

## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **CABINET**

**28<sup>TH</sup> SEPTEMBER 2017**

#### **REVIEW OF MAINSTREAM SCHOOL TRANSPORT PROVISION**

#### **REPORT OF THE GROUP DIRECTOR CORPORATE AND FRONTLINE SERVICES IN DISCUSSIONS WITH THE LEADER OF THE COUNCIL**

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

- 1.1 The purpose of the report is to examine the mainstream school transport provision, in order to ensure that a consistent level of service is delivered across the County Borough in line with the Council's existing Learner Travel Policy.

#### **2. RECOMMENDATIONS**

- 2.1 It is recommended that the Cabinet:
- (a) Consider the outcome of the review to ensure that the mainstream school transport provision accords with the Council's Learner Travel Policy, Information and Arrangements;
  - (b) Agree to the withdrawal of mainstream school transport from those routes that were reviewed and identified in section 5 and appendix A to the report as being available to be walked safely from the start of the 2018/19 academic year.

#### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 To ensure that a consistent approach to entitlement to mainstream school transport is maintained across the County Borough in line with the Council's existing policy.
- 3.2 To ensure that the Council's resources are committed in accordance with prevailing policies.

- 3.3 To ensure that any anomalies in provision are not used as a precedent to justify additional transport demand beyond what is already very generous school transport eligibility criteria.

#### **4. BACKGROUND**

- 4.1 The Council currently provides school transport for approximately 10,500 mainstream learners each day, through the provision of more than 210 bus routes and the issue of public transport season tickets.
- 4.2 The Council operates one of the most generous school transport policies in the country. As a result of these generous policies, the Council delivers the largest school transport service in the country, costing in excess of £10M each year.
- 4.3 This report seeks to ensure that school transport continues to be provided in accordance with existing policies and this report does not change these policies in any way.
- 4.4 Pupil safety is the primary consideration in all decisions relating to school transport. The review took into account the safety of the available walking route. As a result, it has emerged that there are a number of mainstream school transport routes that can be amended or removed, reducing overall expenditure, whilst still ensuring that a safe and consistent level of mainstream school transport is delivered across the County Borough in line with the Council's existing policy.
- 4.5 The highways network, and hence safe walking routes and distances, is constantly evolving as a result of improvements such as new crossings, safe routes in communities schemes, new developments and road safety features, and also as result of changes to schools. These changes can affect eligibility for free transport and therefore it is prudent to review periodically the impact of such changes and update individual eligibility.
- 4.6 Such periodic reviews should ensure that the Council's eligibility criteria, which is one of the most generous in Wales, is administered in a fair and equitable way.

#### **5. REMOVAL OF ALL UNAVAILABLE ROUTES THAT ARE NOW AVAILABLE**

- 5.1 The criterion used to determine the eligibility to receive free school transport is based on safe walking distance, measured by the shortest, available walking route. A route is considered to be available if it is safe for a learner to walk alone or, in accordance with the age of the learner, accompanied by an appropriate adult. On this basis, transport should only be provided where a walking route is not considered to be available.

- 5.2 The Council's Learner Travel Policy stipulates that routes will be reviewed biennially and discretionary provision may be withdrawn where the identified hazard has been mitigated and the route identified as available to walk in safety. Parents will be given at least one term advance notice of the withdrawal of such discretionary transport.
- 5.3 The latest periodic review identified that the Council currently provides transport on 7 secondary school routes and 3 primary school routes that were previously deemed as unavailable but which following reassessment, in line with the Welsh Government Statutory Provisions on the Risk Assessment of Walked Routes to School, are now deemed to be safe and available to be walked.
- 5.4 As a result, transport is currently provided for 364 learners who live closer than the minimum qualifying distance policy adopted by the Council.
- 5.5 **Transport from Blaenllechau to Darran Park Primary School** was not introduced on the grounds of safety but because of the closure of Blaenllechau Infants School and the transfer of learners to Darran Park Primary in July 2006. It is understood that this provision was only for the length of time that the cohort of former learners were in Darran Park Primary but the transport provision has remained in place ever since and remains an anomaly. Recently parents have claimed that learners who are choosing an education through the medium of Welsh at the adjacent Ysgol Gynradd Gymraeg Llyn y Forwyn are being treated less favourably than those attending English language education. Transport to Darran Park Primary should therefore be removed before there becomes any potential for the anomaly to become a precedent for generating additional eligibility that would also be contrary to adopted Council policy.
- 5.6 **Transport to Porth County Community School, Ysgol Gyfun Cymer and Ysgol Gynradd Gymraeg Llwyncelyn** was introduced in the early/mid 1990s on the grounds of safety following two fatal accidents that involved three learners in Porth Street town centre. Since then, the Porth by pass has opened, reducing traffic levels and the walking route along Rheola Road is now considered to be available. Safety enhancements are being carried out as part of the 21st Century Schools re-organisation works and this is being further enhanced with the benefit of a successful bid for Safe Routes to Schools funding, whereby Welsh Government has granted a sum of £120k. Cemetery Road and Rheola Road will be improved in two phases with all works complete prior to September 2018.
- 5.7 **Public Transport from Rhydyfelin to Parc Lewis Primary**, on which a charge is made, was retained in 2014 when Glantaf Infants School closed. A puffin crossing and safety improvements were installed in

2017 at Cardiff Road, Glantaf, further enhancing this already available walking route.

- 5.8 **Transport from Llantrisant to Bryncelynnog Comprehensive** was provided in 2015 as a result of a catchment boundary change. At that time, the route was considered to be unavailable. However a footpath along Brynteg Lane and other safe route improvements were constructed during 2016, rendering the route safe and available to walk.
- 5.9 There is no substantive reason why learners on these routes should be treated in a more preferential way than other learners and to perpetuate transport in these cases would be inequitable when compared with other communities and routes.
- 5.10 A fuller analysis of the routes that are now available for walking is given in appendix A. In accordance with the existing Learner Travel Policy these changes could be implemented as operational procedures with transport provision for affected learners being withdrawn from September 2018.
- 5.11 The cost of continuing to provide this non compliant transport is over £206,000 per academic year, with additional costs potentially accruing if these anomalies are used as precedents to establish further eligibility commitments

## **6. EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 If the Council does make use of its discretionary powers it must ensure that the policy applies to all learners in similar circumstances living in that Council's area. The Council should ensure that any policy is fair, reasonable and complies with the general equality duty introduced by the Equality Act 2010 and the specific public sector equality duties.
- 6.2 Screening of the Council's Learner Travel Policy, Information and Arrangements in June 2016 concluded that it was relevant for an Equality Impact Assessment. Whilst the policy has a high impact on a number of protected groups, the impact is substantially positive in its effect, in that it ensures that the provision of school transport is implemented consistently and equitably. A further assessment was only deemed necessary if there was to be a major change in policy.
- 6.3 The Council's Learner Travel Policy, Information and Arrangements explain how school transport is provided and applied. Within it, individual decisions about eligibility need to be dealt with in a consistent manner and the review ensures that those whose entitlement is affected as a consequence are treated in the same manner, and no less favourably, than any other pupil in Rhondda Cynon Taf. The changes being recommended ensure that the level of

service being delivered across the County Borough is consistent, remains in line with the Council's existing policy, and do not require a further assessment.

- 6.4 The current situation at Blaenllechau could also be considered to create inequality between learners in the same community seeking education via the medium of English or Welsh, where transport is provided to the Darren Park Primary School but not to Ysgol Gynradd Gymraeg Llyn y Forwyn which is adjacent to it. The proposal in this report seeks to address this point.

## **7. CONSULTATION**

- 7.1 In the summer of 2015, the Council undertook a major consultation exercise on school transport. Feedback from this, and further engagement with parents, carers and service users in February 2016 led to the Council's current policy being formulated. The changes being recommended would ensure that the level of service being delivered across the County Borough is consistent and remain in line with the Council's existing policy. Consequently, the proposals do not require consultation.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 The review identified that mainstream school transport costs could be reduced by approximately £206,000 in a full academic year by resolving these anomalies and ensuring that transport is aligned with the Council's established policies.
- 8.2 This will ensure that a consistent level of service in the provision of mainstream school transport is delivered across the County Borough, avoiding the additional risk of any anomalies creating additional eligibility commitments.
- 8.3 Subject to Cabinet approval, the financial impact of these changes will be built into the Council's Medium Term Financial Plan.

## **9. LEGAL IMPLICATIONS**

- 9.1 Under the Learner Travel (Wales) Measure 2008, there is a statutory duty placed upon local education authorities to provide free mainstream school transport for learners of compulsory school age attending primary school who live 2 miles or further from their nearest suitable school and for learners of compulsory school age attending secondary who live 3 miles or further from their nearest suitable school.

- 9.2 To meet this duty, the Council provides learners with free transport to their nearest suitable school if they reside beyond safe “walking distance” to that school. The term nearest suitable school applies to the catchment area or nearest English, Welsh or dual language mainstream school or special school/class as appropriate. The law relating to safe “walking distance” is defined as two miles for learners of compulsory school age receiving primary education and three miles for learners of compulsory school age receiving secondary education.
- 9.3 The Council’s school transport eligibility criteria is more generous than the statutory requirements. Beyond the statutory minimum, the Council has determined that when assessing entitlement on the basis of safe “walking distance”, it will use the discretionary powers afforded to it under the provisions of the Measure to make a more generous provision to learners.
- 9.4 Consequently transport is provided to learners beyond 1.5 and 2 miles for primary and secondary learners respectively. The review has been conducted within this context and the changes being recommended ensure that the level of service being delivered across the County Borough is consistent and remains in line with the Council’s Learner Travel policy, which would remain unchanged as a result of implementation of the proposals detailed in this report.
- 9.5 It is proposed that the removal of these non compliant services would take effect at the start of the 2018/19 academic year. Any agreement to make these changes would involve those affected being notified in writing in accordance with the requirements of the Council’s Learner Travel Policy.
- 9.6 The Council needs to have due regard to the Welsh Government’s 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 on a school day morning is doing the school run. It is hoped that walking and cycling to school will improve the health of our young people.

**10. LINKS TO THE COUNCIL’S CORPORATE PLAN / OTHER CORPORATE PRIORITIES/ SIP / FUTURE GENERATIONS – SUSTAINABLE DEVELOPMENT**

- 10.1 The outcome of this review reinforces the priorities set out in the Rhondda Cynon Taf Corporate Plan by promoting independence and positive lives for everyone. It responds to the challenges and opportunities outlined within it by redesigning local services in a more integrated and efficient manner and working in a way that makes the best, most sustainable and equitable use of our limited and decreasing resources to limit the impact on the Council taxpayer. A more

consistent, effectively managed, equitable and inclusive service delivers greater benefits to the community and ensures that children in the County Borough receive a great start in life.

- 10.2 The South East Wales Valleys Local Transport Plan (January 2015) aims to protect the environment by promoting walking, cycling and sustainable transport. Evidence from the Cwm Taf Local Health Board suggests that obesity will only decrease if the built environment is adapted to make it easier for people to be more physically active in their daily lives. Planning solutions should promote walking and cycling for leisure as well as active travel through well designed paths and cycle ways, while improving access to greenspace and leisure facilities. Such planning changes not only strengthen action on obesity, but also promote environmental sustainability.

## **11. CONCLUSION**

- 11.1 The recommendations outlined in this report will ensure that free mainstream school transport is provided in accordance with established Council policy by removing existing anomalies and maintaining an equitable service.
- 11.2 The changes highlighted above could be implemented as operational procedures, with transport being withdrawn from September 2018. They are consistent with the Council's existing policy and ensure that an equitable level of service in the provision of mainstream school transport is delivered across the County Borough.

### **Other Information:-**

#### ***Relevant Scrutiny Committee –***

Public Service Delivery, Communities & prosperity Scrutiny Committee

## **Removal of all unavailable routes that are now available**

### Blaenllechau to Darran Park Primary: Contract 048/03

1. Transport was introduced due to the closure of Blaenllechau Infants School and the transfer of learners to Darran Park Primary in July 2006. It is understood that this provision was only for the duration that the affected learners were in Darran Park Primary.
2. Route information: There are continuous footways along the majority of the route. The crossing of two roads is required. At Station Road, there are sufficient gaps in traffic to allow safe crossing, and at High Street, there is a zebra crossing. There are no other hazards along the route. The walking route is designated as available. It is in daily use by learners who walk from Blaenllechau to Ysgol Gynradd Gymraeg Llyn y Forwyn.
3. The ITU has recently been lobbied by parents to provide transport from Blaenllechau to the adjacent school, Ysgol Gynradd Gymraeg Llyn y Forwyn, as transport is being provided from Blaenllechau to Darran Park Primary. They have stated that the learners who are choosing an education through the medium of Welsh are being treated less favourably than those attending English language education. This issue has highlighted the anomaly of continuing to provide transport from Blaenllechau to Darran Park Primary and the inequality that it represents for learners living in Blaenllechau who choose to access education through the medium of Welsh. Should this anomaly be challenged it is highly likely that the Council would be required to provide additional transport for learners attending Ysgol Gynradd Gymraeg Llyn y Forwyn. Transport to Darran Park Primary should therefore be removed before there is any potential for the anomaly to become a precedent for generating additional eligibility.
4. 37 learners are transported by contracted service 048/03. All are within the 1.5 mile walking distance, beyond which transport would be provided.
5. The cost of continuing to provide this non compliant transport is £17,109.50 per academic year..

### Ynyshir/Mount Pleasant to YGG Llwyncelyn: Contract 161/01 and Stagecoach Season Tickets

1. Transport was introduced because the walking route along Rheola Road in Porth, was considered to be dangerous, as a consequence of two historic tragic and exceptional incidents. Since then, the Porth by pass has opened, reducing traffic levels.

2. Route information: A report carried out by Capita in February 2014 considered the walking route along Rheola Road as available. Further safety enhancements are being carried out as part of the 21st Century Schools re-organisation, which will further improve the safety of this route.
3. 45 learners are transported by contracted service 161/01. 38 are within the 1.5 mile walking distance, beyond which transport would be provided. A smaller contracted bus would still be required, achieving a small saving.
4. There are also 27 learners who are transported on the local bus service, all of which are within the 1.5 mile walking distance, beyond which transport would be provided.
5. The cost of continuing to provide this non compliant transport is in excess of £24,979.60 per academic year.

Trebanog / Cymmer / Glynfach to Porth County Comprehensive: Contracts 108/06, 108/07, 108/08 and 108/09

1. Transport was introduced because the walking route along Rheola Road in Porth, was considered to be dangerous, as a consequence of two historic tragic and exceptional incidents. Since then, the Porth by pass has opened, reducing traffic levels.
2. Route information: A report carried out by Capita in February 2014 considered the walking route along Rheola Road as available. Further safety enhancements are being carried out as part of the 21st Century Schools re-organisation, which will further improve the safety of this route.
3. 194 learners are transported by contracted services 108/06, 108/07, 108/08 and 108/09. 146 are within the 2 mile walking distance, beyond which transport would be provided. One contracted bus would still be required.
4. The cost of continuing to provide this non compliant transport is in excess £87,848.40 per academic year.

Ynyshtir to YG Cymer: Contracts 152/12 and 152/18

1. Transport was introduced because the walking route along Rheola Road in Porth, was considered to be dangerous, as a consequence of two historic tragic and exceptional incidents. Since then, the Porth by pass has opened, reducing traffic levels.
2. Route information: A report carried out by Capita in February 2014 considered the walking route along Rheola Road as available. Further safety enhancements are being carried out as part of the 21st Century

Schools re-organisation, which will further improve the safety of this route.

3. 94 learners are transported by contracted services 152/12 and 152/18. 83 are within the 2 mile walking distance, beyond which transport would be provided. A smaller contracted bus would still be required, if the remaining 11 entitled learners cannot be accommodated on other vehicles, achieving a small saving.
4. The cost of continuing to provide this non compliant transport is in excess £46,214.00 per academic year.

#### Rhydyfelin to Parc Lewis Primary: Contract 188/07PT

1. This route was initially contracted as a fare paying school bus service by Taff Ely Borough Council to run between Wordsworth Gardens and Parc Lewis Primary School via Glantaf Infants School. In 2014, it was proposed for withdrawal as part of the Medium Term Financial Planning review of public transport but with Glantaf Infants School closing in September 2014 and all age group learners transferring to Parc Lewis Primary School, it was retained.
2. The current contract will expire at the end of the Spring Term 2018, and if it is to continue, the contract will require re-tendering.
3. Route information: A puffin crossing and safe route improvements were installed in 2017, with funding from the Council's Capital Programme, removing the hazard for learners crossing Cardiff Road. The walking route is now designated as available.
4. 14 learners are transported by contracted service 188/07PT. All are within the 1.5 mile walking distance, beyond which transport would be provided.
5. The cost of continuing to provide this non compliant transport is £29,089.00 per academic year.

#### Llantrisant to Bryncelynnog Comprehensive: Contract 025/28

1. Following changes to the catchment area for Y Pant Comprehensive School in September 2015, Llantrisant was moved to being within the catchment area for Bryncelynnog Comprehensive School. At the time of the catchment change, there was no available walking route to Bryncelynnog from Llantrisant as there was no footpath along Brynteg Lane and transport was provided.
2. Route information: A footpath along Brynteg Lane and other safe route improvements were constructed during 2016, with funding from Welsh Government and the Council's Capital Programme. The walking route is now designated as available.

3. 32 learners are transported by contracted service 025/08. 8 are within the 2 mile walking distance, beyond which transport would be provided. A contracted bus would still be required and spare seats could be sold to the 8 learners who live within the 2 mile walking distance, generating additional income.
4. The net cost of continuing to provide this non compliant transport is £951.60 per academic year.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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**Item: Review of Mainstream School Transport Provision**

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