

# CYNGOR SIR POWYS COUNTY COUNCIL

**Cabinet**  
**30 September 2024**

**Report Author:** County Councillor Jackie Charlton  
Portfolio Holder for a Greener Powys

**Report Title:** Revision to the Home to school Transport Policy

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**Report For:** Decision

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## 1. Purpose

- 1.1 This report seeks Cabinet approval following the consultation on the proposed amendments to the Home to School Transport Policy, conducted from 9th August to 12th September 2024. The amendments do not fundamentally alter the provision of school transport but aim to clarify the wording of certain policy elements to remove ambiguity.
- 1.2 The report is supported by the following appendices:

Appendix A – Home to School Transport Policy  
Appendix B – Consultation Report  
Appendix C – Impact Assessment

## 2. Background

- 2.1 At the County Council meeting on 13th October 2022, it was resolved that the review of the Home to School Transport Policy should not only provide greater clarity on pupils' and students' entitlement to free transport but also support greater parental choice of school, provided this does not increase the total school transport budget. This report aims to address this motion and reflect the Council's desire to enhance clarity for parents and pupils, thereby supporting school choice where possible.
- 2.2 The final draft policy is attached as **Appendix A**.
- 2.3 The policy has been streamlined in both content and presentation. A summary of the consultation questions and any substantive changes made following the consultation and feedback from the Scrutiny Committee are detailed below in section 2.4.
- 2.4 Tabled below, summary of the consultation questions and any additional amendments to the policy following the consultation. The Full report is available in **Appendix B**.

Consultation Question	Summary of response	Council Response
<p><b>Q1/2/3</b> Throughout the updated policy we have removed reference to 'nearest suitable school' and left it to read as 'catchment school'</p> <p>This question was in two parts</p> <p>Part 1- Ease of understanding</p> <p>Part 2 Should we make the change</p>	<p>Part 1 – <b>55.3%</b> overall agreed or slightly agreed it is easier to understand.</p> <p>Part 2 – Only <b>43%</b> overall agreed or slightly agreed to this being changed.</p> <p>Q3 – In general the feedback called for a more flexible, transparent policy that respects individual needs and parental choices.</p> <p>There were numerous references to Bwlch, Llangynidr CP and the catchment maps which were previously consulted upon and agreed.</p>	<p>We have not altered the decision to remove reference to nearest suitable school and leave as catchment school only. The reason for this is our data suggests that the majority of our learners currently attend their nearest suitable or catchment school (especially those on school transport). By dropping the words 'nearest suitable' and only referring to a catchment (where they are visible to parents through the admissions pages) it will make it easier for parents to see which is their catchment school and whether or not they would receive school transport to it. It does appear that some parents still misunderstand the interpretation of 'suitable school' so we have added to section 1.1 of the policy to further explain that it is for the Local Authority to determine suitability.</p> <p>In terms of offering more flexibility, our legal duty is to transport learners to their nearest suitable or catchment school. As stated above, we understand that the majority of learner do attend their nearest suitable catchment school. Parents will still have the Transport Appeal process available to them should they wish to challenge which school is their nearest suitable or catchment school.</p>
<p><b>Q4/5</b> After reading Section 1.2, to what extent do you agree or disagree that the qualifying criteria is easy to understand?</p>	<p>Q4. <b>49.3%</b> overall agreed or slightly agreed the criteria was easier to understand.</p> <p>Those responding to Q5 felt the current policy is complicated and unclear, especially regarding walking distances and safety measures. Simplification and better wording are needed.</p>	<p>We recognise the wording in the Learner Travel Wales Measure, which is used in this section can be difficult to understand. So, we have added a summary at the end of section 1.2 to help parents better understand the criteria.</p>
<p><b>Q6/7</b> Closure of a school/school reorganisation (Section 1.7)</p>	<p>Q6 <b>52.3%</b> of those responding agreed or slightly agreed this is easier to understand</p>	<p>The school transport policy does not have any influence on school closures.</p>

	<p>Many of the comments received in Q7 reflected concerns that this section supported additional school closures. Parents expressed a need for choice.</p>	<p>We have not altered the wording in this section of the policy; but we will ensure when creating an easy read version we reflect some of the concerns raised regarding transitional arrangements for existing students.</p>
<p><b>Q8/9</b> Assessing Hazardous routes and parental responsibility (Section 1.8)</p>	<p>Q8 <b>51.5%</b> of those responding agreed or slightly agreed the responsibilities are clear. Most responses to Q9 asked for clarity regarding timeframes for the assessment to be undertaken and in addition queried the use of the wording 'may provide transport'</p>	<p>We have added 'subject to availability' after the word 'may', as altering this to 'will' would place the authority in a position of having to provide transport, which is not always possible due to availability and or location of the property. We accept clarity was needed regarding the timeframe for undertaking the assessment and have added that we aim to complete assessments within 10 days of receiving a request.</p>
<p><b>Q10/11/12</b> Welsh language provision and access to dedicated Welsh medium Secondary provision (Section 2.1) There were two elements to this question: Discretion to allow access and should the policy be altered.</p>	<p>Q10 <b>43%</b> agreed or slightly agreed that the wording allowed for discretion. Note: an equal split of 57% (28.5% each) either had no opinion or disagreed/slightly disagreed. Only <b>30.3%</b> felt we should alter the policy. In general, most comments in Q12 reflected concern regarding those not wanting to receive Welsh language education, discrimination, and a feeling that dual stream schools were being undermined in favour of dedicated Welsh Medium provision.</p>	<p>Many of the respondents questioned whether the council was acting more favourably towards the Welsh Language than English. The Welsh Language (Wales) Measure 2011 effectively sets out that the Welsh Language should be treated no less favourably than the English language. As we continue to expand the Welsh language education provision in Powys, there still remains a significant disproportion of Welsh language offer compared to English. Therefore, the policy needs to reflect that we may have to transport learners wishing to attend a Welsh language education further and why discretion can be allowed, and we have altered the grammar in this section and not the wording.</p>
<p><b>Q13/14</b> (Transport for 16-19 Learners (Section 2.2)</p>	<p>Q13 <b>47%</b> of those responding agreed/slightly agreed adding information relating to bursaries is helpful. However, <b>34.4%</b> had no opinion either way There were a mix of comments in Q14 regarding post 16 education with some not understanding the current dual</p>	<p>We need to balance the needs of the learner being able to access a good quality +16 education against how we offer this in a sustainable way and ideally to a centre in Powys. We recognise that this is not always possible so this section of the policy allows some learners to</p>

	<p>stream provision, statutory age for attending school and an overall feeling that support should be provided not just for A levels.</p>	<p>access to +16 education out of Powys to further their education.</p> <p>We have therefore amended the wording to in an attempt to answer some of the comments by removing reference to A levels and altering it to read 'post 16 subjects'. By altering to post 16 subjects we feel it better reflects the variety of subjects offered.</p> <p>We have also added that catchment does not apply to further education colleges. As Powys only has two FE college sites presently in Brecon and Newtown the use of nearest in these instances, we feel is more appropriate.</p>
<p><b>Q15/16</b> Those who do not meet the qualifying distance criteria and spare seats (Section 2.7)</p>	<p>Q15 <b>48.1%</b> agree or slightly agree the wording is clear. <b>26.4%</b> had no opinion either way.</p> <p>Comments in Q16 included a feeling that vacant seats should be made available to those out of catchment and not simply those within.</p>	<p>In response to the 2019 Estyn report, one of the recommendation priorities was to "Sustain standards in primary and develop effective transition arrangements..."</p> <p>By aligning the school admissions and school transport processes through the use of consistent catchment areas, one of the aims of the policy review, was to try and make transition arrangement between primary and secondary school smoother.</p> <p>This policy tries to make it clearer that we would expect all year 6 learners to transition together as a whole year group to a secondary school. This of course does not prevent parents from making a different choice, but it does makes it clearer which school we will provide free school transport to help inform parents choice. We do not believe that offering a seat on a school bus going to another school catchment helps smooth transitions.</p> <p>The transport policy and admission process make it clear</p>

		<p>that if a parent chooses a school that is not your catchment, parents are expected to make their own transport arrangements not the local authority as we have no legal duty to do so.</p> <p>We have also made a slight alteration to the wording of one sentence which now reads e.g., when the seat becomes unavailable as it is required for a child who is entitled to free transport.</p> <p>This has been added to ensure parents understand the reason why a seat would become unavailable.</p>
<p><b>Q17/18</b> The addition of bus passes within the policy (section 3.13)</p>	<p>Q17 <b>65.9%</b> of those responding agree or slightly agree to this addition.</p> <p>Q18 There were 28 responses to this section, whilst most respondents agreed with the addition of this section, they were seeking clarity regarding students not being left at the side of the road and use by younger/ALN pupils.</p>	<p>We have altered the wording to improve sentence structure and comprehension i.e., we have altered ‘they carry a valid pass’ to ‘the learner carries a valid pass’ and we have altered AM/PM to ‘every time the learner accesses the school bus i.e., AM/PM’, additionally we have stated that no learner will be left at the side of the road. We have also made it clear this does not relate to students on dedicated ALN transport as they are not expected to carry passes.</p>
<p><b>Q19</b> What changes to the Home to School Transport policy do you think need to be made to secure access to designated Welsh medium secondary provision? This question was supplementary and does not affect the current alterations to the policy.</p>	<p>A summary of the responses to this question is as follows: The policy should support parental choice regardless of the language category, but the current policy does not. Free transport should be available for parents who prefer dual or English schools, even if a Welsh medium school is closer.</p> <p>There should be equitable provision across all dual stream secondary schools to offer quality English and Welsh education.</p> <p>Restricting entry of non-Welsh speaking students feels discriminatory to some.</p>	<p>Many of the respondents questioned whether the council was acting more favourably towards the Welsh Language than English. Whilst we recognise these concerns, the Welsh Language (Wales) Measure 2011 effectively sets out that the Welsh Language should be treated no less favourably than the English language and it is for this reason that we are seeking views on extending Welsh language education provision.</p> <p>There is no alteration to the current policy regarding dedicated Welsh Medium education is required at this time</p>

		but we will consider this in the next policy review.
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2.5 The consultation survey had 1,479 views and 131 responses, which is an engagement rate of 9%.

### **3. Advice**

3.1 Members are reminded that approval is required to apply the fully amended policy.

3.2 The Home to School Transport policy is required to be approved by the 1st of October prior to the policy becoming operational at the start of the next academic year. Any delay in approving the policy will have an impact on the Council's ability to align the Home to School Transport policy with the proposed school catchment maps for 2025 admissions.

3.3 Section 3.3 of the Learner Travel Statutory Provision and Operational Guidance June 2014 reads as follows:

*In addition to the Travel Behaviour Code, local authorities are required under the 2009 Regulations to publish the following information: -*

- *the general policy on providing free transport*
- *the general policy on any travel arrangements made for learners for whom free transport is not provided*
- *the circumstances that payment of reasonable travelling expenses will be made*
- *arrangements and policies in relation to learners with learning difficulties/disabilities*
- *information on how to make enquiries/complaints about travel arrangements, and any local authority appeals procedure*
- *any other information that the local authority considers would be useful for learners in its area about travel arrangements made by other organisations*

3.4 Section 3.4 continues and reads as follows:

- *The information must be made available by the 1 October preceding the academic year to which the information relates.*

### **4. Resource Implications**

4.1 Subject to Cabinet approval of the final policy, the resource implications should be limited to updating the policy on the website and publishing it on social media platforms. Additionally, colleagues from the school service will be asked to provide a link to the amended policy to all schools, enabling it to be shared with parents and guardians.

4.2 This policy aims to align the principles of the school admissions process with the Home to School Transport policy (by using school catchment areas) and is not intended to be a mechanism to reduce transport costs, which are an operational matter for the service to manage through monitoring, reviewing and amending contracts as necessary.

4.3 Our commitment to producing an easy read version of the policy may require support from colleagues within our communication & translation teams

4.4 The Director of Corporate Services (Section 151 Officer) notes the contents of the report and can support the recommendation.

## **5. Legal implications**

- 5.1 Legal: The revised policy is based upon the principles of the Learner Travel Wales Measure 2008<sup>1</sup> as defined in the Learner Travel Statutory Provision and Operational Guidance (2014)<sup>2</sup>.
- 5.2 There may be a perception that local authorities have a legal duty to transport learners to their 'nearest' school. This is because the Guidance says that local authorities must provide free home to school transport for learners of compulsory school age who live 2 miles (Primary) or 3 miles (Secondary) or further from their nearest suitable school.
- 5.3 However, the guidance further goes on to say that 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. As the School Admissions policy refers to catchment areas (for its oversubscription criteria), for consistency, the Home to School Transport Policy will use the same catchment areas to define which is the learners nearest suitable school. This approach has been confirmed by Welsh Government officials as being in line with the published guidance.
- 5.5 The Head of Legal Services and the Monitoring Officer has commented as follows: "I note the legal comment and support the recommendations"

## **6. Climate Change & Nature Implications**

- 6.1 The Home to School transport service operates around 2.6m kms per year – this is roughly the distance to the Moon and back 3 times. This is a substantial contributor to the councils Co2 emissions. However, the council has a statutory duty to provide free school transport to those learners who are eligible. Given the large and rural nature of the county, our school transport network is significantly larger than other local authorities of similar population sizes so managing the network outputs is important not only from a financial sustainability perspective, but also from an environmentally sustainable perspective too.
- 6.2 The Powys County Council target of Net Zero by 2030 and commitment to the nature 30x30 to protect flora and fauna is clear. The School Transport Policy remains focused on investigating opportunities to reduce the emissions of school transport buses to meet the Welsh Government target of supporting transition to cleaner vehicles by 2035.
- 6.3 By aligning the school transport policy with the school admissions policy, and informing parents at the point when they apply for a school place of their transport entitlement, will hopefully help parents make more informed choices on where to apply for a school place, and so we can maximise the school transport network without it having to be supplemented by private car journeys where the council has no legal duty to provide transport – thus reducing the total Co2 emissions. Therefore the amendments to the policy are considered carbon neutral.

## **7. Data Protection**

- 7.1 All the data collected as part of the Consultation process, has been processed in accordance with the Councils Fair Data Processing arrangements.

## **8. Comment from local member(s)**

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<sup>1</sup> <https://www.legislation.gov.uk/mwa/2008/2/contents>

<sup>2</sup> <https://www.gov.wales/sites/default/files/publications/2018-03/learner-travel-statutory-provision-and-operational-guidance-june-2014.pdf>

- 8.1 Comments from local members are not required as this is county wide policy.
- 8.2. A joint Economic, Regeneration and Community plus Learning and Skills Scrutiny Committee meeting was held on the 27<sup>th</sup> September 2024 and their comments are alternative recommendations can be found in Appendix 1 below.

**9. Impact Assessment**

- 9.1 An impact assessment has been completed and available to view in Appendix C.

**10. Recommendation**

- 10.1 It is recommended that Cabinet approve the proposed amendments to the policy, facilitating its implementation for the 2025/26 academic year in accordance with the catchment maps developed by School Service. This alignment will enhance parents' comprehension by providing them with concurrent access to both the transport policy and the catchment maps.

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