

CYNGOR SIR POWYS COUNTY COUNCIL.

**CABINET EXECUTIVE
18th September 2018**

REPORT AUTHOR: County Councillor Myfanwy Alexander
Portfolio Holder for Learning and Welsh Language

SUBJECT: Home-to-School/College Transport Policy and
Consultation Report

REPORT FOR: Decision

1. Summary

1.1 This report provides a summary of the responses received to the recent consultation on the authority's revised Home-to-School/College Transport Policy and provides a recommendation in respect of the Policy.

1.2 The report is supported by the following appendices:

Appendix A: Consultation Summary Report
Appendix B: Home-to-School/College Transport Policy –
consultation version
Appendix C: Home-to-School/College Transport Policy – post-
consultation version
Appendix D: Impact Assessment

2. Background

2.1 The Education Act 1996 (as amended) sets out the law in England and Wales for the attendance of learners at school and the Learner Travel (Wales) Measure 2008 sets out the school travel policy for Wales. The Measure covers, amongst other things, duties on local authorities to assess learner travel needs, provide a definition of the nearest suitable school and make transport arrangements for defined groups of learners. The Safety on Learner Transport (Wales) Measure 2011 sets out specific safety standards for dedicated school transport.

2.2 The Learner Travel: Statutory Provision and Operational Guidance (June 2014) sets out related provision for school/learner travel in Wales.

2.3 On the 10th April 2018, Cabinet approved the commencement of formal consultation on a revised Home-to-School/College Transport Policy. The formal consultation was carried out from 21st May 2018 until 20th July 2018. The process followed was:

- 21st May 2018 – the revised Policy was published on the consultation section of the Council website along with an online questionnaire;
- From 8th June 2018 - letters were sent to all stakeholders, informing them of the consultation. As the letters hadn't been sent out when the consultation started, it was agreed to extend the period of the consultation by two weeks to enable all interested parties the opportunity to respond;
- A frequently asked questions document was also published on the website.

2.4 The main changes in the revised Policy included:

- Clarifying the qualifying distance criteria for home-to-school/college transport. The qualifying distances for a learner of compulsory school age from their ordinary place of residence are those outlined in Welsh Government's Learner Travel (Wales) Measure 2008 i.e. two miles for primary aged learners and three miles for secondary aged learners.
- Confirming the requirement for the local authority to ensure that all qualifying learners who live in Powys have transport to their catchment school or nearest suitable school or centre:
 - Welsh Government's definition of a 'suitable school' is where the "education or training provided is suitable having regard to the age, ability and aptitudes of the learner and any learning difficulties he or she may have". The Local authority determines which school is the learner's nearest school for example, for Welsh-medium provision or provision to support learners with learning difficulties;
 - Catchment school means the school that learners living in a specific geographic area are eligible to attend;
 - All Powys learners are entitled to an education in a Powys school. By law, parents/carers can exercise choice in regard to the selection of the appropriate school for their child however, exercise of parental choice other than to the nearest Powys school will not necessarily lead to a free Home-to-School transport allocation;

- Changes in respect of transport provision for children with Additional Learning Needs (ALN). Under the current Policy, learners with ALN are provided with free transport to special schools. The revised policy introduces a requirement for children with ALN to be subject to the same qualifying distance criteria as non-ALN learners. If the need for free transport is identified within a Statement of ALN transport will be provided for learners attending special schools who live under the qualifying distances;
- A proposal to potentially introduce charges for transport for 16 – 19 year olds attending schools or colleges in Powys. The provision of Home-to-School transport for post-16 learners is a non-statutory provision. Under the Learner Travel (Wales) Measure 2008, authorities can make provision for charging and many Local Authorities in England and Wales are either charging for post-16 transport or are currently consulting on the introduction of charges.

2.5 The revised Policy also included detail about the following:

- Clarification that passenger assistants will not be provided until the need has been assessed on the grounds of special educational need;
- The definition of maximum travel times;
- The provision of transport for English-medium and Welsh-medium education;
- Confirmation that free home-to-school transport will not be provided to denominational schools unless it is the nearest suitable school and the learner meets the qualifying criteria;
- The provision of integrated transport where secondary school aged learners are transported on public transport where available;
- The continued provision of a vacant places scheme.

3. Consultation Responses

3.1 A total of 318 responses were received via the online survey along with another fifteen email responses. Responses were received from the following organisations: Welsh Language Commissioner, RHAG (Parents for Welsh-medium Education), Mudiad Meithrin, Gwernyfed High School, Llangorse Community Council, Gwernyfed Community Council, Radnor Valley Community Council and Llandysilio Community Council. Discussions were also held with the Governors Consultative Committee and the Powys Youth Forum. The consultation summary report can be found at Appendix A but the main findings are summarised here:

Headlines from the online survey

- Charging for post-16 learners to travel on buses generated the most opposition, with 86% of people who responded to the survey opposing the proposal to charge;
- Qualifying distances of two miles (for primary pupils) and three miles (for secondary pupils) were backed by 71% of respondents;
- The proposal to standardise the qualifying distances for all learners (including those attending special schools), as per Welsh Government guidelines was backed by 66% of respondents;
- The proposal to limit journey times to 60 minutes for secondary age pupils was backed by 67% of respondents;
- The proposal to limit journey times to 45 minutes for primary age pupils was backed by 75% of respondents;
- Respondents were split (50.53% in favour and 49.47% against) on the proposal not to provide free transport to a denominational (faith) school when it's not the nearest school;
- In terms of the Welsh language, 67% of respondents backed the council's proposals for funding transport in relation to language choice;
- The suggestion that learners could use public service buses for transport to school and college was supported by 57% of respondents and opposed by 43%;
- Respondents were split equally (50% in favour and against) on the council's proposals regarding its Vacant Seats Payment Scheme;
- The council's proposal to only provide passenger assistants after an assessment of need has been carried out, was backed by 68% of respondents.

Headlines from the correspondence received via email/letter

- A small number of correspondence was received related to the provision of transport to Welsh-medium provision including from the Welsh Language Commissioner and RHAG. The main issue raised by these respondents was that Home-to-School/College Transport Policy does not support the authority's ambition for the development of Welsh-medium education as outlined in the Welsh in Education Strategic Plan (WESP) 2017 – 20;
- Many respondents suggested that there is a difference between the type of education provided in Welsh-medium schools and in dual-stream schools and that the Policy does not recognise this;
- Concerns were raised that there appears to be a discrepancy between statements made in the WESP and in the Policy;
- Criticism of the proposal to charge for post-16 transport;
- Concerns that safe routes to school are not available in some areas (ie under the qualifying distances);
- Concerns that the policy will lead to school changes for some pupils;

- A call to offer the Vacant Seat Payment Scheme to those over 16 in 6th form or further education.

Comments from the Governor's Consultative Committee

- Charging post-16 learners for transport could result in losing learners to out of county colleges which could result in Powys sixth forms not being viable;
- Low income families would be penalised and on that basis provision should be made in order that they would not have to pay for post-16 transport;
- Criticism of the wording regarding travel times and suggesting that percentage travel times are used instead;
- Criticism that vacant seats are not available on public service vehicles and that this disadvantaged learners who travelled on such a vehicle;
- Suggested using a flowchart to explain the appeals process in the document;
- Concern that it was not clear how complaints could be made in terms of this policy.

Comments from the Powys Youth Forum

- Post-16 travel should be free;
- All children with ALN should be entitled to free transport regardless of distance and whether or no they attend mainstream schools or specialist centres;
- Some felt that 45 and 60 minute travel times were excessive;
- Some were not aware of who to contact if there were to be a problem with school transport.

4 Proposal

In accordance with the statutory requirements laid out in paragraphs 2.1 and 2.2 of this report, it is proposed that the revised Home-to-School/College Transport Policy, as set out in Appendix C, is approved.

5 Options Considered / Available

- a) To approve the Policy
- b) To approve the Policy with additional recommendations
- c) To reject the Policy

6. Preferred Choice and Reasons

6.1 The preferred choice is option b:

- To approve the Policy with additional recommendations;
- It is also recommended that further work is carried out on the potential introduction of charges for transport for 16 – 19 year olds, and that further consideration is given to the provision of transport to Welsh-medium provision, in accordance with the authority's ambition for the development of Welsh-medium provision outlined in the WESP;

6.2 The reasons for this are:

- The consultation exercise has identified that there is, on the whole, support for most areas within the Policy therefore it is reasonable to recommend that it is adopted for implementation from 1st September 2019. **This will mean that the authority is fully compliant with its required statutory responsibilities;**
- The introduction of charging for transport for 16 – 19 year olds is clearly a contentious issue, it is recommended that further detailed work is carried out into post-16 transport provision as part of the authority's improvement work around the post-16 sector, with the aim providing all learners with opportunities to improve their skills and knowledge, and to have access to a broad curriculum;
- As the Council is currently operating in a very critical and challenging financial climate, there may be a financial benefit to introducing charges for transport for 16 – 19 year olds to school or college. It is a non-statutory service and therefore merits further investigation;
- There is also a need to consider how the Home-to-School/College Transport Policy can support the authority's ambition to develop Welsh-medium education, especially as the authority has recently opened a new Welsh-medium primary schools and has plans for new Welsh-medium schools in both the primary and secondary sectors;
- This work will include further cost analysis and impact assessments and another report will be brought back to Cabinet in the spring term 2019. If this work results in new recommendations that impact upon the Home-to-School/College Transport Policy, further consultation will be carried out prior to any final decisions being made.

7. Financial Impact

As there are no significant changes to the approved Home-to-School/College Transport Policy, there is unlikely to be a financial impact due to removing plans to introduce charges for transport for 16 – 19 year olds from this current Policy.

8. Impact Assessment

8.1 Is an impact assessment required? Yes

8.2 If yes is it attached? Yes – Appendix D

9. Corporate Improvement Plan

9.1 Learning and Skills is one of the four priorities outlined in Vision 2025: our Corporate Improvement Plan 2018-23.

10. Local Member(s)

The report impacts upon all members

11. Data Protection

If the proposal involves the processing of personal data then the Data Protection Officer must be consulted and their comments set out below.

12. Other Front Line Services

Does the recommendation impact on other services run by the Council or on behalf of the Council? Yes – Corporate Transport Unit

13. Communications

Have Communications seen a copy of this report? No

Have they made a comment?

14. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

14.1 Legal

14.2 Finance

15. Scrutiny

Has this report been scrutinised? No

If Yes what version or date of report has been scrutinised?

Please insert the comments.

What changes have been made to the date of Scrutiny and explain why Scrutiny recommendations have been accepted or rejected?

13. Data Protection

If the proposal involves the processing of personal data then the Data Protection Officer must be consulted and their comments set out below.

14. Statutory Officers

15. Members' Interests

The Monitoring Officer advises that Members may have an interest in this item if

or

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

16. Future Status of the Report

Members are invited to consider the future status of this report and whether it can be made available to the press and public either immediately following the meeting or at some specified point in the future.

The view of the Monitoring Officer is that:

Recommendation:	Reason for Recommendation:
<p>1. That the revised Home-to-School/College Transport Policy as set out in Appendix C is approved;</p> <p>2. That further work is carried out on the potential introduction of charges for transport for 16 – 19 year olds, and that further consideration is given to the provision of transport to Welsh-medium provision, in accordance with the authority's ambition for the development of Welsh-medium education as outlined in the WESP, and a further work brought back for cabinet's consideration in the spring term 2019.</p>	<p>To ensure that the Council has an effective Home-to-School/College Transport Policy.</p> <p>To have a more detailed understanding of the impact of introducing charges for transport for 16 – 19 year olds and how the Policy impacts upon the authority's ambition for Welsh-medium education,</p>

Relevant Policy (ies):	
Within Policy:	Y
Within Budget:	Y

Relevant Local Member(s):	All Members
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Person(s) To Implement Decision:	Marianne Evans
Date By When Decision To Be Implemented:	1st September 2019

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Background Papers used to prepare Report:

CABINET REPORT TEMPLATE VERSION 5