

**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

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**REPORT FOR:** Decision

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**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

**Appendix D** – Learning & Skills Scrutiny Report

**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:

<b>Proposed change</b>	<b>Reason for change</b>
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 medium of Welsh in Powys, transport will be provided to the nearest Welsh medium  To comply with the Learner Travel Wales Measure and the recommendations contained in the Estyn Report of 2019. 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. 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>

- 2.2 The consultation period started on the 15<sup>th</sup> June 2020 and ended on the 27<sup>th</sup> 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%	* <b>Don't Know</b>  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
1. To what extent do you agree that the new draft home to school/college transport policy is appropriate?	<p><b>General question.</b></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>
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><b>Amend proposed change</b></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,</p>

	<p>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><b>3.</b> 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?</p>	<p><b>Do not proceed with proposed change</b></p> <p>Nearly 62% of the respondents either disagreed or strongly disagreed with this question on the basis of the following:</p> <ul style="list-style-type: none"> <li>i. The need to improve and promote the provision of the Post 16 offer in Powys.</li> <li>ii. The lack of subject choice/quality in Powys</li> <li>iii. PCC should continue to provide transport if the course isn't available in Powys</li> <li>iv. Concerns around the impact on pupil choices</li> <li>v. The impact that the change in policy would have on low income families</li> <li>vi. The location of certain learners would mean that their nearest FE college is 'out of county'</li> </ul> <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><b>4.</b> 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><b>Proceed with proposed change</b></p> <p>The quantitative responses to this question were fairly balanced, with the highest response being 'neither agree nor disagree'.</p>
<p><b>5.</b> To what extent do you agree with the proposals in the draft policy relating to providing transport to Welsh-medium provision?</p>	<p><b>Proceed with proposed change</b></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</p>

	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.
<b>6.</b> 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?	<b>General question.</b>  The majority of responses to this question was 63% in the 'don't know' category.

3.2 It became clear during the consultation process that there was not a specific question relating to the removal of the practice of providing transport following a change of ordinary place of residence for learners in years 10,11,12 and 13. On that basis, it is recommended that we maintain the practice and review at the next appropriate opportunity.

3.3 The uptake on this provision is minimal and is cost neutral to retain as where we do provide transport under this section of the policy, it is done so by utilising existing provision.

3.4 The changes have been included within the revised Home to School/College Transport Policy September 2021.

3.5 This report, the revised Home to School Transport Policy along with the Consultation Feedback Report and Impact Assessment were scrutinised by the Learning & Skills Scrutiny Committee on the 7<sup>th</sup> September. Their Observations report is attached in Appendix D.

#### **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 The Head of Finance (Section 151 Officer) notes para 4.1 above and that this together with any remaining budget shortfall on the Home to School Transport Budget will need be addressed through the budget setting process. On this basis the recommendation can be supported.

#### **5. Legal implications**

5.1 Legal : The recommendation can be supported from a legal point of view

5.2 The Head of Legal and Democratic Services ( Monitoring Officer ) has commented as follows: “ I note the legal comment and have nothing to add to the report”.

**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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