



# Draft Home to School/College Transport Policy

Consultation document

15<sup>th</sup> June to 27<sup>th</sup> July 2020

This is a proposed policy for public consultation. The final policy will be determined the Cabinet of Powys County Council.

## Consultation Information

The Learner Travel (Wales) Measure 2008 states that all local authorities have a duty to transport learners to their nearest suitable school if they meet the qualifying distance criteria. The Council's current Home to School/College Transport Policy was approved in 2018, however since its implementation in September 2019, it has become apparent that there is a need to further review the policy to reduce ambiguity in order to ensure that the policy can be applied consistently.

The revised policy has been streamlined in terms of its content and presentation, but the new substantive changes are:

<b>Proposed change</b>	<b>Reason for change</b>
<p>Clarity about the duty to promote Welsh medium provision.</p> <p>According to the Learner Wales Travel Measure 2008, each local authority 'must promote access to education and training through the medium of the Welsh language when exercising functions under this Measure'.</p> <p>This would also mean that, if a learner's nearest catchment school is a Welsh-medium school, then transport would only be provided to that school – the current policy states that transport is provided to the nearest suitable school that provides education in the language of choice.</p>	<p>To comply with the Learner Travel Wales Measure 2008 and the recommendations contained in the Estyn Report of 2019.</p>
<p>Removal of the practice of reimbursing 16 – 19 aged learners who travel out of county to study.</p>	<p>The authority is currently spending approximately £75,000 on travel assistance for learners to travel out of Powys.</p>
<p>Removal of the practice of providing transport following a change of ordinary place of residence for learners in years 10,11,12 and 13.</p>	<p>It is a parental/guardian's choice to change the ordinary place of residence of a learner. The parent/guardian must apply for school transport based on the new place of residence, and the normal eligibility criteria will apply.</p>
<p>Clarified the appeal process to make it clearer.</p> <p>Clarified that it is the Corporate Passenger Transport Unit's responsibility to decide on eligibility for transport in the first instance and not the Principal Officer Admissions and Transport.</p> <p>If an appeal goes to a second stage, then the final operational decision will be made by the Head of Highways, Transport and Recycling.</p>	<p>Since 2019, budget responsibility for home to school transport has moved from the Schools Service to the Highways, Transport and Recycling Service to improve the operational management.</p> <p>To ensure that appeals are not at risk of challenge because of political differences. Individual cases are a matter for operational decision making.</p>

On the 9<sup>th</sup> June 2020, the Council's Cabinet approved carrying out consultation on the draft policy. The consultation will end on **27<sup>th</sup> July 2020**.

Following the consultation, a Consultation Report will be prepared summarising the issues raised during the consultation period and the Policy will be updated as needed. The Consultation Report and the post-consultation version of the policy will be considered by the Cabinet in September 2020.

It is intended that the updated policy will be implemented from September 2021.

If you require a printed copy of this document, or a copy in a different format, please contact the School Transformation Team on 01597 826277, or e-mail [school.organisation@powys.gov.uk](mailto:school.organisation@powys.gov.uk).

## How to respond

To respond to the consultation, you can:

- Respond to our questionnaire online at:  
[www.powys.gov.uk/haveyoursay](http://www.powys.gov.uk/haveyoursay)
- Send us a written response via email or post:  
[school.organisation@powys.gov.uk](mailto:school.organisation@powys.gov.uk)

**School Transformation Team, Schools Service, County Hall, Spa Road East,  
Llandrindod Wells, Powys, LD1 5LG**

Please respond by **Monday 27<sup>th</sup> July 2020**.

## Introduction

Powys County Council (“the Council”) has a legal duty to provide learners of compulsory school age with free transport to their nearest suitable maintained school if they live over the statutory walking distance.

Transport will be provided in accordance with the Learner Travel (Wales) Measure 2008 (“the Measure”)<sup>1</sup> and the statutory guidance issued by Welsh Ministers entitled ‘Learner Travel - Statutory Provision and Operational Guidance - June 2014’ (“the Statutory Guidance”)<sup>2</sup> and the Council’s Home to School/College Transport Policy as set out below. These arrangements apply to learners who ordinarily reside in Powys or those deemed to be the responsibility of Powys local authority.

This policy is aligned with the ‘**Strategy for Transforming Education in Powys**’ that was approved by the Leader of the Council (following extensive public engagement) 14<sup>th</sup> April 2020.

**Note: This information is correct at time of publication but may be subject to change because of changes in the law or Council policy. This policy will be subject to periodic review.**

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<sup>1</sup> Learner Travel (Wales) Measure 2008, <http://www.legislation.gov.uk/mwa/2008/2/>

<sup>2</sup> Learner Travel - Statutory Provision and Operational Guidance - June 2014, <https://gov.wales/sites/default/files/publications/2018-03/learner-travel-statutory-provision-and-operational-guidance-june-2014.pdf>

## **Section 1: Transport for Primary and Secondary Aged Learners** **(Reception to Year 11)**

### **1.1 Legal duties of the Council**

The legal duties of a local authority in relation to school transport, as outlined in the Measure, are as follows:

The Council **must:**

- Assess the travel needs of learners in their authority area
- Provide free home to school transport for learners of compulsory school age attending primary school who live two miles or further from their nearest suitable school
- Provide free home to school transport for learners of compulsory school age attending secondary school who live three miles or further from their nearest suitable school
- Assess and meet the needs of “looked after” children in their authority area
- Promote access to Welsh medium education
- Promote sustainable modes of travel

The definition of a ‘suitable school’ is a school where the education or training provided is suitable having regard for the age, ability and aptitudes of the learner and any learning difficulties he or she may have.

The Council recognises its obligations under the School Standards and Framework Act 1998 to comply with parental preference regarding choice of school. However, where parents/guardians exercise a preference for a school other than their nearest suitable or catchment school, the child/ren will not be entitled to free transport. Parents/guardians must make their own transport arrangements and are wholly responsible for their child’s travel to the school of their choice and all associated transport costs.

Where parents/guardians have shared responsibility for a child and the child has dual residency at both parents’ homes, the Council will provide transport from both home addresses, providing that parents/guardians can provide evidence that the child lives at both addresses and that the child meet the qualifying criteria in 1.2 below.

### **1.2 Qualifying criteria**

Transport will be provided for learners who ordinarily reside in Powys to attend their nearest suitable school or catchment school.

A ‘catchment’ school means the nearest school within a geographic area.

To be eligible for free transport, the learners’ nearest school or catchment school must be:

- The nearest to the learners’ home address and, if so,
- They live more than two miles from their home address for primary school (aged 4 - 11) or more than three miles for secondary school (age 11 to 16)

The distance will be measured from the closest access point on the public highway (which could include footpaths and bridleways) to the learner’s ordinary place of residence which is nearest to the school and measured to the nearest school gate. A footpath or bridleway will be considered suitable if it has a stone or tarmac surface. Any other surface will only be

considered if it can be walked in normal school footwear. The measurement will be made using the Council's Geographical Information System (GIS).

Under section 3(7) of the Measure, the walking distance should be measured by the "shortest available route". A route is considered to be available if it is safe (as far as reasonably practicable) for a learner without a disability or learning difficulties to walk the route alone, or with an accompanying adult if the learners age and levels of understanding requires this.

If a route is not 'available' and there is no alternative 'available' walking route within the respective distance threshold applicable to the learner's age which can be used instead, as prescribed within Section 3 of the Measure, the learner cannot be expected to walk to their nearest school, even though the distance from home to school is less than the distance limit that applies to the learner's age.

### **1.3 Looked After Children**

It is the parental responsibility of the Council to determine which school a looked after child should attend. This might be a school that is not than their nearest or catchment school for specific reasons: e.g. priority to maintain continuity in their education or contact with siblings and friends. Subject to the Looked After Child meeting the same distance criteria, free school transport will be provided to the school of the Council's choosing.

### **1.4 Learners with SEN/ALN**

The Council will make suitable and relevant educational provision for all children with additional learning needs to ensure they are able to develop to their maximum potential.

The level of transport need is assessed by relevant professionals in the Council's education department, and this informs the type of transport provided. Transport will then be provided in line with the advice given and reviewed on an annual basis.

If a child has a statutory plan, school transport may be included as part of the non-educational provisions made for the child as part of their plan. If it is, then transport will be provided. However, free transport will not be provided if parents/guardians exercise their right to preference of school which is not the nearest suitable school named in the statutory plan. (See Admissions Policy).

If school transport is not included in a child's statutory plan, or if a child does not have a statutory plan, then they may still be entitled to transport under the policy, provided that the school they are attending is the nearest appropriate school, subject to the eligibility criteria being met (See Admissions Policy).

Where the Council arranges transport for learners to attend special school / specialist centre attached to a mainstream school, it will do so ensuring that the learner(s) will have an appropriate journey time for the school they are attending. There are no specific set journey times, but the learners age, disability or learning difficulty will be considered when arranging their transport.

Passenger assistants may be provided on some vehicles. This will be determined following an initial travel needs application/assessment and risk assessment where necessary.

## **1.5 Method of transport**

For primary-aged learners who meet the qualifying criteria, dedicated school transport vehicles will be provided. Wherever required, dedicated school transport vehicles will carry primary, secondary and post 16 learners together. Primary-aged learners will not be transported on public transport services.

For secondary-aged learners who meet the qualifying criteria, where public transport is available this will be used as first choice and a bus pass will be issued. Where no public transport is available, dedicated school transport will be provided.

## **1.6 Schools that are over-subscribed**

When the nearest suitable or catchment school is full and unable to admit a learner, free transport will be provided to the next nearest suitable school that has room to take the learner, as long as the learner qualifies for free transport. If a learner has been refused a place at a school through an admissions appeal, then free transport will be provided to the next nearest suitable school that has room to take the learner, if the learner qualifies for free transport.

## **1.7 Closure of school/school reorganisation**

If a decision is made to close a school following a statutory school reorganisation process, then free transport will be provided to the nearest suitable school, but only as long as the home address is two miles or three miles (as appropriate) or more away from that school.

When a new school opens, free transport will only be provided to that school if it is the learner's nearest school and the home is two miles or three miles (as appropriate) or more away from new school.

## **1.8 Safety**

The Council is subject to a legal duty to assess the travel needs of learners who walk to school under Section 2 of the Measure. For learners who do not meet the qualifying distance criteria shown in Section 1.2 of this Policy, the Council may provide transport to the nearest school if the route is deemed hazardous.

Hazardous routes are assessed by an appropriate officer in the Corporate Passenger Transport Unit and they will follow the Statutory Guidance.

Parents/guardians must apply, in writing, to the Corporate Passenger Transport Unit - [buses@powys.gov.uk](mailto:buses@powys.gov.uk) - stating their reasons why they believe the walked route is unsafe.

## **Section 2: Discretionary Travel Arrangements**

The Measure gives local authorities power under Section 6 to make discretionary arrangements for learners who would not otherwise qualify for free school transport.

This discretion will be operated in accordance with Measure and the Statutory Guidance and this will apply to any arrangements that the authority thinks fit to facilitate the travel of learners to and from a place of education and learning.

### **2.1 Welsh Medium**

In order for the Council to comply with Section 10 of the Measure, which states that each local authority must promote access to education and training through the medium of the Welsh language, the Council will make an exception to the qualifying criteria if your child attends a Welsh medium school, and the chosen school isn't the nearest to their home address.

Free school transport is only available if your child lives over the minimum distance from the school shown in 1.2.

In a dual stream school, if a learner moves from a Welsh medium stream to an English stream, and that school is not their closest English medium school, transport will be withdrawn.

### **2.2 Transport for 16-19 learners**

Free transport is made available for full-time learners who live 3 miles or more from their nearest secondary school or further education college site within Powys providing education for 16-19 year olds.

The nearest further education college site is defined as the nearest Powys site to the learner's ordinary place of residence. The authority will not provide transport for learners to attend out of county establishments providing education for 16-19 year olds.

Through the collaborative arrangements put in place to ensure that all learners are able to access a local curriculum that meets the minimum entitlement as required by the Learning and Skills Measure (Wales) 2009, the Council considers that all its secondary schools offer a relevant and adequate range of post 16 provision.

In order to access the full range of A level subjects on offer, transport will be provided to those learners whose ordinary place of residence is within the county of Powys to access the school(s) where their A Level subjects are being delivered, subject to the standard distance qualifying criteria being met.

### **2.3 Transport related to learner referral services**

Learners who access the Pupil Referral Unit (PRU) or who follow an alternative curriculum may need to travel to different centres for provision during the week. Under these circumstances, the Council will provide free transport to the centres attended by a learner on a weekly basis, subject to the standard distance qualification criteria.

Where free school transport is in place, learners accessing the PRU will normally be expected to travel on mainstream school transport where appropriate. Other specific

arrangements based on an individual learner's needs will be decided by the Powys Inclusion Panel.

#### **2.4 Transport related to permanent exclusions and managed moves**

The Council will provide transport for permanently excluded learners or learners subject to managed moves who meet the standard distance qualification criteria to enable them to attend the nearest appropriate alternative school identified by the Council.

#### **2.5 High school induction days**

Year 6 learners who will be transferring into Year 7 in September are able to make use of existing school transport if they meet the standard distance qualifying criteria for secondary-aged learners when attending induction days if a seat is available on a bus.

#### **2.6 Special arrangements for learners with short-term medical needs**

Consideration will be given to provision being made for all learners with a short-term medical need for transport because the nature of the medical condition severely impacts upon their mobility (e.g. a broken leg), not just those who qualify for transport on distance. In all instances, transport will only be provided to the nearest school.

Requests, supported by evidence of the medical need for transport from a medical professional, should be made in writing to the Corporate Passenger Transport Unit or by e-mailing [buses@powys.gov.uk](mailto:buses@powys.gov.uk). Provision will be reviewed on a termly basis or earlier if necessary.

#### **2.7 Transport for those who do not meet the standard qualifying distance criteria**

Consideration will be given to provision being made for those learners who attend their nearest suitable or catchment school but do not qualify for free school transport under the distance criteria. Where public transport can meet their needs, learners will be made aware of this and they can access the service bus upon payment of the appropriate fare. Where no suitable public transport provision is in place, the Council may provide a permit for a seat on a dedicated school bus (if one is available) subject to the appropriate fee being paid and the vehicle meeting the requirements of The Public Service Vehicles Accessibility Regulations 2000 (PSVAR). The seat will only be available on a temporary basis and may be withdrawn at any time at the discretion of the authority e.g. when seats become unavailable. This could take place at short notice and responsibility for transport then reverts to the parents/guardians.

#### **2.8 Transition Arrangement**

The following transitional arrangements will apply to enable existing learners to complete their education:

- For primary aged learners (ages 4 to 11): until they complete the end of their primary school or they leave their school
- For secondary aged learners (ages 11 to 16): to the end of Key Stage 4 (statutory school age) or until they leave their school
- To the end of Key Stage 5 (aged 16 to 19) for a learner in Years 12-13.

Where the policy changes and transition arrangements are put in place for learners, any applications for transport for younger siblings will be considered under the new policy and they will not be granted a place on transitional transport with their brother or sister.

## **Section 3: General Transport Matters**

### **3.1 Seat Belts**

In accordance with the Travel Behaviour Code, learners are expected to wear a seat belt.

### **3.2 Provision of passenger assistants on transport**

Passenger assistants are not normally provided on transport to mainstream schools. The need for a passenger assistant on a vehicle to support an individual learner will be decided following completion of a risk assessment by the Council.

Passenger assistants will be provided on vehicles to supervise learners on their journey to and from certain ALN schools / specialist centres attached to mainstream schools based on the learner's specific needs. In most cases the need will be established during the statementing/review process and will be in accordance with the needs of the learner. For learners that require individual transport, the provision of an assistant is qualified through the transport application form where officers identify the need and, where applicable, with key stakeholders. The requirements will be confirmed by the Council's ALN Manager.

### **3.3 Journey times**

In assessing the travel needs of learners, the Council will consider the fact that travel arrangements must be safe and reasonable.

In accordance with the Statutory Guidance, the Council will aim to ensure that, except in exceptional circumstances, a learner being transported to their nearest suitable or catchment school/site will have an appropriate journey time for the school they are attending, and the geographical area they live in.

### **3.4 Behaviour**

This policy is aligned with the All Wales Travel Behaviour Code and as such, by applying for free / discretionary school transport learners will be expected to follow the Code.

Parents/guardians are therefore encouraged to make themselves aware of the All Wales Travel Behaviour Code by following these links:

- <https://gov.wales/sites/default/files/publications/2018-03/wales-travel-behaviour-code-a4.pdf>
- <https://gov.wales/sites/default/files/publications/2018-03/school-bus-travel-behaviour-code-a4.pdf>

### **3.5 Cameras**

CCTV will be installed in some contracted vehicles to ensure the safety of passengers and drivers and to identify individuals who demonstrate unacceptable behaviour. Where CCTV is used, learners will be made aware that recording services are in operation, including details around the confidentiality, use, storage, and retention of images.

### **3.6 Pick up points**

It is not always possible to arrange the routes of vehicles to pass close to the home of all learners. Parents/guardians may therefore be required to make their own arrangements for their children to get to and from the nearest 'pick-up' point of the vehicle, which is the parent/guardian's responsibility. Every effort is made to keep this distance to a minimum and it should not exceed one mile. In these instances, the assistance of parents/guardians in escorting learners safely to and from vehicles is sought.

### **3.7 Change in school session times**

Under the Changing of School Session Times (Wales) Regulations 2009, where the Council considers that a change in school session times is necessary to make travel arrangements more efficient or effective, or sustainable, it will undertake appropriate consultation to change the time a school's first (morning) session begins and its second (afternoon) session ends.

### **3.8 Safeguarding**

Required safeguarding checks (enhanced DBS clearance) will be undertaken by operators on all bus drivers, taxi drivers and passenger assistants every 3 years.

All drivers are required to undertake safeguarding training with the Council. They also complete online training through the NSPCC. During the tendering process, all contractors must evidence that they adhere to a safeguarding policy.

### **3.9 Adverse weather**

During periods of adverse weather, the Council or contractor may suspend free transport provision. Every effort will be made to contact parents/guardians to inform them of school closures. Where learners need to be transported home earlier than the normal closing time, the school will contact parents/guardians to inform them of the school's closure to ensure the safety of learners after they leave the school. Where parents/guardians transport learners who would normally travel on transport to school in the morning, they are responsible for collecting them at the end of the school day.

### **3.10 Payments to parents/guardians**

In remote areas where it would not be viable to the Council to provide transport to qualifying learners, agreement may be sought for parents/guardians to transport their child/ren to/from school on payment of an agreed fuel allowance rate. Such cases will be considered on an individual basis and arrangements will be reviewed regularly.

### **3.11 Complaints**

All complaints regarding transport from learners, parents/guardians, members of the public, drivers, etc. will be investigated.

Any concerns or complaints regarding learner behaviour, drivers, passenger assistants or vehicles should be made, as soon as possible after the incident, to both the school and the

Corporate Passenger Transport Unit, County Hall, Llandrindod Wells, LD1 5LG, by emailing [buses@powys.gov.uk](mailto:buses@powys.gov.uk).

### **3.12 Contract Compliance**

In addition to statutory vehicle safety checks, the Council will, on unspecified days, undertake random checks on Council-contracted vehicles to ensure that contracts are being complied with.

### **3.13 Appeals procedure**

Entitlement to free school transport will be decided by an officer in the Corporate Passenger Transport Unit. Where a request is refused, parents/guardians will be advised of the reason(s) not to award free transport.

If a parent/guardian is not satisfied by the decision of the of the Corporate Passenger Transport Unit, then they can challenge the decision using the following appeal process:

- **Stage 1:**  
In the first instance, parents should put in writing the details of an appeal with any supporting evidence. This appeal should be sent either by letter or email to the Senior Manager Corporate Fleet & Transport, Corporate Passenger Transport Unit at County Hall, Llandrindod Wells, LD1 5LG / [buses@powys.gov.uk](mailto:buses@powys.gov.uk). Confirmation of receipt of the appeal will be sent to the parent within five working days and a formal response will be sent to the parent within twenty working days of receipt of the appeal.
- **Stage 2:**  
If the parent/guardian is not satisfied by the decision of the Senior Manager Corporate Fleet & Transport, an appeal can be made within 14 working days of the date of the Stage 1 appeal response letter in writing to the Head of Highways, Transport and Recycling. Confirmation of receipt of this second appeal will be sent to the parent/guardian within five working days. The parent/guardian will be invited to an appeal hearing. The appeal will be heard by the Head of Highways, Transport and Recycling who will make the final decision.

The decision at all transport appeals are heard and decided upon on a case by case basis.

If a parent/guardian remains dissatisfied with the outcome of an appeal after the second stage of the process, then they are able to raise a complaint with Public Service Ombudsman for Wales, 1 Fordd yr Hen Age, Pencoed, CF35 5LJ or <https://www.ombudsman.wales/>

There is also a right of appeal on a point of law by way of Judicial Review. This right must be exercised within six weeks of the decision.