

Committee: **Education and Learning Scrutiny Committee**

Date of meeting: **Tuesday 14<sup>th</sup> September 2021**

Report Subject: **Home to School and Post 16 Transport Policy Review 2022 - 2023**

Portfolio Holder: **Education Portfolio – Cllr Joanne Collins**

Report Submitted by: **Corporate Director of Education – Lynn Phillips  
Service Manager for Education Transformation and Business Change – Claire Gardner**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
23.8.21	26.8.21	21.09.21			14.9.21	22.9.21		

**1. Purpose of the Report**

- 1.1 The purpose of the report is to seek the views of Education and Learning Scrutiny Committee, in relation to the review of Blaenau Gwent Home to School and Post 16 Transport Policy for the 2022/23 academic session. The Council is required to adopt and publish the policy document by October 1<sup>st</sup> 2021.

**2. Scope and Background**

- 2.1 Councils have a duty to publish their home to school and post 16 transport policies in accordance with section 12(5) of the Learner Travel (Wales) Measure 2008 (“the Measure”), and the Learner Travel Information (Wales) Regulations 2009 (the “Regulations”). The Council’s policy must be made available by the 1st October proceeding the academic year to which the policy relates. Under the Regulations and the Welsh Government’s Learner Travel Statutory Provision and Operational Guidance 2014 (the “Guidance”) the information must be made available:
- 2.2
- a. on the Council’s website;
  - b. to parents on request;
  - c. public libraries; and,
  - d. distributed to parents of pupils who are in the final year of school and may transfer to another school or educational establishment.
- 2.3 The current policy was published on 1<sup>st</sup> October 2020, for implementation from September 2021 for the 2021/22 academic session. Blaenau Gwent County Borough Council is more generous in respect of home to school transport entitlement than the Welsh Government statutory limits. The Council also offer a non-statutory travel grant for post 16 learners of £150.
- 2.4 In December 2020, Welsh Government communicated with Councils throughout Wales, asking for them to participate in a review of the Learner

Travel (Wales) Measure 2008. The purpose of the review is to ensure that it continues to be fit for purpose. Welsh Government indicated that correspondence from members of the public and engagement with stakeholders (including the Children's Commissioner, the Welsh Language Commissioner and the Future Generations Commissioner), highlighted a number of issues with how the Measure currently enables home to school travel across Wales. These include:

- 2.5
  - Concerns regarding child welfare relating to the 2 and 3 mile eligibility thresholds.
  - A lack of direct transport for Post 16 learners.
  - The socio-economic impact of learners having to pay for their transport which was linked to the distance policy contained within the current Measure.
  - The consideration of travel to Faith schools.
  - Ensuring home to school transport provision meets the requirements of learners with Additional Learning Needs.
  - Issues with travel to Welsh-medium schools for all ages within the Measure.
- 2.6 Council responses will be used to build an evidence base that will inform decisions on any recommendations to change the measure. The initial review process concluded in the early spring 2021. No decisions or changes - regulatory or otherwise, have been made by Welsh Government to date. However, should any changes to the Measure will be recommended or taken forward as a result of the review process, these will be subject to further scrutiny and detailed impact analysis before binding changes to the legislation can be made. Please refer to **Appendix 1** for a BGCBC response.
- 2.7 The Welsh Government review is yet to conclude, therefore, the revised policy has been prepared in line with the Learner Travel (Wales) Measure 2008. Any changes – dependent on the associated timeframes, will be dealt with either via an addendum to the proposed policy, or as part of the annual policy review process.
- 2.8 The policy has been reviewed by the Education Transformation, Inclusion and Transport teams, along with Children's Services (please refer to **Appendix 2** for the revised draft document). The changes and additions are detailed in red within the appended policy document. A summary of the changes/additions is as follows:
- 2.9
  - The date has been amended to reflect the academic year to which the policy applies (the academic year proceeding the year within which the policy is published).
  - Section 4.0 'Additional Learning Needs' - has been updated in line with the latest ALN reform developments and learning from the current policy year.
  - Section 8.3 'Permanently Excluded and Managed Move Pupils', along with section 8.9. 'Pupil Attendance' – both have been updated, as per

learning from this policy year, and in order to improve the processing of transport requests.

- Section 9.1 'Transport Entitlement' – has been updated in line with the updates to section 4.0.
- Section 10.2 'Extreme Weather' – has been updated to include 'COVID-19 Emergency Response', and is reflective of the need to follow separate guidance in line with alert level specific changes.
- Section 10.4 'ALN Transport issues and Exclusions' – has been updated in line with the latest ALN reform developments, along with learning from the current policy year.
- Section 10.5 'Safeguarding' – has been strengthened in line with practice and learning from the current policy year.

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### 3. **Options for Recommendation**

3.1 **Option 1:** Education and Learning Scrutiny Committee considers the Home to School and Post 16 Transport Policy 2022/23 (**Appendix 2**), and recommends it to Executive Committee for approval.

3.2 **Option 2:** Education and Learning Scrutiny Committee considers the Home to School and Post 16 Transport Policy 2022/23 (**Appendix 2**) and provides any comments or amendments prior recommending it to Executive Committee for approval.

### 4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 Education is a strategic priority for the Council and key to achieving the outcomes within the Council's Corporate Plan. Home to School Post 16 Transport Policy is an essential component of Education, and seeks to ensuring equality of access to education settings throughout the borough. In addition, implementation of the policy will contribute to the Council's Medium Term Financial Strategy (MTFS).

4.2 The revised policy is fully compliant with section 12(5) of the Learner Travel (Wales) Measure 2008 ("the Measure"), and the Learner Travel Information (Wales) Regulations 2009 (the "Regulations").

4.3 The Welsh Government's Learner Travel Statutory Provision and Operational Guidance 2014 (the "Guidance") requires that the Council's policy must be made available by the 1st October, the year proceeding the academic year to which the policy applies.

### 5. **Implications Against Each Option**

5.0.1 The Council has a statutory responsibility to determine and publish the Blaenau Gwent Home to School and Post 16 Transport Policy by 1<sup>st</sup> October 2021, for the 2022/23 academic session. Any changes made to the policy should take account of the following:

- 5.0.2
- Learner Travel (Wales) Measure 2008 (“the Measure”)
  - Learner Travel Information (Wales) Regulations 2009 (the “Regulations”)
  - Learner Travel Statutory Provision and Operational Guidance 2014 (the “Guidance”)
  - Welsh Government School Admissions and Admissions Appeal Code’s (2013)
  - Blaenau Gwent Welsh in Education Strategic Plan (2017-20)
  - School Standards and Organisation (Wales) Act (2013)

5.0.3 Therefore, if the policy does not progress within the programmed timeframe, the Council will not be compliant with section 12(5) of the Learner Travel (Wales) Measure 2008 (“the Measure”), and the Learner Travel Information (Wales) Regulations 2009 (the “Regulations”). In addition, the Council would fail to take account of the most recent developments relating to key areas of dependency on a local, regional and national basis; i.e. developments aligned to the draft Welsh Government Additional Learning Needs Act, Code and associated regulations, along with the Blaenau Gwent admission policy developments. The results of which may negatively impact upon both service users in terms of service and satisfaction, and services in terms of operational issues and budgetary constraints.

5.1 ***Impact on Budget (short and long term impact)***

5.1.1 The Home to School Transport budget is approximately £2.1m, and the Post 16 budget is approximately £133,290 per annum. Blaenau Gwent Home to School and Post 16 Transport Policy was last reviewed in September 2020 and adopted in October 2020 for implementation in 2020/21 academic session.

5.1.2 The provisional out-turn for home to school transport in 2020/21 is £1.97m (inclusive of staff salaries) and £62,313 for home to college transport. The underspend primarily relates to transport contractors receiving only 75% of the contractual costs during periods of COVID-19 response and school closures. The policy seeks to ensure that there is an appropriate framework to aid delivery; therefore, reducing the risk of overspend relating to issue management etc.

5.2 ***Risk including Mitigating Actions***

5.2.1 If the policy is not taken forward within the specified timeframe, there is a risk that the Council will not be compliant with their statutory duty in respect of home to school transport. Therefore, the policy has been reviewed and is being taken via the Council’s political processes within the required timeframe, to ensure that the publication date of 1.10.21 can be met.

5.3 ***Legal***

5.3.1 The Council have a statutory duty to comply with Welsh Government legislation in line with the administration and review of statutory home to school transport policy arrangements.

- 5.3.2 Following approval, the policy will be translated into Welsh to meet the requirements of the Welsh Language Standards from the Welsh Language (Wales) Measure 2011.

#### 5.4 ***Human Resources***

- 5.4.1 The policy document and associated procedures have been developed by the Education and Environment Directorates, in partnership with the Social Services. The Service Manager for Education Transformation and Business Change and Transport Officer monitor implementation of the policy, and undertake annual reviews in order to inform future policy development.

- 5.4.2 Transport service operations are undertaken by a dedicated team who sit within Community Services - Highways and Development. The team work closely with Education who hold budgetary responsibility for the service and manage policy development and review processes, along with Social Services who review and determine transport arrangements for their clients and families – particularly Children Looked After (CLA) in consultation with the aforementioned Directorates.

- 5.4.3 The Education Directorate Management Team along with Wider Corporate Leadership Team, have a key role to play in ensuring that the policy is effectively implemented and reviewed in accordance with relevant strategy, policy and regulatory frameworks.

#### 6. ***Supporting Evidence***

##### 6.1 ***Performance Information and Data***

- 6.1.1 The Council currently provide free Home to School Transport for approximately 1,330 mainstream pupils each day, via more than 30 established routes. Transport is also provided for approximately 160 pupils via season tickets for public service vehicles. The Council also provides transport for approximately 250 Additional Learning Needs (ALN) pupils on a daily basis. In addition, Council also provides approximately 800 students (Post 16) with assisted transport in the form of a travel grant.

##### 6.2 ***Expected outcome for the public***

- 6.2.1 The policy has been reviewed in order to ensure that there is service user clarity in relation to roles, responsibilities, expectations and awareness. The review process also takes account of key local, regional and national policy and legislative developments. It is therefore anticipated that the existing high levels of client and customer satisfaction will continue, along with improved operational delivery.

##### 6.3 ***Involvement (consultation, engagement, participation)***

- 6.3.1 The policy underwent extensive consultation throughout the summer period 2018, the outcome of which has aided the annual review process in subsequent years, with the distance limits set to remain for the period of the current political administration

6.4 ***Thinking for the Long term (forward planning)***

- 6.4.1 The policy will cover home to school and post 16 transport provision for the 2022/23 academic session. The document takes account of key policy and legislative requirements, and annual reviews will continue to be programmed for the foreseeable future taking on learning from previous years.

6.5 ***Preventative focus***

- 6.5.1 The policy will support the Council to carry out effective home to school and post 16 transport arrangements; whilst mitigating the risk of service and service user conflict, along with complaints and appeals relating to policy gaps and issues.

6.6 ***Collaboration / partnership working***

- 6.6.1 Key management and operational staff across the Council are involved in a detailed review of the document on an annual basis i.e. Education, Social Services and Procurement, along with Community Services - Highways and Development. The review process seeks to ensure compliance with Welsh Government legislation, and ensure that key local, regional, and national policy developments are accounted for, whilst also taking on board learning from the previous academic session.

6.7 ***Integration (across service areas)***

- 6.7.1 The policy is cross-cutting in the sense that it impacts upon Education, Community Services - Highways and Development, Procurement and Children's Services; therefore, service area involvement is key to effective policy implementation.

6.8 ***Decarbonisation and Reducing Carbon Emissions***

- 6.8.1 Home to school and post 16 transport will be considered in line with the readiness assessment process, in order to inform development and delivery of the BGCBC Decarbonisation Plan 2020 – 2030.

6.9a ***Socio Economic Duty Impact Assessment***

- 6.9.1 Please refer to **Appendix 3** for the completed impact assessment. The policy aims to secure equality of access based upon distance, and need in respect of pupils and students with ALN. Therefore, the impact overall is neutral.

6.9b. ***Equality Impact Assessment***

- 6.9.2 A full EqIA was undertaken and presented in line with the statutory consultation in 2018. Subsequently, annual screening assessments are carried out, which determine that there is no adverse impact upon any of the protected characteristics, and a positive impact upon disability, with specialist and bespoke transport arrangements in place for learners whose needs warrant it. In addition, EqIA screening is undertaken on a case by case basis as required. The policy seeks to ensure equality of access to education for Blaenau Gwent learners.

**7. Monitoring Arrangements**

- 7.1 The Blaenau Gwent Home to School and Post 16 Transport Policy is reviewed on an annual basis in line with lessons learned, key policy, strategy and legislative reviews/developments.

**Background Documents /Electronic Links**

- **Appendix 1 – Learner Travel Measure Review – BG Response**
- **Appendix 2 – Revised Policy 2022/23**
- **Appendix 3 – Socio-economic Duty Impact Assessment**