

CYNGOR SIR POWYS COUNTY COUNCIL.

**CABINET EXECUTIVE
09 June 2020**

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

REPORT TITLE: Revised Home to School Transport Policy

REPORT FOR: Decision

1. Purpose

1.1 This report requests Cabinet approval to carry out consultation on a revised Home to School Transport Policy.

1.2 The report is supported by the following appendices:

Appendix A – Revised Home to School Transport Policy

Appendix B – Draft Impact Assessment

Appendix C – Consultation Plan

Appendix D – Learning and Skills Scrutiny Committee Report 05/06/20

2. Background

2.1 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.

2.3 A revised policy is attached as Appendix A.

2.4 The revised policy has been streamlined in terms of its content and presentation, but the substantive changes compared with the current policy are as follows:

Proposed change	Reason for change
Clarity about the duty to promote Welsh medium provision '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	To comply with the Learner Travel Wales Measure and the recommendations contained in the Estyn Report of 2019.

medium of Welsh in Powys, transport will be 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.
<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>

2.5 Consultation is required on the proposed revised policy. This will take place during June and July 2020, and a consultation plan is attached at Appendix C. Following consultation, Cabinet will be presented with a consultation report, outlining all issues raised during consultation, along with a final policy.

2.6 If approved, the final policy would be implemented from September 2021.

3. Advice

3.1 Members are reminded that approval is required to consult on the draft proposed policy – **it is not the final version.**

3.2 All school transport policies are required to be approved by the 1st October prior to the policy becoming operational at the start of the next academic year and require consultation. If there is a delay to the consultation process on this proposed policy, then there will be a delay

of a year before new consultation can take place. This will have an impact on the Council's ability to implement our new Transforming Education Strategy and will not enable the Council to address the issues raised by Estyn in 2019 about the pace and progress of school reorganisation in Powys.

- 3.3 The reason for the proposed change in policy regarding the promotion of Welsh-medium education is to respond to the Estyn report which was very critical of the Council's track record in developing Welsh-medium provision. This reflects the nature of Welsh-medium provision across the county, where Welsh-medium primary schools serve large geographic areas where there is no primary Welsh-medium provision available to learners at all.
- 3.4 This would also mean that, if a learner's nearest catchment school is a Welsh-medium school, then transport would only be provided to that school – the current policy states that transport is provided to the nearest suitable school in the language of choice.
- 3.5 Currently, there are 28 learners that are provided with transport to English-medium provision that is not their nearest schools. In terms of the overall impact, this would mean 11% of the combined population of these two schools would be affected. This is less than 0.5% of the overall percentage of learners currently receiving home to school transport across the county.
- 3.6 Contained in the revised policy are transition arrangements specifically for learners who are affected by any changes to the policy. The arrangements allow the Council to continue to provide transport until the affected learners finish at their current school.
- 3.7 Members will note that the proposed revised policy includes a new transport appeals process. Currently, the Portfolio Holder for Transport determines a transport appeal. However, the proposed revised policy suggests that transport appeals would be determined by an officer in future, as this is a matter for operational delivery rather than a policy decision. Research into other Welsh local authorities' transport appeals processes found that, of the 22 local authorities, 14 have their transport appeals heard by senior officers, 5 by members and 3 had no defined appeals process detailed in their policy. If this revision is approved, the Council will be in alignment with most other local authorities and this will also reduce the risk of further challenge of political differences and/or local prejudice.
- 3.8 It is recommended that consultation is carried out on the proposed revised Home to School Transport Policy (Appendix A) in accordance with the Consultation Plan (Appendix C).

4. Resource Implications

- 4.1 For the 2019/20 financial year, it is forecast that the Council total outturn for home to school transport will be £10.28m against a budget of £10m.
- 4.2 The budget is allocated on the following basis:

Budget Heading	Amount per annum
Mainstream (including +16)	£8.282m
Additional Learning Needs	£1.8m
Pupil referral & Looked After Children	£0.2m

- 4.3 In 19/20 financial year, the home to school transport budget reported an overspend of £281k per annum.
- 4.4 To reduce the spend against budget, a potential saving of £75k has been identified because of no longer contributing to out of county travelling expenses to further education establishments.
- 4.5 Subject to Cabinet agreeing the paper, then the consultation process would be carried out electronically with awareness of the consultation being made via social media channels.
- 4.6 Discussions have been had with the Council’s Communication Team, as they will need to be involved with the process. They have confirmed that, as the consultation will largely be ‘online’, there should not be any additional resource implications to those that have already been identified through established staffing budgets.
- 4.7 The Head of Finance (Section 151 Officer) can support the recommendations

5. Legal implications

- 5.1 There may be some interest around the revised policy, however, we have based our policy upon our interpretation of the Learner Travel Wales Measure 2008 and the Operational Guidance issued in June 2014.

5.2 **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 initial draft impact assessment has been carried out and is attached as Appendix B. This will be updated following the consultation period to reflect the issues raised during the consultation.

8. Recommendation

8.1 It is recommended that:

- Cabinet approves the commencement of public consultation on the revised Home to School Transport Policy (Appendix A) during June/July 2020 and that a consultation report and final draft policy is considered by Cabinet in September 2020.

Contact Officer:	John Forsey Senior Manager Corporate Fleet & Transport
Tel:	01597 826642
Email:	john.forsey@powys.gov.uk
Head of Service:	Adrian Jervis
Corporate Director:	Nigel Brinn