

Committee: **Executive Committee**

Date of meeting: **14<sup>th</sup> September 2022**

Report Subject: **Home to School and Post 16 Transport Policy Review 2023 - 2024**

Portfolio Holder: **People & Education – Cllr Sue Edmunds**

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

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
✓	18.08.22	24.08.22			06.09.22	14.09.22		

**1. Purpose of the Report**

1.1 The purpose of the report is to seek approval from the Executive Committee, in relation to the review of Blaenau Gwent Home to School and Post 16 Transport Policy for the 2023/24 academic session. The Council is required to adopt and publish the policy document by October 1<sup>st</sup> 2022.

**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:

- 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.

2.2 The current policy was published on 1<sup>st</sup> October 2021, for implementation from September 2022 for the 2022/23 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 offers a non-statutory travel grant for Post 16 learners of £150.

2.3 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 was to ensure that it continues to be fit for purpose, following correspondence from

members of the public and engagement with stakeholders (including the Children's Commissioner, the Welsh Language Commissioner and the Future Generations Commissioner) in relation to the following:

- 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.

- 2.4 The initial review process concluded that a wider programme of work is required that encompasses: the consideration of a revision of the Measure alongside work to improve operator provision under the Measure and to consider better integration with related policies such as the needs of ALN pupils and the provision of further education establishments. Furthermore, changes to the measure will have significant cost pressures for local authorities which are currently unfunded. Therefore, no decisions or changes - regulatory or otherwise, have been made by Welsh Government to date. However, should any changes to the Measure 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.
- 2.5 On this basis, 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.
- 2.6 The policy has been reviewed by the Education Transformation, Inclusion and Transport teams, along with Children's Services (please refer to **Appendix 1** 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:
- The date has been amended to reflect the academic year to which the policy applies (the academic year preceding the year within which the policy is published);
  - Section 3.0 'Who qualifies: The Main Criteria – has been updated to allow an element of LA discretion on distance limits up to a maximum of 100 metres in exceptional circumstances and when would be considered to be in the learner's best interests;
  - Section 4.0 'Additional Learning Needs' - has been updated in line with the latest ALN reform developments and learning from the current policy year; and,

- Section 8.14 'Temporary Medical Condition' has been updated to improve the processing of transport requests.

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

3.1 This report will be considered by the People Scrutiny Committee on the 6<sup>th</sup> September 2022 and any feedback will be provided verbally to the Executive Committee

3.2 **Option 1:** The Executive Committee approve the Home to School and Post 16 Transport Policy 2023/24 (**Appendix 1**).

3.3 **Option 2:** The Executive Committee considers the Home to School and Post 16 Transport Policy 2023/24 (**Appendix 1**) and provides any recommendations for change.

### 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 2022, for the 2023/24 academic session. Any changes made to the policy should take account of the following:

- 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 (2022-32)
- School Standards and Organisation (Wales) Act (2013)

5.0.2 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 recent developments relating to key areas of dependency on a local, regional and national basis, i.e. developments aligned to the 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 policy seeks to ensure that there is an appropriate framework to aid delivery of the services. The Home to School Transport budget out-turn position for 2021/22 was £2,135,000 against a budget of £2,110,000.

5.1.2 The Home to School Transport budget is approximately £2.2m for 2022/23, and the Post 16 budget is approximately £136,000 per annum. The Council recently received a number of requests from operators for an increase in the historical contractual rates as a result of the fuel crisis. Therefore, a report was submitted and agreed by the Corporate Leadership Team, to award a temporary uplift of 20% in contract prices to operators to offset the increased cost of fuel rises being experienced. The temporary uplift will be reviewed on a monthly basis in line with changes to fuel price and the additional cost will be funded from specific reserves. This was agreed to ensure continuity of the home to school transport service throughout these unprecedented times. The 20% temporary uplift currently being awarded to contractors as a result of the fuel crisis is currently forecast to cost £0.5m for the full financial year. Fuel prices are starting to reduce, and the uplift will be reviewed in line with reductions in fuel costs, so this pressure may reduce over the remainder of the financial year.

### 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 1.10.22 can be met.

### 5.3 ***Legal***

5.3.1 The Council has 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 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**

The Council currently operates home to school transport provision for both mainstream pupils, and pupils with Additional Learning Needs (ALN) attending special schools and resource bases, via contracted providers. There are currently 31 providers contracted to deliver home school transport for 1,467 pupils, across 92 established routes. The provision of home to school transport changes on a weekly basis in line with demand and new applicants especially in respect of Additional Learning Needs pupils.

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

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)**

The policy underwent extensive consultation throughout the summer period 2018, the outcome of which has aided the annual review process in subsequent years.

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

The policy will cover home to school and post 16 transport provisions for the 2023/24 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***

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***

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)***

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***

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.

6.9. ***Integrated Impact Assessment***

A full EqlA 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, EqlA 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. Please refer to **Appendix 2** 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.

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 – Revised Policy 2023/24
- Appendix 2 – Socio-economic Duty Impact Assessment