



## **CABINET – 24<sup>TH</sup> JULY 2024**

**SUBJECT: HOME TO SCHOOL TRANSPORT CONSULTATION**

**REPORT BY: DIRECTOR OF EDUCATION AND CORPORATE SERVICES**

### **1. PURPOSE OF REPORT**

- 1.1 To seek Cabinet's approval to commence a formal consultation with all relevant stakeholders and interested parties, in respect of a change to the provision of mainstream school transport.

### **2. SUMMARY**

- 2.1 At a special meeting on 24<sup>th</sup> February 2024, Cabinet endorsed the 2024/25 budget proposals based on the Welsh Government (WG) Financial Settlement for 2024/25. The report provided to Cabinet outlined a savings requirement of £45.213m for the two year period 2025/26 to 2026/27
- 2.2 In order to address this huge funding gap, a programme of transformation has been established to address the significant financial challenges the council is facing.
- 2.3 The Customer Journey element of the Transformation programme was tasked with evaluating a number of services including Home to School Transport.
- 2.4 The Council currently provides a high level of discretionary transport, well above the statutory requirements. This report seeks to consult on the potential removal of the discretionary mileage element for mainstream provision to bring it in line with relevant statutory distance criteria which would result in a large financial saving for the authority.

### **3. RECOMMENDATIONS**

- 3.1 That Cabinet:
- 1) agree to consult for a six-week period all relevant stakeholders and interested parties on the provision of transport in line with the relevant statutory distance criteria as set out by Welsh Government for all learners (English medium, Welsh medium and Faith schools, both Primary and Secondary phase)
  - 2) receive a further report outlining the results and feedback from the consultation,

an updated Integrated Impact Assessment and any other relevant information prior to making a determination

#### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 Home to School Transport is currently provisionally overspent by £1.42m (2023/24). Over the next 3 years, the Council is facing a cumulative shortfall of £45.213 in its budget.
- 4.2 To set out a proposal for a formal consultation in relation to Home to School Transport to be provided in line with relevant statutory distance criteria to be implemented in the 2026/27 academic year.
- 4.3 To continue to provide discretionary Home to School Transport for learners who reside beyond the 2-mile distance criteria for under statutory school age, subject to the vehicle having spare capacity and beyond the 3-mile distance criteria for post-16 learners.
- 4.4 There will be no change to the provision of transport for those with Additional Learning Needs.
- 4.5 To ensure that the proposed consultation and any implementation is undertaken efficiently and effectively in accordance with the Council's policies and procedures.

#### **5. THE REPORT**

- 5.1 At a special meeting on 24<sup>th</sup> February 2024, Cabinet endorsed the 2024/25 budget proposals based on the Welsh Government (WG) Financial Settlement for 2024/25. The report provided to Cabinet outlined a savings requirement of £45.213m for the two-year period 2025/26 to 2026/27.
- 5.2 The Council's Mobilising Team Caerphilly transformation programme has been established to address the significant financial challenges the Council is facing. As part of the Service Transformation Programme, Home to School Transport has been identified as an area of particular concern. As such, this report outlines an option to reduce the overall cost of Home to School Transport in line with statutory guidance.
- 5.3 Currently the Council provides generous home to school transport; far in excess of the statutory minimum. Caerphilly is currently one of only 3 local authorities in Wales providing transport above the statutory minimum. One of the remaining 3 local authorities has recently taken the decision to reduce provision to statutory minimums from September 2025.
- 5.4 The Council currently transports approximately 7784 learners per day, which consists of mainstream learners, College students and pupils with Additional Learning Needs (ALN). This transport provision is provided in the form of contracted coaches, minibuses, Taxis and public transport.
- 5.5 Since the Covid-19 pandemic and conflict in Ukraine bus operators have experienced significant increases in operational costs e.g. fuel, parts, wages etc. These costs have naturally impacted the viability of school bus routes and the affordability to operate them at pre-pandemic rates. As a result, the Council has uplifted its current contract

rates significantly to match industry demand and continues to receive tender bids for new/replacement routes far in excess of those received prior to March 2020.

5.6 The Council's Home to School Transport costs have increased from £6,400,000 in 2015 to £10,786,842 in 2024.

**5.7 Current Provision**

The Council currently provides Home to School transport for approximately 5548 mainstream pupils and 1736 College students each day through the provision of more than 165 routes. This transport is provided through the provision of contracted coaches, minibuses, and public transport passes.

5.8 The table below outlines the current contracted mainstream and college bus transport provision.

Number of learners carried by contracted bus	5259
Number of school/college bus routes	102
Number of buses in operation	61
Average number of learners per route	51
Overall % of vehicle capacity utilised	83%
Number of learners carried by public transport	1653

5.9 The Home to School Transport budget for 2024/25 is £9,377,057

5.10 The Council is currently exercising its discretionary powers under the provisions of the Learner Travel (Wales) Measure 2008 to provide a more generous offer to learners. The comparison to the statutory requirements is outlined below.

**English Medium Provision**

School Year	User	Statutory Requirement	Current Provision in Caerphilly
Early Years and Nursery (aged 3 to end of term in which child turns 5)	Under compulsory school age	No statutory provision	Concessionary free transport provided for pupils attending full time if they reside 1.5 miles or further to their catchment or nearest suitable school, this is solely dependent on there being spare vehicle capacity.
Reception to Year 6 (aged 5 to 11)	Statutory school age receiving compulsory primary education	Transport provided if they reside 2 miles or further to their nearest suitable school	Free transport provided if they reside 1.5 miles or further to their nearest suitable school
Year 7 to 11	Statutory school age receiving	Transport provided if they reside 3 miles	Free transport provided if they

<b>School Year</b>	<b>User</b>	<b>Statutory Requirement</b>	<b>Current Provision in Caerphilly</b>
(aged 12 to 16)	compulsory secondary education	or further to their nearest suitable school	reside 2 miles or further to their nearest suitable school
Year 12 and above (aged 16+)	Post-16 learners (non-statutory education)	No statutory provision (although there is a duty to assess needs)	Free transport if reside 2 miles or to their nearest suitable school or college at which the approved course of study they wish to follow is offered (full time attendance) – for 2 years after the end of compulsory education (or 3 years for those who have reached 19 but started a course when under 19 and continue to attend that course).

### Welsh Medium Provision

<b>School Year</b>	<b>User</b>	<b>Statutory Requirement</b>	<b>Current Provision in Caerphilly</b>
Reception to post-16	Learners selecting Welsh medium provision	Statutory provision is an issue of interpretation – Measure does not require provision where learner selects a school that is not the nearest 'suitable school'.	Allows learner to select their nearest 'suitable school' in accordance with choice of English or Welsh Medium language. Therefore, distance provisions apply as per English Medium Provision

### Faith School Provision

<b>School Year</b>	<b>User</b>	<b>Statutory Requirement</b>	<b>Current Provision in Caerphilly</b>
Reception to post-16	Learners selecting a school in accordance with	Statutory provision is an issue of interpretation –	Allows learner to select their nearest 'suitable school' in

School Year	User	Statutory Requirement	Current Provision in Caerphilly
	their religious denomination	Measure does not require provision where learner selects a school that is not the nearest 'suitable school'.	accordance with their preferred religious denomination. Therefore, distance provisions apply as per English Medium Provision

5.11 As outlined in 5.3 above, the provision of free Home to School Transport in Caerphilly compares favourably to almost all other authorities in Wales.

#### 5.12 **Proposal for Consultation**

5.13 It is recommended that mainstream English, Welsh and Faith primary and secondary school and college transport is provided in line with statutory distance criteria.

5.14 Transport for all primary school pupils living between current discretionary distance of 1.5 miles and statutory distance of 2 miles would no longer be provided. Free transport for pupils living further than 2 miles away would continue, including where pupils attend Welsh or Faith schools because of parental/carer/learner preference.

5.15 Transport for all secondary school pupils living between current discretionary distance of 2 miles and statutory distance of 3 miles would no longer be provided. Free transport for pupils living further than 3 miles away would continue, including where pupils attend Welsh or Faith schools because of parental/carer/learner preference.

5.16 This has the potential to deliver recurring savings of approximately £1.5m in a full year.

5.17 This proposal (5.13-5.16) will form the basis of the consultation. Any subsequent revisions to the policy would then be implemented for the 2026/27 academic year. The consultation will run for a period of 6 weeks commencing 16<sup>th</sup> September 2024.

5.18 This will deliver a financial saving whilst maintaining all other elements of discretionary provision. It will also assist in addressing increasing concerns about market stability in respect of Home to School transport provision. It is anticipated that it would also encourage more pupils onto public transport which would help sustain public transport services, albeit it is acknowledged that for younger pupils there may be safeguarding considerations.

5.19 The proposed alterations will still mean that:

- learners will continue to be able to select their 'relevant' school in accordance with their preference of English medium, Welsh medium, or faith school.
- Provision of transport for children under statutory school age (dependent on spare vehicle capacity) and for children post-16 will continue.
- Provision of transport for learners with Additional Learning Needs will continue.

5.20 Furthermore, with the electrification of valley lines and improved frequency of services via the South Wales Metro, pupils will have access to improved rail services and integrated public transport network. It will, however, mean that approximately 2600 pupils will no longer receive access to free Home to School transport. From an educational perspective, this raises potential issues in respect of pupil attendance and learner engagement in education should the Council's policy be amended in this way. This is a potential risk given the strong correlation between learner attendance and outcomes, and the continued impact of the pandemic on attendance rates at a local, regional, and national level.

5.21 The Council will continue to meet the requirements of the Learner Travel (Wales) Measure 2008, with 20 of the 22 Council's in Wales already adopting the statutory distance requirements.

5.22 If implemented, this will deliver savings of c. £1.5m per year, which would be fully realised in the 2026/27 financial year.

**5.23 Proposed Amended Home to School Transport Policy**

Whilst the Council has chosen to make use of its powers to provide discretionary transport arrangements to date, it also has the power to remove this provision at a later date.

5.24 In doing so, the Council should follow the correct procedures in line with its relevant policy protocols.

5.25 If the Council does decide to change or remove the discretionary transport provision it provides, it must publish the information before 1 October of the year preceding the academic year in which the changes will come into force.

5.26 Therefore, subject to Cabinet ultimately determining that the Home to School Transport Policy needs to be amended, it is proposed that the new policy would be implemented from the start of the 2026 - 2027 academic year and published prior to 1<sup>st</sup> October 2025.

5.27 Should Cabinet determine to progress with the proposed new Home to School Transport Policy, it would be proposed that the Council's current discretionary distance eligibility criteria for Home to School transport, as set out in the table at paragraph 5.10 above.

5.28 The Council would continue to provide all other areas of its discretionary transport provision in excess of the current minimum Welsh Government statutory requirement, as demonstrated in the table below:

<b>Service Provision</b>	<b>WG Statutory Policy</b>	<b>Caerphilly Proposed Policy</b>
Primary School Distance over 2 miles	✓	✓
Secondary School Distance over 3 miles	✓	✓
Early Years and Nursery over 2 miles (age 3 to end of term in which child turns 5)	✗	✓

		(dependent on spare vehicle capacity)
Transport to nearest suitable Faith School (Primary over 2 miles and Secondary over 3 miles)	x	✓
Transport to nearest suitable Welsh Medium School (Primary over 2 miles and Secondary over 3 miles)	x	✓
Post 16 Education Transport over 3 miles (6 <sup>th</sup> form or College)	x	✓

5.29 Learners will continue to be able to select their nearest 'suitable school' in accordance with choice of English or Welsh Medium language or preferred religious denomination.

5.30 The same age and distance criteria apply to children looked after as to children who are not looked after. If the Council determines that a child looked after should attend a school other than the nearest suitable school, then transport will be provided upon request by the child's social worker in accordance with the Council's agreed policy on walking distance and safe routes.

5.31 Pupils living beyond statutory distances attending their nearest or catchment school by choice of language would continue to have the benefit of free transport.

5.32 Whilst pupils with additional learning needs/disabilities receiving education at their catchment or nearest special school, pupil referral unit or learning support are assessed by distance criteria, in practice these pupils would not be affected by this proposed policy change as their transport is based upon their individual need.

5.33 Children In Need

It is the duty of the Council under Section 17 of the Children Act 1989 ('the 1989 Act') to (a) safeguard and promote the welfare of children within their area who are in need; and (b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.

5.34 For the purposes of the 1989 Act "children in need" are defined as follows:

"A child shall be taken to be in need if-

- (a) He/She is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services by a local council;
- (b) His/Her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services, or
- (c) He/She is disabled."

- 5.35 The care needs of individual families with children in need will inevitably be affected by their particular circumstances at any given point in time and by the particular local services available to them at that point. The Council works with these individual families to identify the specific needs of any child determined to be in need at that point in time.
- 5.36 If Cabinet decides to initiate a consultation on the proposal, officers would identify any particular requirements of children in need, so that they can be taken into account prior to any final decision being taken.

#### 5.40 **CONCLUSION**

- 5.41 Section 9 of the Education Act 1996 places a duty on local authorities to have regard to the general principle that pupils are to be educated in accordance with the wishes of their parent, however this is 'in so far as that is compatible with the provision of efficient instruction and training and with the avoidance of unreasonable public expenditure'.
- 5.42 Due to the financial pressures the Council is currently facing it is considered that changes to current Home to School Transport Policy to align transport provision more closely with Welsh Government statutory transport requirements are necessary for the Council to: -
- maintain affordability within future financial constraints;
  - continue to be able to meet its statutory requirements; and
  - maintain discretionary transport for its most vulnerable users (i.e. ALN pupils).
- 5.43 The proposed changes to existing policy are outlined in this report.
- 5.44 Cabinet is requested to consider the information presented in this report, together with the associated impact assessments, and determine whether or not to initiate a consultation on the preferred option as detailed herein.
- 5.45 If Cabinet does initiate a consultation on any proposal to amend its current Home to School Transport Policy, a further report would be presented to Cabinet setting out the results of the consultation exercise, updated impact assessments and any other relevant information relating to the proposal in order for Cabinet to determine whether or not, and if so how, it wishes to proceed with implementation of any new Home to School Transport Policy.

#### 6. **ASSUMPTIONS**

- 6.1 The provided pupil numbers represent an approximate count of learners who do not meet the statutory distance criteria. Further evaluation is necessary to determine if a safe walking route is available.
- 6.2 The projected savings of £1.5 million are based on the current contract prices, which are set to expire in July 2025. This estimate does not account for potential cost changes for contracts starting in September 2025. Additional savings could be realized by reducing capacity and logistically merging routes for partially qualifying communities.



## **7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 The basis of the proposal is to meet the statutory minimum duties for the provision of home to school transport as set out in the Learner Travel (Wales) Measure 2008. Current provision in the county borough exceeds these minimums. The impact assessment considers the potential impacts of a proposed new Home to School Transport Policy, with a view to implementation at the start of the 2026/2027 academic year.
- 7.2 This impact assessment is to inform the decision to consult with interested parties and relevant stakeholders. The consultation with interested parties and stakeholders will help to establish the impact of the proposal on learners. Mitigating measures will be considered, where proportionate and relevant, as part of the final decision.
- 7.3 The impact assessment will be kept under review in the light of consultation responses and further data. This impact assessment will be made available on the Council's website and will support the consultation process.

### **Link to IIA**

## **8. FINANCIAL IMPLICATIONS**

- 8.1 The cost to the Council of delivering its current Home to School Transport Policy amounts to £10,786,842 per year. Of this, the cost of delivering the discretionary provision, that is, at levels above that required by the Measure amounts to £2,409,875.
- 8.2 The proposed option to be consulted on maintains all other elements of discretionary provision other than the statutory distance requirements. It would deliver savings amounting to £1.5M in a full year.
- 8.3 Additional resources will be required to conduct safe walking route assessments on all routes affected by the removal of the statutory distance eligibility criteria. The initial assessment is estimated to cost approximately £60,000 procured via internal or external consultancy services. Additional staff resources will be required to assist with ongoing eligibility reviews for transport applications and any challenges about route safety. This requires one Grade 6 post at an annual cost of £40,393.35 (inc. on costs).
- 8.4 Subject to consultation, and the consequent decision of Cabinet, the proposal would be implemented from September 2026, with the full year saving of £1.5M being realised from financial year 2027/28.
- 8.5 This is within the context of the Council's Medium Term Financial Plan, currently forecasting a budget gap of £45.213m.

## **9. PERSONNEL IMPLICATIONS**

- 9.1 The removal of the discretionary distance eligibility criteria necessitates additional staff resources. Specifically, one additional School Transport Officer, Grade 6, is needed to assist in reviewing all learners to determine eligibility and to handle the increased number of challenges and reassessments that the department will receive from non-qualifying families moving forward.

## **10. CONSULTATIONS**

- 10.1 This report seeks to initiate a consultation with all relevant stakeholders on the provision of home to school transport at Welsh Government statutory minimum distances.

## **11. STATUTORY POWER**

### **11.1 Legislative Framework**

- 11.2 The Council has a number of statutory duties which are relevant to this policy which Members are reminded of, and have in their minds, prior to initiating any consultation and before taking any final decision(s) in respect of the implementation of any new Home to School Transport Policy. These are set out in detail below.

### **11.3 The Learner Travel (Wales) Measure 2008**

The Welsh Government's Learner Travel (Wales) Measure 2008 (the 'Measure') sets out the current statutory duties of Local Authorities with regard to the provision of home to school transport. Statutory guidance is also provided by the Welsh Government in the Learner Travel Statutory Provision and Operational Guidance – June 2014 (the 'Guidance'). The requirements of the Measure are set out in Appendix 1.

### **11.4 Education Act 1996**

Section 444 of the Education Act 1996 creates the offence on the part of a parent of failing to secure the regular attendance at school of a registered pupil. Section 20 of the Measure amends Section 444 to provide that a parent will have a defence to a prosecution if a local authority has failed to discharge, where required, their statutory duties under the Measure to make travel arrangements to facilitate the attendance of their child at school.

### **11.5 Active Travel Action Plan for Wales and the Active Travel (Wales) Act 2013**

The action plan aims to address congestion and encourage people to walk and cycle more often. The Welsh Government estimates that one in five cars on the road at 8:50am on a weekday is doing the school run. Congestion in towns is therefore a serious issue. The Action Plan sets out the actions that the Welsh Government and its partners will take to encourage more people to walk and cycle for more journeys. It is hoped that this will not only improve the health of our young people, but also improve the health and well-being of those who live and work in the area.

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**Appendices:**

Appendix 1 Learner Travel (Wales) Measure 2008