

Report To: Council

Date of Meeting: 4th July 2017

Lead Member / Officer: Councillor Hilditch-Roberts /
Head of Education and Children Services

Report Author: Head of Education and Children Services

Title: Denbighshire's Learner Transport Policy

1. What is the report about?

1.1 To provide feedback following consultation on Denbighshire's new Learner Transport Policy and to seek authorisation to adopt the policy from 1st September 2018.

2. What is the reason for making this report?

2.1 That Members consider the consultation exercise carried out by Education Support and confirm if adoption of the policy can proceed to the next stage with Cabinet.

3. What are the Recommendations?

That Members:

3.1 Confirm that they have read, understood and taken account of the Well-being Impact Assessment (**Appendix 5**) as part of their consideration; and

3.2 - Consider the information provided herein.
- Discuss the specific consultation process; and
- Recommend to Cabinet that the policy be approved.

4. Report details

4.1 Background

4.1.1 A report was taken to Communities Scrutiny on 2nd February 2017 to provide details of the new policy. At this meeting Members supported the approach outlined and authorised Education Support to undertake the consultation phase; with a Wellbeing Impact Assessment being undertaken beforehand. It was also requested that the outcome of the consultation be brought back to a future scrutiny meeting.

4.1.2 A report was therefore taken to Communities Scrutiny on June 15th 2017. The consultation exercise was between 13th March to 30th April 2017. The draft policy and the consultation questions developed by Education Support are shown in **Appendix 1 and 2** respectively.

4.1.3 At the Scrutiny meeting on 15th June 2017 Members resolved

- (i) to confirm that they had read, understood and taken account of the Well-being Impact Assessment (Appendix 5);
- (ii) that Appendix 1 of the draft Policy be amended to include Ysgol Brynhyfryd in the 'other nearest suitable school' column for pupils transferring from Ysgol Carrog and Ysgol Caer Drewyn;
- (iii) that officers develop a procedure by which schools, if they so wish to move from a particular cluster, could engage in a process with the Local Authority to consider their arrangements; and report these findings to the Committee in due course, and
- (iv) subject to the above that Cabinet be recommended to approve the policy for implementation from September 2018 and that its implementation be monitored.

4.2 The Consultation

4.2.1 Requests to participate in the consultation along with relevant documents were sent to:

- All parents of pupils at Denbighshire schools; over 13,000 letters sent
- All Denbighshire head teachers and Governing bodies
- All Denbighshire school business and finance managers
- Head teachers of secondary schools near to the Denbighshire border
- All Denbighshire Councillors
- All Denbighshire Community Councils
- The Head of Education at Wrexham, Flintshire, Conwy, Powys and Gwynedd
- Relevant Diocese representatives
- Local Members of Parliament
- Local Assembly Members
- Denbighshire Unions representatives
- All Denbighshire staff
- Llandrillo and Cambria Colleges
- Pupil consultation via secondary school councils
- GWE
- Sustrans
- Documents were also made available at all Denbighshire Libraries
- Visits to Governing Bodies were arranged on request
- Consultation documents were available on Denbighshire's website
- Notifications were placed on social media

4.2.2 It is noted that prior to sending the documentation out for consultation the name of the policy was amended to reflect the fact that post 16 transport is also covered. The draft policy is therefore called '**Denbighshire's Learner Transport Policy**'.

4.2.3 From the online consultation 64 responses were received. A further 15 responses were received either via post, email or conversation. The individual responses have been assessed and categorised. It is noted that some responses covered multiple issues each of which have been recorded and counted individually. These are shown in **Appendix 3**.

Consultation Feedback

- 4.2.4 The policy was positively received with a number of responses noting that it provides greater clarity on the previous version, and that recognising feeder relationships between schools, and providing free transport on that basis, was a very positive step and supported child welfare.
- 4.2.5 The issue of Welsh school categorisation was raised, particularly in reference to Ysgol Bro Cinmeirch (Pentre Llanrhaeadr). Concerns were expressed that pupils may move to Ysgol Pant Pastynog (Prion) to be eligible for free transport to Ysgol Glan Clwyd (St. Asaph). There were also concerns that such requests for Ysgol Pant Pastynog could be made under Faith based arrangements as it is a voluntary controlled Church in Wales school. However, this would be dependent on places being available; although the Authority would place pupils at the next nearest Faith based school for any such applications made.

Requests were also received to provide Ysgol Bro Cinmeirch with free transport to Ysgol Glan Clwyd on a discretionary basis and/or that the school should become part of the Glan Clwyd cluster.

- 4.2.6 Due to the positive nature of the changes made regarding feeder relations, a number of comments were received regarding the policy coming into effect from September 2017. This predominately related to the fact that some will be paying for concessionary transport in 2017/18 when it may be free from 2018/19. Under legislation changes to the Authority's transport policy cannot come into effect until September 2018.
- 4.2.7 The cost of concessions and/or guaranteed concession was raised. This aspect will be discussed with Passenger Transport to ensure we are benchmarked against other Welsh Local Authorities, although these costs are very much dependant on local circumstances.
- 4.2.8 A number of responses did not agree with some fundamental aspects of the legislative requirements within which the Authority operates; such as nearest suitable school or the rules regarding transport over 2 or 3 miles for primary and secondary respectively. These cannot be changed by Denbighshire.
- 4.2.9 In terms of hazardous routes, a number of comments had recognised that the Authority had positively responded, in this new policy, to the issues raised in 2015. A few had also asked for all routes throughout the County to be assessed and not just when a new transport application is received. Logistically such a request would be difficult to accommodate; however, the Authority has a robust process in place for undertaking assessments on all new routes and we have presently assessed and recorded over 150 hazardous routes.

Responses from School Councils

- 4.2.10 Thanks to colleagues in Denbighshire's 14-19 Network team, facilitated sessions were undertaken with school pupils in 6 of Denbighshire's secondary schools. The

report regarding this consultation is shown in **Appendix 4**.

- 4.2.11 73 responses were gratefully received from these sessions and the process provided an appropriate forum for pupils to voice their opinions. The current policy was well received and many positive comments were received. They also provided some specific comments which mirrored the online consultation, and Education Support / Passenger Services will follow up on and provide feedback to the school councils at a future date.

Other Proposed Changes

- 4.2.12 Following recent guidance received from the Public Services Ombudsman Wales, the appeals process in the new policy will be slightly amended. It is suggested in their best practice guide that it should be 2 stage appeal process with officers assessing the appeal initially and stage 2 being an appeals panel which parents / carers can attend. This process will be adopted in the new Learner Transport Policy.

Summary

- 4.2.13 The process of consultation provided valued feedback on a number of areas. It was viewed as a significant improvement and a more balanced approach to the previous policy.
- 4.2.14 All the individual comments made, and shown in Appendices, have been noted. Some of the suggestions for minor improvements will be incorporated and Passenger Transport has also been notified of any specific issues raised regarding their functions.

4.3 Next Steps

- 4.3.1 Following the consultation phase the original time line required that the policy be finalised by the end of June 2017, with the policy ratified by Cabinet before September 2017. Implementation of the policy could then occur from September 2018.
- 4.3.2 It is proposed that the policy itself and its structure do not need to change following the consultation and that Members give approval for officers to take forward a process to adopt and ratify the policy through Cabinet.

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?

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. As mentioned at the previous Scrutiny meeting, Education Support is working with Passenger Transport on the cost implications of the new draft, particularly the proposed feeder school arrangements. However, ensuring that the school transport budget is scaled correctly to meet the statutory requirements is of critical importance. A potential budget pressure of £300k was highlighted and has been

funded as part of the Council's approved budget for 2017/18. The precise cost however will not become clear until new contracts have been let later in the year.

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

The findings of the Wellbeing Impact Assessment are shown in Appendix 5 and were also provided as part of the consultation process

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

A report was previously brought to Communities Scrutiny in February and June 2017. Council Members were all individually asked to participate in the consultation process.

9. Chief Finance Officer Statement

It is important that the council has an appropriate transport policy in place. Elected Members originally agreed to review the Transport Policy at the Freedoms and Flexibilities Members' Workshop held in June 2014. The revised policy consulted upon is an extension of this work. Additional funding has been agreed as part of the 2017/18 budget though the actual costs will become clearer when contracts are let in the new academic year.

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. The consultation has shown that these changes have been received positively.

11. Power to make the Decision

11.1 The Learner Travel (Wales) Measure 2008

11.2 Section 7.4.1 of the Council's Constitution outlines Scrutiny's powers with respect of policy development and review.

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