

Report to	Communities Scrutiny Committee
Date of meeting	12th March 2020
Lead Officer	Karen Evans (Head of Education and Children Services)
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Title	Denbighshire's Learner Transport Policy: Non-Statutory Elements

1. What is the report about?

- 1.1 To provide a summary of the process and outcomes of the Learner Transport Working Group.

2. What is the reason for making this report?

- 2.1 To provide information regarding Denbighshire's Learner Transport Policy: Non-Statutory Elements. The Communities Scrutiny Committee (9th May 2019) requested formation of a Member led Working Group to examine the non-statutory elements in Denbighshire's Learner Transport Policy 2018. The Terms of Reference are shown in Appendix 1.

3. What are the Recommendations?

- 3.1 Scrutiny Members are invited to discuss the details of this report and its recommendations.
- 3.2 Following investigation by the Working Group, the recommendation is that there should be no change to the non-statutory elements presently in the Learner Transport Policy. However, it was suggested by the Chair that the Working Group not be disbanded, and the Authority keep a watching brief over the next 12 months re impact of the Public Service Vehicle Accessibility Regulations (PSVAR); which has had significant bearing on post-16 transport discussions.

4. Report details

- 4.1 In-line with the Terms of Reference, the Working Group were to examine and review the Council's Learner Transport Policy in order:
 - (i) to provide clarity and aid understanding of the Council's annual learner transport budget and the cost of transporting pupils/students and how this relates to:

- statutory and non-statutory transport
- discretionary and non-discretionary transport; and
- enhance members' knowledge of education and learner transport legislation and the impact on the budget;

(ii) to assess the potential impact of withdrawing the provision of free learner transport for pupils/students who access the various non-statutory or discretionary educational elements currently offered (this assessment to include the identification of any risks to the wider education provision in the area and to the skills base required in local economy); and

(iii) to ensure that every pupil/student in the county has fair and equitable access to education provision and is not discriminated against in any way.

- 4.2 Over 3 separate meetings of the Working Group, officers from the Council provided details of the Learner Travel (Wales) Measure 2008, which provides the statutory basis for school transport. The discretionary elements of Denbighshire's own Learner Transport Policy 2018 were then discussed in-turn (see Appendix 2); with the Working Group considering and challenging each of these elements.
- 4.3 The working group considered the financial and contractual implications of these discretionary arrangements and how they impact school transport budgets. Finance and Passenger Transport officers provided summaries in this regard. (See Appendix 3). Any clarification sought in regard to the Legal implications was also provided by Denbighshire's Legal Services.
- 4.4 Specifically in regard to the arrangements for post-16 transport, recent regulation changes in the UK have curtailed the ability of Authorities to make changes in this regard (Summary provided in Appendix 4); specifically around the ability to charge for such discretionary transport. These regulations have also had an impact on the ability to charge for any spare seats on Authority school transport; known as concessionary transport (See Appendix 4)
- 4.5 In November 2019 Welsh Government also issued a notification regarding concerns about Authorities in Wales moving toward charging for post-16 services. They have therefore requested a review of the Learner Travel (Wales) Measure 2008 regarding post-16 provision (See their statement in Appendix 5)

Conclusions and Recommendations

- 4.6 The conclusions of the working group process were as follows:

Discretionary Element	Policy Section	Working Group Outcome
Faith School Transport	Section 3.2	No Change
Promoting Welsh in Education	Section 3.3	No Change
Feeder School Arrangements	Section 3.4	No Change
Post 16 Transport	Section 3.5	No Change
School Reorganisation	Section 3.6	No Change

Moving Home	Section 3.7	No Change
Managed school transfers	Section 3.8	No Change
Other Discretionary Transport	Section 3.10	No Change

- 4.7 The Working Group discussed and challenged the reasons for providing each of the discretionary elements. This included discussion as to the potential impact of the removal of each of them. The reasoning for making no change is shown in Appendix 6.
- 4.8 For the non-statutory elements of transport provided by the Authority there is sound justification for continuing to provide these for the reasons stated in Appendix 6. In specific regard to post-16 transport, there are regulatory limitations on what the Authority is able to change due to PSVAR. For this reason it will be an element which is kept under review.

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

- 5.1 This is associated with 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?

- 6.1 Not applicable, no changes proposed.

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

- 7.1 A well-being impact assessment is not required as this does not relate to a policy change.

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

- 8.1 This is a follow up discussion with Scrutiny following on from the Communities Scrutiny meeting of 9th May 2019.

9. Chief Finance Officer Statement

- 9.1 Although there are no increases in costs as a direct result of this report the overall School Transport budget remains a huge area of concern despite significant investment over recent years and an additional £600k included in the budget recently approved for 2020/21. It is important that all options around non-statutory provision

remain on the table in the medium term and that national and local trends and innovations are monitored.

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

10.1 The report highlights potential risks associated with making changes to the non-statutory elements of the Learner Transport Policy 2018; which have then informed the decision by the Working Group to make no change.

11. Power to make the decision

11.1 Learner Travel (Wales) Measure 2008

11.2 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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