

Neath Port Talbot County Borough Council

Education, Skills and Culture Scrutiny Committee

26 July 2018

Report of the Head of Participation – Chris Millis

Matter for: Information

Wards Affected: All Wards

Home to School Transport 2017/18

Purpose of the Report

1. To provide Members' with information on the Neath Port Talbot Home to School Travel Policy 2017. The update report has been prepared to enable Members to be kept updated on the implementation of the Home to School Transport Policy as requested by Members in a previous meeting.

Executive Summary

2. This report provides information on home to school transport arrangements under the 2017 policy. The information relates to one academic year, being September 2017 to July 2018.
3. The new Neath Port Talbot Home to School Travel Policy 2017 was introduced in September 2017 to coincide with the start of the new academic year. This policy provides free home to school travel for those pupils who are eligible under statutory requirements. For those pupils who do not meet the criteria for free school transport, the local authority can, under its discretionary powers, as outlined in Section 6 of the Learner Travel Measure provide free home to school travel for pupils attending both Voluntary Aided (Faith) education and Welsh medium education. This policy provides for

discretionary transport for those pupils attending Welsh medium and Voluntary Aided (Faith) education.

Home to School Transport provided under statutory duty.

4. Those children of compulsory school age who attend their nearest suitable school and who meet the distance criteria are eligible for free home to school travel.
5. Those children who attend their nearest suitable school but where there is no suitable walking route, regardless of distance are eligible for free home to school travel.

Home to School Transport provided under statutory discretion

6. The local authority remains committed to delivering home to school transport arrangements in an effective and efficient way, respecting parents' preferences to seek Voluntary Aided (Faith) education or Welsh medium education for their children. The local authority has been in regular correspondence with Welsh Government as regards its interpretation of the legislation and guidance in relation to home to school transport, specifically in relation to accessing Welsh medium and Voluntary Aided (Faith) provision.
7. The Council, where appropriate, wishes to exercise its discretionary powers under the Learner Travel Measure 2008. Section 10 of the Learner Travel Measure 2008 states that each local authority must promote access to education through the medium of the Welsh language when exercising functions under the Measure. The obligation to promote access to Welsh medium education will be relevant and important when considering the power to provide discretionary travel arrangements to other pupils under section 6 of the Measure.
8. Under the 2017 policy the Council provides free non-statutory travel to those pupils who meet the distance criteria, in the following instances:
 - Pupils attending Welsh-medium schools which are not their nearest suitable school
 - Pupils attending Voluntary Aided (Faith) schools which are not their nearest suitable school.
9. Under discretionary arrangements, pupils aged 16-19 years who meet the distance criteria, may purchase a seat on existing home to school travel routes. These seats may be purchased for the cost of £100. However, the Council will assess whether an establishment provides a reasonable range of courses suitable to the abilities, aptitudes and requirements of an

individual learner. Transport will only be provided to an educational establishment which is not the nearest if, in the judgement of the Council, there is a considerable variation between the learner's course and the course on offer at the nearest establishment.

Background

10. Neath Port Talbot's current Home to School Travel Policy has been in operation since September 2017.
11. There have been 646 applications for free home to school transport made during this period.
12. During this period of those applications that have been declined there have been five appeals that have been made to the Home to School Transport Appeal Panel.
13. The Home to School Travel Policy 2017 reflects the home to school travel duties and requirements that fall to the Council by virtue of the Education Act 1996; The Learner Travel (Wales) Measure 2008; The Learner Travel Statutory Provision and Operational Guidance 2014; The Learner Travel Information (Wales) Regulations 2009; The Safety on Learner Transport (Wales) Measure 2011: and the All Wales Travel Behaviour Code.
14. There have been changes to how transport contracts are procured. A framework has been introduced to give more flexibility when procuring routes. The framework enables operators to submit their documentation once for the four year life of the framework. Operators that have passed the evaluation process are able to bid on contracts that are required after the tender process has been completed to be awarded for periods of up to four years. This has the benefit of continuity for the pupils as previously any routes that are procured outside the tender process could only be awarded for a one year period.

Financial Impact

15. For the academic year 2017/18, the Council provides home to school travel arrangements for approximately 3,518 mainstream pupils through the provision of more than 101 contracted routes and the issuing of public transport season tickets. In addition, the service provides transport for approximately 602 pupils with additional learning needs/special educational needs daily on 205 contracted vehicles.

16. Financial Information - Home to School Travel costs

	Expenditure 2017 - 18	Expenditure 2016-2017
Primary Education - In County	£ 850,748	£796,108
Primary Education - Out of County	£59,653	£65,551
Secondary Education - In County	£1,612,096	£1,753,763
Secondary Education - Out of County	£228,550	£274,178
Special Educational Needs - In County	£2,551,952	£2,331,569
Special Educational Needs - Out of County	£163,358	£216,273
Special Educational Needs Post 16 - In County	£171,569	£164,711
Special Educational Needs Post 16 - Out of County	£11,366	£43,367
Post 16 - Out of County	£0	£3,982
Transport Delivery	£48,237	£55,008
TOTAL COST	£5,697,529	£5,704,510

Equality Impact Assessment

17. The Equality Act 2010 requires public bodies to “pay due regard to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share relevant protected characteristics and persons who do not share it.”
18. A full Equality Impact Assessment was carried out at the time of developing the new Home to School Transport Policy 2017; so that the Council could demonstrate that it has discharged its duty under the Act.
19. The Equality Impact assessment found that there was no evidence to indicate that the policy may result in less favourable treatment for particular groups; give rise to indirect discrimination or more likely to assist or impede in making reasonable adjustments.
20. The Equality Impact Assessment found that the policy will help to remove or minimise any disadvantage; meet the needs of different groups, and encourage increased participation of particular groups. The policy also promotes the understanding of the needs of different groups.
21. This report does not require an Equality Impact Assessment as it provided facts for information purposes only.

Workforce Impacts

22. There are no workforce impacts associated with this report.

Legal Impacts

23. Section 3 of the Learner Travel (Wales) Measure 2008 imposes a duty on local authorities to provide free home to school transport for learners of compulsory school age to their nearest suitable school provided the distance criteria are met.
24. Section 3(6) of the Measure says that a school... “is suitable for a child if the education or training provided there is suitable, having regard to the age, ability and aptitudes of the child and any learning difficulties he or she may have”. The Operational Guidance issued by the Welsh Government makes it clear that whilst parents and learners may express a preference for a particular type or language provision or faith school, the Measure does not

confer on those parents and learners any rights to free transport to their preferred school unless that school is determined by the local authority to be their nearest suitable school and the distance criteria is met.

25. Section 10 of the Measure requires that each local authority must promote access to education and training through the medium of the Welsh language when exercising its functions under the measure.
26. Section 6 of the Measure provides local authorities with the power to provide discretionary transport arrangements for learners who are not attending their nearest suitable school because of language or faith preference.
27. The Welsh Government in its guidance suggests that if the linguistic preference of a parent or learner is for a school which is not the nearest suitable school then the local authority might use the power available in section 6 of the Measure to provide home to school transport.

Risk Management

28. This report is for information purposes only.

Consultation

29. Any change to the Council's current Home to School Travel Policy will be subject to statutory consultation. The Learner Travel Information (Wales) Regulations 2009 requires that any change to the policy must be published before the 1st October of the year preceding the academic year to which the information relates.

Recommendation

30. This report is for information purposes only.

Reasons for Proposed Decision

31. No decision is required as this report is for information purposes only.

Implementation of Decision

32. No decision will be made as this report is for information purposes only.

Appendices

There are no appendices attached to this report.

List of Background Papers

The Education Act 1996

The Learner Travel (Wales) Measure 2008

The Learner Travel Statutory Provision and Operational Guidance 2014

The Learner Travel Information (Wales) Regulations 2009

Officer Contact

Chris Millis, Head of Participation.

☎ 01639 763226

✉ c.d.millis@npt.gov.uk