

Report to: Communities Scrutiny Committee

Date of Meeting: 30th June 2016

Lead Member / Officer: Lead Member for Education/Head of Education

Report Author: Head of Education

Title: Review of Home to School Transport Policy

1. What is the report about?

1.1 Review of the Home to School Transport Policy.

2. What is the reason for making this report?

2.1 To consider the impact of the implementation of the new school transport policy from September 2015.

3. What are the Recommendations?

3.1 That Members consider the information provided herein; and

3.2 That Members give approval to update the Home to School Transport Eligibility Policy in light of the information provided.

4. Report details

4.1 Background

4.1.1 At the Freedom & Flexibilities Workshop on 17th June 2014 Elected Members gave approval to undertake a review of the existing School Transport policy. This process resulted in a revised Policy which was implemented from September 2015.

4.1.2 The stated purpose of the review from Freedoms & Flexibilities was to examine the following areas: (1) Ensuring 2/3 mile rule Primary/Secondary is adhered to; (2) Faith/Language Provision; (3) Post 16 Provision; (4) Feasibility of central pick up points; (5) SEN provision (6) Hazardous Routes

4.1.3 This review also recognised financial pressures on the School Transport budget at this time, some of which were attributed to historic anomalies in the services provided; which the review sought to correct. An example of which was the number of journeys where pupils were not attending their nearest suitable school but were still receiving free transport.

4.1.4 Following the review, Members ratified the policy at Cabinet on 30th September 2014, where it was resolved that: *g) an assessment of the*

impact of the review of the policy be conducted and presented to Scrutiny at the end of the first year of implementation.

4.1.5 At the request of Members this review has been drawn forward to this Scrutiny meeting in June 2016.

4.2 Legislative Background to School Transport

4.2.1 The Learner Travel (Wales) Measure 2008 provides the legislative basis for providing school transport. Within this Measure Local Authorities are required to provide free school transport to the nearest suitable school for:

- Primary School pupils if they live more than 2 miles away from a school; or
- Secondary School pupils if they live more than 3 miles away from school.

4.2.2 A definition of nearest suitable school is provided in the Learner Travel Statutory Provision and Operational Guidance June 2014, which complements The Learner Travel (Wales) Measure 2008; an extract of which is shown in Appendix 1.

4.2.3 If pupils live under the distances mentioned in 4.2.1, then within the Legislation they are reasonably expected to walk to school, accompanied as necessary, providing there is a safe walk route available to them. If a safe walk route is not available then the Local Authority will provide free school transport to their nearest suitable school.

4.2.4 The Learner Travel Statutory Provision and Operational Guidance 2014 also includes statutory guidance on risk assessing walked routes to school. Section 1, chapter 5 of this guidance sets out the risk assessment criteria. An extract of this chapter is shown in Appendix 2.

4.2.5 If parents express a preference for admission to a school which is not their nearest suitable school then the Local Authority will not provide free transport; however, parents may pay for concessionary seats on transport provided (within the Authority's closed school contracts), if seats are available. Concessions are not permitted where there is a parallel bus service available. The conditions which apply to concessions under Denbighshire's policy are shown in Appendix 3.

4.2.6 Parents are told during the school Admissions process that free transport will only be available to the nearest suitable school. A map is provided on the Denbighshire website where parents can check which school is their nearest. The following link will take you to the map on the Council's website: <https://maps.denbighshire.gov.uk/mydenbighshire.aspx>

4.2.7 On a discretionary basis the Local Authority will also provide free school transport to the nearest Welsh medium school or Faith based school if this is a parental preference.

4.3 **Response to the Policy Change in 2015**

- 4.3.1 Once notification of the Policy change was sent to parents in early 2015, both Education Support/Passenger Transport received around 250 calls requiring clarification of the change; from a total number transported of 3119 (Primary 584, Secondary 2236 and SEN 299)
- 4.3.2 Following on from these enquiries the Authority received around 35 appeals/complaints from parents regarding the changes made (Appendix 4 shows the appeals process). These primarily related to the removal of feeder taxis and hazardous routes between home and the pick-up points provided. Some of these complaints were escalated to the Local Ombudsman and the Authority responded accordingly.
- 4.3.3 The Authority's position was that parents were responsible for ensuring their children safely got to and from their designated pick-up point, unless there were circumstances which would allow for the use of discretion.
- 4.3.4 Nothing in the Learner Travel (Wales) Measure prevents the Authority from using pick-up points in the way described in the policy, or indeed insisting that it is parental responsibility to ensure they get safely to and from the pick-up points used.
- 4.3.5 In regard to 4.3.3, the Local Authority received a Judicial Review challenge brought at the end of 2015. It contested that the Local Authority had a duty to transport from home to the pick-up point due to hazardous routes.
- 4.3.6 The Authority sought legal counsel in regard to the Judicial Review and they suggested that our policy wording required clarification. Our Legal counsel also advised on circumstances for which the Authority should apply discretion regarding provision of feeder taxis to and from the pick-up point.
- 4.3.7 In light of the guidance provided the Authority re-examined the situation for those who brought the Judicial Review, and also considered other information they now provided regarding their circumstances. These reassessments permitted the Authority to use its discretion in providing feeder taxi services and their services were reinstated.
- 4.3.8 Letters before action were also received from other families who raised concerns regarding their situations. As such the Authority re-examined these cases along with all other previous appeals/complaints to ensure consistency of approach. This process resulted in a number of feeder taxi services being reinstated.
- 4.3.9 Proactively the Authority also wrote to another 165 families who were identified as potentially living on a hazardous route, asking them to apply for transport and provide further detail of their circumstances. This same correspondence was provided in a press release and on Denbighshire's social media.

4.3.10 To date around 85 services have been put in place following these reassessments. As part of this process the number of hazardous routes has also increased to 152.

4.3.11 Guidance has now been issued to clarify the current policy and prevent misinterpretation. This guidance is shown in Appendix 5 and is available on the Authority's website alongside the Policy.

4.4 **Policy Review – Next Steps**

4.4.1 In view of the guidance in Appendix 5, there is now a requirement to update the current policy to incorporate this. There are also some minor updates required within the policy on other unrelated sections.

4.4.2 This process will require the Authority to undertake a consultation exercise with all relevant stakeholders. Any review of the policy will need to be fully completed 12 months before its implementation. The expected time-line for this process is shown below:

- **New policy draft finalised by December 2016**
- **Consultation with stakeholders from January 2017**
- **New policy finalised by June 2017**
- **Ratification by Council of the policy by September 2017**
- **Implementation of new policy from September 2018**

4.5 **Budgetary Implications**

4.5.1 The previous policy revision in 2015 ensured alignment with the Learner Travel (Wales) Measure 2008 and removed historic school transport anomalies. The cost of service was considered as part of this review to ensure school transport was efficient and cost effective. The implementation of pick-up points was part of these efficiency changes, as was ensuring adherence to the nearest suitable school policy.

4.5.2 Now the Authority has clarified certain aspects of our policy within the context of the Learner Travel (Wales) Measure 2008, it has raised the issue of cost of service in meeting these requirements.

4.5.3 Ensuring the school transport budget is scaled correctly to meet the requirements mentioned in this report is of critical importance. The expected budget pressure for 2016/17 is likely to be between 200k and 300k, with the picture becoming clearer once the six monthly position is known. This issue is being assessed with the Head of Finance and once concluded a report will be brought back to Members.

5. **How does the decision contribute to the Corporate Priorities?**

The services described herein are all in support of the priority of "Improving Education".

6. What will it cost and how will it affect other services?

The current budgetary position for School Transport is being investigated. There is an expectation that the cost of service will increase to meet ongoing obligations under the Learner Travel (Wales) Measure 2008.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

This report is defining the review for School Transport. No finalised draft of the Policy is yet available although once completed an Equality Impact Assessment will be carried out before final ratification in 2017.

8. What consultations have been carried out with Scrutiny and others?

This Scrutiny report is the first consultation with Members regarding a Policy update. Consultation with all relevant stakeholders is planned as per the time line shown in 4.4.2 and will be progressed once the policy review process has been agreed.

9. Chief Finance Officer Statement

It is important that the council has the appropriate policy in place and the review will ensure this is so. The financial implications of implementing the policy have been estimated as being between £200 - £300k and will be considered in the budget round, although a more precise estimate will not be available until October/November 2016. It should be noted that while the latest school transport review was highlighted during the 2015 budget process, the transport budget was not reduced as a consequence.

10. What risks are there and is there anything we can do to reduce them?

There may be adverse publicity in updating this Policy, although the amendments are clarifying the obligations under the Learner Travel (Wales) 2008, for which all previous appellants and complainants have already been addressed.

11. Power to make the Decision

The Learner Travel (Wales) Measure 2008

Scrutiny's powers with respect to policy development and review are outlined in Article 6.3.3 of the Council's Constitution.

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