

**Report To:** Communities Scrutiny Committee  
**Date of Meeting:** 2<sup>nd</sup> February 2017  
**Lead Member/Officer:** Lead Member for Education/Head of Education  
**Report Author:** Head of Education  
**Title:** Denbighshire's Draft Home to School Transport Policy

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**1. What is the report about?**

1.1 To update on the review of the Denbighshire's Home to School Transport Policy.

**2. What is the reason for making this report?**

2.1 To allow Members to consider the proposed changes to the Policy.

**3. What are the Recommendations?**

That Members:

3.1 consider the information provided herein and comment accordingly

3.2 support the approach outlined in the new draft policy; and

3.3 support progression to the consultation phase, with the Well-being Impact Assessment being undertaken beforehand.

**4. Report details**

**4.1 Background**

4.1.1 The report to Communities Scrutiny Committee on 30<sup>th</sup> June 2016 provided the full background regarding implementation of Denbighshire's current Home to School Transport Eligibility Policy (Sept 2015). It also highlighted the Judicial Review challenge received in November 2015 and the Authority's response.

4.1.2 As part of the 2015 Policy implementation, Members requested that a review be undertaken after 12 months to assess the implications of the policy change. This review has been completed and a new draft Home to School Transport Policy is available for consultation. This is shown in Appendix 1.

4.1.3 This new draft policy has addressed concerns previously raised by Members, parents and officers. It also incorporates guidance provided by external legal counsel relating to the Judicial Review challenge, as well as guidance provided on the new draft. The wording of the policy has been revised to ensure clarity and that it accurately reflects the Learner Travel (Wales) Measure 2008 (hereafter known as 'the Measure').

4.1.4 Legal counsel has also been sought to ensure the draft policy complements Denbighshire's School Admissions policy, and provides consistency of approach. This guidance has now been incorporated into the draft.

## 4.2 Main Changes to Denbighshire's Home to Transport Policy

4.2.1 The new draft encompasses the core principals and duties in the Measure. The Authority has also considered the issues which have arisen since implementation of the current 2015 Policy. This has resulted in a number of key additions to the new draft which are outlined here.

4.2.2 **Feeder Schools (Sections 2.4 and 3.4)** – Within the Measure Local Authorities are required to provide transport to the 'nearest suitable school' if pupils meet the stated distance criteria:

- 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.

Within Denbighshire it is recognised that there are certain schools which have close relationships with the secondary schools they feed. Strict adherence to nearest suitable school in the current policy has, in certain areas, been raised as a concern and has potentially worked against some of these feeder relationships.

Therefore in the new draft applications for school transport to secondary schools will be based on nearest suitable school or whether the pupil attended a designated Primary feeder school. Transport on the basis of feeder will be provided under discretionary arrangements.

This arrangement is still dependent on the distance criteria in the Measure being met. It is noted that school transport to Primary Schools will continue to be made solely on the basis of nearest suitable school. School Transport to secondary schools made under feeder arrangements must also pass a test of 'reasonableness' - which is as follows; pupils must:

- **Have been attending their nearest suitable primary school from their home location as assessed at the point of admission.**
- **Meet the distance criteria in the Measure for secondary schools.**
- **If learners move house before commencing secondary school, their entitlement will require re-assessment, as per the criteria shown in section 2.**
- **In instances where learners have not attended their nearest suitable primary school by parental/carer preference, section 3.4 will not apply. The assessment of school transport applications will then be based solely on nearest suitable Secondary school.**

The feeder relationships between schools is shown in the appendix of the Policy. This Appendix also shows any other nearest suitable schools, as well as the Welsh Language and Faith status of all schools.

- 4.2.3 Pick-Up Points and Hazardous Routes (Sections 2.9 & 2.10) –** Following the judicial review challenge, the use of pick-up points in relation to hazardous routes was clarified by legal counsel. This guidance directly informed the Authority’s approach to addressing the issues raised under discretionary arrangements. This guidance presently sits alongside the current policy and is shown in Appendix 2 of this report. This guidance has now been absorbed into the new draft to ensure that the Authority’s approach is clear and transparent.
- 4.2.4 Discretionary Provisions (Section 3.11) –** The section covering discretionary arrangements has been strengthened to ensure it is clear when discretion can be applied. This is also linked to the revised Appeals process and is designed to ensure parents/carers highlight their personal situations and circumstances so that they may be taken into account during the appeal.
- 4.2.5 Appeals (Section 7) –** The time scale for appeal has been amended to ensure that all elements of the appeal have been investigated. This extended time scale will also permit a panel of independent officers, from outside of Education Support, to meet and make the final decision. It is also proposed to give parents the opportunity to attend the appeal to deliver their information, or they can submit their supportive evidence in written form.
- 4.3.6 Other Notable Changes:**
- Measurement of Distance (Section 2.5) –** There is now greater clarity regarding how the distance from home to school is measured and the criteria used.
- Parental/Carer School Preference (Section 2.7) –** Strengthening of the statements which ensure that parents/carers consider the implications of school transport before expressing a preference for a school place through the Admissions process.
- Transport for ALN and LAC Children (Sections 2.11 & 2.12) –** Greater clarity around the discretionary arrangements in support of Additional Learning Needs and Looked after Children.
- Dual Residency (Section 2.13) –** This section has been re-worded.
- Post 16 transport / 14.19 learning network (Section 3.5 & 3.6) –** The wording has been slightly amended to more closely reflect the arrangements in place.
- Managed Schools Transfers (Section 3.9) –** This section was amended to ensure that parent/carers engagement has occurred with the school prior to considering the option of transferring. Evidence must be available from the appropriate professionals to enable the Authority to make a decision regarding home to school transport.
- Transport Provision (Section 6) –** This section has been re-worded by Passenger Transport and Education Support to ensure clarity. Behaviour on transport has been strengthened. It specifically includes a statement that parents/carers are expected to support the Authority, schools, transport

operators and staff in maintaining good behaviour' on Council services. This section also includes details of the Monitoring of Service, which will ensure that those travelling are all eligible.

**Links to Relevant Documentation (Section 9)** – This new section has been developed to signpost readers to relevant web pages which contain the legislation and guidance.

**School Bus Travel Behaviour Code (Appendix 2)** – Details of this Welsh Government initiative and guidance is provided in the Appendix.

#### 4.3.7 **Transport to Welsh Language and Faith Schools**

As with the current policy, the Authority will continue to provide free transport to the nearest suitable Welsh Language or Faith school, if this is the parental/carers preference. This is made under the discretionary arrangements in Section 3.

#### 4.4 **Budgetary Implications**

4.4.1 Education Support is working with Passenger Transport on the cost implications of the new draft, particularly the proposed feeder school arrangements. However, as mentioned in previous Scrutiny reports, ensuring that the school transport budget is scaled correctly to meet the statutory requirements is of critical importance. Estimations of the budget pressure for 2016/17 is in the order of £300k.

#### 4.5 **Policy Review – Next Steps**

4.5.1 The revised time line is shown below. The review of the policy will need to be fully completed and ratified 12 months before implementation.

- **New Policy presented to Scrutiny 2<sup>nd</sup> February 2017**
- **Well-being impact assessment concluded by March 2017**
- **Consultation with all stakeholders from March 2017**
- **New Policy finalised by June/July 2017**
- **Policy ratification by Council by September 2017**
- **Implementation of new Policy from September 2018**

4.5.2 It is appreciated that that language in the new draft has to reflect the language used in the Measure; however, Education Support are to develop a Frequently Asked Questions (FAQs) section which will sit alongside the new policy. This will be informed by the outcomes of the consultation. This may also include 'real life' scenarios which reflect application of the policy so readers can easily understand its requirements. As part of this process the views of this Scrutiny committee would be welcomed.

### 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 budgetary implications are being investigated. There is an expectation that the cost of service will increase to meet the statutory obligations under the Learner Travel (Wales) Measure 2008 and the changes in the policy.

**7. What are the main conclusions of the Well-being Impact Assessment (WBIA) undertaken on the decision?**

Well-being Impact Assessment is to be progressed in February ready for wider consultation in March.

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

This Scrutiny report is the second consultation with Members regarding the new draft. Consultation with all relevant stakeholders is planned as per the time line shown in 4.5.1.

**9. Chief Finance Officer Statement**

Elected Members originally agreed to review the Transport Policy at the Freedoms and Flexibilities Members Workshop held in June 2014. The process mentioned here is an extension of this work. Discussions around the appropriateness of the school transport budget are also raised as part of this report.

**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 and responding to issues and concerns previously highlighted in the current policy.

**11. Power to make the Decision**

- The Learner Travel (Wales) Measure 2008
- Section 7.4.1 of the Council's Constitution outlines Scrutiny's powers with respect of policy development and review.

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