

Report to: Communities Scrutiny Committee

Date of Meeting: 9th May 2019

Lead Member/Officer: Lead Member for Education, Children and Young People/
Head of Education and Children Services

Report Author: Education Planning and Resources Manager

Title: Denbighshire's Learner Transport Policy:
Non-Statutory Elements

1. What is the report about?

1.1 Denbighshire's Learner Transport Policy 2018.

2. What is the reason for making this report?

2.1 To provide details of the non-statutory elements within Denbighshire's Learner Transport Policy 2018.

3. What are the Recommendations?

3.1 That the Scrutiny Committee are invited to discuss potential next steps for Denbighshire regarding Learner Transport; giving consideration to the non-statutory transport which the Authority presently provides. It is noted that any changes made in regard to school transport policy are required to be finalised a full school year before implementation.

4. Report details

4.1 Denbighshire's current Learner Transport Policy came into effect from September 2018. The implementation of the policy followed consultation with all stakeholders in 2017 to finalise a full school year before implementation. The policy represents how the Authority discharges its duties under the Learner Travel (Wales) Measure 2008; hereafter known as the 'Measure'.

4.2 The Measure provides the statutory basis upon which all school transport is provided in Wales. Appendix 1 shows details of the Authority's obligations under statute.

4.3 Discretionary Transport

4.3.1 Notwithstanding the statutory elements of the Measure, Local Authorities have the ability to include discretionary elements within their policy. Authorities are also guided to apply discretion, in certain areas, under the Learner Travel Statutory Provision and Operational Guidance, which accompanies the Measure. Where discretion is applied the Authority must clearly outline these areas in their policy. Many Authorities across Wales, Denbighshire included, use discretion to address specific circumstances in their areas. In Denbighshire the policy currently includes

the following discretionary elements shown below. In each case the relevant section in our policy is shown in Appendix 2.

- 4.3.2 **Post 16 Transport** – the Measure requires Authorities to assess the needs of all learners up to the age of 19. However, there is no statutory duty to provide transport for learners who continue post 16 studies in mainstream further education or training.
- 4.3.3 **Faith School Transport** – Denbighshire, along with many other Local Authorities, provides discretionary transport to nearest suitable faith schools, if this is the parents/carers request. The Authority also accounts for transport requests to non-faith schools where parents/carers specifically request not to attend a faith school, if that happens to be their nearest suitable school.
- 4.3.4 **Feeder School Arrangements** – In the 2018 policy revision the Authority sought to support the welfare of learners by including a discretionary feeder relationship from our primary schools to their designated secondary school. This process allows learners to have the choice, during transition to secondary school, of either having transport to their nearest suitable secondary school or the feeder secondary school. In most cases this school will be one and the same; however, in some outlying areas the nearest suitable secondary school may be out to county and some learners did not have the ability to stay with their cohort of friends and receive free transport. There are a number of caveats regarding the use of this discretion. These are shown in Appendix 2.
- 4.3.5 **Promoting Welsh Language** - Under section 10 of the Measure Local Authorities are required to promote access to Welsh Medium education – shown below:

10 Promoting access to education and training through the medium of the Welsh Language - Each local authority and the Welsh Ministers must promote access to education and training through the medium of the Welsh language when exercising functions under this Measure.

This is interpreted across Wales as a requirement to provide free transport to the nearest suitable Welsh medium school, alongside any offer of free transport to the nearest suitable English medium school; whichever is the parents/carers choice. However, both are still dependent on the distance criteria being met.

As section 10 does not explicitly instruct that transport must be provided, this element sits within the Authority's discretionary arrangements since providing preferential transport is how Denbighshire chooses to 'promote access' to Welsh medium education.

- 4.3.6 **Moving Home** - Within the Learner Travel Statutory Provision and Operational Guidance, Welsh Government recommends that during GCSE study learners who move home should continue to receive free transport to their previous school; providing the relevant distance criteria is still met. Where the learner moves to a neighbouring authority, that authority is expected to pay for and arrange the travel.
- 4.3.7 **School Reorganisation** – As part of Denbighshire's Modernising Education programme, the Authority can apply discretion when considering transport for

learners affected by changes. The nature and type of discretion will vary for the individual school circumstances; however, any agreements will be consulted on and documented within the formal school reorganisation process.

4.3.8 Managed School Transfers – The Authority can, in certain circumstances, provide discretionary transport for learners where it is agreed by Education and Schools that a managed transfer to another school is in the interest of the learner. This is also dependent on relevant evidence being available which supports this discretion from both the Authority and the school.

4.3.9 Other Discretionary Provisions – The Authority can apply discretion in other circumstances with the agreement of the Head of Education and Children Services. Such discretion usually relates to specific circumstances e.g. safeguarding, medical, disability etc.; with supportive evidence provided. Where such discretion is applied the Authority records this to ensure consistency of approach.

4.4 Other Transport

4.4.1 SEN Transport – It is noted that alongside the Authority's Learner Transport Policy decisions to provide transport may also be provided on the basis of special educational need (SEN). This follows the guidance provided in the SEN Code of Practice for Wales with separate SEN transport requests processed by the ALN & Inclusion team. Officers are developing further guidance in this area to ensure clarity around when SEN transport is provided, as well as highlighting parental / carer responsibility for sharing relevant information. The full cost of SEN transport is not presented in this report; however an example from one site is shown in Appendix 3.

4.4.2 TRAC and ADTRAC – There are also smaller numbers of learners who are in receipt of transport in support of their needs and the work of these teams.

4.5 Cost of Discretionary Services

4.5.1 Denbighshire's Passenger Transport team are responsible for arranging services for eligible learners. A summary of the costs associated with the discretionary areas mentioned in 4.3.1 to 4.3.5 (for 2017/18) is shown in Appendix 4. The other areas of discretion (4.3.6 to 4.3.9) have specifically not been included as these are either addressing individual circumstances for a smaller number of learners and/or they are more difficult to discern in terms of their percentage of totals costs; or they are shorter term arrangements to address specific needs.

4.5.2 Post 16 Transport Costs (See Table 1 Appendix 4)

4.5.3 Faith Transport Costs (See Table 2 Appendix 4)

4.5.4 Welsh Language Transport Costs (See Table 3 Appendix 3)

4.5.5 Feeder Transport - Prior to the new Learner Transport Policy coming in from 2018, Education Support undertook checks to ensure that learners previously assessed against only nearest suitable secondary school were correctly reassessed. The outcome of this process showed that this change in policy only impacted relatively small numbers of learners. In terms of cost, it primarily appears to have resulted in learners taking seats on services to Denbighshire secondary schools which may otherwise have been empty and available as a concessionary seats. It has also reduced the requirement for the Authority to provide individual services for learners to

other secondary schools, including those out of county. The net effect of this feeder arrangement is therefore expected to continue being low; although a summary of exact cost is not able to be presented here.

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

This associated policy is linked to the priority 'Younger people want to live and work in Denbighshire, and have the skills to do so'.

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

Relevant costs of this service are shown in the appendices of this report.

7. What are the main conclusions of the Well-being Impact Assessment?

A well-being impact assessment has not yet been carried out as this a pre-stage discussion to possible future amendments to the policy.

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

This is a first stage discussion to consider viability of options.

9. Chief Finance Officer Statement

This is a complex area with significant financial implications. Any amendments to policies have to be properly tested to ensure the full cost implications are understood

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

The report does not, at this stage, highlight specific changes. A risk analysis will therefore be completed once potential options have been agreed for further investigation.

11. Power to make the Decision

Learner Travel (Wales) Measure 2008

Scrutiny's powers with respect of policy development and review is outlined in Section 7.4.1 of the Council's Constitution.

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