit from a bilingual education, meaning that they would become fluent in both English and Welsh, meeting the Welsh Government's aspiration of a million Welsh speakers by 2050 and meeting the Council's aspiration as outlined in the WESP and the Transforming Education in Powys Strategy.

If parental choice is for a pupil to attend an English-medium school that wasn't their nearest school, then the parent/carer would need to make their own arrangements for transport.

However, based on an assessment of pupil numbers actually being transported to English-medium schools that aren't their nearest schools undertaken in June 2020, the actual number of pupils not going to their

Neutral

Choose an item.

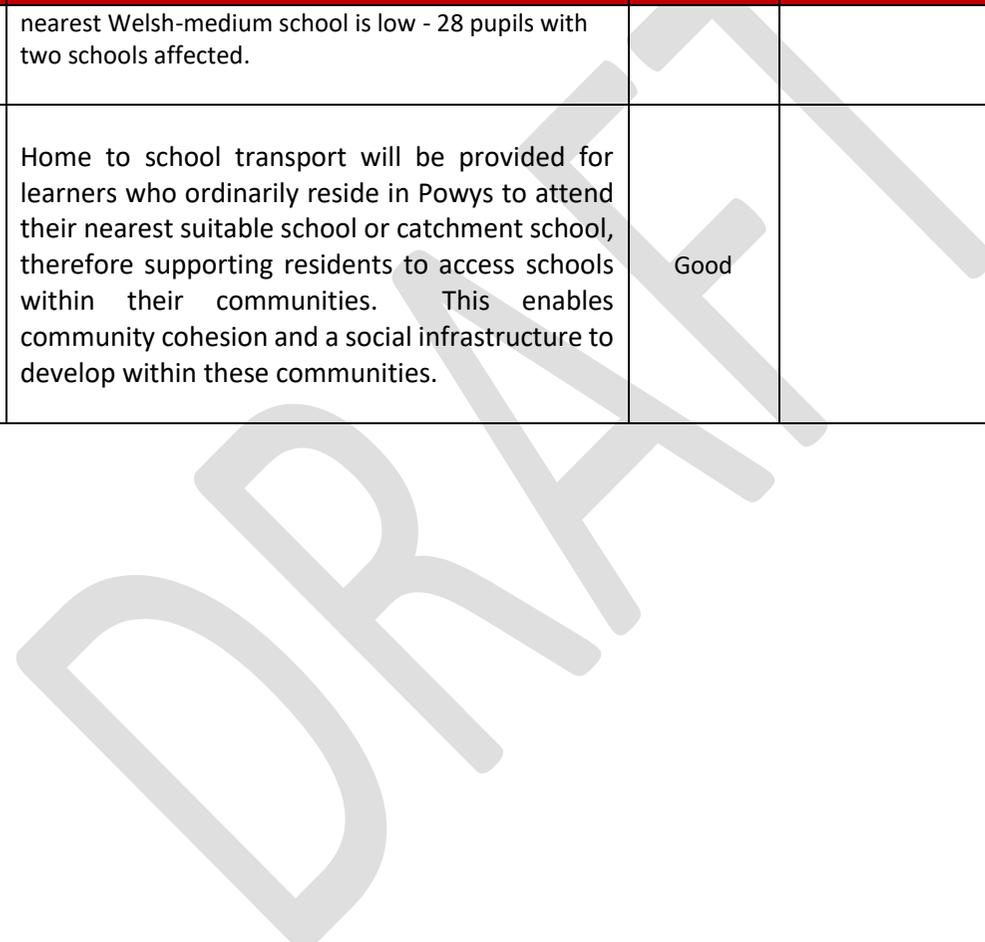
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Council's Well-being Objective	How does the proposal impact on this Well-being Objective?	IMPACT Please select from drop down box below	What will be done to better contribute to a more positive impact or to mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
	nearest Welsh-medium school is low - 28 pupils with two schools affected.			
Residents and Communities We will support our residents and communities	Home to school transport will be provided for learners who ordinarily reside in Powys to attend their nearest suitable school or catchment school, therefore supporting residents to access schools within their communities. This enables community cohesion and a social infrastructure to develop within these communities.	Good		Choose an item.

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Source of Outline Evidence to support judgements
Responses to the consultation

6. How does your proposal impact on the Welsh Government’s well-being goals?

Well-being Goal	How does proposal contribute to this goal?	IMPACT Please select from drop down box below	What will be done to better contribute to a more positive impact or to mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
A prosperous Wales: An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.	It is not anticipated that implementation of the revised policy would have a significant impact on the level of home to school transport provided, therefore there would be no impact on this well-being goal.	Neutral		Choose an item.
A resilient Wales: A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).	N/A	Choose an item.		Choose an item.

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Well-being Goal	How does proposal contribute to this goal?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to a more positive impact or to mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
<p>A healthier Wales: A society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.</p> <p>Public Health (Wales) Act, 2017: Part 6 of the Act requires for public bodies to undertake a health impact assessment to assess the likely effect of a proposed action or decision on the physical or mental health of the people of Wales.</p>	<p>The law provides that the Council provides free school transport for primary aged children who live more than 2 miles from their nearest suitable school and 3 miles for secondary aged learners. Where we do not provide transport for learners who do not qualify under the distance criteria, learners and families should be encouraged to make use of alternative active travel arrangements such as walking & cycling</p>	<p>Neutral</p>		<p>Choose an item.</p>
<p>A Wales of cohesive communities: Attractive, viable, safe and well-connected Communities.</p>	<p>The policy confirms that transport will be provided to eligible learners to their nearest or catchment school – this will ensure that eligible learners will be able to attend their local primary school, strengthening links with the local community, building community cohesion and a social infrastructure.</p>	<p>Good</p>		<p>Choose an item.</p>
<p>A globally responsible Wales: A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.</p> <p>Human Rights - is about being proactive (see guidance)</p> <p>UN Convention on the Rights of the Child: The Convention gives rights to everyone under the age of 18, which include the right to be treated fairly and to be protected from discrimination; that organisations act for the best interest of the child; the right to life, survival and development; and the right to be heard.</p>	<p>N/A</p>	<p>Choose an item.</p>		<p>Choose an item.</p>
<p>A Wales of vibrant culture and thriving Welsh language: A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation. <i>Incorporating requirements under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards</i></p>				

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Well-being Goal	How does proposal contribute to this goal?	IMPACT Please select from drop down box below	What will be done to better contribute to a more positive impact or to mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
<i>Opportunities for persons to use the Welsh language, and treating the Welsh language no less favourable than the English language</i>	The revised policy promotes access to Welsh-medium education, as required by the Learner Travel (Wales) Measure 2008.	Good		Choose an item.
<i>Opportunities to promote the Welsh language</i>	The revised policy promotes access to Welsh-medium education, as required by the Learner Travel (Wales) Measure 2008.	Good		Choose an item.
<i>People are encouraged to do sport, art and recreation.</i>	N/A	Choose an item.		Choose an item.
A more equal Wales: A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances). <i>Incorporating requirements under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and the Social Economic duty (2020).</i>				
<i>Age</i>	The revised policy would be applicable to all pupils	Neutral		Choose an item.
<i>Disability</i>	The revised policy would be applicable to all pupils. As outlined in the policy, transport will be provided to learners with SEN/ALN in accordance with their statutory plan.	Neutral		Choose an item.
<i>Gender reassignment</i>	The revised policy would be applicable to all pupils	Neutral		Choose an item.
<i>Marriage or civil partnership</i>	The revised policy would be applicable to all pupils	Neutral		Choose an item.
<i>Race</i>	The revised policy would be applicable to all pupils	Neutral		Choose an item.
<i>Religion or belief</i>	The revised policy would be applicable to all pupils	Neutral		Choose an item.
<i>Sex</i>	The revised policy would be applicable to all pupils	Neutral		Choose an item.
<i>Sexual Orientation</i>	The revised policy would be applicable to all pupils	Neutral		Choose an item.
<i>Pregnancy and Maternity</i>	The revised policy would be applicable to all pupils	Neutral		Choose an item.
<i>Socio-economic duty</i>	The revised policy would be applicable to all pupils	Neutral		Choose an item.

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Source of Outline Evidence to support judgements

Responses to consultation report

7. How does your proposal impact on the council's other key guiding principles?

Principle	How does the proposal impact on this principle?	IMPACT Please select from drop down box below	What will be done to better contribute to a more positive impact or to mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
Sustainable Development Principle (5 ways of working)				
Long Term: Looking to the long term so that we do not compromise the ability of future generations to meet their own needs.	The Council may need to further review the Home to School Transport Policy in the future in order to align with plans which are taken forward as part of the Council's Strategy for Transforming Education in Powys	Neutral		Choose an item.
Collaboration: Working with others in a collaborative way to find shared sustainable solutions.	The Policy has been subject to public consultation and changes have been made related to the feedback received.	Good		Choose an item.
Involvement (including Communication and Engagement): Involving a diversity of the population in the decisions that affect them including: Unpaid Carers: Ensuring that unpaid carers views are sought and taken into account	The consultation was publicised via social media and the Council's webpage, as well as direct targeting to all schools for dissemination to parents, pupils, governors and staff. It was also circulated to an additional 75 stakeholders including Town and Community Councils, the Police and Crime Commissioner and various equalities groups.	Good		Choose an item.

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Principle	How does the proposal impact on this principle?	IMPACT Please select from drop down box below	What will be done to better contribute to a more positive impact or to mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
<p>Prevention: Understanding the root causes of issues to prevent them from occurring including:</p> <p>Safeguarding: Preventing and responding to abuse and neglect of children, young people and adults with health and social care needs who can't protect themselves.</p>	As outlined in the revised policy, 'Required safeguarding checks (enhanced DBS clearance) will be undertaken by operators on all bus drivers, taxi drivers and passenger assistants every 3 years. All drivers are required to undertake safeguarding training with the authority. They also complete online training through the NSPCC. During the tendering process, all contractors must evidence that they adhere to a safeguarding policy.'	Good		Choose an item.
<p>Integration: Taking an integrated approach so that public bodies look at all the well-being goals in deciding on their well-being objectives.</p>	N/A	Choose an item.		Choose an item.
<p>Powys County Council Workforce: What Impact will this change have on the Workforce?</p>	N/A	Choose an item.		Choose an item.
<p>Payroll: How will this impact salary, any overtime/enhanced payments etc? Does this affect any particular group of employees? E.g. Male/Female dominated workforce. Does this proposal comply with the Councils Single Status Terms and Conditions?</p>	N/A	Choose an item.		Choose an item.
<p>Welsh Language impact on staff</p>	N/A	Choose an item.		Choose an item.
<p>Apprenticeships: Has consideration been given to whether this change impacts negatively, or positively on Apprenticeships within the service?</p>	N/A	Choose an item.		Choose an item.

Principle	How does the proposal impact on this principle?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to a more positive impact or to mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
Source of Outline Evidence to support judgements				
Responses to the consultation				

8. What is the impact of this proposal on our communities?

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Communities	How does the proposal impact on residents and community?	<u>IMPACT</u> See impact definitions in guidance document	What will be done to better contribute to a more positive impact or to mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> See impact definitions in guidance document	Source of Outline Evidence to support judgement
<i>Consider the level of impact on the community following implementation of the Proposal</i>	The revised policy provides transport to eligible learners to their nearest catchment school – this will enable learners to attend their local primary school, strengthening links with the community, building community cohesion and a social infrastructure	Insignificant		Choose an item.	

9. What are the risks to service delivery or the council following implementation of this proposal?

Description of risks			
Risk Identified	Inherent Risk Rating Impact X Likelihood (See Risk Matrix in guidance document)	Mitigation	Residual Risk Rating Impact X Likelihood (See Risk Matrix in guidance document)
Legal challenge following decision to approve the revised Policy	6	<ul style="list-style-type: none"> Legal advice to be sought 	3

10. Overall Summary and Judgement of this Impact Assessment?

Outline Assessment (to be inserted in cabinet report)	Cabinet Report Reference:
<p>The outline assessment suggests that the negative impact of this revised policy is low, and that, overall, the impact is positive. It is advised that the proposal to remove the practice of reimbursing 16-19 aged learners who travel out of county to study is not taken forward at this time. Responses to the consultation indicated that there would be negative impact on learners if this was implemented due to the perception that the current provision of post-16 provision in Powys is sub-standard.</p> <p>The proposed change regarding transport to Welsh-medium schools is judged as a positive change. There may be an impact on a small number of pupils in some schools due to the change in the Welsh-medium policy - i.e. 'removing the provision of free transport 'in the language of choice', which would mean that some pupils who wish to attend an English-medium school would not be provided transport to that provision, if they live closer to a Welsh-medium school. However, they would be provided with transport to their nearest Welsh-medium school which would allow them to benefit from a bilingual education, meaning that they would become fluent in both English and Welsh, meeting the Welsh Government's aspiration of a million Welsh speakers by 2050 and meeting the Council's aspiration as outlined in the WESP and the Transforming Education in Powys Strategy.</p> <p>If parental choice is for a pupil to attend an English-medium school that wasn't their nearest school, then the parent/carers would need to make their own arrangements for transport.</p> <p>However, based on an assessment of pupil numbers actually being transported to English-medium schools that aren't their nearest schools undertaken in June 2020, the actual number of pupils not going to their nearest Welsh-medium school is low - 28 pupils with two schools affected.</p>	

11. Is there additional evidence to support the Impact Assessment (IA)?

What additional evidence and data has informed the development of your proposal?
N/A

12. On-going monitoring arrangements?

What arrangements will be put in place to monitor the impact over time?
If the policy is approved, the impact will be monitored annually, and if the policy needs changing due to changes in other policies of the law, then the policy will need to be revised to take account of these changes.
Please state when this Impact Assessment will be reviewed.
Annually

13. Sign Off

Position	Name	Signature	Date
Impact Assessment Lead:	John Forsey	John Forsey	19/08/20
Head of Service:	Adrian Jervis	Adrian Jervis	

Portfolio Holder:	Cllr Aled Davies	Cllr Aled Davies	
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14. Governance

Decision to be made by	Cabinet	Date required	15/09/20
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FORM ENDS

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