

SUBJECT:	Update on Proposed Home to School Transport Policy 2023/24
MEETING:	Cabinet
DATE:	7th September 2022
DIVISION/WARDS AFFECTED:	All

1. EXECUTIVE SUMMARY AND PURPOSE:

- 1.1 The Learner Travel (Wales) Measure 2008 sets out the legal responsibilities for the provision of school transport. Within the legislation they place a duty on local authorities to review their transport policy on an annual basis. The policy needs to be confirmed by the 1st October for application in the following academic year.
- 1.2 Members will recall that it was agreed at their July meeting that consultation would commence on the proposed policy. It was also agreed that a further report would be provided in September to provide feedback on the consultation responses received.

2. RECOMMENDATIONS:

- 2.1 That Cabinet notes the extended consultation period and delegates decision making on the proposed Transport Policy to the Cabinet Member for Education by way of an Individual Cabinet Member decision process on the 28th September.

3.0 KEY ISSUES:

- 3.1 The provision of home to school transport is prescribed by the Learner Travel (Wales) Measure, 2008. The legislation imposes statutory duties on local authorities in the provision of home to school transport and the circumstances when transport must be provided. It also places a duty on all local authorities to undertake an annual review of the transport policy which sets out how the statutory responsibilities and any discretionary policies that are being applied. The transport policy should be agreed prior to the 1st October for application in the proceeding academic year.

3.2 Consultation is currently ongoing and is due to conclude on 16th September. At the time of writing this report we have received 72 responses, of those 53 are parents of a learner using home to school transport and 4 responses are from the learners themselves. The responses have provided useful feedback and commentary; however, it is fair to say that the majority of comments have focussed on how the policy will impact their personal circumstances.

3.3 There are some clear themes emerging from the consultation which are summarised below:

- 4-year olds – There is no statutory duty to provide transport for 4 year olds, however our draft policy is proposing that we do provide transport for eligible for 4 year olds if they are able to put on their own seatbelt. We have received responses questioning this requirement and suggesting that this should be the responsibility of the driver or passenger assistant.
- Dual Residency – Our existing policy is silent on the provision of transport from dual addresses if the learner normally resides at two different addresses. Our proposal suggests that we will provide transport from two addresses if there is a Child Arrangement Order (CAO) in place which evidences that parents have a shared care. This has been challenged by consultees on the basis that not all parents have sought the intervention of the court and therefore they would be disadvantaged by the current proposal.
- Travel times for Welsh learners – Respondents would like the travel times for Welsh learners to be the same as those recommended for learners attending mainstream education (45 minutes for primary and 60 minutes for secondary). Currently journey times for Welsh learners can exceed these times due to the distances that need to be travelled by learners to attend their nearest school, particularly those attending a secondary school. In addition, some learners will need to travel on feeder transport prior to meeting their coaches due to the suitability of the roads for the larger vehicles.
- Post 16 transport – Statutory home to school transport applies to the age group 5 – 16 and transport either side of these ages is at the discretion of the local authority. We operate a concessionary policy for post 16's whereby if there are vacant seats on any routes these will be made available for post 16 pupils at a cost of £440 for the school year. Some respondents have expressed their dissatisfaction with this approach and have suggested that all post 16 pupils should be offered transport and that

confirmation should be provided earlier than our proposed 10 working days following the start of the new academic year.

- Pick up points and available walking routes – There has been some concern over the proposal that learners should access transport at designated pick up points as parents are concerned that the walking route to the pick up point will not be safe or that they will be unable to accompany their children due to other commitments. The proposal is that learners will be collected at registered bus stops on the basis that these will have been risk assessed for scheduled bus routes. It remains parents' responsibility to ensure that their children get to and from the pickup points safely, however it is proposed each case will be considered on its merits and if appropriate learners will continue to be collected from their home.
- There are comments about the designation of school catchments which are outside the scope of this consultation as are references to feeder schools. The Learner Travel Measure is clear that the responsibility of home to school transport is to

“make transport arrangements for learners of compulsory school age in specified circumstance and subject to specified conditions.” (1.21 of the Learner Travel Measure)

3.4 The consultation responses will be considered in further detail in the report to be presented to the Cabinet Member for Education on 28th September.

4.0 EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

4.1 The Integrated Impact Assessment is attached.

5.0 OPTIONS APPRAISAL

5.1 The requirement to review the Transport Policy and consult on any changes is a statutory requirement, hence, there is no option but to undertake this process.

6.0 REASONS:

- 6.1 The Learner Travel (Wales) Measure places a requirement on Local Authorities to review their Transport Policy. The proposed policy has been developed through learning on current feedback and issues and a review of neighbouring authorities approaches.
- 6.2 The proposed policy exceeds the statutory duties placed on Local Authorities but is in line with current policy and practice. Given the current hardship being encountered by many families due to the cost of living crisis, it was not considered appropriate to revert practices to the statutory criteria at this time.
- 6.3 Welsh Government undertook consultation on home to school transport in 2020 and have subsequently published the result of the consultation which can be viewed by following the link [Learner Travel \(Wales\) Measure \(2008\) review 2021 \[HTML\] | GOV.WALES](#).. They have indicated that they are considering reducing the statutory distance criteria and considering altering the eligibility criteria to provide free transport for post 16 pupils, nursery age pupils, welsh medium and faith schools. They have acknowledged that there are resource implications in implementing these proposals in both cost and availability of transport providers and that the costs for rural authorities are higher than their urban counterparts.
- 6.4 In order to ensure that schools and the wider community have sufficient time to fully consider the proposed policy it is appropriate to extend the consultation timeframe. Drop-in sessions at the Council's six hubs are taking place during the consultation period to give people the opportunity to speak to Council representatives and access hard copies of the consultation document.

7.0 RESOURCE IMPLICATIONS:

- 7.1 The cost of school transport for the financial year 22/23 is estimated to be circa £5,463,449. This includes the cost of external provision and our in-house transport provider. The proposed policy is in line with existing practice; therefore, it is not anticipated that it will result in a significant uplift in costs.
- 7.2 Due the nature of the transport market, the costs can change as contracts are handed back and re-tendered, new routes are added to accommodate new learners and contract uplifts to reflect the increasing cost of transport provision.

8 CONSULTEES:

Cabinet

Communities and Place DMT
Monitoring Officer
S151 Officer

9 BACKGROUND PAPERS:

Learner Travel Statutory Provision and Operational Guidance 2014

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APPENDICES

Appendix 1 A summary of the consultation responses received by the 22nd

Appendix 1 – Summary of Consultation Responses received by 22nd August

1. Do you agree with the Transport Policy Proposals:

Comments received:

Yes, or mostly agree

- Most of it seems fair
- I agree with all but one
- They seem sensible and inclusive
- I think some changes have been made for the better
- I agree, however I do think young children should be strapped into their seatbelt by their driver.
- Yes, to a point
- Yes, I feel it is a fair policy
- Yes, at it means that children are not penalised if their closest school is not their catchment school.
- I agree in principle but I believe that there remains a gap for faith and Welsh-medium schools which has not been plugged.

No

- Absolutely disagree, non-guaranteed concessionary travel for Post 16 is a massive barrier to education for rural communities
- Not in its entirety
- If parents drop children off to drop off points, they may have to leave their children if dropping siblings to another school, this is not safe.
- There does not appear to be any special treatment for children looked after
- If parents take their children out of catchment, they should be able to claim part of the cost of transport (the cost it would cost to transport to catchment school)
- These policies have been drawn up as a measure to cut your transport to transport Gilwern pupils to Crickhowell school. You have used the arguments we used last year to gain transport for our children to shape this policy.
- There are some aspects of the policy which I believe unfairly discriminate against students and families who live in rural communities.
- What are the additional costs of this provision v's just providing the statutory provision?
- No, it suggests that the free transport we have may no longer be eligible and may not be eligible for our child's younger sibling. This would have a significant impact on our family either in terms of cost or disruption as we may need to consider sending our younger child to a different school in a different county causing much disruption to our family life.

Q2 Do you disagree with some or all the proposed Transport Policy

Comments received are as follows:

- Non-guaranteed concessionary travel for post 16 is a massive barrier to education for rural communities
- Learners with dual residences – quite often the non-resident parent has no input where their children go to school. If they live within a certain radius then it would make sense to make some form of provision, rather than dismiss it out of hand.
- I'm concerned about the pickup and drop off points, at the moment my children get picked up from the door, very concerned if they start to do this as our road is not safe.
- Dual residency policy is totally unfair. Our son lives in two residences by mutual agreement. We do not need a lawyer and a court order to implement this. We co-parent 50-50 and are being penalized for being mature and having an amicable arrangement. Please do not implement a policy that actively discourages parents from setting up mutual agreements or costs them money to get an unnecessary court order.
- 4-year-old children being responsible to checking the safe usage of their own belts. Who is them liable in the event of an accident if a child has in fact failed to secure the belt properly?
- Designating how existing unsafe walking routes could now be designated as safe and therefore no feeder transport provided - what criteria are you basing this on? Children currently being picked up at 7.10am could possibly lose their transport to the nearest bus route and would therefore have to have at least a 20 -25 min walk to meet main bus. This would make the journey to school (one way) 1 3/4 hr - a total in a day of 3.5hrs travelling time - how is this conducive to learning? Will you treat all families equally?
- 4-year olds not able to do own seat belts - some 5,6- and 7-year olds can't do their own seat belts! Ridiculous. What is the reason for this proposal? Is it because the helper is being removed??
- I feel the requirement to be able to fasten seatbelts is totally unnecessary. Both the chaperone and bus drivers are db's checked so if some assistance if required I feel it is completely reasonable to be able to provide this assistance. 4-5yr olds are often distracted when they first get on the bus to be seated in a timely manner some assistance may help.
This year my son has been picked up from his home. I feel this has been very important, we live a mile outside the nearest village so I feel this must be maintained over the years mainly for safety reasons as the road is narrow and there is not a safe walking route.
- Young children and seat belts. The driver should be checking this.
- I disagree with the policy that concessionary places are offered to children who live the further distance from school. This makes no sense at all, never has. School places are awarded to pupils based on being closest to the school so why are concessionary bus places given to those furthest away? We are just outside the catchment area for the primary school my children attend. Yet on occasions children who live a long distance from the school, who have maybe 2 or 3 closer schools, get precedence for the school over my children who live closer.
- I disagree with all as it is unnecessary. The current system is fit for purpose so why even waste money on the consultation? The existing system is fine and, in a time where the council is continually complaining about squeezed budgets and lack of funding and is annually increasing council tax, where will the money come from to pay for this?

- Yes. Transport should be provided to the closest suitable school. This should take into account the latest Estyn reports as a school in special measures cannot be deemed as a suitable choice for any parent. Even if that school is over the county border. You have not made it clear when these policies will come into effect. You should not be able to change the policy for any child who already attends or has been given a place at a school already, as this was taken into account by the parents when they made their application.
- Introduction, para 3 – the last sentence is extremely negative in tone and does not include reference to the appeals process.
- Nearest Suitable or Catchment School – determining factors of school suitability. The list of factors only contains a small number of factors relating to suitability. The legal requirement is that "education or training provided is suitable," the factors identified as "having regard to" are not a limiting list and all factors affecting suitability should be considered.
- The list of factors under "Ability appropriateness" considers Welsh medium or faith schools. These are not measures of ability appropriateness under the Learner Travel (Wales) Measure (2008) they are purely a discretionary decision by the council. The policy states that the council will not consider "the outcome of Estyn inspections" when determining suitability... A school in special measures is defined as "failing to give its pupils an acceptable standard of education" – if this is not a factor in determining whether a school is suitable I would like a full explanation as to why not. The suitability assessment of a school is also missing a range of other factors that should in my opinion be considered (regards The Wednesday principle on judicial review). One specific area that should be considered is whether a child going from primary to secondary school is going from a primary feeder school (as defined in Requirement for the production of Transition Plans and guidance 2006 (2006 No. 12)) to a high school that is not their catchment school.
- The discretionary travel to faith and Welsh medium schools, which is a parental preference, is being provided at the expense of more rural areas of the county where the school provision options are sparse, complex and fragmented.
- The nearest suitable school in an area where there is a complex mix of catchment areas, LEA borders, feeder school status and historical closure of local schools cannot be determined with a simple assessment of distance on a map. There are cases where the catchment school is the furthest school of multiple schools from a household and this policy would provide free transport to the nearest and furthest schools but not those at intervening distances. This has no logical basis, either legally or financially.
- The policy states that "If your nearest suitable school is full, eligibility will be assessed on the basis of the next nearest". This ignores the fact that Monmouthshire CC high school provision is based on the historical expectation that a proportion of children go to a school outside the LEA area. This policy may drive a reactionary response where parents decide to choose their catchment school even though they know it does not have the places available in the hope that this will allow them to get free transport to their second choice school. This could lead to the farcical children closer to the catchment school being given transport to a further away school that wasn't their first choice, whereas children from further away are transported into the catchment school!
- Right to withdraw transport – the policy identifies a number of reasons under which the council can withdraw free transport. One aspect that it does not address is if there is a policy change during a child's educational period (e.g. yr7 to yr11) after they have been awarded free transport under the previous policy. As the policy is a factor in school choice – and may be a driving factor on cost for some families – the council should explicitly state that, once a child has been awarded free transport, then unless their personal circumstances (home address/school) changes

significantly they will continue to receive free school transport until they leave the school system at yr11 (or later if legal requirements change).

- The policy also states that where younger sibling applies to attend the same school, they may not get free transport as the prevailing policy may not be met. Firstly, this infers that if the policy changes then the elder child will continue to keep the transport provision – this is not explicit as noted above. As noted below this does not align well with a range of other council policies and Section 11 as it would mean one child being taken on free transport and the other child being taken by the parents, on the same journey at the same time!
- The policy does not align well with other policies within the council – specifically the Climate and Decarbonisation Strategy v2.0 which includes objectives such as “encourage people to use public transport rather than cars” and “reduce the impact of vehicles”. The school transport policy should consider where there are pockets of children all attending the same school without access to public transport that provision of free/concessionary/discretionary school transport would benefit the child and the local environment. It is surely better to provide a single minibus for two single journeys a day than having 12+ cars making the same journey four times (two return journeys) a day. This would also align with the requirement in the Learner Travel (Wales) measure 2008 Section 11 which requires the Local Authority to promote the use of sustainable modes of travel.
- There is limited information about how/when to apply for transport and how/when individuals will be informed of the decision. Historically the parents of children given transport have been informed late in August which gives very little time to prepare.
- I think parents should have some say about why their child needs to attend a specific school such as the one which is closer is in special measures.
- I believe the following exemptions should be included in the free transport for non-catchment schools.
 - Where the school is closer than the catchment school. (Seems crazy that just because someone drew a line on a map we don't get free transport to a school closer to our home that is more linked to our community).
 - Where a child or their sibling is already receiving free transport (surely you wouldn't expect us to send our 2 children to different schools, or treat our 2 children differently which is probably not in keeping with equal rights legislation)
- Whilst I appreciate that you cannot pay for students to commute from 20 miles away to attend the same school, expanding the transport into neighbouring counties would make it significantly easier for families to adapt to post-covid life as employment locations become more dynamic and less predictable.
- Welsh Language Education - Individuals must have older siblings who have attended high school and there should be no anxiety and stress caused to families.

Q3 – Do you think the proposals will have a positive or negative impact on the welsh language?

We have received the following comments:

- Negative. It will force more children into the Abergavenny high school where welsh language education is already minimal.
- It can only be positive by making transport available to those wishing to attend Welsh medium schools.

- Makes no difference but seems to discriminate against families not sending their children to a Welsh medium school that wish to choose a school closer to where they live.
- Access to Welsh medium education is still available and it seems to take into account that there are no Welsh secondary schools available. Provision of transport to 4 years olds is crucial to ensure reception intake in Welsh medium considering there are only two available in the county. However, there will need to be clear communication with the primary schools and parents/ carers regarding the need to fasten seatbelts and it should be made clear that this policy applies to all children not just 4 years olds!
- Traveling to WLM in the county is difficult as it is. Anything that makes transport seem even more difficult will have a negative impact.
- I believe it will have a negative impact, if children's nearest suitable school, as defined by your policy, is a school on special measures. The school would not have the highest standards in Welsh language either in the teaching or the incidental Welsh that high achieving school would .
- makes Welsh medium school more accessible and also helps a lot with parking at the site, which is non-existent, if more pupils can use the bus.
- There does not appear to be any special consideration for Welsh Medium Schools
- I don't think it will have any impact. If people want their children to attend Welsh schools, then they will sort something.
- I can't see a correlation here, as long as transport to a Welsh Medium schools continue in my area then I see this as a positive.
- Negative 100%. Children already leave the Welsh language school because of the horrendous travelling time whereby the bus travels from Chepstow to Caldicot to Newport, picking up along the route as well. However, the children who go to the faith school in Newport (St Joseph's) have a much smoother transfer. Why
- If you can keep travel times down to 45 mins in the county for primary age children that would be a good start. But ultimately, we were promised a Welsh primary in the Monmouth area for Sep 21 and we still don't have one. That is a major deterrent to more parents choosing a Welsh education for their children
- The proposals will have no impact. They are not changing in effect for families who choose Welsh medium education. The biggest barrier to Welsh medium education is the lack of any provision for Secondary education within a reasonable travelling distance for any family in the East of the county. The transport arrangements for the Welsh medium routes are also inadequate with my child frequently on the bus for an hour in the morning and an hour in the afternoon. This does not set them up well for a day of learning and would be an unacceptable commute for most adults. Address the problems you have now, invest in making the current system acceptable and work for the current demand before you stretch your resources even more thinly.
- The proposed Welsh language education proposal may adversely affect the growth of Welsh language education in the region. In addition this may jeopardize the authority's WESP strategy.
- The authority should prioritise ensuring that transport is available to all ages in terms of Welsh medium education and work with primary and secondary school leaders to map out the need so that all learners have the right to their education through the medium of Welsh.

Q4 – Have you identified any negative impacts on the Welsh language and if you have how can these be mitigated?

- Provide a school as promised.
- You need to sort out the travel time. One bus from Chepstow, one from Caldicot. The children from Chepstow are picked up at 7am/7.10am and don't arrive in school until 8.30am - shocking and completely unnecessary. How can children learn with such long commute times? Children who started the Welsh school have dropped out because of the unnecessary travel time. Others don't even start secondary in the Welsh school because they foresee the long travel times
- Welsh drivers to support the language where possible of children who attend Welsh speaking schools.
- I think such a focus on Welsh Medium school and not that those who were in a Welsh Medium School can actually continue their Welsh in other schools.
- The transport policies need to include clear statements that concessionary applications for transport WILL be provided to Welsh medium. Parents need to know when choosing a school that they are not going to be penalised by choosing Welsh medium at any point in their child's schooling. Parents reading the proposed policy to limit access if journeys extended >60mins, living at the far end of a catchment from a Welsh medium school for A Levels would be concerned that they might be refused transport. The policies need to encourage access to Welsh medium.

Q5 – Do you have any comments about the proposed Transport Policy or any suggestions how it can be improved?

- The clarification around 4-year access is welcome - this has caused huge upset and distress when you have previously denied transport to 4-year olds. You need to make clear the guidance about transport times for all ages and actively invest and seek to comply with this guidance. Be open to discussing changes to routes and pickups where your provision falls outside of this guidance.
- Do not discriminate against dual resident learners. We don't all need legal agreements to co-parent our children.
- The proposed plan appears to me as if it has been drawn up behind closed doors with no one actually carrying out or participating in any of the routes from Chepstow and surrounding areas to the Welsh school in Newport. How do you propose to consider an existing unsafe walking route, to potentially be safe? What is the criteria? What is the council doing to encourage and meet the national strategy of 1m Welsh speakers if they make it as difficult as possible for children to carry on with the Welsh language? How many Welsh language speakers (fluent) have you got who devised the proposed Transport Policy?
- Please reconsider post 16 travel - the children have to be in full time education till 18 so why stop the transport
- Parent perspectives and child perspectives should be taken into account. Children in rural communities are entitled to transport when they live a certain distance away from schools. This shouldn't mean they have limited choice or no choice due to transport dictating where they are able to go. All families including families in rural communities should be able to send their children to a school of their choice within reasonable guidelines. To enforce guidelines that will mean children are given transport to a catchment primary but then have to move to a

different secondary to their peers is unjust and will have a negative impact on mental health and well-being.

- Post 16 transportation and designated pick up points need to be communicated as early as possible as working parents need to plan around this
- Make sure behaviour policies are stuck to, unfair on children who do behave to have to see and listen to bad behaviour daily.
- My daughter has had a different driver every year. I would like to propose they have the same driver where possible for the duration of school. Our kids need to be able to trust someone and having new drivers can cause lots of anxiety for them.
- Keep the policy as it is.
- Concentrate on the core task of getting children to and from school safely.
- For 7 years I have had my eldest child at a primary school for which we are outside catchment. My youngest has attended the same school for 4 years, with 3 more to go. The policy with regards to concessionary places causes problems for parents every year, in particular the policy that we are not awarded a place for up to 6 weeks after the start of the term, and also when we are awarded a place we are charged in full for the whole year despite not having accessed the service for several weeks. I would like to know how you justify taking payment from us for a service you have not provided. The bus drives past us half empty for the first 4-6 weeks of term depending on how quickly you allocate spaces.
- Shockingly expensive at £440 a year
- MCC should be focusing on pressuring the Government to build a railway station in Monmouth and improve bus connections for the county town.
- I am surprised this is being done now so close to the new academic year. Parents find it stressful enough if their child is starting school or perhaps even new school. Not knowing the transport arrangements this close to the start of term adds to this stress
- Stop wasting my money on "initiatives" like this and start spending it where it matters, such as the actual education provision, highways, and pavements, and improving waste/recycling collection services.
- Your policies need to be made more clear and applications for school transport should be answered before the end of the summer term. It is ridiculous having to wait till September to find out if your child has a place on the bus when parents need to plan for this.
- I would say the additional needs parts if we are looking at a statement having to mention a specific school. We did go through all the discussions with **** and CAMHS when looking at the options that best suited **** but never thought we'd have to write that in her statement for the transport.
- Some joined-up thinking of catchment areas and transport proposals would not go amiss. Fiddling with Nationally agreed parameters drawn up to meet affordable guidelines of City dwellers is not necessarily conducive to the correct local outcome.
- Local topography should be taken into account when considering practical help to get children to their local school. Not everywhere is flat and featureless.
- Scrap bus passes for all seniors with cars (inc their partners) and give all pupils and kids up to "1st job level" a bus pass.
- School drop off and pick ups by parents has a very negative impact. Illegal parking, idling engines, congested roads around schools make for an unpleasant environment and experience. I would like a transport policy that did more to help reduce travel miles of parents. Introduction of walking buses from designated

drop off points that avoided the school car run chaos. In the future electric school buses to reduce emissions and provide more transport for children.

- I think that it could be improved by using less links my child will have to catch x2 buses and set out an hour before school starts. The journey direct is no more than 20 minutes.
- It doesn't make sense from a climate change perspective as the end result will be several cars driving children to school when one bus could have taken them all. I would understand if children and parents were making demands to have free transport to a school further away than their catchment school but in our case the school we have chosen is closer than the catchment school and also the school where most of the children from the local primary school have gone on to.