

EDUCATION & YOUTH OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Monday 20 th May 2019
Report Subject	Discretionary Transport Policy Review - Outcome of Consultation
Cabinet Member	Leader of the Council and Cabinet Member for Education
Report Author	Chief Officer (Education & Youth)
Type of Report	Strategic

EXECUTIVE SUMMARY

On 18th December 2018, Cabinet agreed a range of options for formal consultation on the discretionary school and college transport policy areas of post 16 provision and benefits entitlement. Consultation was carried out between 18 February and 5 April 2019. This report summarises the outcome of the consultation.

RECOMMENDATIONS

1	For the Education & Youth Overview and Scrutiny Committees to consider the responses received during the consultation period and provide Cabinet with any observations they may have.
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REPORT DETAILS

1.00	EXPLAINING THE BACKGROUND TO THE PROPOSED CHANGES
1.01	As the Committee will be aware, post 16 transport to college and schools and provision of free transport under the “Benefits” criterion is a discretionary service. The Council continues to face significant reductions in revenue and has to consider different ways in which services are provided. The provision of discretionary transport is not considered to be sustainable in the current financial climate and is an area where savings may be possible.
1.02	The current Transport Policy, which is attached in full as Appendix 1, states

	<p>that free transport will be provided for post 16 students living in Flintshire attending a first course of full time study at a school or college, subject to meeting the 3 mile distance criteria and providing the student is attending the nearest educational establishment offering the courses they wish to study. Free transport will be provided to specified sites only. These sites are:</p> <ul style="list-style-type: none"> • All Secondary School sites within Flintshire offering post-16 courses • Coleg Cambria sites at Connah's Quay, Northop, Wrexham and Llysfas (for land based courses only), • Chester Catholic High School, Prestatyn High School, Rhyl 6, St Brigid's School and Ysgol Glan Clwyd, St. Asaph. <p>Transport is only provided to an educational establishment which is not the nearest if there is a considerable variation between the student's course and the course on offer at the nearer institution. The courses should be at a higher level than the previous one: for example GCSE retakes would not normally qualify for assistance.</p>
1.03	<p>The discretionary entitlement to free transport under the "benefits" criterion has been included in Flintshire's home to school transport policy since the Council's inception in 1996. Flintshire remains the only Welsh local authority to retain this particular discretionary entitlement. Under the policy, free transport is provided for pupils of statutory school age whose parents are in receipt of Income Support, Working Tax Credit (or Universal Credit) and who reside more than 2.5 miles from the nearest appropriate school.</p>
1.04	<p>The Learner Travel (Wales) Measure 2008 sets out the legal framework relating to travel and home to school transport provisions for learners in Wales. The Measure requires local authorities to assess the travel needs of learners up to the age of 19. Although there is no statutory duty to provide free transport to post 16 learners who continue in further education, the Measure provides local authorities with the power to provide discretionary arrangements. If a local authority uses this power, the policy must be applied to all learners in similar circumstances living in the local authority's area, and the policy must be fair, reasonable and comply with relevant equality legislation to ensure that it does not unlawfully discriminate between learners. In other words, the policy must be applied equally to learners in maintained schools and to those attending other educational and training establishments such as colleges.</p>
1.05	<p>Prior to changing a school transport policy, consultation must be carried out with all stakeholders including those likely to be affected by the proposed change. In accordance with the Learner Travel Information (Wales) Regulations 2009, the school transport policy must be published before 1st October of the year preceding the academic year in which it applies. Therefore in order that parents and learners are aware of transport implications when deciding on which school or college to attend, the earliest any changes could come in to effect, following consultation, is September 2020.</p>
1.06	<p>The Council currently transports a total of 1950 post 16 students: 1500 to Coleg Cambria sites and 450 to Sixth Forms at Secondary Schools. The total cost of college transport has reduced recently following re-tendering and is now £860k. Under a Service Level Agreement with Coleg Cambria,</p>

	<p>the college contribute 25% towards their transport costs, reducing the actual costs to the Council to £645k. If it was agreed to introduce a fare, this re-charge would discontinue.</p> <p>Post 16 students to schools are transported on dedicated school transport therefore if transport entitlement was withdrawn, savings would be minimal.</p> <p>In relation to benefits entitlement, this academic year there are 17 students (April 2019) entitled to free transport under this provision at a cost of £10k per annum.</p>
1.07	<p>Consultation was carried out using an online consultation tool, Survey Monkey, between 18 February and 5 April 2019. The consultation was published on the Council's website and communications were sent to stakeholders including all Flintshire schools, Coleg Cambria, all Councillors and Community Councils, Diocesan authorities, Youth Council, neighbouring authorities and schools, AM's, MP's and the local press.</p>
1.08	<p>The options included in the consultation, as agreed by Cabinet on 18 December 2018, are attached in full as Appendix 2 along with a summary of the responses received.</p>
1.09	<p><u>Options 1 to 6: Post 16 transport</u></p> <p>Option 1 proposes maintaining the status quo while Options 2 and 3 relate to proposals to introduce a charge at varying levels. Option 4 proposes discontinuing post 16 transport and Options 5 and 6 relate to excluding Welsh Medium and/or denominational schools from proposals to introduce a charge. The majority of responses favoured maintaining the status quo (87%) and not discontinuing free post 16 transport (92%).</p> <p>In summary:</p> <ul style="list-style-type: none"> • 650 responses • 566 in favour of retaining current policy (Option 1) • 545 against introducing a charge (Option 2) • 69 indicated £50 per term would be reasonable (out of 93) • 521 against introducing a charge and exempting students eligible for free school meals (Option 3) • 560 against discontinuing free post 16 transport (Option 4) • 436 against excluding Welsh Medium schools from a charge (Option 5) • 464 against excluding Welsh Medium and denominational schools from introducing a charge (Option 6).
1.10	<p><u>Options 7 to 9 - Benefits criterion</u></p> <p>Option 7 proposes maintaining the status quo while Options 8 and 9 propose removing the entitlement. The majority of responses favoured retaining the "benefits" criterion (93%) and not phasing it out (91%).</p> <p>In summary:</p> <ul style="list-style-type: none"> • 436 in favour of retaining the "benefits" policy (Option 7) • 555 against removing it completely (Option 8) • 544 against phasing it out (Option 9).

2.00	RESOURCE IMPLICATIONS
2.01	If a charge is agreed, an additional resource will be required in the Integrated Transport Unit to administer and manage the process, including liaising with parents and students, collecting income and chasing any arrears. This will be dependent upon which option is agreed but is estimated to equate to 0.5 FTE.
2.02	Income collection will link with Council's Digital Strategy.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Consultation has been carried out with all stakeholders in accordance with the Learner Travel Measure.
3.02	Consultation was conducted over 6 weeks from 18 February to 5 April 2019. Adequate notice of any changes to the policy must be given in order that parents/learners have sufficient information about travel arrangements prior to expressing a preference for a school/college. In order to publish the policy in time for the 2020/21 academic year, approval to any changes must be agreed by July 2019 at the latest.
3.03	Any "new" options would have to be subject to a separate consultation exercise.

4.00	RISK MANAGEMENT
4.01	A local authority could be at risk of challenge by way of judicial review or complaints to the Public Services Ombudsman for Wales if adequate consultation is not carried out or the school transport policy is not applied consistently and fairly in all cases. This risk can be mitigated by completing an Integrated Impact Assessment (IIA). An IIA has been completed in respect of the options and is on the Council's web site.

5.00	APPENDICES
5.01	Appendix 1 – Current Home to School Transport Policy. Appendix 2 – Consultation Responses.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Integrated Impact Assessment: https://www.flintshire.gov.uk/en/PDFFiles/Lifelong-Learning/Schools/School-Transport/Integrated-Impact-Assessment.pdf

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7.00	GLOSSARY OF TERMS
7.01	<p>Concessionary Seat – where a pupil does not qualify for free school transport but can be placed on an existing transport route which has empty seats. Current charge is £150 per term.</p> <p>Integrated Impact Assessment - a systematic method of analysing a policy to identify how it affects people from different backgrounds, as required under the Equality Act 2010.</p> <p>Digital Strategy – a Council Strategy to develop Digital Information and Technology to support the Council's Improvement Priorities and strategic plans over the next five years.</p>